

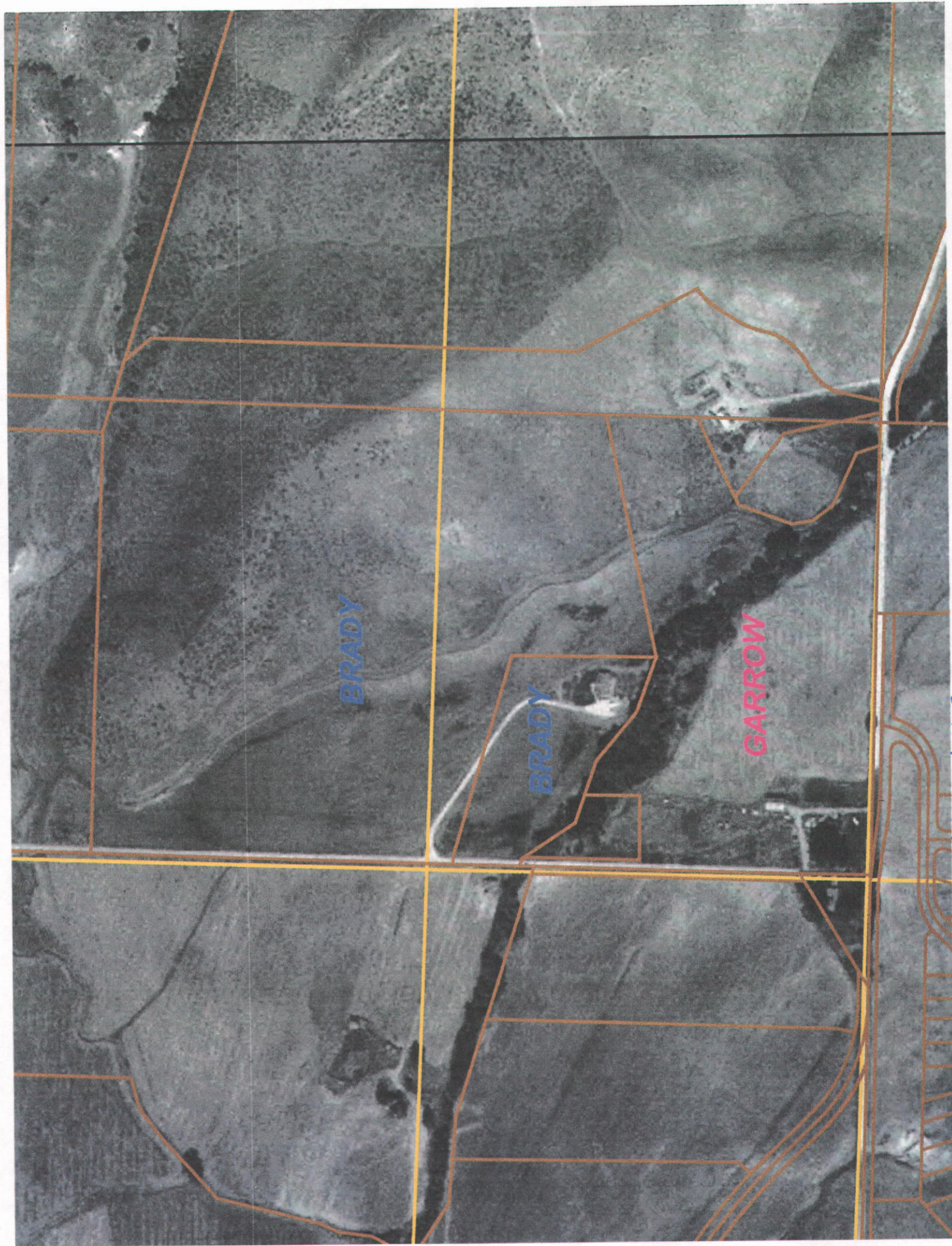


BRADY

BRADY

GARROW

2000 PHOTO TAX LOT LINES



DOQ X-9 TAX LOT LINES

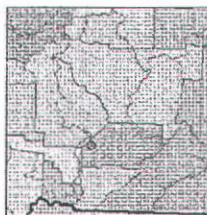




SRBA Recommendation:
63-5139A
 (Irrigation)

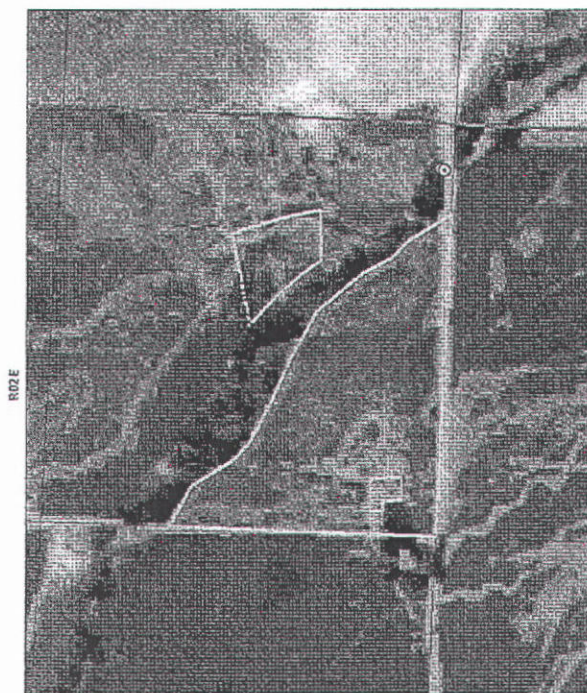
Legend

- ⊙ Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



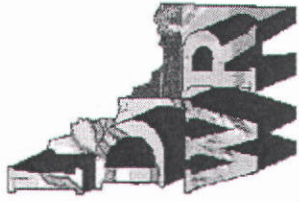
Ada County
 IDWR Basin 63

Prepared by C. Clark
 on Wednesday, 6/19/07



T06N





Idaho Department of Water Resources

SRBA Recommendation:

63-5139A

(Irrigation)

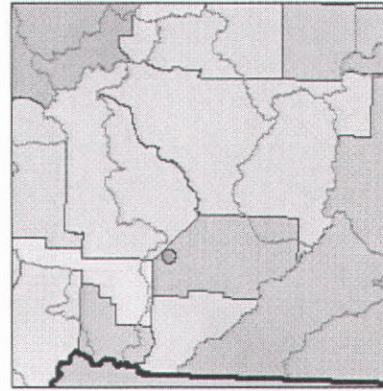
R02E



T05N

Legend

- ⊙ Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Ada County
IDWR Basin 63

Prepared by C. Clark
On Wednesday, July 25, 2007
1987/88 Aerial Photography

0 0.1 0.2 Miles

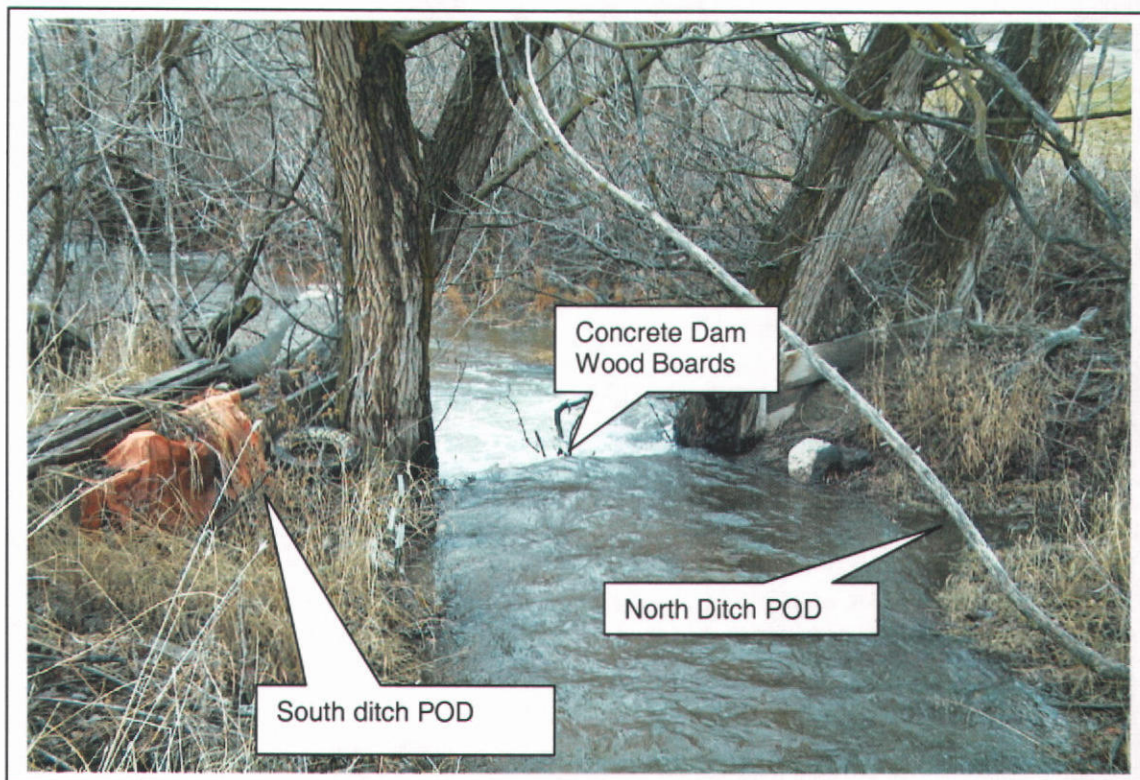


Photo 1: 63-5139A, Field Exam 01-31-03: Located in the SESENE, S31, T05N, R02E. Photo shows the dam, POD's for North and South ditches. Photos by RDH.

