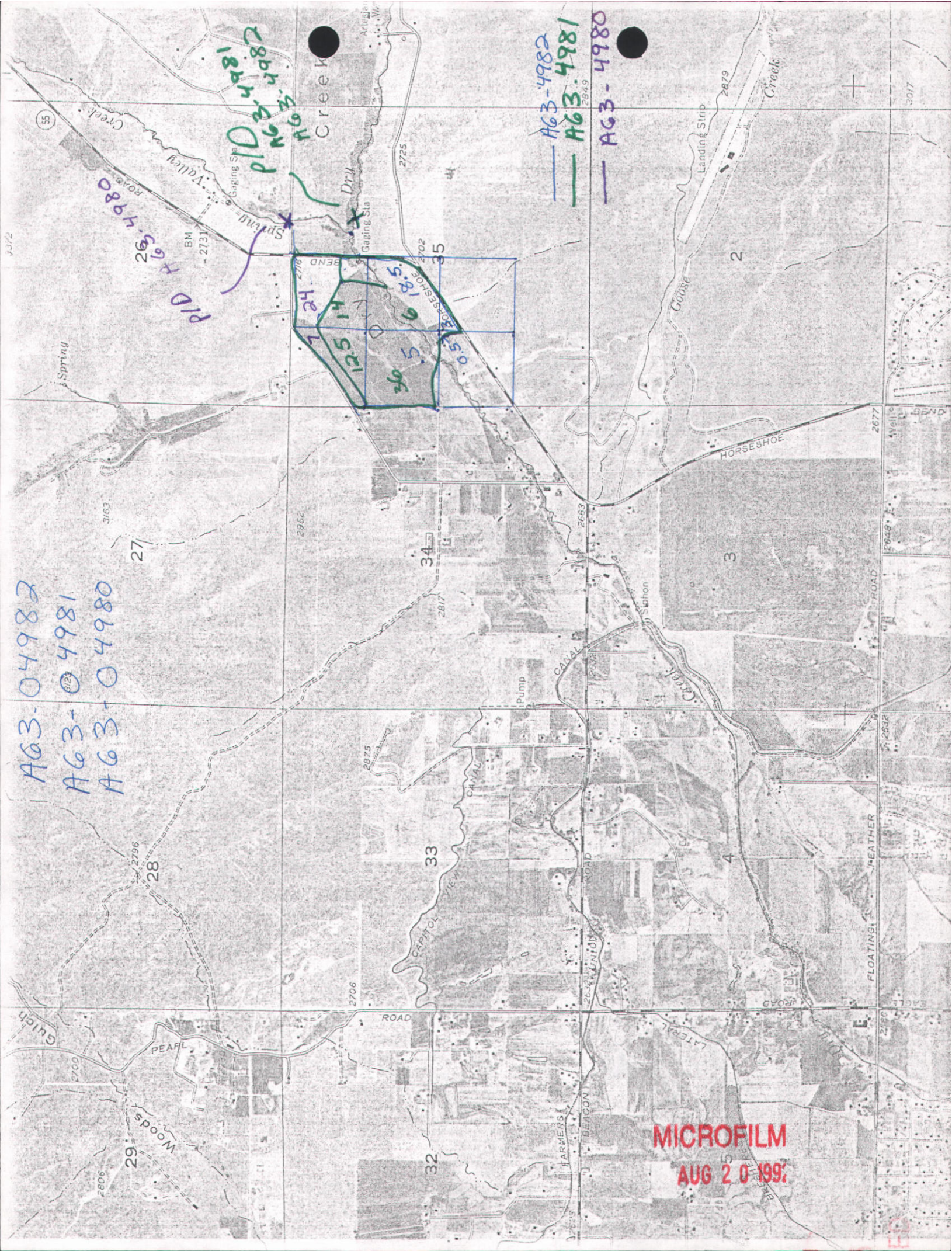


AG3-04982
AG3-04981
AG3-04980

AG3-4981
AG3-4982
AG3-4980

AG3-4982
AG3-4981
AG3-4980



MICROFILM
AUG 20 1997

7

26

2



PATTERSON PROPERTY



EXCEPTED

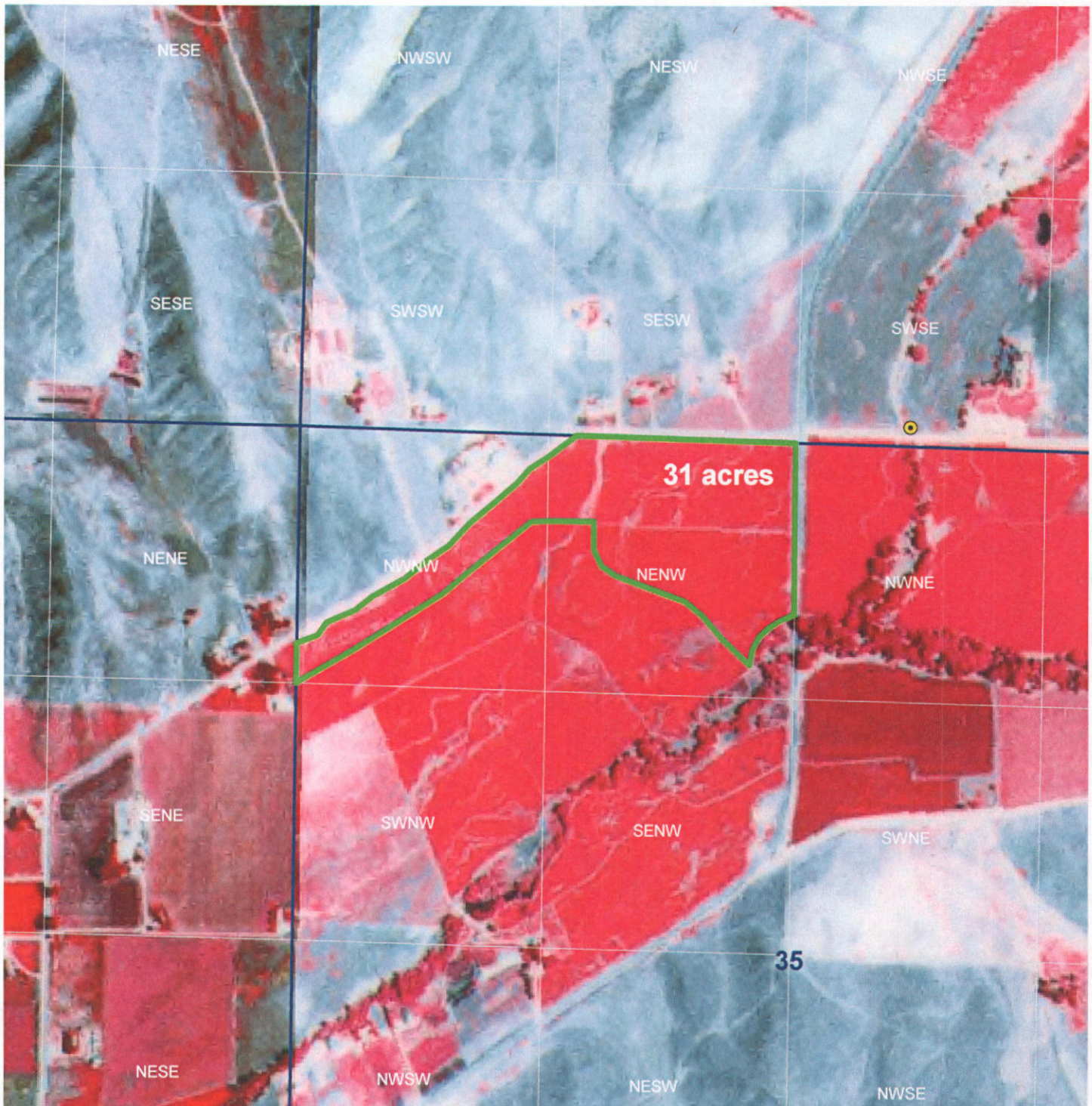
35

36

Idaho Department of Water Resources

63-4980

T05N R01E S835



-  Point of Diversion
-  Place of Use
-  Sections
-  Quarter Quarter



IDWR

Prepared by: Sandy Egbert

Date: 4-26-05

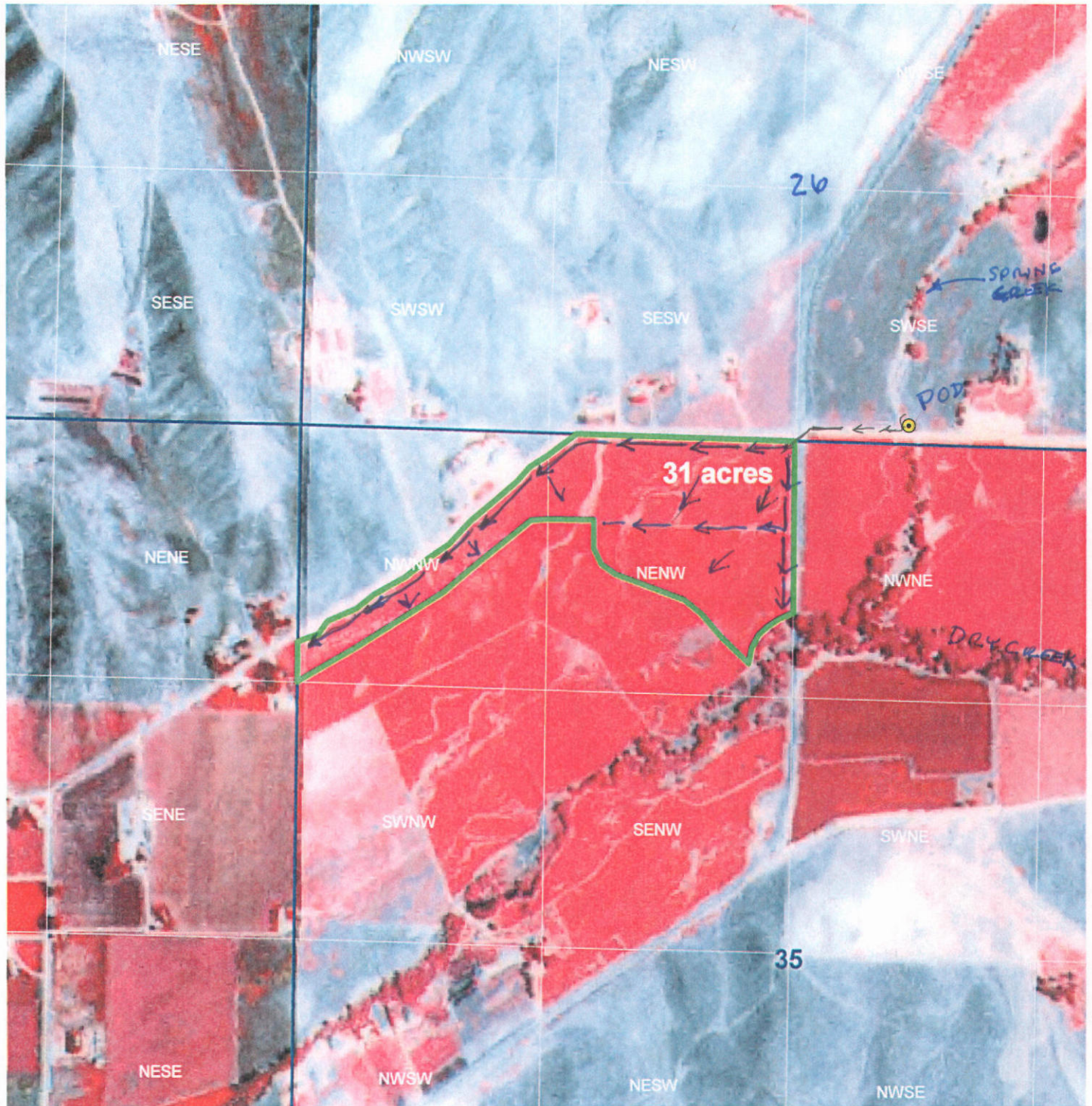
1987 NAPP Photography

600 0 600 1200 1800 2400 Feet

Idaho Department of Water Resources

63-4980

T05N R01E S835



- Point of Diversion
- Place of Use
- Sections
- Quarter Quarter



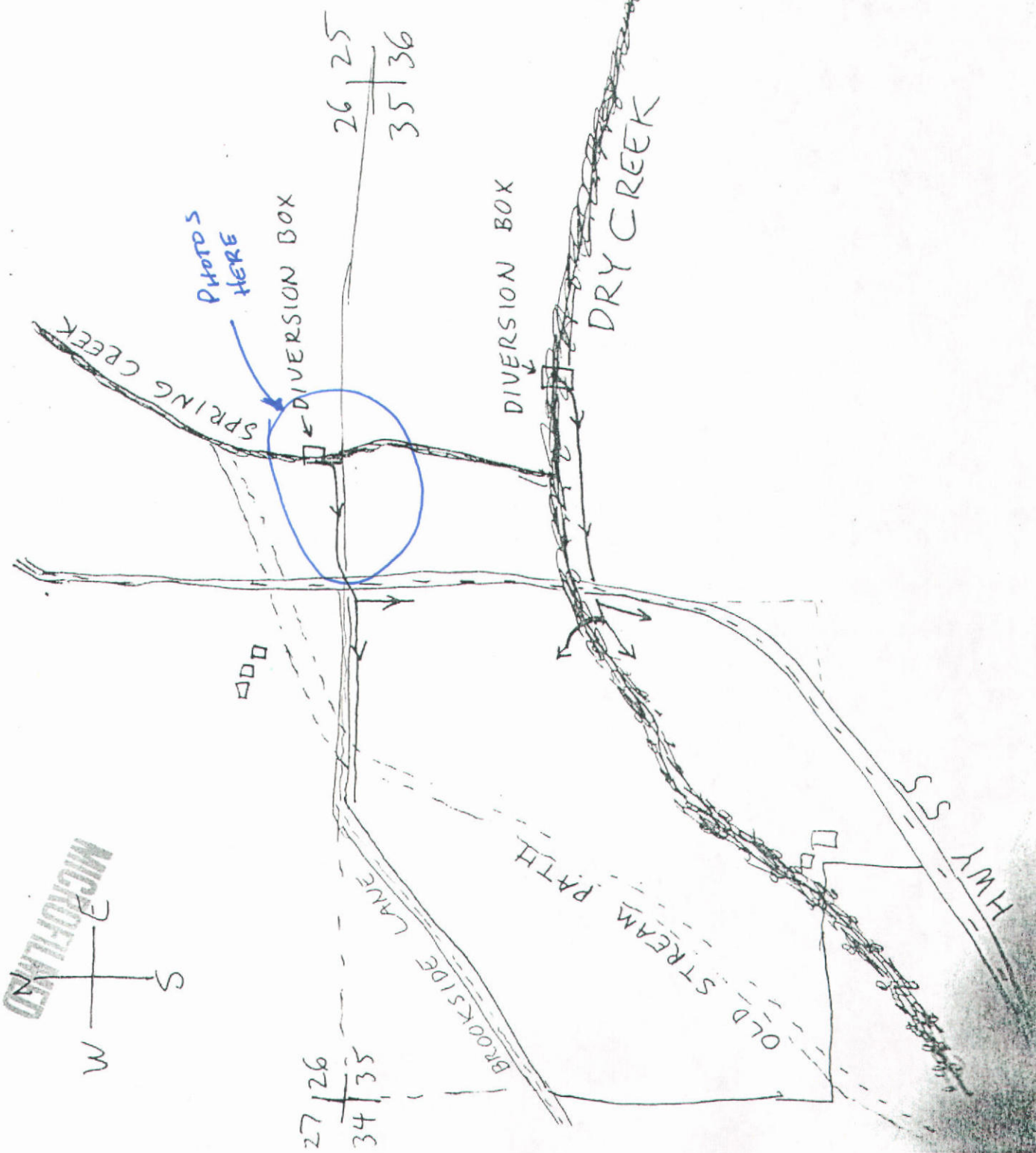
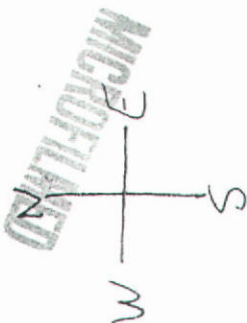
IDWR

Prepared by: Sandy Egbert

Date: 4-26-05

1987 NAPP Photography

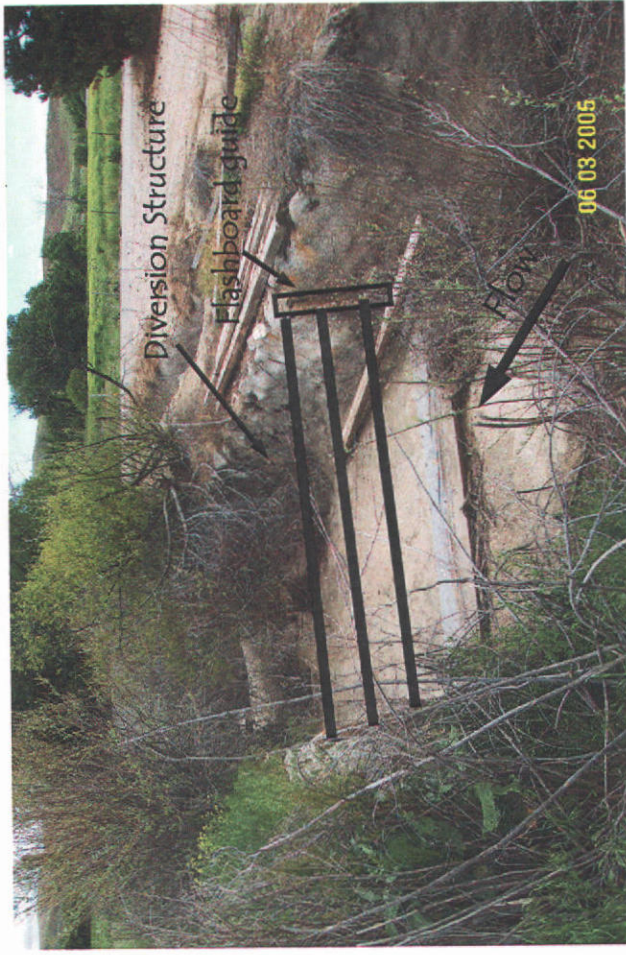
600 0 600 1200 1800 2400 Feet





Looking South to P.O.D.

63-4980
Weissaupt



Looking Southeast to Diversion Structure





Looking North, upstream from Diversion Structure



Looking West toward farm
(See Aerial Photo)

63-4980
Weisshaupt

!

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: A63-04980
Date Received: 8/11/1989
Receipt No: W004379
Received By: hw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARGARET BRUSHER
Address: 2393 TESSMER RD.
ANN ARBOR, MI 48103
OR
Name: HELEN WEISSHAUPT 208-939-6825
Address: 5005 BROOKSIDE LN.
BOISE, ID 83703
2. Date of Priority: MAR 01, 1897
3. Source: SPRING CREEK Trib. to: DRY CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	01E	26	SW	SE			ADA
5. Description of diverting works:
DAM & DITCH
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	07/01	0.620		
