

7

26

2



PATTERSON PROPERTY



EXCEPTED

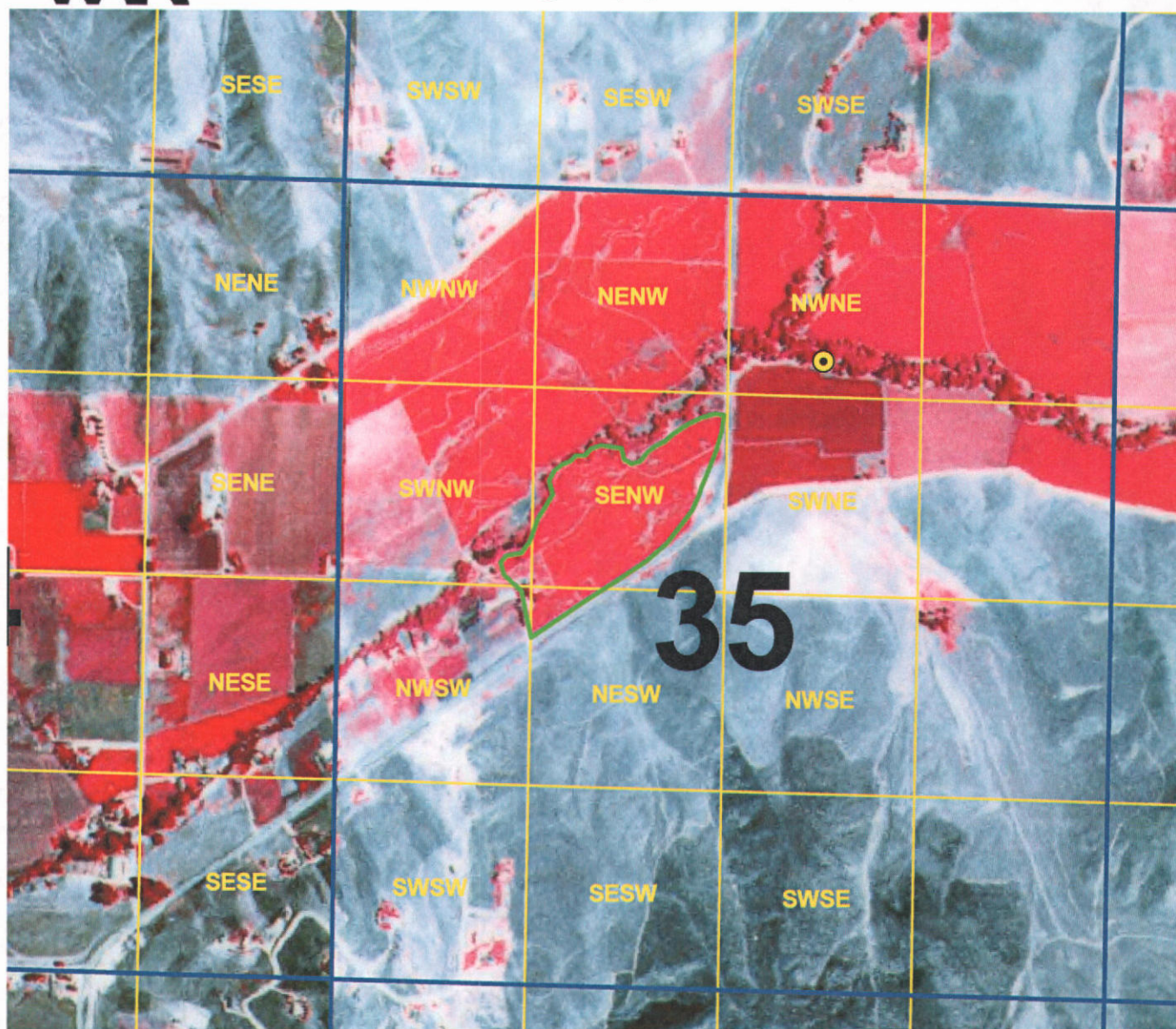
35

36



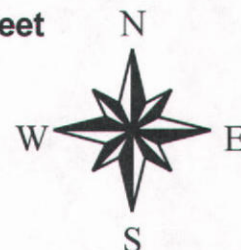
State of Idaho
Idaho Department of Water Resources
Western Region

T5N R1E SECTION 35
Water Right (s): 63-4982



1320 0 1320 2640 Feet

TOTAL IRRIGATED ACRES = 24



-  **Point of Diversion**
-  **Place of Use**
-  **Section Lines**
-  **Quarter Quarter Lines**

