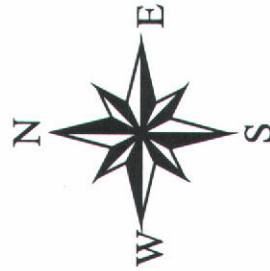


IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-31621
Date Prepared: 11-5-03
Prepared By: Gene Gibson

T03N, R01E
S28



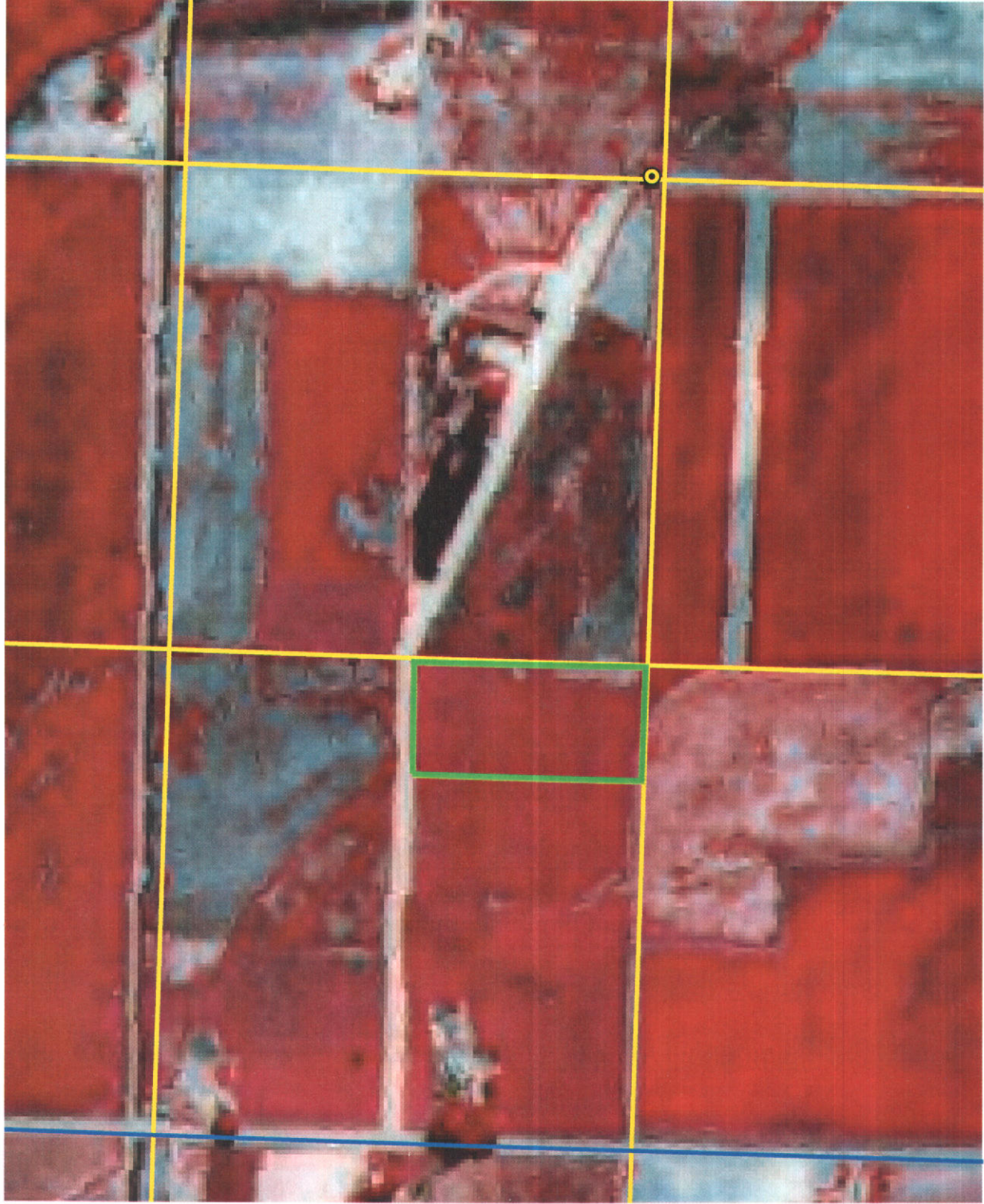
○ Point of Diversion



Place of use

Section

1/4 1/4



0 0.08 0.16 0.24 0.32 0.4 0.48 Miles

1987 NAPP

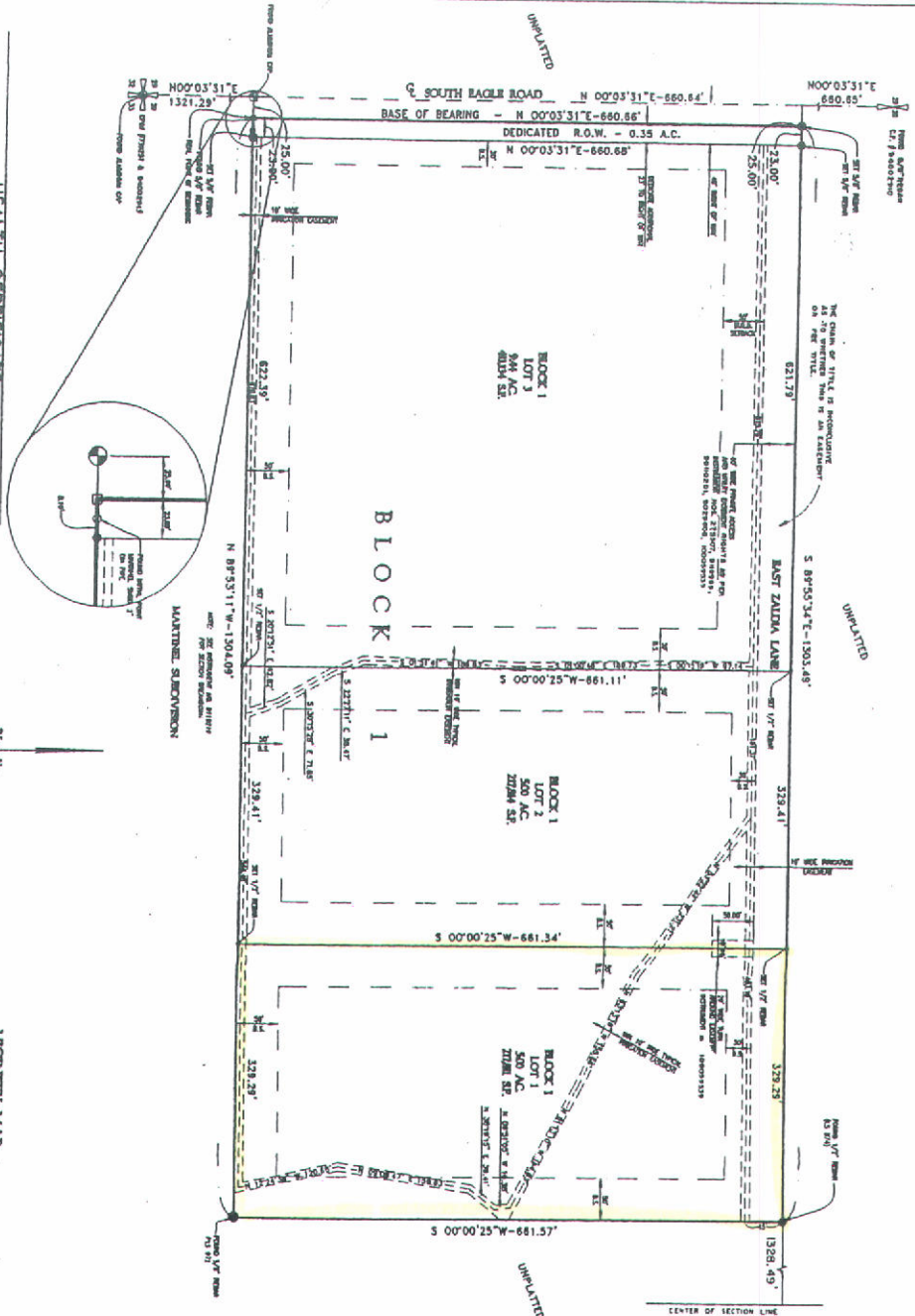
ZALDIEN ZERUA
SUBDIVISION
LOCATED IN THE (WEST 1/2) OF THE
SOUTH 1/2 OF THE NORTH 1/2
OF THE SOUTHWEST 1/4,
SECTION 28,
TOWNSHIP 3 NORTH, RANGE 1 EAST,
BOISE MERIDIAN, ADA COUNTY, IDAHO
2000