7. Total Quantity Appropriated is:
0.620 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	01E	35	NE	NW		IRR	24.0
			NW	NW		IRR	7.0
					Section Acres		31.0
					Total Acres		31.0

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:

A6304086A, 6307123, A6304023A, A6304981, A6304982

14. Remarks:

THIS WATER RIGHT, WHEN COMBINED WITH ALL OTHER WATER RIGHTS,
SHALL DIVERT NO MORE THAN 1"/ACRE.
SEE A63-04980 FOR MAP.

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): X Helen Kreis Haupt Date: X Aug. 11-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 11 day

of August 19 89

Linda A. Werner
Notary Public

Seal

Residing at Linda A. Werner
Residing at Boise, Idaho
My Commission Expires December 8, 1994

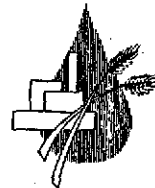
2.44 cfs

RECEIVED

ED

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that HELEN WEISSHAUPT AND MARGARET BRUSHER

(Name of Claimant)

5005 BROOKSIDE LANE, BOISE, ID.

83703

Telephone No. 939-6825

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) MARCH 1, 1897

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

SPRING CREEK tributary to DRY CREEK

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	Period of Use From		To	
				(Mo., Day)	(Mo., Day)	(Mo., Day)	(Mo., Day)
Quantity <u>62 CFS</u>		Use <u>IRRIG</u>		Period of Use From <u>3/1</u>		To <u>7/1</u>	
Quantity _____		Use _____		Period of Use From _____		To _____	
Quantity _____		Use _____		Period of Use From _____		To _____	
Quantity _____		Use _____		Period of Use From _____		To _____	
Quantity _____		Use _____		Period of Use From _____		To _____	

- (4) TOTAL QUANTITY USED.