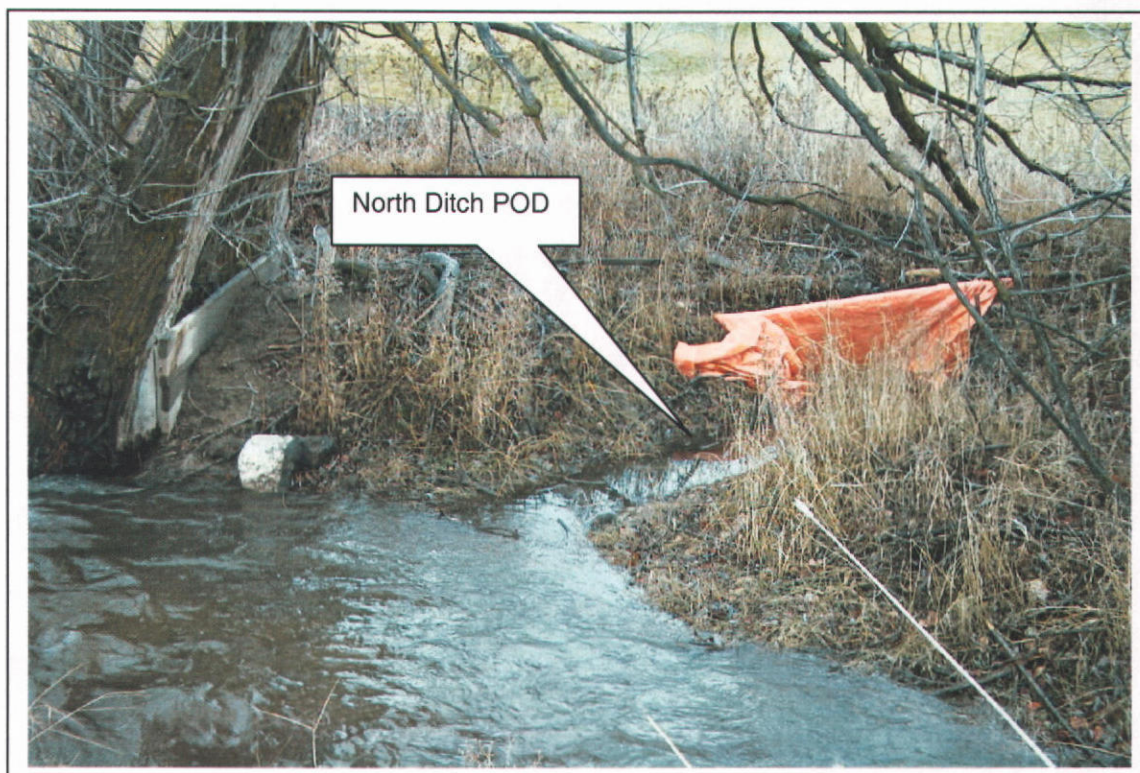


Photo 2: Close-up view of North ditch from above photo 1: View is to NW.

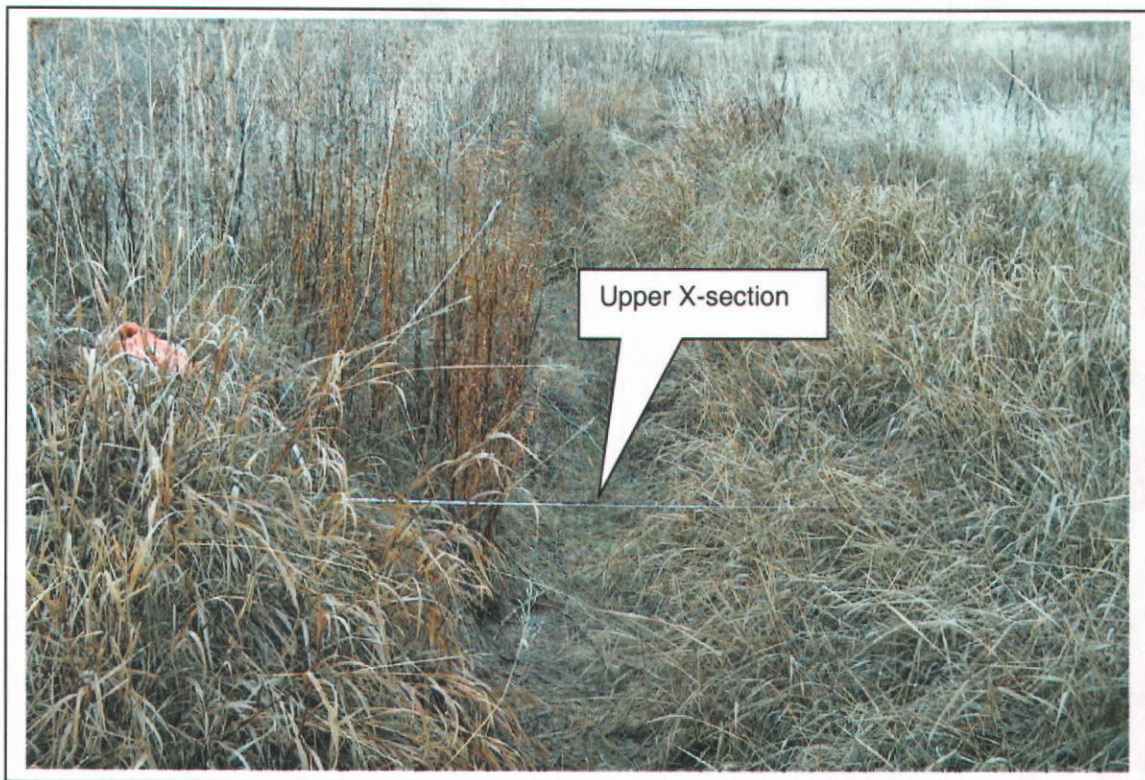


Photo 3: Upper X-section of Manning measurement of the North Ditch. Located in E1/2 SENE, S31, T05N, R02E.



Photo 4: Lower X-section and level location of Manning measurement of the North Ditch. Located in E1/2 SENE, S31, T05N, R02E.