NOTES

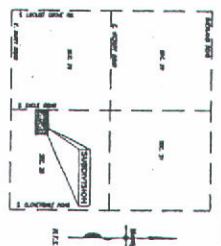
1. FIRE PROTECTION SPRINKLERS ARE REQUIRED IN ALL STRUCTURES 1501 TO 3600 SQUARE FEET.
2. THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF THE IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL OPERATION OR AN APPURTENANCE TO IT SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGE CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER THE SAME HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, PROVIDED THAT THE PROVISIONS OF THE SECTION SHALL NOT APPLY WHENEVER A NUISANCE RESULTS FROM THE OPERATION OR NEGLECT OR OPERATION OF ANY AGRICULTURAL OPERATION OR APPURTENANCE TO IT."
3. BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATION OF ADA COUNTY.
4. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
5. ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT OVER THE OUTER TEN (10) FEET OF EACH LOT THAT IS CONTIGUOUS TO AND PARALLEL WITH ROAD RIGHTS OF WAY AND ACCESS EASEMENTS. HOWEVER, THIS SHALL NOT PRECLUDE THE CONSTRUCTION OF PROPER HARD SURFACE DRIVEWAYS FOR ACCESS TO EACH INDIVIDUAL LOT.
6. EACH SIDE OF COMMON LOT LINES HAVE A FIVE (5) FOOT PERMANENT PUBLIC UTILITIES, IRRIGATION AND DRAINAGE EASEMENT.
7. DEVELOPER AND/OR OWNER(S) TO COMPLY WITH IDAHO CODE, SECTION 31-2805 CONCERNING IRRIGATION USE.
8. MAINTENANCE OF ANY IRRIGATION OR DRAINAGE PIPE OR DITCH CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER, UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE DISTRICT.
9. THE ELEVATION OF THE BOTTOM FOOTING FOR HOUSES SHALL BE SET A MINIMUM OF 12 INCHES ABOVE THE HIGHEST KNOWN SEASONAL GROUND WATER ELEVATION.
10. IN ACCORDANCE WITH POLICY 6.316 OF THE MERIDIAN COMPREHENSIVE PLAN, A RE-SUBDIVISION PLAN OF THE SAID SUBDIVISION HAS BEEN FILED WITH THE CITY OF MERIDIAN.
11. INDIVIDUAL WATER AND SEWER SERVICES TO BE PROVIDED BY INDIVIDUAL LOT OWNERS ON-SITE.
12. ALL IRRIGATION EASEMENTS ARE FOR THE PRIVATE USE OF LOTS 1, 2, & 3 ZALDIEN ZERUA SUBDIVISION, AND FOR THE TRANSMISSION OF WATERS AND WASTEWATERS TO DOWNSTREAM USERS.

LEGEND

- SUBDIVISION BOUNDARY LINE
- ROAD CENTERLINE
- SECTION LINE
- LOT LINE
- EASEMENT LINE
- BUILDING SETBACK LINE (B.S.)
- FOUND REBAR & CAP
- SET 1/2" x 24" REBAR & CAP LS 3620
- SET 5/8" x 30" REBAR & CAP LS 3620



VICINITY MAP



SCALE IN FEET

HEALTH CERTIFICATE

SANITARY RESTRICTIONS OF THIS PLAT ARE HEREBY REPEALED ACCORDING TO THE LETTER TO BE READ ON FILE WITH THE ASSIGNED REGISTER OR DISTRICT HEALTH DEPARTMENT.

DATE: 10/10/00



IRRIGATION CERTIFICATE

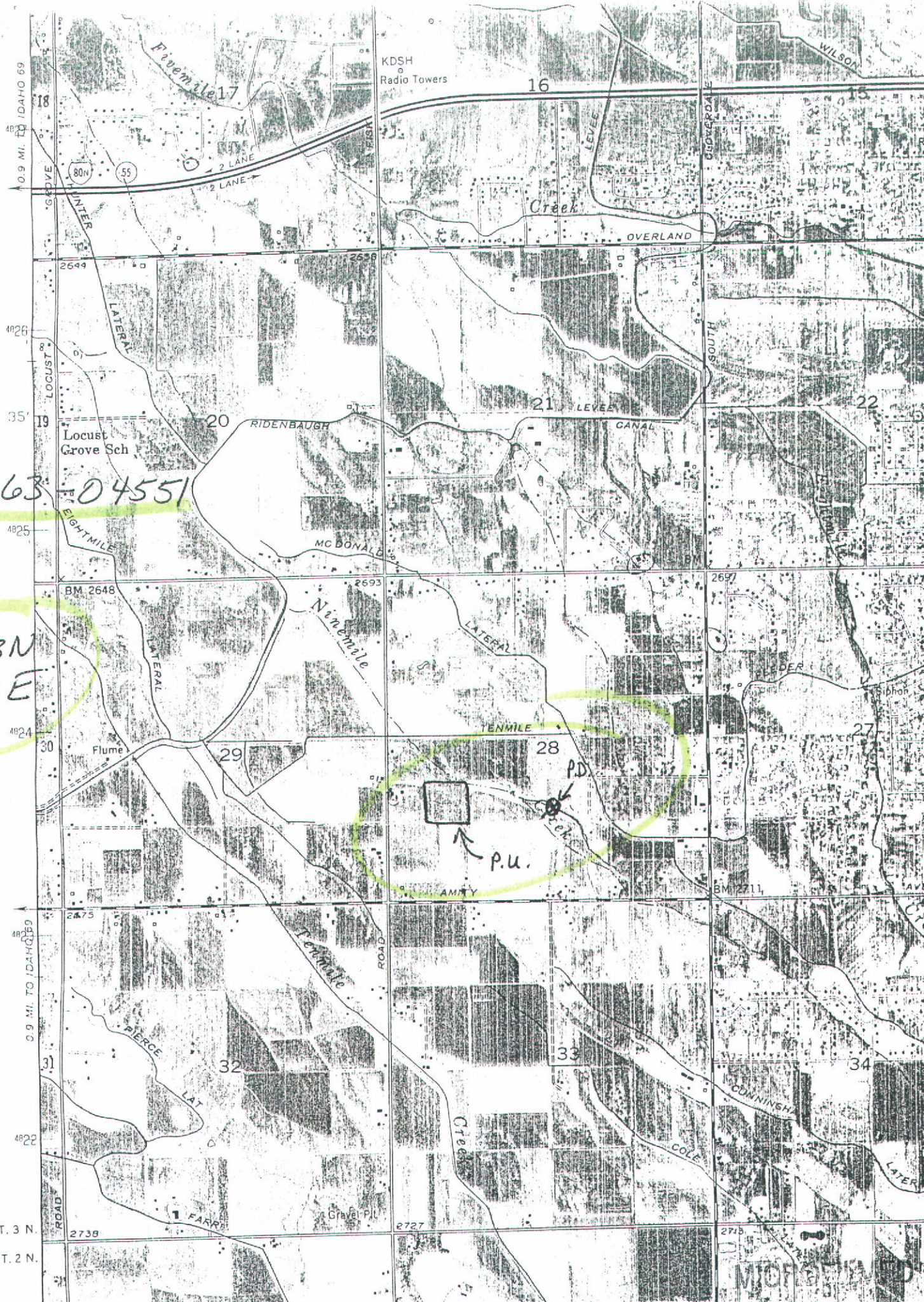
WE, FRANK L. AND CONSTANCE R. STAUS, HUSBAND AND WIFE, OWNERS OF SAID PROPERTY, DO HEREBY STATE THAT THE IRRIGATION WATER RIGHTS APPURTENANT TO THE ASSASSMENTS OBLIGATION OF LANDS IN THIS PLAT HAVE NOT BEEN ASSIGNED TO ANY SAID WATER RIGHTS AND WILL BE OBLIGATED FOR ASSESSMENTS FROM TADPA AND MERIDIAN IRRIGATION DISTRICT.