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: May 2005

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: A63-04982
Date Received: 8/11/1989
Receipt No: W004379
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HELEN WEISSHAUPT 208-939-6825
Address: 5005 BROOKSIDE LN.
BOISE, ID 83703

OR
Name: MARGARET BRUSHER
Address: 2393 TESSMER RD.
ANN ARBOR, MI 00000

2. Date of Priority: MAR 01, 1897

3. Source: DRY CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	01E	35	NW	NE			ADA

5. Description of diverting works:
DAM & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/15	0.450		

7. Total Quantity Appropriated is:
0.450 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	SW		NW		IRR	1.0
			SE		NW		IRR	19.0
			NE		SW		IRR	3.0
			NW		SW		IRR	1.0
							Section Acres	24.0
							Total Acres	24.0

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, A6304980

14. Remarks:

AC. IRR.= 22.5.

SEE A63-04980 FOR MAP.

THIS WATER RIGHT, WHEN COMBINED WITH ALL OTHER WATER RIGHTS,
SHALL DIVERT NO MORE THAN 1"/ACRE.

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED

AUG 20 1992

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): Helen Steinhaupt Date: 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 Werner
Notary Public

Seal

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

MICROFILMED

AUG 20 1992

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](#)



POD's

✓ 10/10/94 - PCU

(10/10/94)

✓ 10/10/94 1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th

✓ 10/10/94 1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th



A6304982

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

RIGHT NUMBER: 63-4982

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

~~MARGARET BRUSHER~~
~~2392 TESMER RD~~
~~ANN ARBOR MI 48103~~

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

SOURCE: DRY CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.450 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, 63-4980 and 63-4981.

PRIORITY DATE: 03/01/1920

POINT OF DIVERSION:

T05N R01E S35 NWNE 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	0.450 CFS

PLACE OF USE: IRRIGATION Within ADA County

T05N R01E S35	SWNW	1.00	T05N R01E S35	SENW	19.00
T05N R01E S35	NESW	3.00	T05N R01E S35	NWSW	1.00

24 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, 63-4980 and 63-4981.

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: 63-4981, 63-4980, 63-4023A and 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

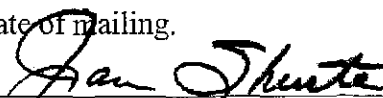
☐

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
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:

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:1
Enclosures

RECEIVED

APR 20 2005

Form 42-248(42-1409(5) 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.

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 (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					

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) 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**.

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

Helen Weissaupt 5401 W Parson Dr, Boise ID 83714

Margaret Brasher 2393 Esmer Rd, Ann Arbor MI 48103

4. New Owner/Claimant(s)

Alpine Creek LLC

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

New Mailing Address

5529 W School Ridge Rd

City, State and ZIP Code

Boise, ID 83714

New Telephone Number

208 229-3793

5. 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 [Signature] AJ Date 5-2-06 WR _____ Date _____

7

26

2



PATTERSON PROPERTY



EXCEPTED

35

36

261067
Scm/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 10:57 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 Maria Patterson

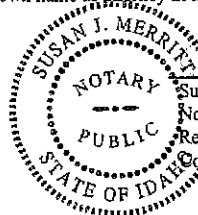
by Heidi M. Patterson

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 $59^{\circ}52'$ 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

26:05:17
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.

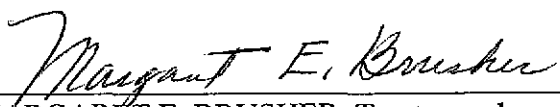
SUBJECT TO easements, claims of easement or encumbrances which are not shown by the public records;

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. 16, 2008



Parcel A

N 1394496.92 E 231409.40

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 68/100th 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 E23:3628.62

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.

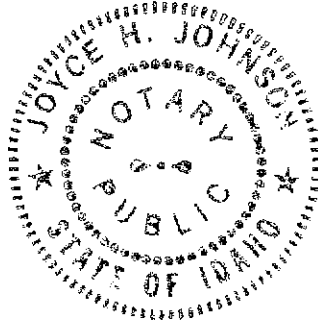
DATED: December 26, 2005

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:

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26/06/07
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.