(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW 1/4 SE 1/4, Sec. 26 Twp. 5N Rge. 1E B.M., County of ADA

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. DIVERSION DAM, 700 FEET DITCH TO FIELD, 3800 FEET OF DITCH IN FIELD

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>5N</u>	<u>1E</u>	<u>35</u>					<u>24</u>	<u>7</u>											<u>31</u>

No. of acres 31

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

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

RIGHT NUMBER: 63-4980

NAME AND ADDRESS: ALPINE CREEK LLC
5529 W SCHOOL RIDGE RD
BOISE ID 83714

~~MARGARET BRUCHER~~
~~2393 TEEMER RD~~
~~ANN ARBOR MI 48103~~

~~HELEN WEISSHAUPT~~
~~5005 N BROOKSIDE LN~~
~~BOISE ID 83703~~

SOURCE: SPRING CREEK

TRIBUTARY: DRY CREEK

QUANTITY: 0.620 CFS

Use of this right with rights listed below is limited to a total combined diversion rate of 2.44 cfs. Combined Right Nos.: 63-4023A, 63-4086A, 63-4981 and 63-4982.

PRIORITY DATE: 03/01/1919

POINT OF DIVERSION:

T05N R01E S26 SWSE 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	0.620 CFS

PLACE OF USE: IRRIGATION Within ADA County

T05N R01E S35	NENW	24.00	T05N R01E S35	NWNW	7.00
---------------	------	-------	---------------	------	------

31 ACRES TOTAL

Use of this right with the rights listed below is limited to the irrigation of a combined total of 122 acres in a single irrigation season. Combined Right Nos.: 63-4023A, 63-4086A, 63-4981 and 63-4982.

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

The following rights are also diverted through point of diversion described above: 63-4023A, 63-63-4086A

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: 63-4023A, 63-4086A,
63-4980, 63-4981, 63-4982

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐ Address change

XX 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: May 5, 2006


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 5, 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
Office 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:

Alpine Creek LLC
5529 W School Ridge Rd.
Boise ID 83714

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

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



Signature of person mailing this document



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

May 5, 2006

ALPINE CREEK LLC
5529 W SCHOOL RIDGE RD
BOISE ID 83714

Re: Water Right Nos. 63-4023A, 63-4086A, 63-4980, 63-4981, 63-4982

Dear Sir or Madam:

Enclosed are copies of the above referenced water rights, which reflect the change in ownership of the land and appurtenant water rights, covered under the original filings. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH:l
Enclosures

RECEIVED

APR 20 2006

Form 42-208(42-1409(6)) July, 2000

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

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.

- 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 (under the "split" heading), 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
63-4023A					
63-4086A					
63-4980					
63-4981					
63-4982					

- The following **REQUIRED** information must be submitted with this form:
 - The appropriate **FILING FEE**. See instructions for fee amounts.
 - 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**.
 - 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) is 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**.

- Name and Address of Former Owner/Claimant(s)

Helen Weisskopf 5401 W. Parson Dr. Boise ID 83714

- New Owner/Claimant(s)

Margaret Brushe 2393 Esmer Rd, Ann Arbor MI 48103

New Mailing Address

5529 W School Ridge Rd

City, State and ZIP Code

Boise, ID 83714

New Telephone Number

208 229-3793

- Date you acquired the property

Oct. 5, 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Alpine Creek LLC by Heidi Patterson, Manager
(include title if applicable) Alpine Creek LLC by Heidi Patterson, Manager

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee N/A
 Received by _____ Date _____ Receipt No. _____
 Processed by JPT AJ Date 5-2-06 WR _____ Date _____

7

26

2



PATTERSON PROPERTY



EXCEPTED

35

36

261067
Sum/HH



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

8151 W. Rifleman Ave. / Boise, Idaho 83704
(208) 377-2700

ADA COUNTY RECORDER J. DAVID NAVARRO AMOUNT 6.00
BOISE IDAHO 10/06/05 02:21 PM
DEPUTY Neava Haney
RECORDED - REQUEST OF
Pioneer 105149314

Being re-recorded to correct legal
description.

ADA COUNTY RECORDER J. DAVID NAVARRO AMOUNT 9.00 3
BOISE IDAHO 04/12/06 10:57 AM
DEPUTY Neava Haney
RECORDED - REQUEST OF
Pioneer 106055689

Re-Record

QUITCLAIM DEED

For Value Received

Dennis B. Patterson and Heidi M. Patterson, Husband and Wife and Gustave A. Weisshaupt and Helen Weisshaupt,
Husband and Wife

do hereby convey, release, remise and forever quit claim unto

Alpine Creek, LLC, an Idaho limited liability company

whose address is 5529 W. School Ridge Road, Boise, Id 83714 ,

the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

together with their appurtenances.

Dated: October 5, 2005

Dennis B. Patterson

by Heidi M. Patterson

Dennis B. Patterson by Heidi M. Patterson his
attorney in fact

Heidi M. Patterson

Heidi M. Patterson

Helen Weisshaupt

Helen Weisshaupt by Heidi M. Patterson her
attorney in fact

Gustave A. Weisshaupt

by Heidi M. Patterson

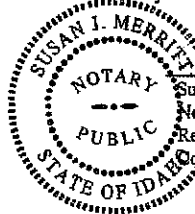
by Heidi M. Patterson

STATE OF Idaho. County of Ada, ss.

On this 5th day of October, in the year of 2005, before me the undersigned, notary public personally appeared
Heidi M. Patterson known or identified to me to be the person/persons whose name is/are subscribed to the
within instrument, and acknowledged to me that he/she/they executed the same.

STATE OF Idaho, County of Ada, ss.

On this 5th day of October, in the year of 2005, before me the undersigned, a notary public personally appeared
Heidi M. Patterson, known or identified to me to be the person whose name is subscribed to the within
instrument as the attorney in fact of Dennis B. Patterson, Helen Weisshaupt and Gustave A. Weisshaupt and
acknowledged to me that he/she/they subscribed the name(s) of Dennis B. Patterson and Helen Weisshaupt
thereto as principals, and his/her/their own name as attorney in fact.



Susan J. Merritt
Susan J. Merritt
Notary Public of Idaho
Residing at Caldwell

Commission expires: May 5, 2011

Parcel A

Commencing at a stone the Northeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East of the Boise Meridian;

Thence West along the Quarter Section line 6 and 96/100th chains to an iron post;

~~Thence South 56/100th chains to an iron post;~~

Thence East 6 and 96/100th chains more or less to the North and South 1/16th line of said SW $\frac{1}{4}$;

Thence North 56/100th chains to the PLACE OF BEGINNING;

And also commencing at a point on the North and South 1/16th line 56/100th chains South of the Northeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 35;

Thence South along the 1/16th line a distance of 6 and 63/100th chains to an iron pin;

Thence North 9°33' West a distance of 6 and 68/100th chains to an iron pin; and

Thence East a distance of 1 and 10/100th chains to the PLACE OF BEGINNING.

Also the NW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East of the Boise Meridian in Ada County, Idaho.

That part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East, Boise Meridian, lying North and West of Idaho State Highway 55 as the same now traverses said quarter section.

EXCEPT the Following, to wit:

Commencing at the Southwest corner of the NW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East of the Boise Meridian;

Thence North 89 feet;

Thence East parallel with the North line of said section 886 feet;

Thence South 89 feet to a point on the East and West $\frac{1}{2}$ section line;

Thence West parallel with the North line of said section 886 feet to the PLACE OF BEGINNING.

AND ALSO EXCEPTING as follows:

Beginning at the Northwest corner of Section 35, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho, the REAL POINT OF BEGINNING;

Thence South along the section line 1071.98 feet to a point on the North right-of-way line of Brookside Lane;

Thence North 59°52' East 687.77 feet along the North right-of-way line of Brookside Lane to a point;

Thence North 49°06'40" East 1069.85 feet along the North right-of-way line of Brookside Lane to a point on the North section line of Section 35;

Thence North 88°55'20" West 1403.85 feet along the section line to a point, the REAL POINT OF BEGINNING.

AND EXCEPT that portion conveyed to The Farmers Union Ditch Company Ltd., by deed recorded under Instrument No. 11063 in Book 61 of Deeds at Page 75;

AND EXCEPT FROM the above described parcels those portions conveyed to the State of Idaho by deeds recorded under Instrument No.'s 160908 in Book 208 Page 600, 162008 in Book 210 Page 184, 95017419, 95017420, 95017421 and 95017422.

EXHIBIT A

Parcel B

A part of the Northwest Quarter, Section 35, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of Section 35, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho, the
REAL POINT OF BEGINNING:

Thence South along the section line 1071.98 feet to a point on the North right-of-way line of Brookside Lane;

Thence North 59°52' East 495.39 feet along the North right-of-way line of Brookside Lane to a point;

Thence North 764.54 feet to a point on the centerline of a 20 foot road easement;

Thence North 20°05'30" West 54.35 feet along the centerline of a 20 foot road easement to a point on the section line;

Thence North 88°55'20" West 409.84 feet along the section line to a point, the REAL POINT OF BEGINNING.

EXHIBIT B

261067 (4)
ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 04/12/06 10:57 AM
DEPUTY Neava Haney
RECORDED - REQUEST OF
Pioneer

AMOUNT 12.00

4



AMENDED BARGAIN AND SALE DEED

FOR VALUE RECEIVED, MARGARET E. BRUSHER, Trustee under an instrument of Revocable Trustee with Margaret E. Brusher, Trustor, dated April 26, 1990, the Grantor, does hereby grant, bargain, sell and convey unto DENNIS B. PATTERSON and HEIDI M PATTERSON, husband and wife, the Grantees, whose address is 5529 W. School Ridge Road, Boise, Idaho 83714, the following described premises, to-wit:

See Exhibits "A" and "B" attached hereto and incorporated herein by this reference.

SUBJECT TO easements, claims of easement or encumbrances which are not shown by the public records;

FURTHER SUBJECT TO discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records;

FURTHER SUBJECT TO unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water;

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever.

DATED: 3/24, 2006


MARGARET E. BRUSHER, Trustee under an instrument of Revocable Trust with Margaret E. Brusher, Trustor, dated April 26, 1990

STATE OF Michigan)
) ss.