Frank L. Staus

Constance R. Staus

ENGINEERS/SURVEYORS/PLANNERS

621 N. COLLEGE RD., SUITE 100 TWIN FALLS, IDAHO 83401 FAX (208) 734-4888



A63 04551

T3N
R1E

P.U.

P.D.

2006 AUG 16 AM 9:08

DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	) Subcase 63-31621
	)
Case No. 39576	) ORDER GRANTING MOTION TO
	) AMEND STANDARD FORM 1
	) OBJECTION

On May 15, 2006, the New York Irrigation District, by and through their attorneys of record McDevitt & Miller, LLP, filed a *Motion to Amend Standard Form 1 Objection*, together with a proposed *Amended Standard Form 1 Objection*. Pursuant to Idaho Rule of Civil Procedure 15(a), and good cause appearing, the *Motion* is hereby **granted**.

The Clerk of the Court is instructed to file the *Amended Objection*, which shall replace the objection previously filed on April 21, 2006.

Dated August 14, 2006



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO AMEND STANDARD FORM 1 OBJECTION was mailed on August 16, 2006, with sufficient first-class postage to the following:

NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

NAMPA AND MERIDIAN

Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

USDI BUREAU OF RECLAMATION

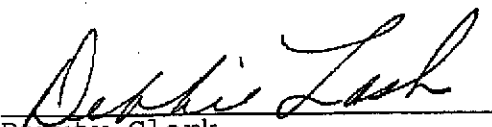
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

JAMES FRANKLIN SHOEMAKER

3497 E ZALDIA LN
MERIDIAN, ID 83642
Phone: 208-888-7499


Deputy Clerk

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA
Case No. 39576

A. Subcase 63-31621
(Insert water right number
from the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: E. Gail McGarry
United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, ID 83706 -1234
Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:

David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Nampa & Meridian Irrigation District
Address: c/o Daniel V. Steenson & S. Bryce Farris
Ringert Clark, Chtd
P. O. Box 2773
Boise, ID 83701

D. I am responding to the objections to the following elements. (Please check the appropriate box (es)).

1. ☒ Name and Address
2. ☒ Source
3. ☒ Quantity
4. ☒ Priority Date
5. ☒ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☒ Purpose(s) of Use
8. ☒ Period of Year
9. ☒ Place of Use
10. Recommendation:
 - ☒ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

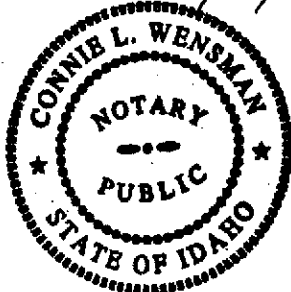
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

Jerrold D. Gregg
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/23/06



Connie L. Wensman
Notary Public for: Idaho
Residing at: Meredon
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on 6-23, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: James Franklin Shoemaker
Address: 7885 Shoemaker Ln
Meridian, ID 83642

3. One copy to the party who filed the objection at the following address:

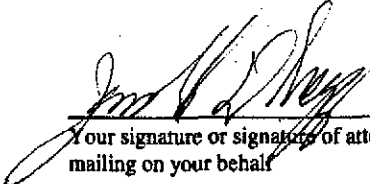
Name: Nampa & Meridian Irrigation District
Address: c/o Daniel V. Steenson & S. Bryce Farris
Ringert Clark, Chtd
P. O. Box 2773
Boise, ID 83701

4. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 4449
Boise, ID 83711-4449


Your signature or signature of attorney
mailing on your behalf

RECEIVED
APR 21 2006
DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	A. Subcase <u>63-31621</u>
	)	(Insert water right no.)
Case No. 39576	)	
	)	
	)	STANDARD FORM 1
	)	OBJECTION
	)	

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: NAMPA & MERIDIAN IRRIGATION DISTRICT

Address: 1503 First Street South
Nampa, Idaho 83651

Daytime Phone: 208-466-7861

Name & Address of Attorney, if any:

Daniel V. Steenson
S. Bryce Farris
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: James Franklin Shoemaker

Address: 7885 Shoemaker Ln
Meridian, Idaho 83642

D. I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. ☒ **Name and Address**
Should be: Disallowed. See below.

2. ☒ **Source**
Should be: Disallowed. See below.

3. ☒ **Quantity**
Should be: Disallowed. See below.

4. ☒ **Priority Date**
Should be: Disallowed. See below.

5. ☒ **Point(s) of Diversion**
Should be: Disallowed. See below.

6. ☐ **Instream Flow Description**
Should be: N/A

7. ☒ **Purpose(s) of Use**
Should be: Disallowed. See below.

8. ☒ **Period of Year**
Should be: Disallowed. See below.

9. ☒ **Place of Use**
Should be: Disallowed. See below.

10. ☒ **I object because:**

☒ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION (S): This claimed water right is within the boundaries of Nampa & Meridian Irrigation District ("NMID") and the source of said claim is a drain which was constructed or enlarged by or for NMID. Said drain is owned, operated, maintained and controlled by NMID and the water within said drain is seepage or waste water that has been developed, captured and/or controlled by NMID. Therefore, said water is not subject to appropriation, would amount to an impermissible trespass, and this claimed water right should not exist.

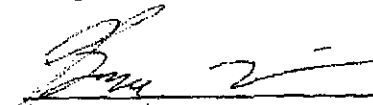
F.

VERIFICATION (must be completed)

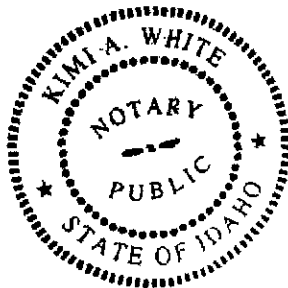
State of Idaho)
) ss.
County of Ada)

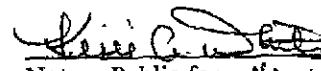
S. Bryce Farris, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


S. Bryce Farris

Subscribed and sworn to before me on: April 20, 2016




Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 04/20/17

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on April ^{28th}, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the Claimant of the water right at the following address:

Name: James Franklin Shoemaker

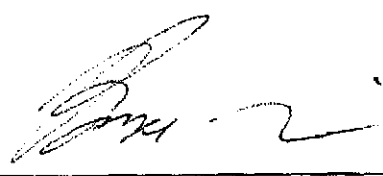
Address: 7885 Shoemaker Lane
Meridian, Idaho 83642

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney
mailing on Objector's behalf

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA)

Case No. 39576)

A. Subcase **63-31621**

(Insert water right number
from the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: E. Gail McGarry

United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd. Suite 100

Boise, ID 83706 -1234

Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:

David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: New York Irrigation District

C/O Chas F. McDevitt

McDevitt & Miller LLP

Address: 420 W. Bannock

P.O. Box 2564-83701

Boise, ID 83702

D. I am responding to the objections to the following elements. (Please check the appropriate box (es)).

1. ☐ Name and Address
2. ☒ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
10. Recommendation
 - ☒ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

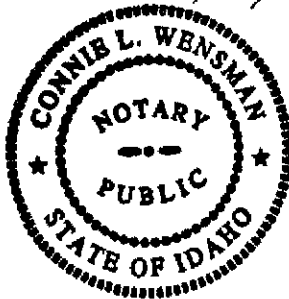
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing response)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/23/06



Notary Public for: Idaho
Residing at: Meredon
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on 6 - 23, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: James Franklin Shoemaker
Address: 3497 E. Zaldia Ln
Meridian, ID 83642

3. One copy to the party who filed the objection at the following address:

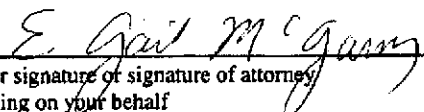
Name: Name: New York Irrigation District
C/O Chas F. McDevitt, McDevitt & Miller LLP
Address: P.O. Box 2564-83701, Boise, ID 83702

4. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 4449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Your signature or signature of attorney
mailing on your behalf

COPY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

)

A. Subcase 63-31621

(Insert water right number)

Case No. 39576

)

STANDARD FORM 1

OBJECTION

NAME AND ADDRESS OF PERSON OBJECTING

Name: New York Irrigation District
Address: 6616 Overland Road
Boise, ID 83709
Daytime Phone: 208-378-1023

Name & Address of Attorney, if any:
Chas F. McDevitt & Miller LLP
McDevitt & Miller LLP
420 W. Bannock
P.O. Box 2564-83701
Boise, ID 83702

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Current Owner:

Name: James Franklin Shoemaker
Address: 3497 E. Zaldia Ln
Meridian, ID 83642

Original Owner:

Name: Victor A. Kunz, Jr.
Charlene Kunz
Address: 1861 N. Radcliffe Way
Eagle, ID 83616-3955

I object to the following elements as recommended in the Director's Report.

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: The waste waters claimed belong to the Boise-Kuna Irrigation District.
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
☒ This water right Should not exist.
☐ This water right was not recommended, but Should be recommended with the elements described above.

REASONS SUPPORTING OBJECTIONS(S):

There has been no lawful appropriation of this right. The waste waters belong to the Boise-Kuna Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Boise-Kuna Irrigation District.

VERIFICATION

State of Idaho)
)ss.
County of Ada)

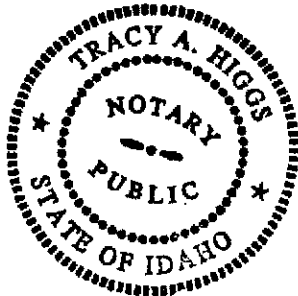
Chas F. McDevitt, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Chas F. McDevitt
McDEVITT & MILLER LLP

Subscribed and sworn to before me on: 4-21-06 Tracy A. Higgs



Notary Public for State of ID
Residing at: Boise ID
My Commission Expires: 6/2007

CERTIFICATE OF MAILING

I certify that on April 25th, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Current Owner:

Name: James Franklin Shoemaker
Address: 3497 E. Zaldia Ln
Meridian, ID 83642

Original Owner:

Name: Victor A. Kunz, Jr.
Charlene Kunz
Address: 1861 N. Radcliffe Way
Eagle, ID 83616-3955

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

Heather Houle, Legal Assistant
McDEVITT & MILLER LLP

02/22/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31621

NAME AND ADDRESS: JAMES FRANKLIN SHOEMAKER
3497 E ZALDIA LN
MERIDIAN ID 83642

~~JAMES FRANKLIN SHOEMAKER~~
~~7885 SHOEMAKER LN~~
~~MERIDIAN ID 83642~~

SOURCE: NINEMILE CREEK

TRIBUTARY: FIVEMILE CREEK

QUANTITY: 0.140 CFS

PRIORITY DATE: 03/15/1928

POINT OF DIVERSION:

T03N R01E S28 SWNWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.140 CFS

PLACE OF USE: IRRIGATION Within ADA County

T03N R01E S28 NWSW 4.50

4.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PROPERTY IS ALSO KNOWN AS LOT 2, BLK 1, Zaldien Zeru Subdivision.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-4551.

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Water Rights: 63-31621

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☒ Address change

☐ Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: February 24, 2006



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on February 24, 2006, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

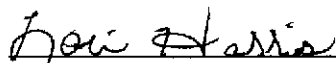
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

James Franklin Shoemaker
3497 E Zaldia Ln
Meridian ID 83642

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document

RECEIVED

FEB 15 2006

WATER RESOURCES
WESTERN REGION

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Water Right Number(s): 63-31621

Previous Mailing Address: JAMES Franklin Shoemaker
7885 S. Shoemaker Ln
Meridian, Idaho 83642

New Mailing Address: JAMES Franklin Shoemaker
3497 E Zaldia Lane
Meridian, Idaho 83642

Telephone Number: (208) 888-7499

Signature of all Claimant(s): James F Shoemaker (Frank)
Please print your name below your signature.
James F Shoemaker

Please mail or FAX this completed form to the office nearest you:

**Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454**

**Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348**

**Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037**

**Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177**

**Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701**

11/06/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31621
NAME AND ADDRESS: JAMES FRANKLIN SHOEMAKER
7885 SHOEMAKER LN
MERIDIAN ID 83642
SOURCE: NINEMILE CREEK TRIBUTARY: FIVEMILE CREEK
QUANTITY: 0.140 CFS
PRIORITY DATE: 03/15/1928
POINT OF DIVERSION:
T03N R01E S28 SWNWSE Within ADA County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.140 CFS

PLACE OF USE: IRRIGATION Within ADA County
T03N R01E S28 NWSW 4.5

4.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

PROPERTY IS ALSO KNOWN AS LOT 2, BLK 1, Zaldien Zeru Subdivision.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-4551.

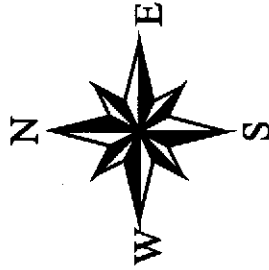
IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-31621