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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. OLBORG
Notary Public, Washtenaw County, MI
My Commission Expires Jul. 16, 2006

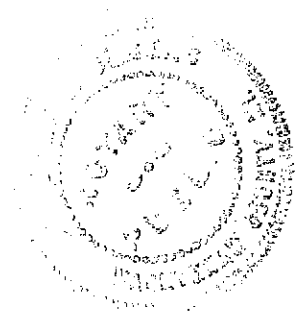


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EXHIBIT B



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, 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

06/03/2005

NOTICE OF ERROR
REPLY

RECEIVED

APR 20 2005

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: July 15, 2005

Water right number: 63-4982

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:

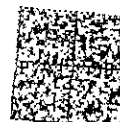
☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 4-20-06 SIGNATURE: Alpine Creek LLC by Heidi Patterson, manager
Please print your name: Alpine Creek LLC by Heidi Patterson, manager

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

TE OF
ARTM
STERN REGIONAL OFFICE
5 AIRPORT WAY
SE, IDAHO 83705

FIRST CLASS



UNITED STATES POSTAGE
02 1A
\$ 01.290
6004588393 JUN 06 2005
MAILED FROM ZIP CODE 83702

HELEN WEISSHAUPT
5005 N BROOKSIDE LN
BOISE ID 83703

WEISS005 837142021 1304 03 06/08/05
FORWARD TIME EXP RTN TO SEND
WEISSHAUPT
5529 W SCHOOL RIDGE RD
BOISE ID 83714-9463

RETURN TO SENDER

ESS SERVICE
EQUESTED

63-4086A
63-4023A
63-4982
63-4981

RECEIVED
JUN 09 2005
WATER RESOURCES
WESTERN REGION

05/16/2005

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

RIGHT NUMBER: 63-4982

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

MARGARET BRUSHER
2393 TESMER RD
ANN ARBOR MI 48103

SOURCE: DRY CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.450 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, 63-4980 and 63-4981.

PRIORITY DATE: 03/01/1920

POINT OF DIVERSION:

T05N R01E S35 NWNE 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	0.450 CFS

PLACE OF USE: IRRIGATION Within ADA County

T05N R01E S35	SWNW	1.0	T05N R01E S35	SENW	19.0
T05N R01E S35	NESW	3.0	T05N R01E S35	NWSW	1.0

24 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, 63-4980 and 63-4981.

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: 63-4981, 63-4980, 63-4023A and 63-4086A.

05/12/2005

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

RIGHT NUMBER: 63-4982
NAME AND ADDRESS: HELEN WEISSHAUPT
5005 N BROOKSIDE LN
BOISE ID 83703

MARGARET BRUSHER
2393 TESMER RD
ANN ARBOR MI 48103

SOURCE: DRY CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.450 CFS

diversion Use of this right with rights listed below is limited to a total combined

rate of 2.44 cfs. Combined Right Nos.: 4023A, 4086A, 4081, 4080

PRIORITY DATE: 03/01/1997

POINT OF DIVERSION:

T05N R01E S35 NWNE 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	0.450 CFS

PLACE OF USE: IRRIGATION Within ADA County

T05N R01E S35	SNNW	1.0	T05N R01E S35	SENE	19.0
T05N R01E S35	NESW	3.0	T05N R01E S35	NWSW	1.0

24 ACRES TOTAL

Use of this right with Right No. 4023A, 4086A, 4081, 4080 is limited to the irrigation of a combined total of 122 acres in a single irrigation season.

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.