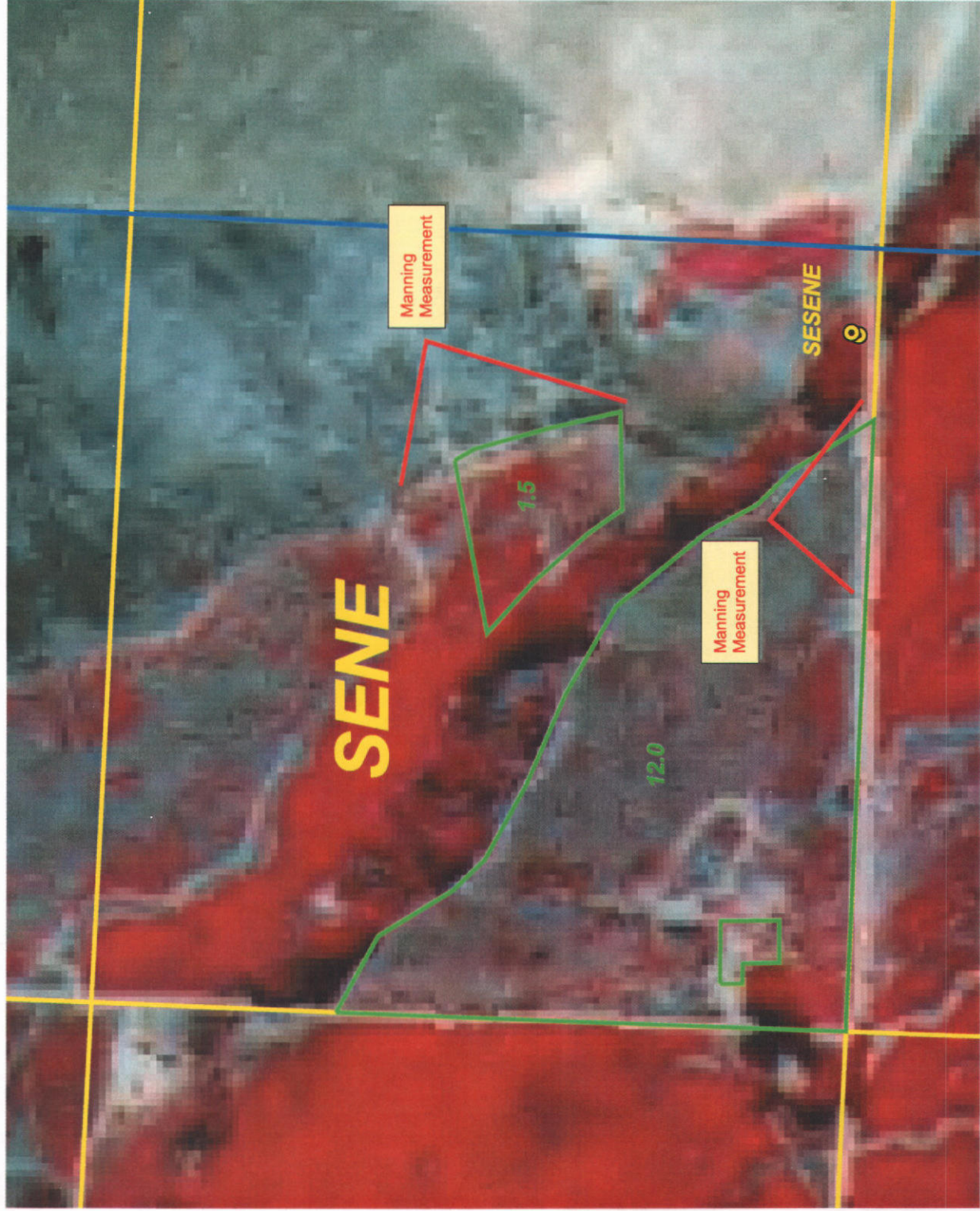
Photo 5: Upper field on North irrigated side of Dry Creek. This field is continuous containing both Garrow and Brady separate ownerships. View is to SW from North Ditch. In the SENE, S31, T05N, R02E.



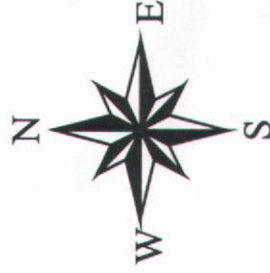
Photo 6: Upper part of irrigated field on South side of Dry Creek. Irrigation overlaps occur here from Dry Creek right 63-5139A and Groundwater irrigation supplemental right 63-5138. View is to the West from Dry Creek Road. In the SENE, S31, T05N, R02E.