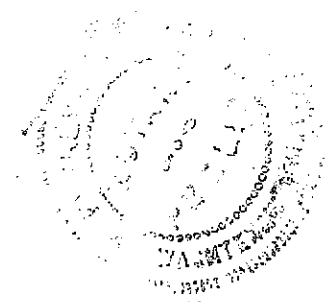
County of Washtenaw)

On this 24th day of March, in the year 2006 before me, Beverly Olberg, a Notary Public in and for said State, personally appeared MARGARET E. BRUSHER, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of an instrument of Revocable Trust with Margaret E. Brusher, Trustor, dated April 26, 1990, and acknowledged to me that she executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Beverly J. Olberg
Notary Public for _____

BEVERLY J. OLBERG
Residing at Ann Arbor, MI Notary Public, Washtenaw County, MI
My Commission Expires Jul. 18, 2006
My Commission Expires: _____



Parcel A

N 1394496.92 E 2314019.40

Commencing at a stone the Northeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East of the Boise Meridian;

P1 Thence West along the Quarter Section line 6 and 96/100th chains to an iron post;

Thence South 56/100th chains to an iron post; - 39.96

Thence East 6 and 96/100th chains more or less to the North and South 1/16th line of said SW $\frac{1}{4}$;

Thence North 56/100th chains to the PLACE OF BEGINNING;

And also commencing at a point on the North and South 1/16th line 56/100th chains South of the Northeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 35;

P2 Thence South along the 1/16th line a distance of 6 and 63/100th chains to an iron pin;

Thence North 9°33' West a distance of 6 and 63/100th chains to an iron pin; and

Thence East a distance of 1 and 10/100th chains to the PLACE OF BEGINNING.

P3 Also the NW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East of the Boise Meridian in Ada County, Idaho.

P4 That part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East, Boise Meridian, lying North and West of Idaho State Highway 55 as the same now traverses said quarter section.

EXCEPT the Following, to wit: N 1394508.98 E 2313617.09

Commencing at the Southwest corner of the NW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East of the Boise Meridian;

P5 Thence North 89 feet;

Thence East parallel with the North line of said section 886 feet;

Thence South 89 feet to a point on the East and West $\frac{1}{2}$ section line;

Thence West parallel with the North line of said section 886 feet to the PLACE OF BEGINNING.

AND ALSO EXCEPTING as follows: N 1395324.43 E 2313628.62

Beginning at the Northwest corner of Section 35, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho, the REAL POINT OF BEGINNING;

P6 Thence South along the section line 1071.98 feet to a point on the North right-of-way line of Brookside Lane;

Thence North 59°52' East 687.77 feet along the North right-of-way line of Brookside Lane to a point;

Thence North 49°06'40" East 1069.85 feet along the North right-of-way line of Brookside Lane to a point on the North section line of Section 35;

Thence North 88°55'20" West 1403.85 feet along the section line to a point, the REAL POINT OF BEGINNING.

AND EXCEPT that portion conveyed to The Farmers Union Ditch Company Ltd., by deed recorded under Instrument No. 11063 in Book 61 of Deeds at Page 75;

AND EXCEPT FROM the above described parcels those portions conveyed to the State of Idaho by deeds recorded under Instrument No.'s 160908 in Book 208 Page 600, 162008 in Book 210 Page 184, 95017419, 95017420, 95017421 and 95017422.

EXHIBIT A

Parcel B

N1395324-43 E2313528.62

A part of the Northwest Quarter, Section 35, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of Section 35, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho, the REAL POINT OF BEGINNING;

Thence South along the section line 1071.98 feet to a point on the North right-of-way line of Brookside Lane;

Thence North $59^{\circ}52'$ East 495.39 feet along the North right-of-way line of Brookside Lane to a point;

Thence North 764.54 feet to a point on the centerline of a 20 foot road easement;

Thence North $20^{\circ}05'30''$ West 54.35 feet along the centerline of a 20 foot road easement to a point on the section line;

Thence North $88^{\circ}55'20''$ West 409.84 feet along the section line to a point, the REAL POINT OF BEGINNING.

EXHIBIT B



RECEIVED

DEC 30 2005

WATER RESOURCES
WESTERN REGION

**CORRECTIVE
BARGAIN AND SALE DEED**

COPY

FOR VALUE RECEIVED, MARGARET E. BRUSHER, Trustee under an instrument of Revocable Trust with Margaret E. Brusher, Trustor, dated April 26, 1990, the Grantor, does hereby grant, bargain, sell and convey unto DENNIS B. PATTERSON and HEIDI M PATTERSON, husband and wife, the Grantees, whose address is 5529 W. School Ridge Road, Boise, Idaho 83714, the following described premises, to-wit:

See Exhibit "A" attached hereto and incorporated herein by this reference.

SUBJECT TO easements, claims of easement or encumbrances which are not shown by the public records;

FURTHER SUBJECT TO discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records;

FURTHER SUBJECT TO unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water;

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever.

This Deed is executed to correct the legal description in the Bargain and Sale Deed dated October 4, 2005 and recorded October 6, 2005 as Instrument No. 105149310, records of Ada County, Idaho.

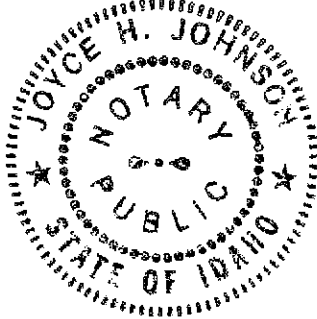
DATED: December 26, 2005

MARGARET E. BRUSHER, Trustee under an
instrument of Revocable Trust with Margaret E.
Brusher, Trustor, dated April 26, 1990

STATE OF IDAHO)
) ss.
County of Ada)

On this 26th day of December, in the year 2005 before me, JOYCE H. JOHNSON, a Notary Public in and for said State, personally appeared MARGARET E. BRUSHER, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of an instrument of Revocable Trust with Margaret E. Brusher, Trustor, dated April 26, 1990, and acknowledged to me that she executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Joyce H. Johnson
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 1/27/11

EXHIBIT A

Parcel A

Commencing at a stone the Northeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East of the Boise Meridian;

Thence West along the Quarter Section line 6 and 96/100th chains to an iron post;

Thence South 56/100th chains to an iron post;

Thence East 6 and 96/100th chains more or less to the North and South 1/16th line of said SW $\frac{1}{4}$;

Thence North 56/100th chains to the PLACE OF BEGINNING;

And also commencing at a point on the North and South 1/16th line 56/100th chains South of the Northeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 35;

Thence South along the 1/16th line a distance of 6 and 63/100th chains to an iron pin;

Thence North 9°33' West a distance of 6 and 68/100th chains to an iron pin; and

Thence East a distance of 1 and 10/100th chains to the PLACE OF BEGINNING.

Also the NW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East of the Boise Meridian in Ada County, Idaho.

That part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East, Boise Meridian, lying North and West of Idaho State Highway 55 as the same now traverses said quarter section.

EXCEPT the Following, to wit:

Commencing at the Southwest corner of the NW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East of the Boise Meridian;

Thence North 89 feet;

Thence East parallel with the North line of said section 886 feet;

Thence South 89 feet to a point on the East and West $\frac{1}{2}$ section line;

Thence West parallel with the North line of said section 886 feet to the PLACE OF BEGINNING.

AND ALSO EXCEPTING as follows:

Beginning at the Northwest corner of Section 35, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho, the REAL POINT OF BEGINNING;

Thence South along the section line 1071.98 feet to a point on the North right-of-way line of Brookside Lane;

Thence North 59°52' East 687.77 feet along the North right-of-way line of Brookside Lane to a point;

Thence North 49°06'40" East 1069.85 feet along the North right-of-way line of Brookside Lane to a point on the North section line of Section 35;

Thence North 88°55'20" West 1403.85 feet along the section line to a point, the REAL POINT OF BEGINNING.

AND EXCEPT that portion conveyed to The Farmers Union Ditch Company Ltd., by deed recorded under Instrument No. 11063 in Book 61 of Deeds at Page 75;

AND EXCEPT FROM the above described parcels those portions conveyed to the State of Idaho by deeds recorded under Instrument No.'s 160908 in Book 208 Page 600, 162008 in Book 210 Page 184, 95017419, 95017420, 95017421 and 95017422.

Parcel B

A part of the Northwest Quarter, Section 35, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of Section 35, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho, the REAL POINT OF BEGINNING;

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Thence North 764.54 feet to a point on the centerline of a 20 foot road easement;

Thence North $20^{\circ}05'30''$ West 54.35 feet along the centerline of a 20 foot road easement to a point on the section line;

Thence North $88^{\circ}55'20''$ West 409.84 feet along the section line to a point, the REAL POINT OF BEGINNING.



261067
sem/HH

BARGAIN AND SALE DEED

FOR VALUE RECEIVED, MARGARET E. BRUSHER, Trustee under an instrument of Revocable Trust with Margaret E. Brusher, Trustor, dated April 26, 1990, the Grantor, does hereby grant, bargain, sell and convey unto DENNIS B. PATTERSON and HEIDI M PATTERSON, husband and wife, the Grantees, whose address is 5529 W. School Ridge Road, Boise, Idaho 83714, the following described premises, to-wit:

See Exhibits "A" and "B" attached hereto and incorporated herein by this reference.

SUBJECT TO easements, claims of easement or encumbrances which are not shown by the public records;

FURTHER SUBJECT TO discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records;

FURTHER SUBJECT TO unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water;

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever.

DATED: OCT. 4, 2005

MARGARET E. BRUSHER, Trustee under an instrument of Revocable Trust with Margaret E. Brusher, Trustor, dated April 26, 1990

hp

STATE OF Michigan)
) ss.
County of Washtenaw)

On this 4th day of October, in the year 2005 before me, Beverly J. Olberg,
a Notary Public in and for said State, personally appeared MARGARET E. BRUSHER, known or
identified to me to be the person whose name is subscribed to the within instrument as Trustee of
an instrument of Revocable Trust with Margaret E. Brusher, Trustor, dated April 26, 1990, and
acknowledged to me that she executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day
and year in this certificate first above written.

Beverly J. Olberg
Notary Public for _____
Residing at _____
My Commission Expires: _____

BEVERLY J. OLBERG
Notary Public, Washtenaw County, MI
My Commission Expires Jul. 16, 2006



EXHIBIT A

Commencing at a stone the Northeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East of the Boise Meridian;

Thence West along the Quarter Section line 6 and 96/100th chains to an iron post;

Thence South 56/100th chains to an iron post;

Thence East 6 and 96/100th chains more or less to the North and South $\frac{1}{16}$ th line of said SW $\frac{1}{4}$;

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Thence East a distance of 1 and 10/100th chains to the PLACE OF BEGINNING.

Also the NW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East of the Boise Meridian in Ada County, Idaho.

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EXHIBIT A

AND EXCEPT that portion conveyed to The Farmers Union Ditch Company Ltd., by deed recorded under Instrument No. 11063 in Book 61 of Deeds at Page 75;

AND EXCEPT FROM the above described parcels those portions conveyed to the State of Idaho by deeds recorded under Instrument No.'s 160908 in Book 208 Page 600, 162008 in Book 210 Page 184, 95017419, 95017420, 95017421 and 95017422.