Date Prepared: 11-5-03

Prepared By: Gene Glibson

T03N, R01E
S28



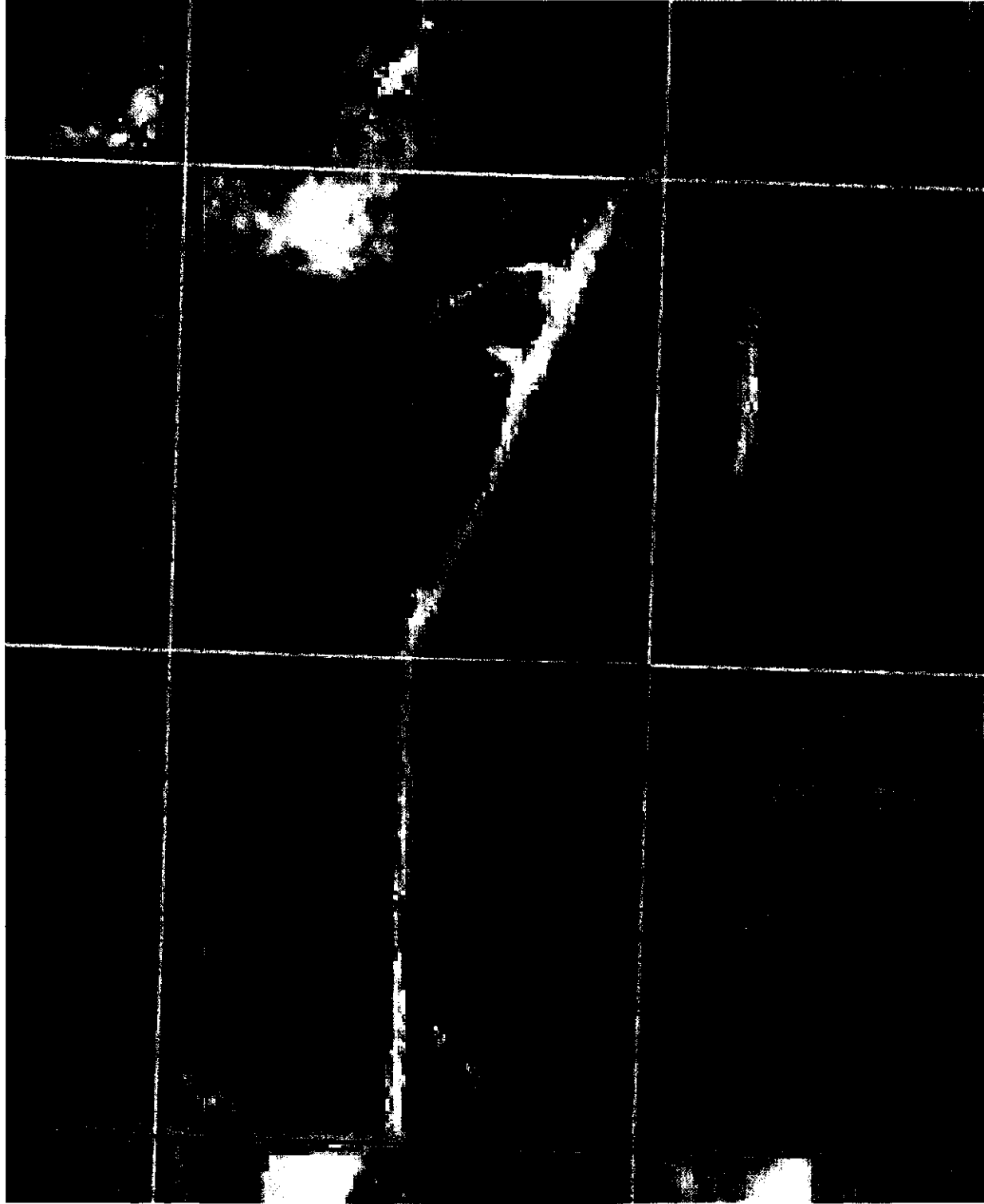
© Point of Diversion

Place of use

Section

1/4 1/4

1987 NAPP



0 0.08 0.16 0.24 0.32 0.4 0.48 Miles



DEPT OF WATER RESOURCES---ATTN. GENE GIBSON
NINEMILE CREEK SW1/4 NW1/4 SE1/4 SEC 28 TWP03N R01
B.M. ADA COUNTY.

DEAR SIR:

I WAS TOLD BY PREVIOUS OWNERS THAT THIS ACERAGE WAS PUT UNDER IRRIGATION
TO SUPPORT THE DAIRY THAT WAS ESTABLISHED IN THE LATE 1920S.
WHEN I MOVED HERE I FOUND OLD DAIRY RECORDS TO SUPPORT THIS.

THANKYOU,
Connie R Stauts
CONNIE STAUTS
PREVIOUS OWNER AND SUBDIVIDER

September 12, 2003

A63-31621
JAMES FRANKLIN SHOEMAKER
7885 SHOEMAKER LANE
MERIDIAN, IDAHO 83642

RE: EVIDENCE OF PRIORITY

Dear Mr. Shoemaker:

The Idaho Department of Water Resources has begun its water right review in Basin 63. The Notice(s) of Claim identified with the number shown **above in the "address" label and at the "end" of this letter** has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some examples of Documents Which May Be Evidence of the Priority Date"**.

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

.....
**The Department can not recommend the Notice be decreed by the court if no
evidence of a priority date is submitted.**
.....

Please submit the documentation supporting the priority date by **OCTOBER 12, 2003,**
referencing all documents with the corresponding Notice number. If you have any
questions not covered by this letter or the enclosed pamphlet, please feel free to contact
me at (208) 334-2190.

Respectfully submitted,

Melvin Gene Gibson
Sr. Water Resource Agent
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim A63-31621



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

February 4, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JAMES F SHOEMAKER
7885 SHOEMAKER LN
MERIDIAN ID 83642

Re: Original Notice of Claim to a Water Right No. 63-4551

Renumbered Notice of Claim to a Water Right No. 63-31621

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim represents a split of the claim filed by a previous owner during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section
Western Region

DH: dh

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

RECEIVED

November 25, 2002

DEC 17 2002

WATER RESOURCES
WESTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Philip L. and Judy P. DeAngeli
3405 East Zaldia Lane
Meridian, Idaho 83642

copy of Deed? YES
LEGAL DESCRIPTION of lots?

Laura Graded
334-2190 X

RE: CHANGE IN OWNERSHIP FOR 63-04551

Dear Philip L. and Judy P. DeAngeli:

It has come to our attention that you may have recently purchased a tract of land in Ada County. According to our records, the property to which I am referring to was most recently owned by Victor A. and Charlene Kunz. The legal description is as follows:

T03N R01E S28 NW ¼ SW ¼ = 40 ACRES
9 ACRES

This property was filed on in the Snake River Basin Adjudication (SRBA). IDWR is currently in the processing of reviewing the Adjudication claims in basin 63. We recommend that if, in fact, you now own the property in question, and do use the water for the purposes claimed, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have any questions regarding this matter, please call 334-2190.

Respectfully submitted,

M. Gene Gibson

M. Gene Gibson
Sr. Water Resource Agent
Enclosure(s)

*call
Gibson* →

Concrete
9 mi. High Creek - 1928
Separate from Napa mountain
- & N.Y. Canal Right
9 acres of H's right from
9 mile creek
split to Shumaker & fill out

1989 Kunz claim

CONVERSATION MEMORANDUM

Date: 11-25-02

Employee Initials: JP

File #: 63-4551

Name of Party: CONNIE STANTS 888-7639

I TALKED TO CONNIE AND THEY HAD PURCHASED 20 ACRES FROM THE KUNZ'S. SINCE THAT TIME THEY HAVE SOLD THE TWO BACK LOTS TO THE EAST OFF. EACH OF THE LOTS CONSISTS OF 5 ACRES. THE STANTS 10 ACRES TO THE WEST IS IRRIGATED WITH IRRIGATION DISTRICT WATER AND NOT 9 MILE CREEK.

The Two lots are owned by
#1 Philip L. and Judy P. De Angeli
3405 EAST ZALDIA LANE
Meridian, Idaho 83642

#2 JAMES AND HELEN E. SHOEMAKER
7885 South Shoemaker lane
Meridian, Idaho 83642

I HAVE SENT BOTH PARTIES A CHANGE OF OWNERSHIP

12-2-02 Philip De Angeli called he will get together with Shoemaker's on ownership transfer for acres also will call or come in we will set up on-site. also they need to find proof of priority date. He will ask around about it.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 25, 2002

James and Helen E. Shoemaker
7885 South Shoemaker Lane
Meridian, Idaho 83642

RE: CHANGE IN OWNERSHIP FOR 63-04551

Dear James and Helen E. Shoemaker:

It has come to our attention that you may have recently purchased a tract of land in Ada County. According to our records, the property to which I am referring to was most recently owned by Victor A. and Charlene Kunz. The legal description is as follows:

T03N R01E S28 NW ¼ SW ¼

This property was filed on in the Snake River Basin Adjudication (SRBA). IDWR is currently in the processing of reviewing the Adjudication claims in basin 63. We recommend that if, in fact, you now own the property in question, and do use the water for the purposes claimed, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have any questions regarding this matter, please call 334-2190.