IDAHO DEPARTMENT OF WATER RESOURCES

Claims: 63-5139A
Date Prepared: 02-06-03
Prepared By: Ron Howerton



T05N, R02E
S31



- Point of Diversion
- Place of use
- Section
- 1/4 1/4

13.5 Acres

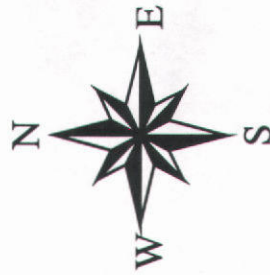
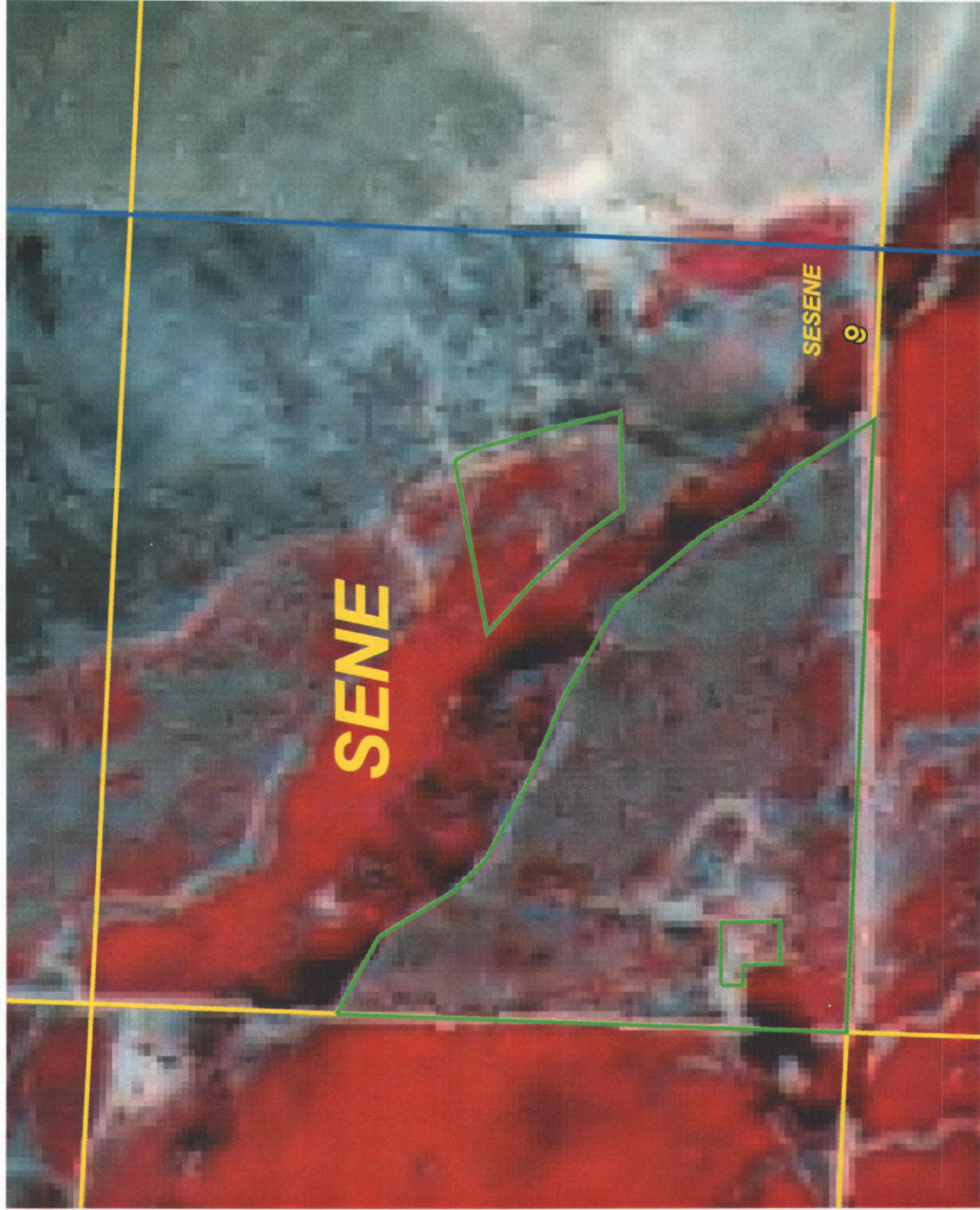
0 0.1 0.2 0.3 0.4 Miles