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Thence North $20^{\circ}05'30''$ West 54.35 feet along the centerline of a 20 foot road easement to a point on the section line;

Thence North $88^{\circ}55'20''$ West 409.84 feet along the section line to a point, the REAL POINT OF BEGINNING.

EXHIBIT B



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Yursa, Secretary of State

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for ALPINE CREEK, LLC](#)]

ALPINE CREEK, LLC

5529 W SCHOOL RIDGE RD
BOISE, ID 83714

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING 20 Sep 2005

State of Origin: IDAHO

Date of 20 Sep 2005

Origination/Authorization:

Current Registered Agent: HEIDI M PATTERSON
5529 W SCHOOL RIDGE RD
BOISE, ID 83714

File Number: W43031

Date of Last Annual Report:

Amendments:

Amendment filed 20 Sep 2005 ARTICLES OF
ORGANIZATION

[View Document](#)
[Online](#)
[Download \(TIFF](#)
[format\)](#)

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

11/02/2005 RECEIVED

NOTICE OF ERROR
REPLY

APR 20 2006

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 18, 2005

Water right number: 63-4980

HELEN WEISSHAUPT
5005 N BROOKSIDE LN
BOISE ID 83703
Telephone Number: (208)939-6825

MARGARET BRUSHER
2393 TESMER RD
ANN ARBOR MI 48103

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 4-20-06

SIGNATURE: NEEDY PATTISON - Alpine Creek LLC

Please print your name: Heidi Patterson Alpine Creek LLC

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

W.H. DAVISON (1878-1964)
FRANK DAVISON (1907-1984)
R.H. COPPLE (1919-1995)

E DON COPPLE
TERRY C. COPPLE
JON R. COX
HEATHER A. CUNNINGHAM*
JAY GUSTAVSEN
ED GUERRICABEITIA
CYNTHIA YEE-WALLACE

DAVISON, COPPLE, COPPLE & COX, LLP
ATTORNEYS AT LAW

SUITE 600
199 N. Capitol Blvd.
BOISE, IDAHO

TELEPHONE (208) 342-3658
FAX (208) 386-9428
<http://www.davisoncopples.com>

MAILING ADDRESS
P.O. BOX 1583
BOISE, IDAHO 83701

*Also admitted to
practice in Oregon

RECEIVED

DEC 30 2005

**WATER RESOURCES
WESTERN REGION**

December 28, 2005

Liberty Gagnon
Office Section 1
Adjudication Section, Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RE: Margaret Brusher
Notice of Change of Water Right Ownership 63-4980

Dear Ms. Gagnon:

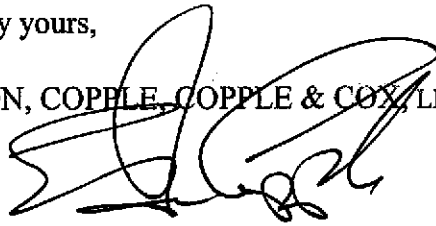
Margaret Brusher referred your letter to her dated November 29, 2005 with regard to her sale of real property in accordance with water right ownership 63-4980.

Enclosed herewith is a copy of the Corrective Bargain and Sale Deed from Margaret Brusher to Dennis B. Patterson and Heidi M. Patterson, husband and wife, which was recently signed and recorded. If additional documentation is needed, please do not hesitate to contact this office as counsel for Margaret Brusher.

Very truly yours,

DAVISON, COPPLE, COPPLE & COX, LLP

By


E Don Copple, of the firm

EDC:jj

Enclosure

cc: Margaret Brusher



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 29, 2005

Margaret Brusher
2393 Tesmer Rd
Ann Arbor MI 48103

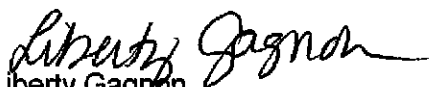
Re: Notice of Change of Water Right Ownership 63-4980

Dear Water Right Holder(s):

IDWR has been notified the current owners presently in our records are incorrect. Although we have received a notice that you are no longer part owner of the property at the address above, we need legal documentation of the sale of your portion of the property in order to remove your name. These documents may be a deed, contract of sale or other legal document indicating the new owner(s) with an attached legal description by Township, Range, Section and $\frac{1}{4}$ $\frac{1}{4}$.

Thank you for your patience and cooperation, as we have had several ownership changes to process. Feel free to contact our office if you have any questions concerning this letter.

Sincerely,


Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region

11/02/2005

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 18, 2005

Water right number: 63-4980

HELEN WEISSHAUPT
5005 N BROOKSIDE LN
BOISE ID 83703
Telephone Number: (208)939-6825

(MARGARET BRUSHER
2393 TESMER RD
ANN ARBOR MI 48103

*Please remove from your files -
I am no longer part owner or involved
Property changed hands*

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Margaret Brusher

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

RECEIVED
NOV 16 2005
WATER RESOURCES
WESTERN REGION

05/31/2005

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

RIGHT NUMBER: 63-4980

NAME AND ADDRESS: HELEN WEISSHAUPT
5005 N BROOKSIDE LN
BOISE ID 83703

MARGARET BRUSHER
2393 TESMER RD
ANN ARBOR MI 48103

SOURCE: SPRING CREEK

TRIBUTARY: DRY CREEK

QUANTITY: 0.620 CFS

Use of this right with rights listed below is limited to a total combined diversion rate of 2.44 cfs. Combined Right Nos.: 63-4023A, 63-4086A, 63-4981 and 63-4982.

PRIORITY DATE: 03/01/1919

POINT OF DIVERSION:

T05N R01E S26 SWSE 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	0.620 CFS

PLACE OF USE: IRRIGATION Within ADA County

T05N R01E S35	NENW	24.0	T05N R01E S35	NWNW	7.0
---------------	------	------	---------------	------	-----

31 ACRES TOTAL

Use of this right with the rights listed below is limited to the irrigation of a combined total of 122 acres in a single irrigation season. Combined Right Nos.: 63-4023A, 63-4086A, 63-4981 and 63-4982.

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.

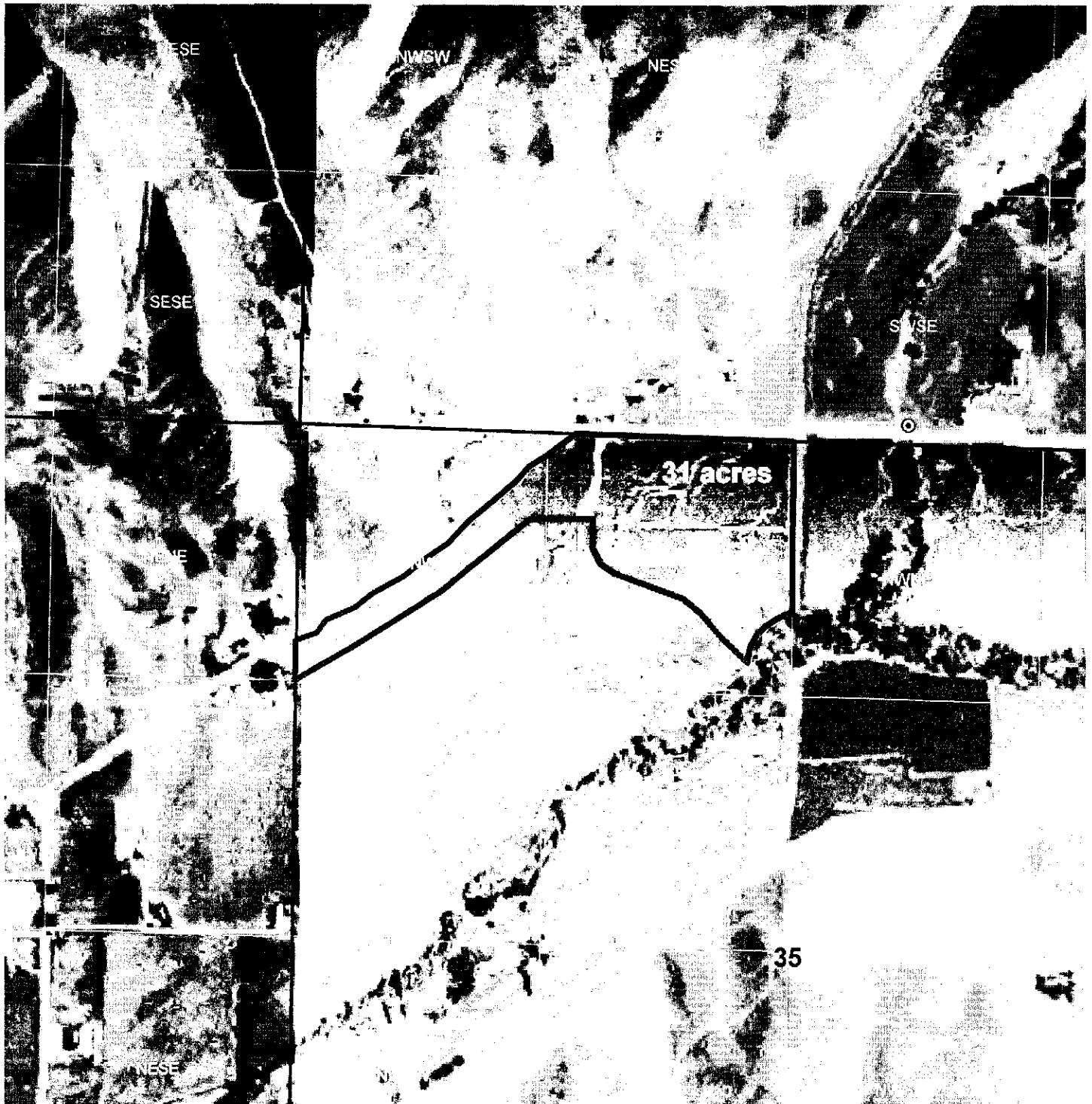
EXPLANATORY MATERIAL: Beneficial Use

The following rights are also diverted through point of diversion described above: 63-4023A, 63-63-4086A

Idaho Department of Water Resources

63-4980

T05N R01E S835



- ⊙ Point of Diversion
- ▭ Place of Use
- ▭ Sections
- ▭ Quarter Quarter



IDWR
Prepared by: Sandy Egbert
Date: 4-26-05
1987 NAPP Photography

600 0 600 1200 1800 2400 Feet

A horizontal scale bar with alternating black and white segments, corresponding to the measurements 600, 0, 600, 1200, 1800, and 2400 feet.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4980 V1

WATER RIGHT NUMBER: 63-4980 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HELEN WEISSHAUPT 5005 N BROOKSIDE LN BOISE, ID 83703 (208)939-6825
Current Owner	MARGARET BRUSHER 2393 TESMER RD ANN ARBOR, MI 48103