Respectfully submitted,

M. Gene Gibson
Sr. Water Resource Agent
Enclosure(s)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4551

WATER RIGHT NUMBER: 63-4551

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VICTOR KUNZ 4280 S EAGLE RD MERIDIAN, ID 83642 (208)888-1695

Priority Date: 03/15/1928

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
NINEMILE CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15	to 11/15	1.000 CFS	
	<u>Total Diversion:</u>		1.000 CFS	

Location of Point(s) of Diversion

NINEMILE CREEK	SW1/4SE1/4	Sec. 28, Twp 03N, Rge 01E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T03N R01E S28	NESW	7.0	T03N R01E S28	NWSW	8.0
---------------	------	-----	---------------	------	-----

Total Acres: 15

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4551

Dates and Other Information:

Licensed Date:
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s) 63-31621

1. No Change NAME IS SAME

NEW OWNER: changed in data base

No Change ADDRESS

NEW ADDRESS:

2. No Change - DATE OF PRIORITY: Completed evidence submitted
Incomplete - Claimant should be asked during the exam when was water first
used and submit proof of date of priority.

Priority date, per claimant, is: _____

(If the priority date, based on your exam, seems questionable, explain below.)

Affidavit submitted by prior owner

3. No Change — SAME SOURCE

Source is different than that claimed:

Source found: _____

4. No Change — POINT OF DIVERSION

Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. No Change - DESCRIPTION OF DIVERTING WORKS

Incomplete description, list below:

6. No Change - WATER USES

Different uses, (list uses found):

Use Irr From 3-1 To 11-15 Amount .14 CFS AFA
Use From To Amount CFS AFA
Use From To Amount CFS AFA

7. No Change - TOTAL VOLUME

Incomplete on claim, the total is, Amount CFS AFA

Changes found, the new total is, Amount CFS AFA

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: Stock # List types:

Additional comments:

9. No Change - PLACE OF USE: (If changed, list below.)

Use: Township Range Section 1/4 1/4
Use: Township Range Section 1/4 1/4
Use: Township Range Section 1/4 1/4
Use: Township Range Section 1/4 1/4

Remarks: (Comments pertinent to field examination) See additional attachment

Reduced flow rate to EDWR standards of .03 cfs
per acre (.135 cfs) rounded off to .14 cfs.
changed season of use to (3-1 11-15) from (3-15 11-15)

SYSTEM DIAGRAM INCLUDED

NA

Shown on GIS Layout

CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 11-5-03

FIELD EXAMINER:

GG
Print Name

[Signature]
Signature

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-31621
Date Received: 8/22/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES FRANKLIN SHOEMAKER
7885 SHOEMAKER LN
MERIDIAN ID USA 83642

Phone: (208)888-7499

2. Date of Priority: 03/15/1928

3. Source: NINEMILE CREEK Trib. to: FIVEMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
03N	01E	28	SW	NW	SE	ADA	

5. Description of diverting works:

CONCRETE DIVERSION DAM AND HEADGATE, DIRT DITCH TO FIELD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.5	

7. Total Quantity Appropriated is:
0.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01E	28	NW	SW	IRRIGATION	4.5
Section Acres						4.5
Total Acres						4.5

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 63-4551. DH 2/4/2003

Property also known as Lot 1, Block 1, Zaldien Zerua Subdivision.

15. Basis of Claim: Statutory Claim

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

DEC 17 2002

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	63-4551	Y			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. ☒
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

see attached

4. New Owner/Claimant(s)

James F Shoemaker

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

7885 Shoemaker lane

City, State and ZIP Code

Meridian, Idaho 83642

New Telephone Number

(208) 888-7499

5. Date you acquired the property

11-29-2000

63-31621

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4551

WATER RIGHT NUMBER: 63-4551

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHARLENE KUNZ 1861 N RADCLIFFE WY EAGLE, ID 83616-3955 (208)888-1695
Current Owner	VICTOR A KUNZ JR 1861 N RADCLIFFE WY EAGLE, ID 83616-3955 (208)888-1695

Shoemaker portion

Priority Date: 03/15/1928
Basis: Statutory Claim
Status: Active

<u>Source</u>	<u>Tributary</u>
NINEMILE CREEK	FIVEMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	~~1.000~~ CFS	.5 cfs
	<u>Total Diversion:</u>	~~1.000~~ CFS	.5 Total

Location of Point(s) of Diversion

NINEMILE CREEK	SW1/4NW1/4SE1/4	Sec. 28, Twp 03N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01E	28																	0.0

Total Acres: ~~0~~

4.5

4.5 AC

4.5 AC

Conditions of Approval:

Remarks:

1. General ADDRESS CHANGE BY CLAIMANT LETTER.

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4551

Dates and Other Information:

Claim Received Date: 8/22/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------



ADA COUNTY RECORDER
J. DAVIS ARRO
BOISE, IDAHO

FEE 3.00 DEPUTY *Moore*

2000 DE -4 PM 12:31
WARRANTY DEED

100097733

FIRST AMERICAN

For Value Received

Frank L. Stauts and Constance R. Stauts, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

James Shoemaker and Helen E. Shoemaker, husband and wife

hereinafter referred to as Grantee, whose current address is

7885 South Shoemaker Lane - Meridian, ID 83642

the following described premises, to-wit:

Lot 1 in Block 1 of ZALDIEN ZERUA SUBDIVISION, according to the Official Plat thereof, filed in Book 81 of Plats at Page 8783 and 8784, Official Records of Ada County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: November 29, 2000.

Frank L. Stauts by Constance R. Stauts
Frank L. Stauts *his attorney-in-fact*
Constance R. Stauts
Constance R. Stauts

STATE OF IDAHO

COUNTY OF ADA

On this 30th day of November 2000
before me, a notary public, personally appeared Constance
R. Stauts known to me to be the person whose name is
subscribed to the within instrument as the attorney-in-fact of
Frank L. Stauts and acknowledged to me that he sub-
scribed the name of Frank L. Stauts
thereto as principal, and his own name as attorney-in-fact.

Residing at: Boise, Idaho
Comm. Expires: 7-25-05

+ Note
Notary
seals

STATE OF IDAHO, COUNTY OF Ada

On this 30th day of Nov. 2000
before me, a notary public in and for said State, personally
appeared

Constance R. Stauts
known to me to be the person whose name is
subscribed to the within instrument and acknowledged to me
that *She* executed the same.
She
Notary Public
Residing at: Boise, Idaho
Comm. Expires: 7-25-05