1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

Claims: 63-5139A
Date Prepared: 02-06-03
Prepared By: Ron Howerton

T05N, R02E
S31



- Point of Diversion
- Place of use
- Section
- 1/4 1/4

0 0.1 0.2 0.3 0.4 Miles

1987 NAPP

2000 photo

SENE

63-5139A

63-5138
63-5139A

SWSENE



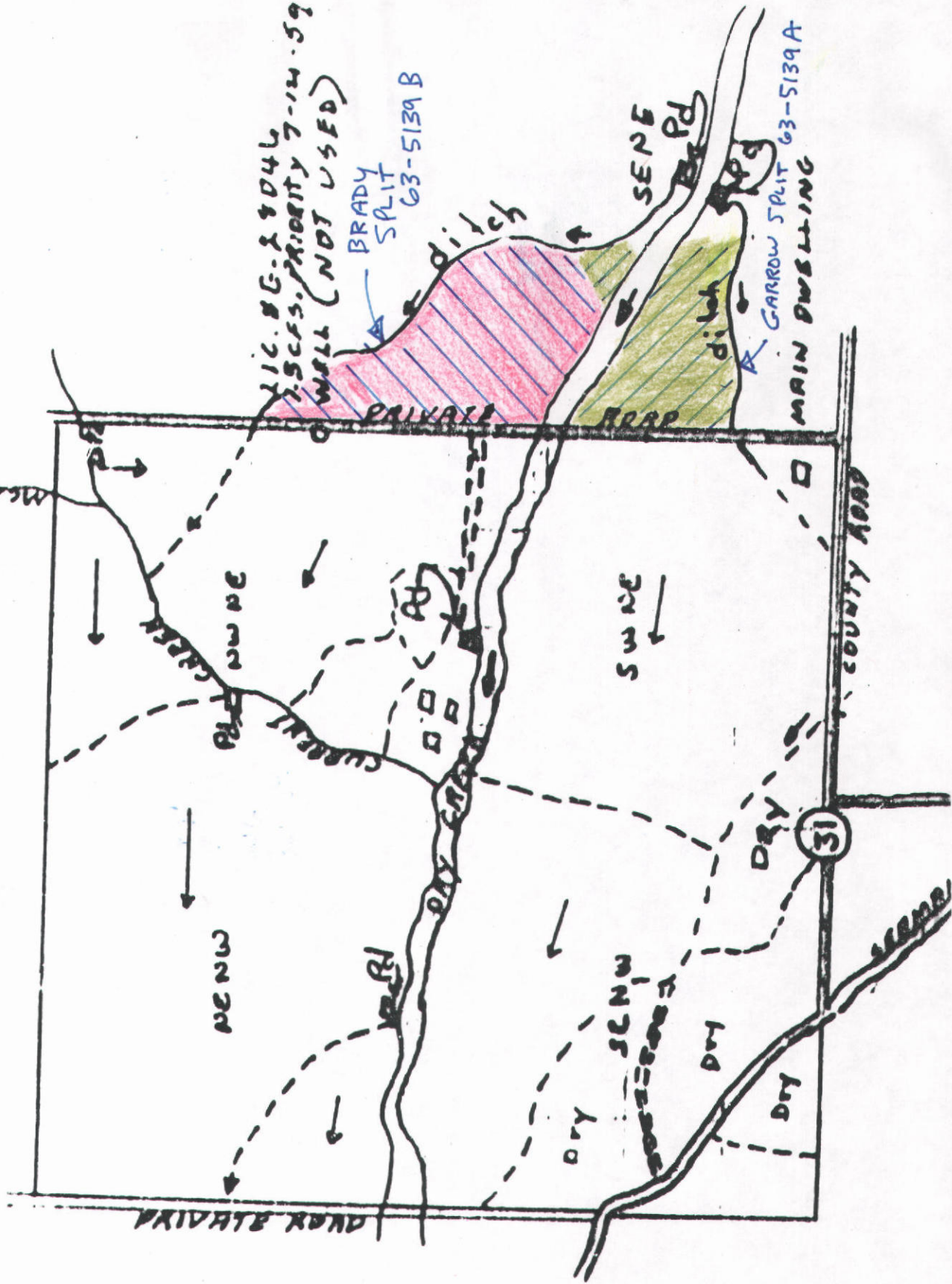
OVERLAP REVIEW SHEET FOR THE FOLLOWING WR #'s: 63 - 5138 63 - 5139B

AGENT Don Howerton DATE 6 Feb 03
Sr Water Agent

63 - 5139A

[illegible][illegible][illegible][illegible]