Priority Date: 03/01/1919

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING CREEK	DRY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.620 CFS	
	<u>Total Diversion:</u>	0.620 CFS	

Location of Point(s) of Diversion

SPRING CREEK	SW1/4SE1/4	Sec. 26, Twp 05N, 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	
05N	01E	35					24.0	7.0											31.0

Total Acres: 31

Conditions of Approval:

1. C18 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.
2. F06 The following rights are also diverted through point of diversion described above: 63-4023A, 63-63-4086A
3. E56 Use of this right with the rights listed below is limited to the irrigation of a combined total of 122 acres in a single irrigation season. Combined Right Nos.: 63-4023A, 63-4086A, 63-4981 and 63-4982.
4. E52 Use of this right with rights listed below is limited to a total combined diversion rate of 2.44 cfs. Combined Right Nos.: 63-4023A, 63-4086A, 63-4981 and 63-4982.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4980 V1

Comments:

1. segbert 4/26/2005 POD
Comment: Updated shape

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
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

Combined Use Limits: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>
Summary			04/14/2005	lharris	Active
Priority Date	4/26/2005 9:30:11 AM	segbert			Active
POD	4/26/2005 9:31:43 AM	segbert			Active
Source	4/26/2005 9:43:34 AM	segbert			Active
POU	4/26/2005 9:44:03 AM	segbert			Active
Use	4/26/2005 9:44:58 AM	segbert			Active
Season	4/26/2005 9:47:45 AM	segbert			Active
Quantity	4/26/2005 9:48:40 AM	segbert			Active
Summary			04/26/2005	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4980 V1

Priority Date	4/26/2005 9:30:12 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit from Ben Dobson
POD	4/26/2005 9:31:43 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	4/26/2005 9:44:03 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - maps in the file
Season	4/26/2005 9:47:46 AM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4980 V1

Source	4/26/2005 9:43:35 AM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - maps in file and aerial photography
Use	4/26/2005 9:44:58 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - aerial photography
Quantity	4/26/2005 9:48:41 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Summary	4/26/2005 9:56:38 AM	segbert	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	5/31/2005 8:14:31 AM	segbert	Updated shape for Active POU
Summary	4/14/2005 3:12:47 PM	lharris	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4980 V1

Water Supply Bank:

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-4980Owner: HELEN WEISSHAUPT Phone No. 939-6825Current Address: 5005 N. BROOKSIDE LN BOISE ID 83703

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property?

Accompanied by: JOE? (NEIGHBOR)**PRIORITY DATE**

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

*gave them 1919 priority date*Priority date, per claimant, is: 3/1/1897

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

SANDY SAID SHE HAS AN AFFIDAVIT FROM BEN DOBSON TO SUPPORT A
1920 PRIORITY DATE, MRS WEISSHAUPT SAID THAT THE 1920 DATE WAS OKAY
SINCE SHE HAS NO ONE THAT CAN GO BACK ANY EARLIER.

Source: SPRING CR. Tributary to DRY CR.

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed:

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed:
- ☐ If different, when did POD change?

GPS = 2314622 #84
1395307

DIVERSION AND DELIVERY SYSTEM
Points of Diversion:

NO SITE TAG PLACED. (NOTHING TO FASINIT TO)

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
		SW	SW	SE	26	5N	01E	ADA	GPS - NAPP PHOTO

Description of diverting works

CONCRETE & ROCK STRUCTURE IN SPRING CREEK NEAR THE COUNTY RD.
DITCHES & OTHER STRUCTURES TO THE PDU. SEE PHOTOS

OVERLAP REVIEW

Other water rights with the same point of diversion: NONE

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

- ☐ No change
- ☐ Different Uses

Use IRRIGATION From 3/1 To 7/1 Amount 0.62 CFS AFA
Use From To Amount 31" CFS AFA
Use From To Amount CFS AFA

TOTAL VOLUME - Groundwater only

- ☐ Incomplete on claim, the total is, Amount CFS AFA
- ☐ Changes found, the new total is, Amount CFS AFA
- ☐ More than 1" per Acre? Yes (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☐ No change
- ☐ Changes Exam found: Domestic # of homes Stock #
Types Additional comments:

PLACE OF USE:

- ☒ No Change SEE ATTACHED PHOTOS
- ☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
							23.5	5.7											29.2

Overlap with other water rights: _____

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: FROM THE DIVERSION STRUCTURE, THE DITCH GOES SOUTH TO ROAD, THE CROSSES DRIVE-WAY THRU 18' CULVERT THEN INTO DITCH TO WEST TO THE HWYWAY, THEN INTO CULVERT ACROSS HWYWAY SW TO NE CORNER OF FIELD. THE IRRIGATION DITCHES ARE SHOWN ON NAPP PHOTO. THIS DELIVERY SYSTEM CAN CARRY A LARGE FLOW RATE OF WATER. (SEE CALCULATION)

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS: SEE ATTACHED COMPUTATION SHEET

Attach appropriate documents

DITCH CARRYING CAPACITY = 1.6 CFS

NARRATIVE/REMARKS/COMMENTS

BECAUSE OF DROUGHT CONDITIONS FOR THE LAST SEVERAL YEARS, THIS STRUCTURE & SYSTEM HAS NOT BEEN USED. IT IS IN DIS-REPAIR.

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 6/3/05 FIELD EXAM FINISH WRITE 6/28/05

FIELD EXAMINER: Burt A. Scholer

WEISSAAPT

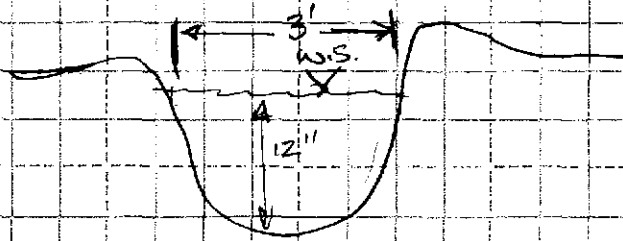
63-4980

PREPARED BY

BHS

DATE

6/28/05

DITCH FLOW ESTIMATE

$$Q = \frac{1.984}{.035} (12.67) (.0005)^{.5}$$

$$Q = \underline{\underline{1.6 \text{ CFS}}}$$

PARABOLIC CHANNEL

$$D = 1 \quad T = 3$$

$$Q = \frac{K}{n} D^{2.47} S^{.5}$$

$$K = \frac{D}{T} = (\text{TABLE}) = \underline{\underline{1.984}}$$

$$n = .035$$

$$S = .0005 \left(\frac{.5}{100} \right)$$

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4980

WATER RIGHT NUMBER: 63-4980

Owner Type Name and Address
 Current Owner HELEN WEISSHAUPT
 5005 N BROOKSIDE LN
 BOISE, ID 83703
 (208)939-6825
 Current Owner MARGARET BRUSHÉ
 2393 TESMER RD
 ANN ARBOR, MI 48103

#84 2314622
 P.P.S. = 1395307
 NO SITE TAG PLACED (NO LOCATION TO PUT ONE)

Priority Date: 03/01/1897
 Basis: Statutory Claim
 Status: Active

Source Tributary
 SPRING CREEK DRY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/01 to 7/01	0.620 CFS	✓ 275 GPM OR 31" DI.
	<u>Total Diversion:</u>	0.620 CFS	

Location of Point(s) of Diversion

SPRING CREEK SW1/4SE1/4 Sec. 26, Twp 05N, Rge 01E, B.M.
 ADA County

Place of Use
 IRRIGATION

Tw	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01E	35					24.0	7.0											31.0

Total Acres: 31

Conditions of Approval:

- THIS WATER RIGHT, WHEN COMBINED WITH ALL OTHER WATER RIGHTS, SHALL DIVERT NO MORE THAN 1"/ACRE.
SEE A63-04980 FOR MAP.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4980

Claim Received Date: 8/11/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

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

Combined Use Limits: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>
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Verification Log:

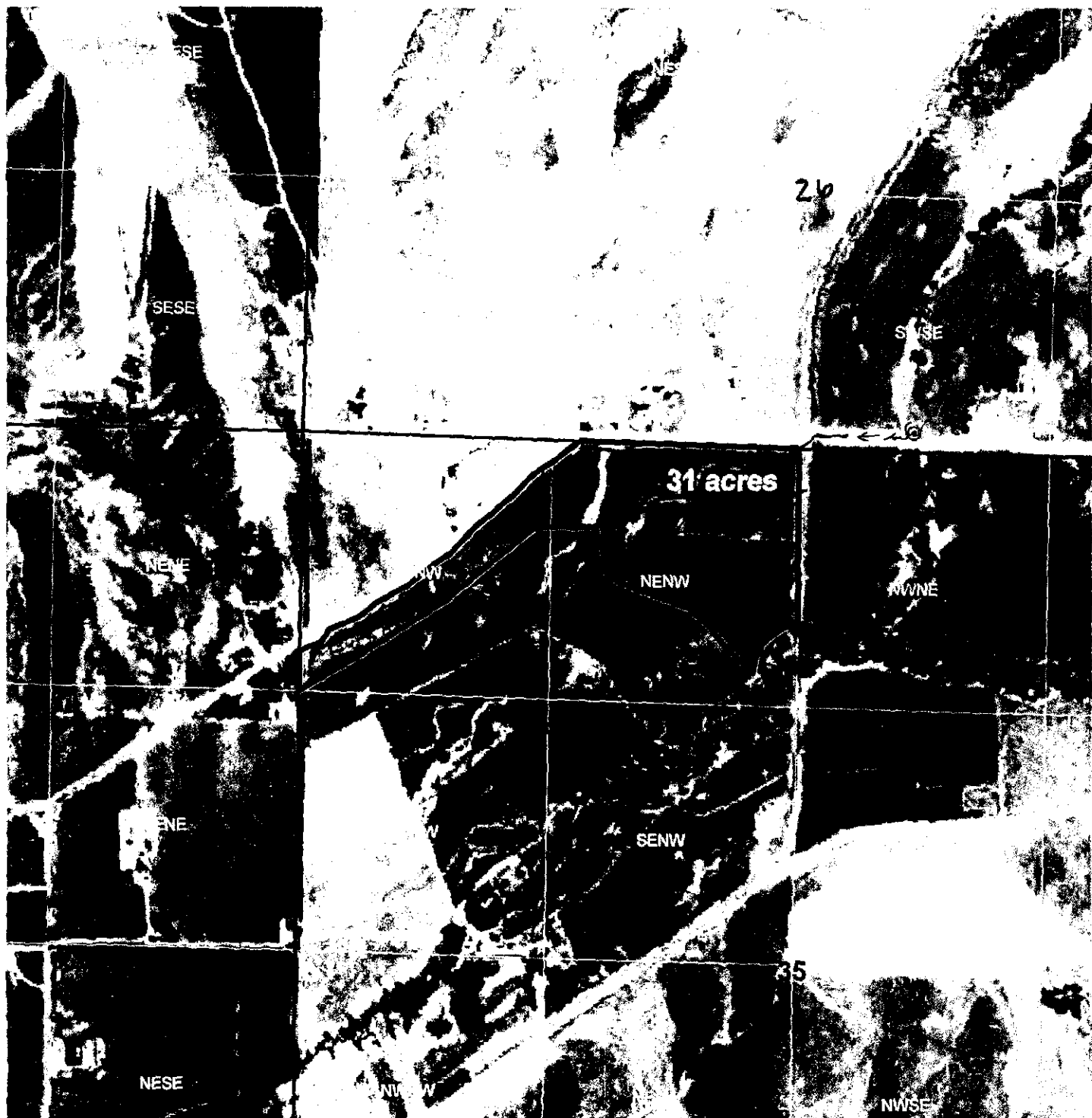
<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