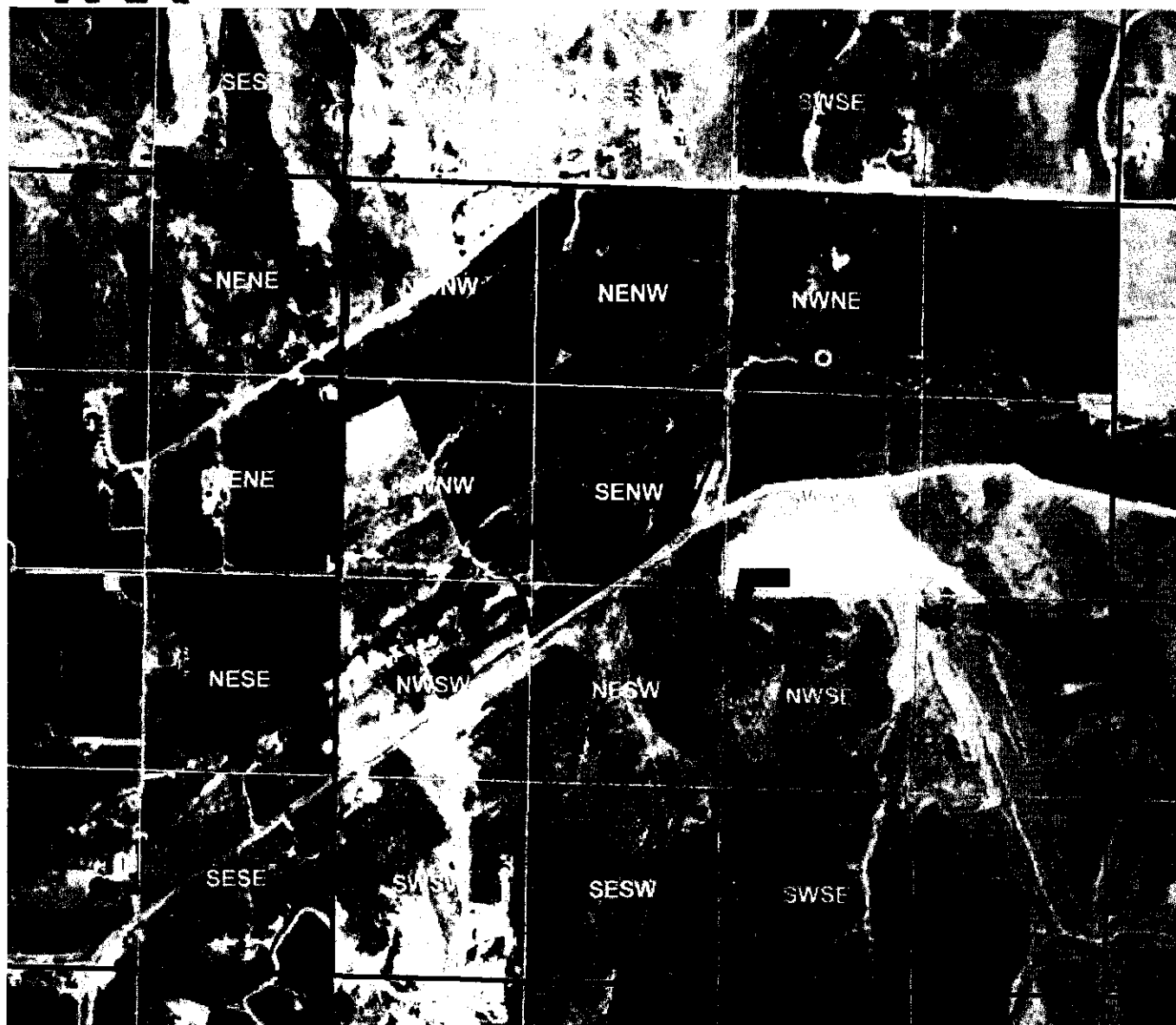
EXPLANATORY MATERIAL: Beneficial Use

Right No. 63-4081, 4080, 4023A, 4086A is also diverted through point of diversion described above.



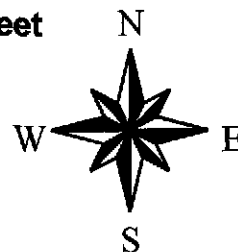
State of Idaho
Idaho Department of Water Resources
Western Region

T5N R1E SECTION 35
Water Right (s): 63-4982



1320 0 1320 2640 Feet

TOTAL IRRIGATED ACRES = 24



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: May 2005

desktop review

**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) 63-4982

Owner: _____ Phone No. _____

Current Address: _____

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

Accompanied by: _____

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?

Priority date, per claimant, is: 1891

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

no evidence for 1891 - advanced to 1920 per affidavitSource: Dry Creek Tributary to _____

- ☒ 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? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

See statutory & GRPA claims**OVERLAP REVIEW**

Other water rights with the same point of diversion: _____

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

WATER USES☒ No change☐ Different UsesUse IRR From 3-1 To 11-15 Amount .45 CFS _____ AFA

Use _____ From _____ To _____ Amount _____ 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☐ Changes shown below:24 acres

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	

Overlap with other water rights: _____

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

Delivery System Narrative: _____

see statutory & GRBA claims.

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

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

F05 ✓ Rt #s _____ also diverted thru ROD above

E55 ✓ use of this rt w/ _____ is limited to the

irrigation of _____ acres

E52 ✓ use of this rt w/ the following is limited to _____ acs.

need end of priority ✓

overlap w/

no overlap w/ 13-4061

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:

5-12-05

FIELD EXAMINER:

Wich Vase C.