System Plat
 OF ORIGINAL
 FARM SHOWING
 BRADY - GARROW SPLITS



2000 photo

ORIGINAL CLAIM
63-5139
32 ACRES

T05N, R02E
S31

DRY CREEK CLAIM

NENE

Brady Split
63-5139B

9 ACRES

9.5 ACRES

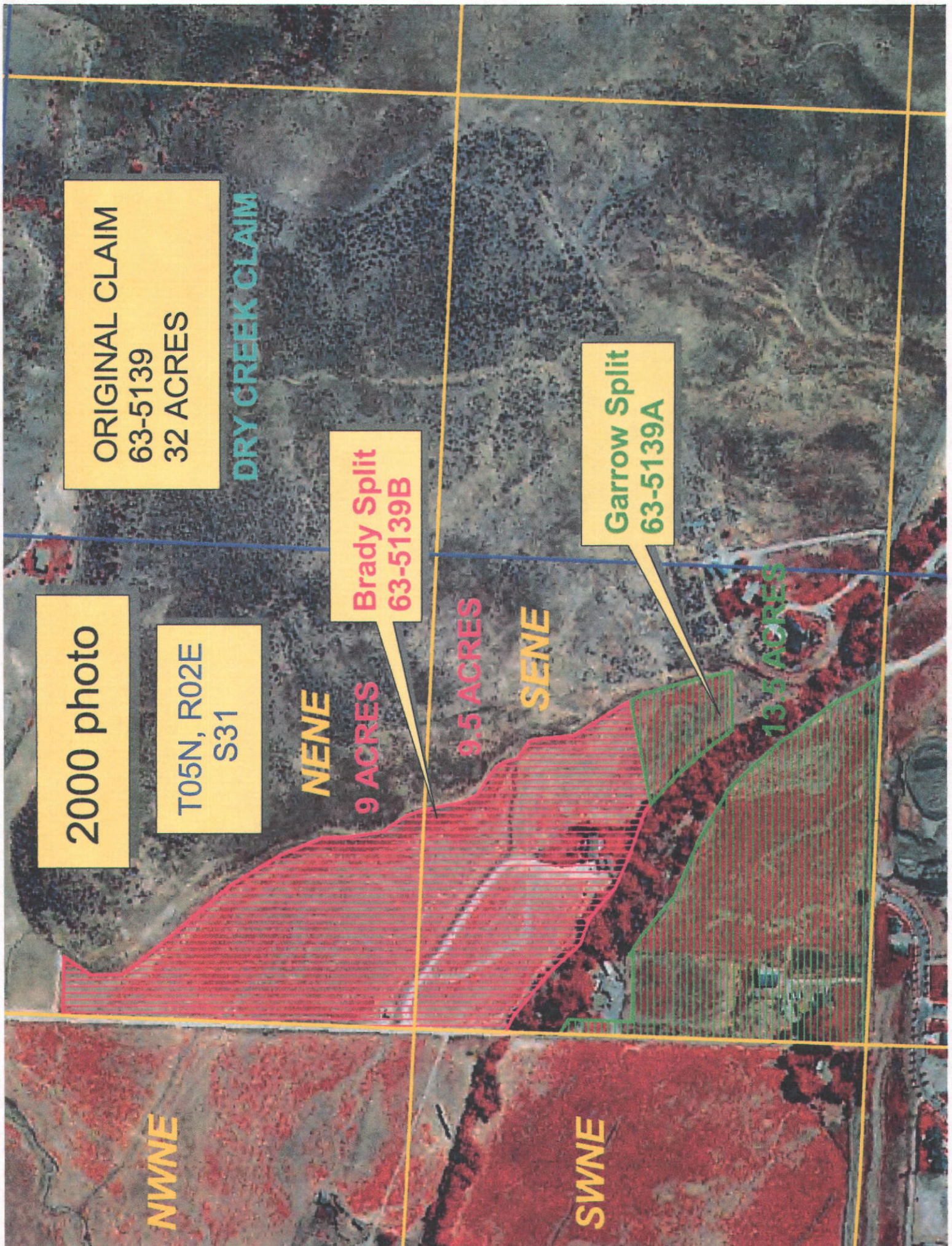
SENE

Garrow Split
63-5139A

13.5 ACRES

NWNE

SWNE



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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-5139A
Date Received: 8/17/1989
Receipt No: X999999
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

JAMES D GARROW Phone: (208)229-6634
5700 DRY CREEK RD
BOISE ID USA 83703

2. Date of Priority: 04/01/1898

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	Type
05N	02E	31	SE NE	ADA	

5. Description of diverting works:

DAM WITH GRAVITY DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.27	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	02E	31	NE NE	IRRIGATION	13.5
Section Acres					13.5

Total Acres 13.5

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

CORRECTED ORIGINAL SPLIT DATA PER ADA COUNTY TAX INFORMATION THAT WAS UNAVAILABLE TO AGENT AT THAT TIME. RDH 2-6-03.

CHANGE OF OWNERSHIP PER FORM 42-1409(7).
CLF 5-19-95

15. Basis of Claim: Beneficial Use

SPLIT TREE

ORIGINAL SPLIT CLAIMS 63-5139 by Carter Fritsche 5/19/95

REVIEWING AGENT: Ron Howerton

Date: 2/6/2003

GARROW SPLIT: 63-5139A = 0.02 CFS @ 09 ACRES = 0.18 CFS

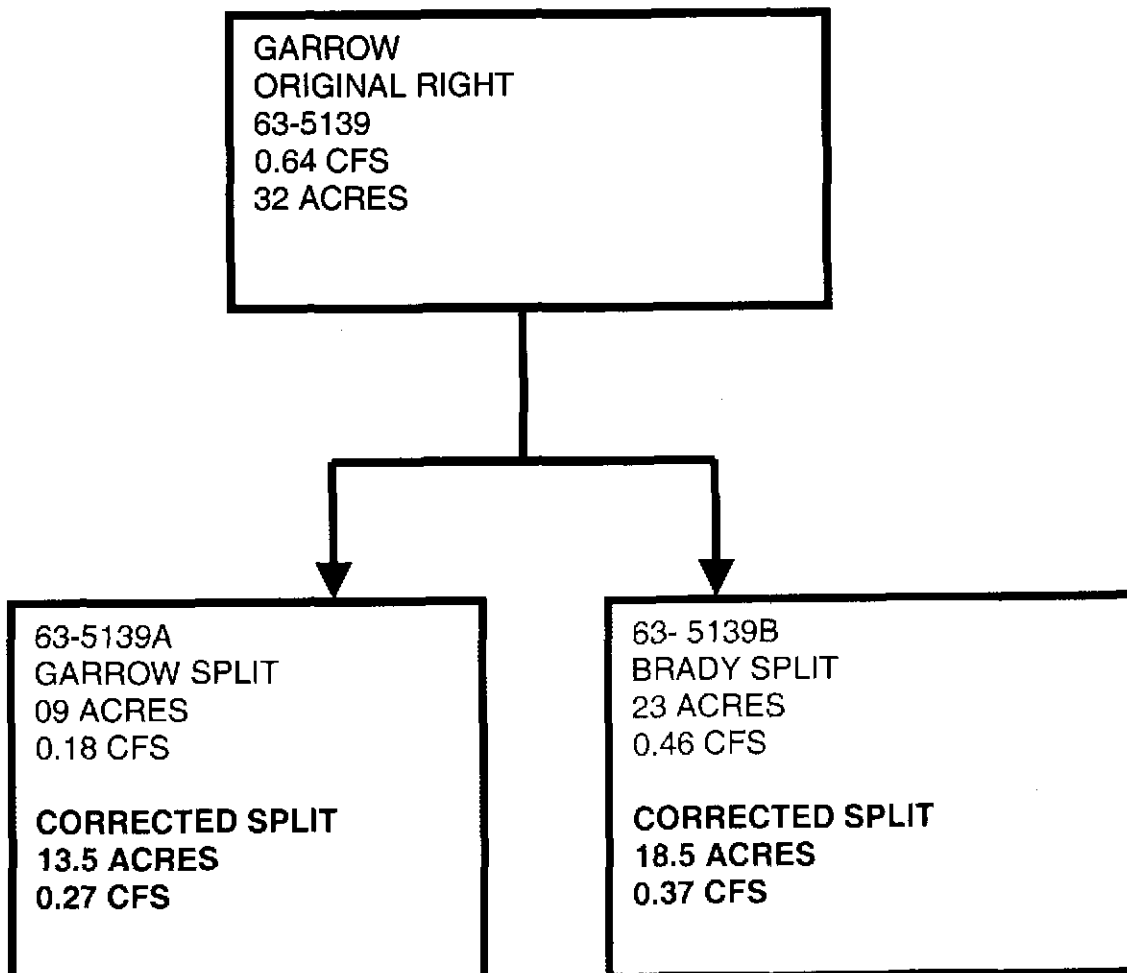
BRADY SPLIT: 63-5139B = 0.02 CFS @ 23 ACRES = 0.46 CFS