Idaho Department of Water Resources

63-4980

T05N R01E S835



- ⊙ Point of Diversion
- ▭ Place of Use
- ▬ Sections
- ▬ Quarter Quarter



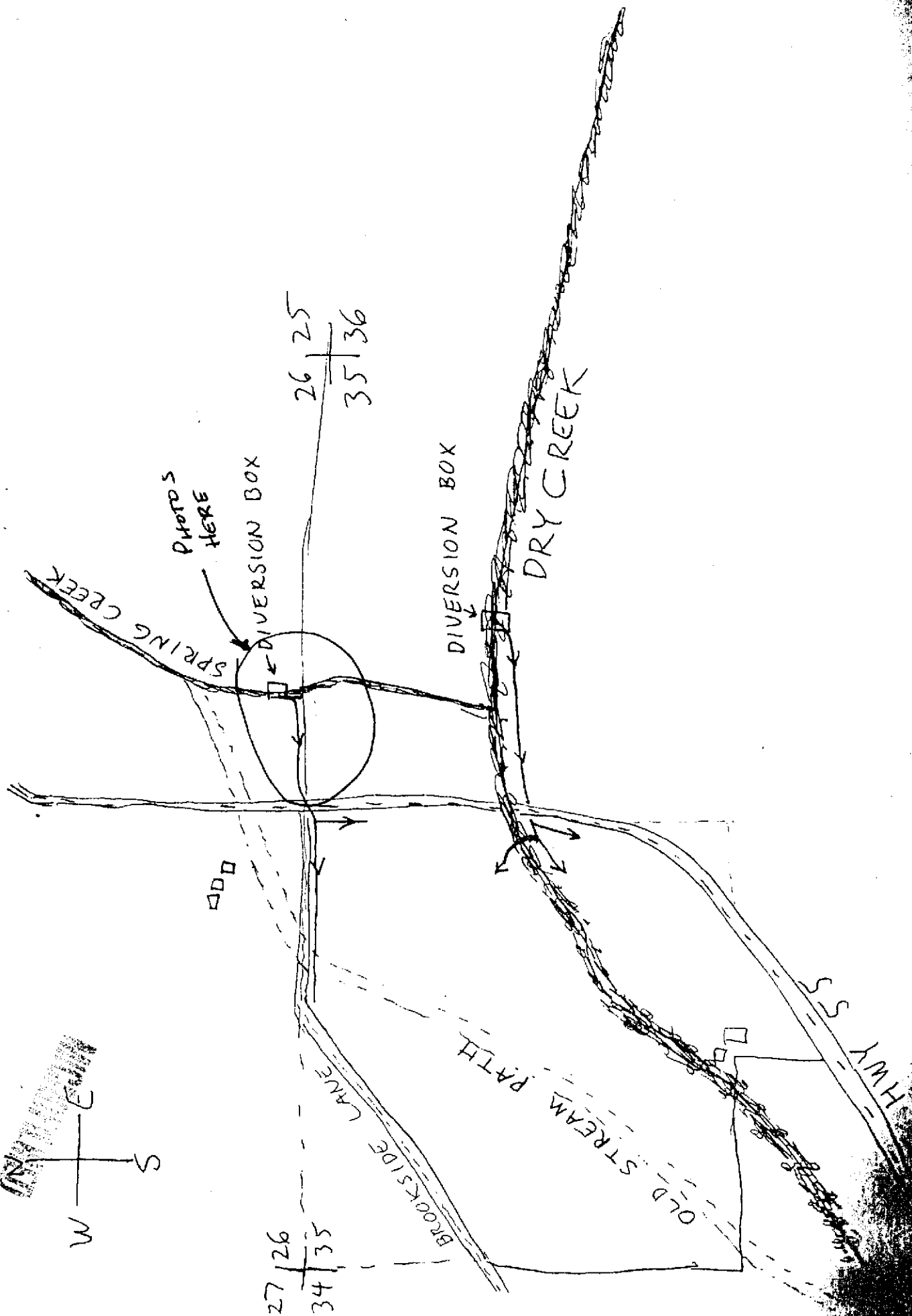
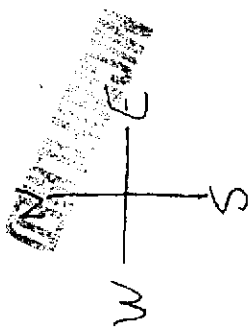
600 0 600 1200 1800 2400 Feet

IDWR

Prepared by: Sandy Egbert

Date: 4-26-05

1987 NAPP Photography





Looking South to P.O.D.

63-4980
Weisshaupt



Looking Southeast to Diversion Structure



P.O.V. Across Road

DE 03 2005

Looking West toward farm
(See Aerial Photo)

63-4980
Weissaupt

!

Looking North, upstream from Diversion Structure

06 03 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4980

WATER RIGHT NUMBER: 63-4980

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HELEN WEISSHAUPT 5005 N BROOKSIDE LN BOISE, ID 83703 (208)939-6825
Current Owner	MARGARET BRUSHER 2393 TESMER RD ANN ARBOR, MI 48103

Priority Date: 03/01/1897

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING CREEK	DRY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/01 to 7/01	0.620 CFS	
<u>Total Diversion:</u>		0.620 CFS	

Location of Point(s) of Diversion

SPRING CREEK	SW1/4SE1/4	Sec. 26, Twp 05N, 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	
05N	01E	35					24.0	7.0											31.0

Total Acres: 31

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

IDAHO DEPARTMENT OF WATER RESOURCES
 ADJUDICATION CLAIM POU REVIEW REPORT
 ADJUDICATION CLAIM NUMBER: 63-4980

04/14/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
4023A	Claim	05N	01E	35	NE	NW		IRRIGATION	39/122	MARGARET BRUSHER
4086A	Claim	05N	01E	35	NE	NW		IRRIGATION	39/122	MARGARET BRUSHER
4980	Claim	05N	01E	35	NE	NW		IRRIGATION	24/31	HELEN WEISSHAUPT
4981	Claim	05N	01E	35	NE	NW		IRRIGATION	14/69	HELEN WEISSHAUPT
4023	Water Right	05N	01E	35	NE	NW		IRRIGATION	40/350	JULIUS JEKER
4086	Water Right	05N	01E	35	NE	NW		IRRIGATION	39/473	JULIUS JEKER
4980	Water Right	05N	01E	35	NE	NW		IRRIGATION	24/31	HELEN WEISSHAUPT
4981	Water Right	05N	01E	35	NE	NW		IRRIGATION	14/69	HELEN WEISSHAUPT
7123	Water Right	05N	01E	35	NE	NW		IRRIGATION	39/473	JULIUS JEKER
1023A	Claim	05N	01E	35	NW	NW		IRRIGATION	19/122	MARGARET BRUSHER
1086A	Claim	05N	01E	35	NW	NW		IRRIGATION	19/122	MARGARET BRUSHER
4980	Claim	05N	01E	35	NW	NW		IRRIGATION	7/31	HELEN WEISSHAUPT
4981	Claim	05N	01E	35	NW	NW		IRRIGATION	13/69	HELEN WEISSHAUPT
4023	Water Right	05N	01E	35	NW	NW		IRRIGATION	20/350	JULIUS JEKER
4086	Water Right	05N	01E	35	NW	NW		IRRIGATION	19/473	JULIUS JEKER
4980	Water Right	05N	01E	35	NW	NW		IRRIGATION	7/31	HELEN WEISSHAUPT
4981	Water Right	05N	01E	35	NW	NW		IRRIGATION	13/69	HELEN WEISSHAUPT
7123	Water Right	05N	01E	35	NW	NW		IRRIGATION	19/473	JULIUS JEKER
16720	Water Right	05N	01E	35	NW	NW		DOMESTIC		DEAN E BARTON
16818	Water Right	05N	01E	35	NW	NW		DOMESTIC		GUSTAVE A WEISSHAUPT

Receipt Details for ID W004379

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
8/11/1989 3:27:45 PM	8/11/1989	Western	\$372.00	Check
Payer		WEISSHAUPT, HELEN		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
754			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$372.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4982		\$50.00	Claim
63	4981		\$50.00	Claim
63	4980		\$50.00	Claim
63	4086	A	\$172.00	Claim
63	4023	A	\$50.00	Claim

Print Report

11-26-04 3 acres Look Good.

: Needs a FE and Evidence of Priority

: Needs Confirmation of POP



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 26, 2004

63-04980
MARGARET BUSER
2393 TESSMER RD
ANN ARBOR MI 48103

HELEN WEISSHAUP
5005 BROOKSIDE LN
BOISE ID 83703

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

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 "Beneficial Use". 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".

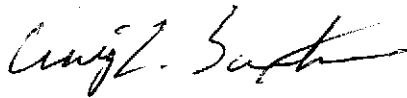
It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

.....
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 **December 24, 2004** **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.

In addition, a contractor employed by The Idaho Department of Water Resources may be contacting you to set up a filed exam in order to verify the elements of your water right.

Respectfully submitted,



Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
 Notice of Claim 63-04980

(Name of Claimant)

83702
(Zip Code)

Telephone No. **939-6825**

(1) Date of priority: (When was the water first applied to a beneficial use) MARCH 1, 1897

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

SPRING CREEK

tributary to **DRY CREEK**

(c) (4)	(Domestic Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)

Quantity **62 CFS** Use **IRRIG** Period of Use From **3/1** To **7/1**

Quantity	Use	Period of Use From	To
----------	-----	--------------------	----

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

(4) TOTAL QUANTITY USED.