Adjudication Claim Report 63-4982

<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

GARET BRUSHER
TESMER RD
ARBOR, MI 48103

Evld of priority in file back to 1920.
none to 1947. Advance date to 3-1-1900

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	3/01 to 11/15	0.450 CFS ✓	
	Total Diversion:	0.450 CFS	

DRY CREEK NW1/4NE1/4 Sec. 35, Twp 05N, Rge 01E, B.M.
ADA County

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	01E	35							1.0	19.0	3.0	1.0							24.0

Total Acres: 24

Conditions of Approval:

Remarks:

1. General AC. IRR.= 22.5.
SEE A63-04980 FOR MAP.
THIS WATER RIGHT, WHEN COMBINED WITH ALL OTHER WATER RIGHTS, SHALL
DIVERT NO MORE THAN 1"/ACRE.

Comments:

combined use remarks

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4982

WATER RIGHT NUMBER: 63-4982

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HELEN WEISSHAUPT 5005 BROOKSIDE LN BOISE, ID 83703
Current Owner	MARGARET BRUSHER

, ZZ

Priority Date: 03/01/1897

Basis: Statutory Claim

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/01 to 11/15	0.450 CFS	
	<u>Total Diversion:</u>	0.450 CFS	

Location of Point(s) of Diversion

DRY CREEK	NW1/4NE1/4	Sec. 35, Twp 05N, Rge 01E, B.M.
ADA County		

Place of UseIRRIGATION With in ADA County

T05N R01E S35	SWNW	1.0	T05N R01E S35	SENW	19.0
T05N R01E S35	NESW	3.0	T05N R01E S35	NWSW	1.0
Total Acres: 24					

Conditions of Approval:Remarks:

1. General AC. IRR.= 22.5.

Comments:Dates and Other Information:

WEISSHAUPT

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4982

03/21/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
I023A	Claim	05N	01E	35	SW	NW		IRRIGATION	36/122	MARGARET BRUSHER
I086A	Claim	05N	01E	35	SW	NW		IRRIGATION	36/122	MARGARET BRUSHER
4247	Claim	05N	01E	35	SW	NW		IRRIGATION	1.8/33	CHARLOTTE A SNOW
4981	Claim	05N	01E	35	SW	NW		IRRIGATION	36/69	HELEN WEISSHAUPT
4982	Claim	05N	01E	35	SW	NW		IRRIGATION	1/24	HELEN WEISSHAUPT
4023	Water Right	05N	01E	35	SW	NW		IRRIGATION	40/350	JULIUS JEKER
4086	Water Right	05N	01E	35	SW	NW		IRRIGATION	36/473	JULIUS JEKER
4981	Water Right	05N	01E	35	SW	NW		IRRIGATION	36/69	HELEN WEISSHAUPT
4982	Water Right	05N	01E	35	SW	NW		IRRIGATION	1/24	HELEN WEISSHAUPT
7123	Water Right	05N	01E	35	SW	NW		IRRIGATION	36/473	JULIUS JEKER
I023A	Claim	05N	01E	35	SE	NW		IRRIGATION	28/122	MARGARET BRUSHER
I086A	Claim	05N	01E	35	SE	NW		IRRIGATION	28/122	MARGARET BRUSHER
4981	Claim	05N	01E	35	SE	NW		IRRIGATION	6/69	HELEN WEISSHAUPT
4982	Claim	05N	01E	35	SE	NW		IRRIGATION	19/24	HELEN WEISSHAUPT
4023	Water Right	05N	01E	35	SE	NW		IRRIGATION	40/350	JULIUS JEKER
4086	Water Right	05N	01E	35	SE	NW		IRRIGATION	28/473	JULIUS JEKER
4981	Water Right	05N	01E	35	SE	NW		IRRIGATION	6/69	HELEN WEISSHAUPT
4982	Water Right	05N	01E	35	SE	NW		IRRIGATION	19/24	HELEN WEISSHAUPT
7123	Water Right	05N	01E	35	SE	NW		IRRIGATION	28/473	JULIUS JEKER
4982	Claim	05N	01E	35	NE	SW		IRRIGATION	3/24	HELEN WEISSHAUPT
4982	Water Right	05N	01E	35	NE	SW		IRRIGATION	3/24	HELEN WEISSHAUPT
I219A	Claim	05N	01E	35	NW	SW		IRRIGATION	4/4	MATTHEW S MC GLOTHLIN
I219B	Claim	05N	01E	35	NW	SW		IRRIGATION	9/9	JAMES L ARNETT
I219F	Claim	05N	01E	35	NW	SW		IRRIGATION	3/3	ARLENE J DIBBLE
4247	Claim	05N	01E	35	NW	SW		IRRIGATION	5.2/33	CHARLOTTE A SNOW
4982	Claim	05N	01E	35	NW	SW		IRRIGATION	1/24	HELEN WEISSHAUPT
8028	Claim	05N	01E	35	NW	SW		IRRIGATION	5/5	ELZADA STEPP
4982	Water Right	05N	01E	35	NW	SW		IRRIGATION	1/24	HELEN WEISSHAUPT