First American Title Company of Idaho

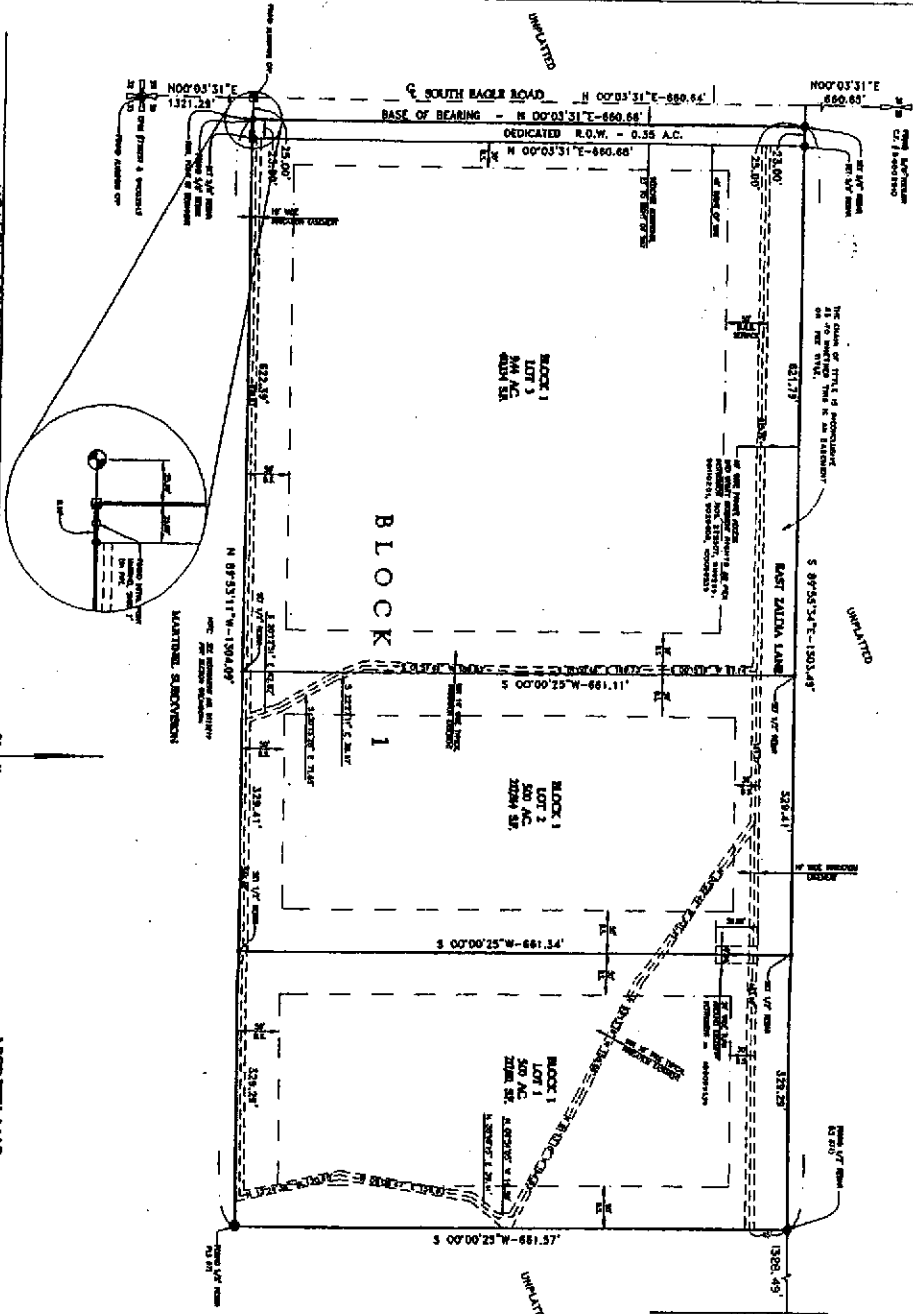
ZALDIEN ZERUA
SUBDIVISION
LOCATED IN THE (WEST 1/2) OF THE
SOUTH 1/2 OF THE NORTH 1/2
OF THE SOUTHWEST 1/4,
SECTION 28,
TOWNSHIP 3 NORTH, RANGE 1 EAST,
BOISE MERIDIAN, ADA COUNTY, IDAHO
2000

NOTES

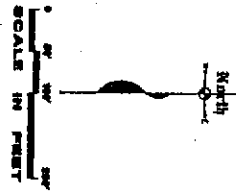
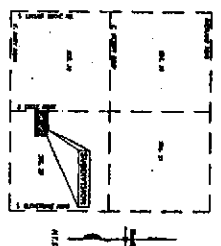
1. FIRE PROTECTION SPRINKLERS ARE REQUIRED IN ALL STRUCTURES 1501 TO 3600 SQUARE FEET.
2. THIS DEVELOPMENT RECOGNIZES SECTION 22-41503 OF THE IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL OPERATION OR AN APPEARANCE TO IT SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGE IN THE USE OF THE LAND OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER THE SAME HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, PROVIDED THAT THE PROVISIONS OF THE SECTION SHALL NOT APPLY WHENEVER A NUISANCE RESULTS FROM THE IMPROPER OR REDUCED OPERATION OF ANY AGRICULTURAL OPERATION OR APPEARANCE TO IT."
3. BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATION OF ADA COUNTY.
4. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
5. ALL LOTS ARE HEREBY RESERVATED AS HAVING A PERMANENT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT OVER THE OUTER TEN (10) FEET OF EACH LOT THAT IS CONTIGUOUS TO AND PARALLEL WITH ROAD RIGHTS OF WAY AND EASEMENTS. HOWEVER, THIS SHALL NOT PRECLUDE THE CONSTRUCTION OF PROPER HARD SURFACE DRIVEWAYS FOR ACCESS TO EACH INDIVIDUAL LOT.
6. EACH SIDE OF COMMON LOT LINES HAVE A FIVE (5) FOOT PERMANENT PUBLIC UTILITIES, IRRIGATION AND DRAINAGE EASEMENT.
7. DEVELOPER AND/OR OWNER(S) TO COMPLY WITH IDAHO CODE, SECTION 31-1805 CONCERNING IRRIGATION USE.
8. MAINTENANCE OF ANY IRRIGATION OR DRAINAGE PIPE OR DITCH CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER, UNLESS SUCH RESPONSIBILITY IS ASSIGNED BY AN IRRIGATION/DRAINAGE DISTRICT.
9. THE ELEVATION OF THE BOTTOM FOOTING FOR HOUSES SHALL BE SET A MINIMUM OF 12 INCHES ABOVE THE HIGHEST KNOWN SEASONAL GROUND WATER ELEVATION.
10. IN ACCORDANCE WITH POLICY 6.3(4) OF THE MEMORANDUM COMPREHENSIVE PLAN, A RE-SUBDIVISION PLAN OF THE SAID SUBDIVISION HAS BEEN FILED WITH THE CITY OF MERIDIAN.
11. INDIVIDUAL WATER AND SEWER SERVICES TO BE PROVIDED BY INDIVIDUAL LOT OWNERS ON-SITE.
12. ALL IRRIGATION EASEMENTS ARE FOR THE PRIVATE USE OF LOTS 1, 2, & 3 ZALDIEN ZERUA SUBDIVISION, AND FOR THE TRANSMISSION OF WATERS AND WASTEWATERS TO DOWNSTREAM USERS.

LEGEND

- SUBDIVISION BOUNDARY LINE
- ROAD CENTRALINE
- SECTION LINE
- LOT LINE
- EASEMENT LINE
- BUILDING SETBACK LINE (B.S.)
- FOUND REBAR & CAP
- SET 1/2" x 24" REBAR & CAP LS 3620
- SET 5/8" x 30" REBAR & CAP LS 3620.