(cfs. af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW ¼ SE ¼, Sec. 26 Twp. 5N Rge. 1E B.M., County of ADA

Additional points of diversion:

- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the

change. DIVERSION DAM, 700 FEET DITCH TO FIELD,
3800 FEET OF DITCH IN FIELD

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

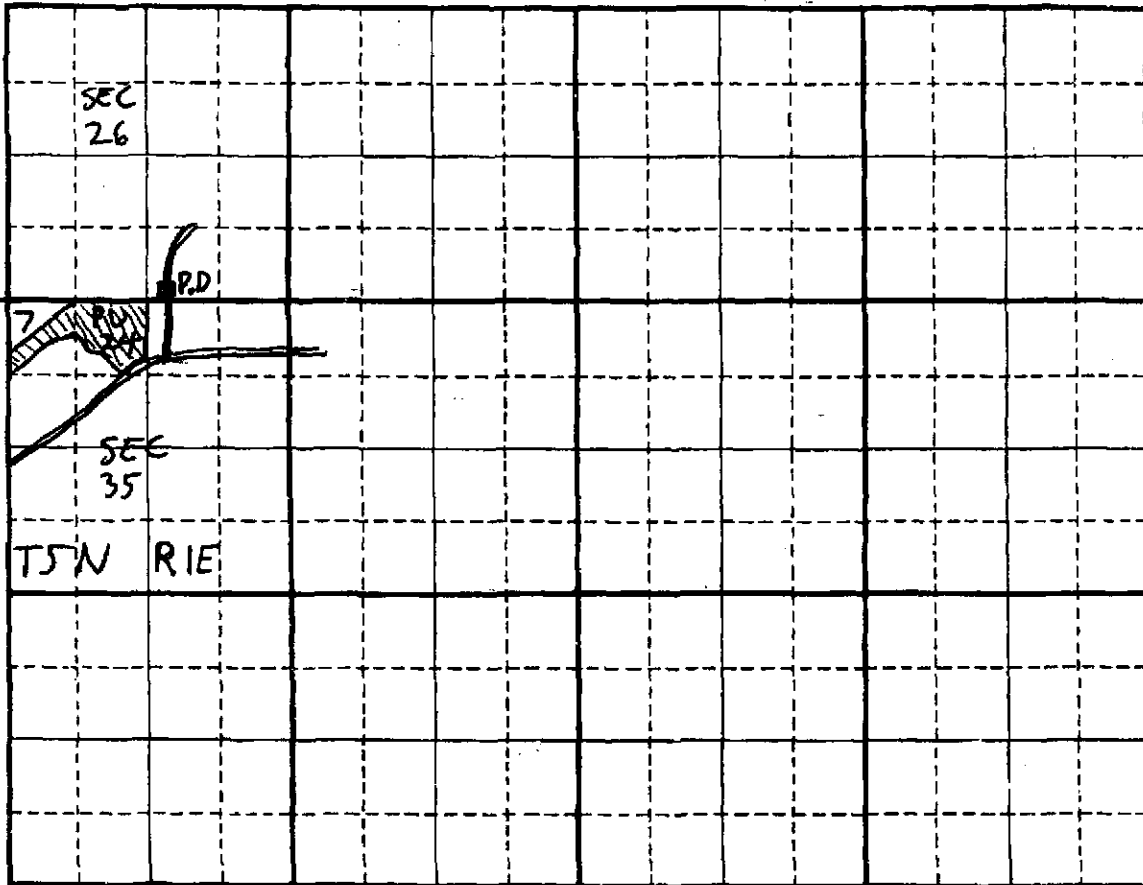
No. of acres 31

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge. Helen Weisshaupt

Helen Weisshaupt
(Claimant)

Sworn to before me this 10 day of March, 1983

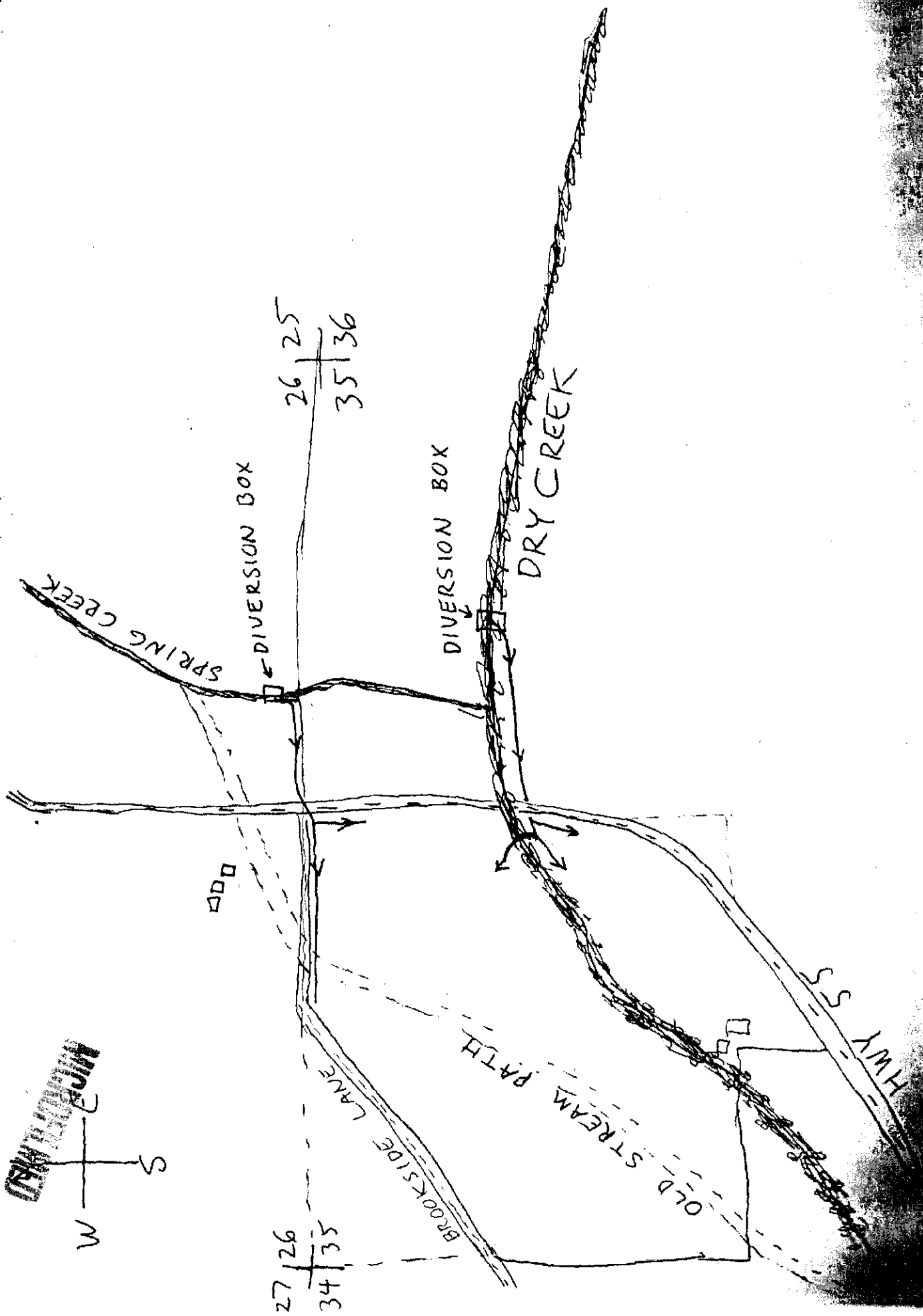
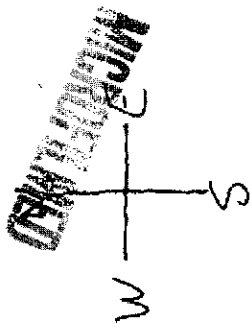
Cinda M. Vincent
Notary Public
Residing at Eagle, Idaho

My commission expires lifetime

FOR DEPARTMENT USE ONLY

Received by GLS Date 3/31/83 Exception filed by: _____
Prelim. check by GLS Date 4/1/83
\$30.00 fee received by GLS Date 3/31/83 # 27887
Published in Idaho Statesman
Dates 4/28 & 5/5/83

Forwarded to _____ Date _____
claimant by: _____



IN THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN RE: Proof of Water Right by
 Helen Weisshaupt and
 Margaret Brusher to the
 Waters of Dry Creek and
 Spring Creek, Ada County,
 Idaho

This affidavit is made in connection with a claim of water right by Helen Weisshaupt and Margaret Brusher to the waters of Dry Creek and Spring Creek in Ada County, Idaho, beneficially used for the purpose of irrigation of approximately 122 acres of land which they own located in the West Half of Section Thirty-five (35) in Township Five (5) North of Range One (1) East of the Boise Meridian, in Ada County, Idaho.

The diversion point in Spring Creek is located in the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-six (26), approximately Six Hundred (600) feet east of the Quarter Section line, and approximately One Hundred (100) feet North of the South Section line.

The diversion point for Dry Creek is in the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-five (35), approximately Eight Hundred and Fifty (850) feet East of the Quarter Section line, and approximately Twelve Hundred (1200) feet South of the North Section line.

MICROFILMED

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Ada)

BEN DOBSON, being first duly sworn on oath, deposes
and says:

As a small boy and young man I lived with my father, Len Dobson, on the real property now owned by Helen Weisshaupt and Margaret Brusher, and during the years 1920 through 1925 I saw my father, Len Dobson, divert water from Spring Creek at the diversion point above described and water from Dry Creek also at the diversion point above described for the purpose of irrigating crops growing on the described real property. The water from Spring Creek was used in the spring and early summer until the flow of water ceased in the summertime, and the water from Dry Creek was used in the spring and early summer and until the flow was so low that the water could no longer be diverted for irrigation purposes. I further know of my own knowledge that from 1926 until 1937 a farmer by the name of Walter Odermott continued to irrigate the described land from both Spring Creek and Dry Creek using the same points of diversion, and thereafter, beginning in 1937 that Julius Jeker continued the irrigation and beneficial use of the water from the described points of diversion.

MICROFILMED

I make this affidavit from my own personal knowledge for the purpose of establishing that water was diverted from both Spring Creek and Dry Creek for the purpose of irrigating the lands now owned by Helen Weisshaupt and her sister, Margaret Brusher.

DATED this 2nd day of March, 1983.

Ben Dobson
BEN DOBSON

SUBSCRIBED AND SWORN TO before me this 2nd day of March, 1983.

Sherrell La Forge
Notary Public for Idaho
Residing at Ammon, Idaho

MICROFILMED