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4982

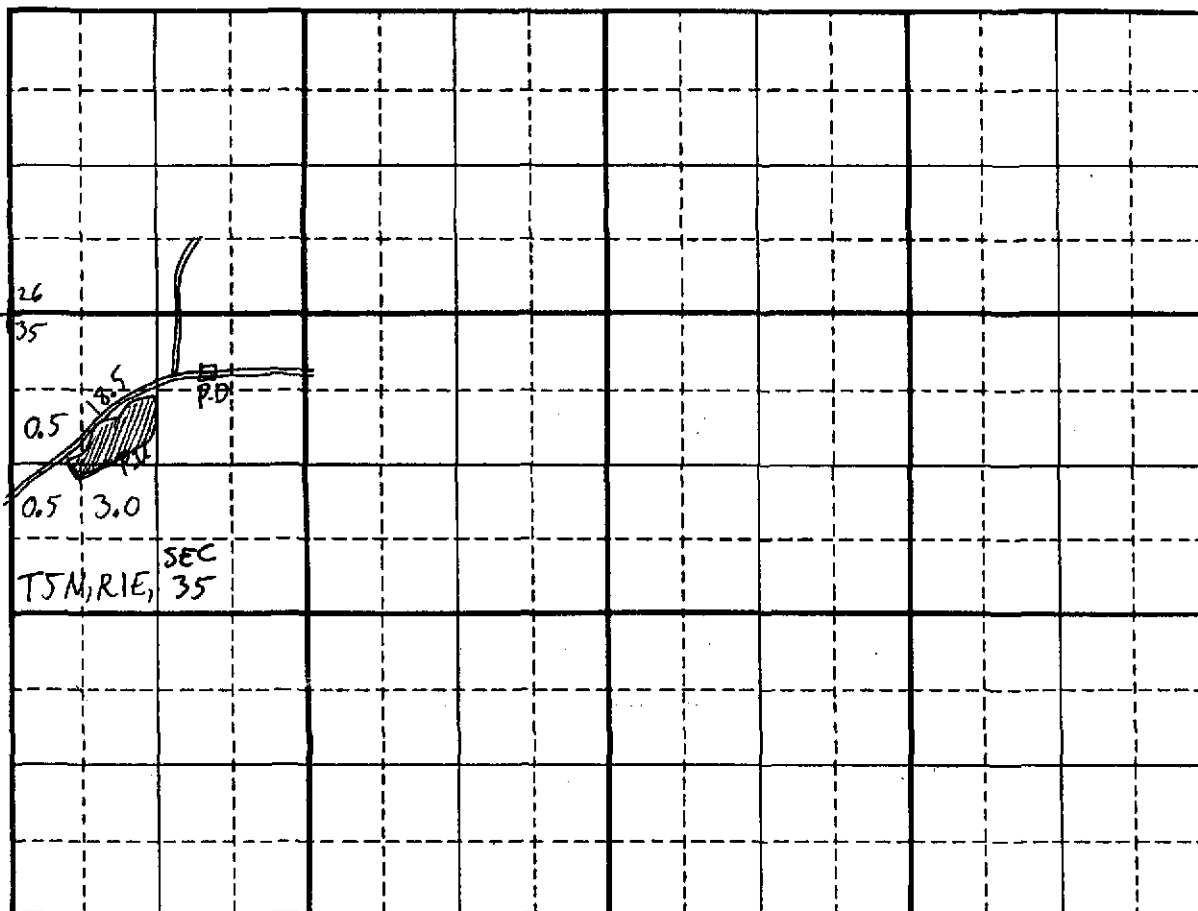
03/21/2005

2

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
8028	Water Right	05N	01E	35	NW	SW		IRRIGATION	5/5	SIDNEY W COY
10877	Water Right	05N	01E	35	NW	SW		IRRIGATION	0.3/0.3	VALENE NICOLLS