VICINITY MAP



HEALTH CERTIFICATE
SANITARY RESTRICTIONS OF THIS PLAT ARE HEREBY SET FORTH ACCORDING TO THE LETTER TO BE READ ON FILE WITH THE DISTRICT HEALTH DEPARTMENT, DISTRICT HEALTH DEPARTMENT.
DATE: 07/26/00
CENTRAL DISTRICT HEALTH DEPARTMENT, IDAHO

IRRIGATION CERTIFICATE
WE, FRANK L. AND CONSTANCE R. STAUTS, HUSBAND AND WIFE, OWNERS OF SAID PROPERTY, DO HEREBY STATE THAT THE IRRIGATION OF THE LANDS IN THIS SUBDIVISION SHALL BE PROVIDED FROM SAID LANDS. LOTS WITHIN THE SUBDIVISION SHALL BE ENTITLED TO IRRIGATION WATER RIGHTS AND WILL BE OBLIGATED FOR ASSESSMENTS FROM MERIDIAN AND MERIDIAN IRRIGATION DISTRICT.
FRANK L. STAUTS
CONSTANCE R. STAUTS

Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS
621 N. COLLEGE RD., SUITE 100 TWIN FALLS, IDAHO 83420
TEL: (208) 734-1888 FAX: (208) 734-1888

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-04551**
Date Received: 8/22/1989
Receipt No: C010087
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: VICTOR A KUNZ JR 208-888-1695
Address: 1861 N RADCLIFFE WAY
EAGLE ID 83616-3955
AND/OR
Name: CHARLENE KUNZ 208-888-1695
Address: 1861 N RADCLIFFE WAY
EAGLE ID 83616-3955

2. Date of Priority: MAR 15, 1928

3. Source: NINEMILE CREEK Trib. to: FIVEMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	01E	28	SW	NW	SE		ADA

5. Description of diverting works:

CONCRETE DIVERSION DAM AND HEADGATE, DIRT DITCH TO FIELD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		

7. Total Quantity Appropriated is:

1.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 31.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	01E	28	NW	SW		IRR	9.0

MICROFILMED
001 27 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	9.0
					Total Acres	9.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NEW YORK IRRIGATION DISTRICT

14. Remarks:
ADDRESS CHANGE BY CLAIMANT LETTER.

15. Basis of Claim: STATUTORY CLAIM



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

May 2, 1996

KARL J. DREHER
DIRECTOR

VICTOR A KUNZ JR OR
CHARLENE KUNZ
1861 N RADCLIFFE WAY
EAGLE ID 83616-3955

RECEIVED

MAY 7 - 1996

Department of Water Resources

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim No. A63-04551
Change of Address

Dear Claimants,

IDWR has been notified the address presently in our claim records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. Future notices related to your SRBA claim(s) can be sent only to the address on your claim(s) or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that you receive future notices about SRBA matters.

If the ownership of the property to which the water right(s) referenced above apply has changed, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

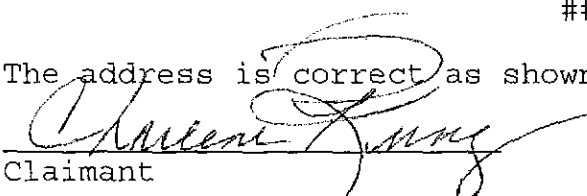
Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

The address is correct as shown above or as otherwise changed.


Claimant

MICROFILMED
OCT 07 1996

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-04551
Date Received: 8/22/1989
Receipt No: C90087
Received By: CJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VICTOR A. KUNZ, JR. 208-888-1695
Address: 4280 S. EAGLE RD.
MERIDIAN, ID 83642

AND/OR

Name: CHARLENE KUNZ 208-888-1695
Address: 4280 S. EAGLE RD.
MERIDIAN, ID 83642

2. Date of Priority: MAR 15, 1928

3. Source: NINEMILE CREEK Trib. to: FIVEMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01E	28	SW	NW	SE		ADA

5. Description of diverting works:
CONCRETE DIVERSION DAM AND HEADGATE, DIRT DITCH TO FIELD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 31.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01E	28	NW SW		IRR	9.0
Section Acres						9.0
Total Acres						9.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NEW YORK IRRIGATION DISTRICT

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: -/-

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

[Signature]

Date: 8/22/89

Date: _____

State of Idaho)

County of Ada)

SS.

Subscribed and sworn (or affirmed) before me this 22nd day

of August 19 89

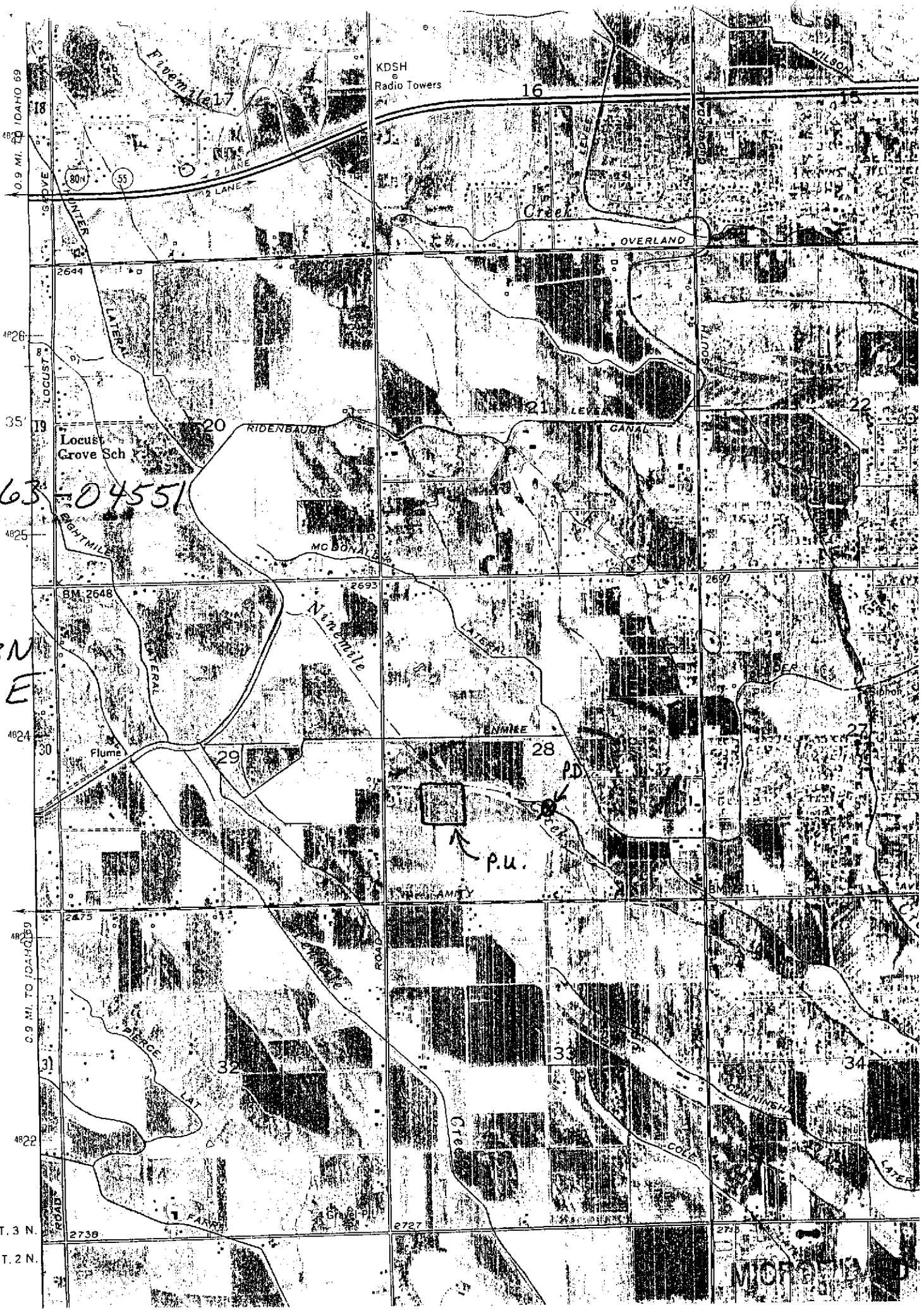
[Signature]
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994



KDSH
Radio Towers

Locust
Grove Sch

RIDENBAUGH

MC DONALD

BM 2648

Flume

TEENIE

PD

p.u.

TYNAMI

0.9 MI. TO IDAHO 69

T.3 N.

T.2 N.

MICROFILM