(7) 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 Weissaupt

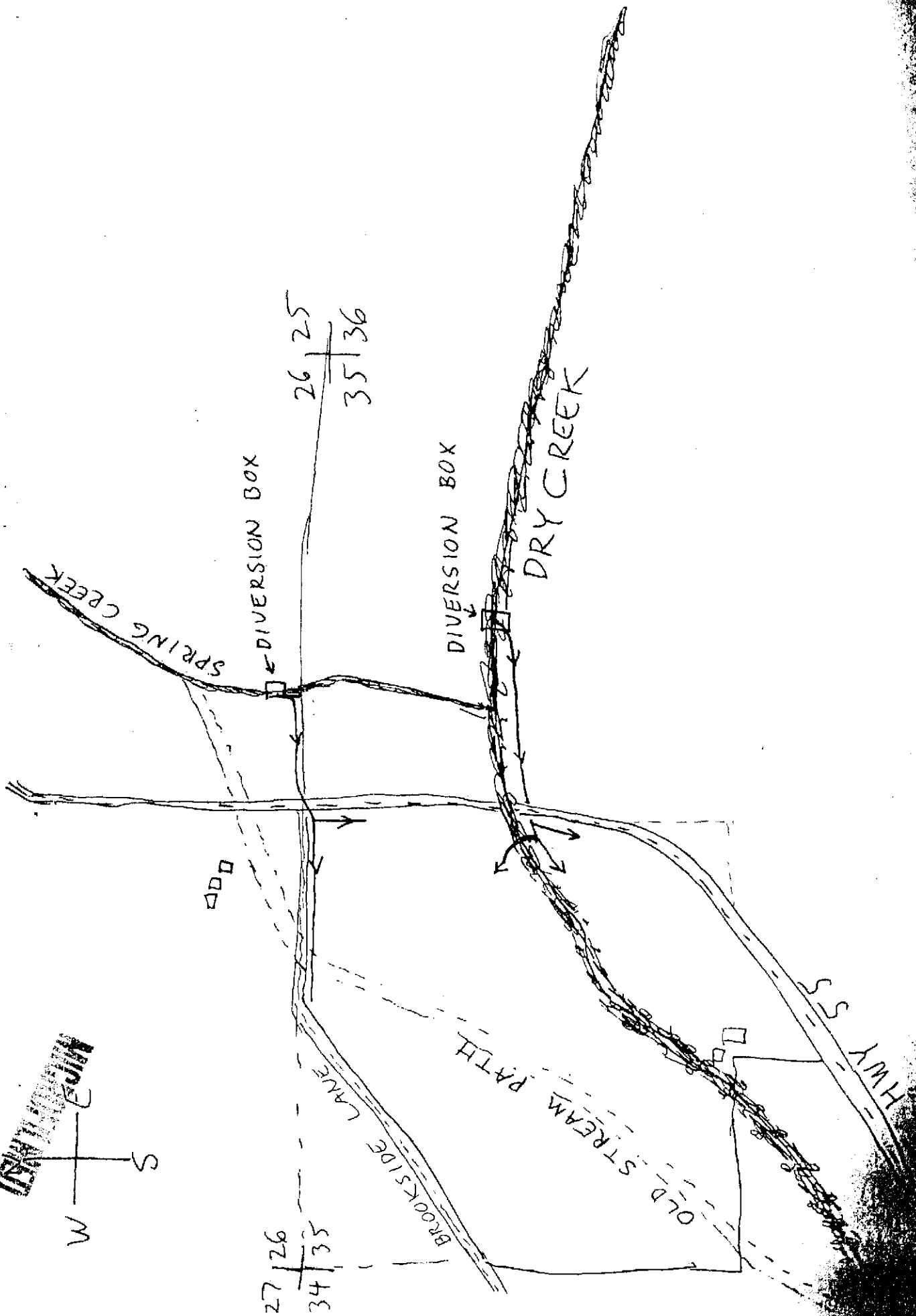
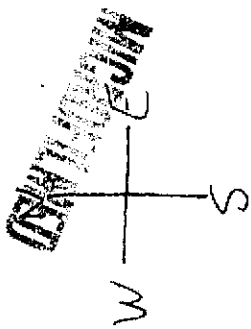
Sworn to before me this 10 day of March

Helen Weissaupt
(Claimant)
19 83
Cinda M. Vincent
Notary Public
Residing at Eagle, Idaho

My commission expires lifetime

FOR DEPARTMENT USE ONLY

Received by GHS Date 3/31/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by GHS Date 4/11/83 claimant by: _____
\$20.00 fee received by GHS Date 3/31/83 # 27887
Published in the Idaho Statesman
Dates 4/28 & 5/5/83



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

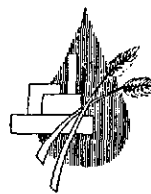
SUBSCRIBED AND SWORN TO before me this 2nd day of March, 1983.

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

MICROFILMED

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)
DRY CREEK tributary to BOISE RIVER

(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, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>45 CFS</u>	Use <u>IRRIG</u>	Period of Use From <u>3/1</u>	To <u>11/15</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, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 NE 1/4, Sec. 35 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, 1400 FEET DITCH TO FIELD, ABOUT 4100 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>0.5</u>	<u>18.5</u>	<u>3</u>	<u>0.5</u>							<u>22.5</u>

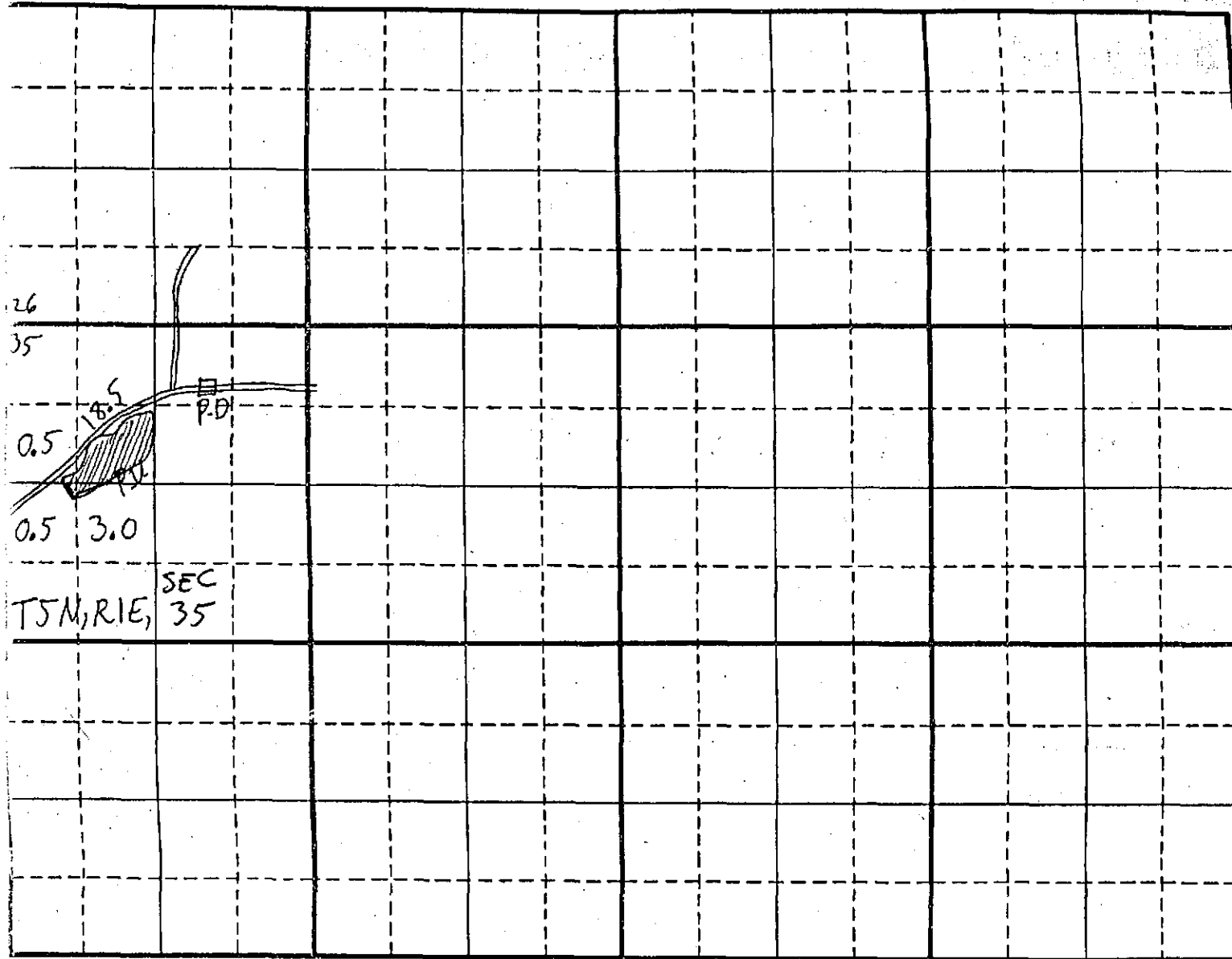
No. of acres 22.5

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: _____

(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 Weissaupt

Helen Weissaupt
(Claimant)

Sworn to before me this 10 day of March

19 83
Cinda M. Vincent
Notary Public
Residing at Eagle, Idaho

My commission expires lifetime

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