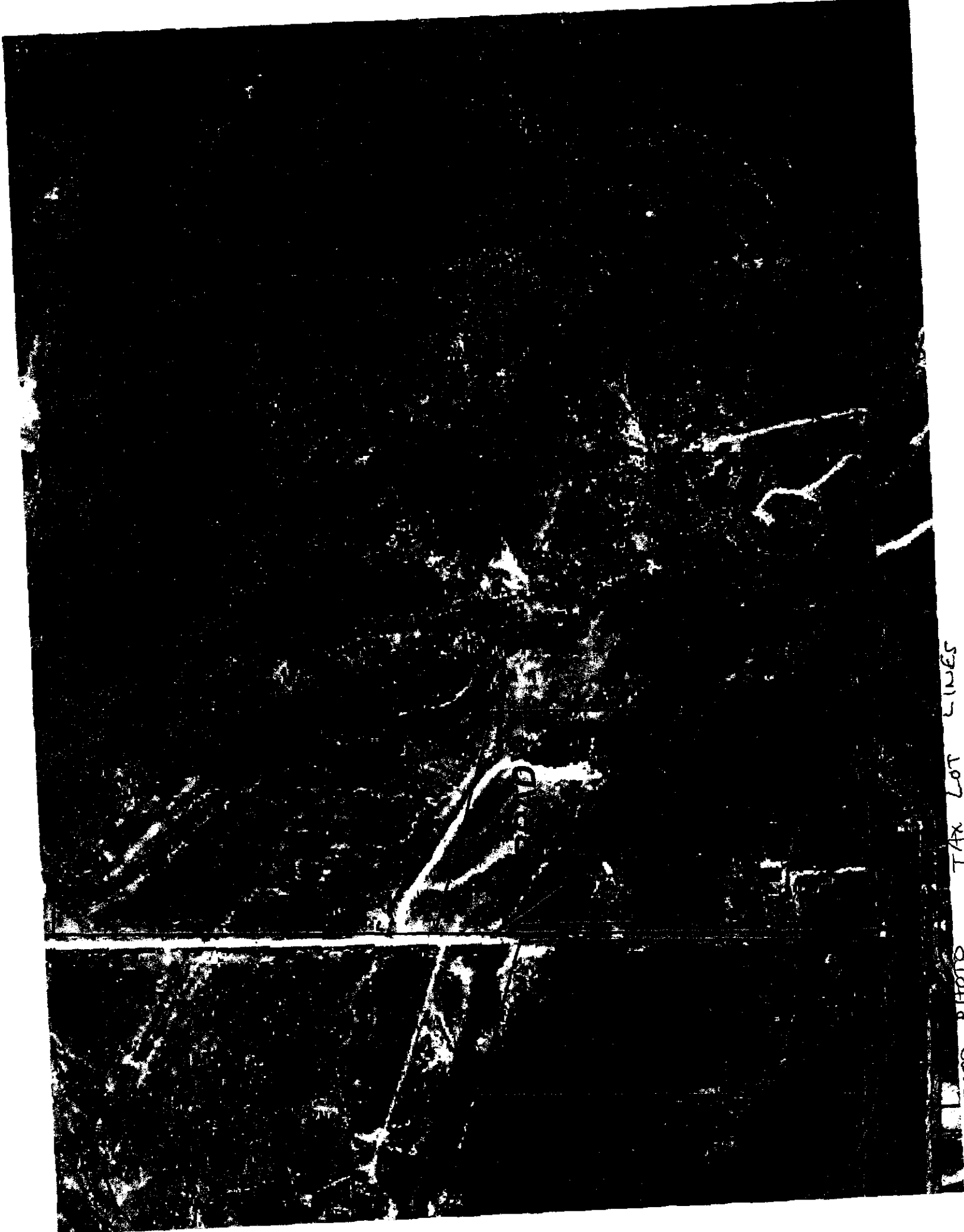
CORRECTED SPLITS

GARROW SPLIT: 63-5139A = 0.02 CFS @ 13.5 ACRES = 0.27 CFS

BRADY SPLIT: 63-5139B = 0.02 CFS @ 18.5 ACRES = 0.37 CFS

TOTALS = 32 ACRES @ 0.64 CFS = 0.02 FACTOR





2000 PHOTO TAX LOT LINES

DOC X-9 TAX LOT LINGS

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: A63-05139A
Date Received: 8/17/1989
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: JAMES D GARROW
Address: 5700 DRY CREEK RD
BOISE ID

83703

208-939-6634

2. Date of Priority: APR 1, 1898

3. Source: DRY CREEK

Trib. to: BOI

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	02E	31	SE	NE			ADA

5. Description of diverting works:
DAM WITH GRAVITY DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.180		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	02E	31	NE	NE		IRR	9.0

Section Acres

MICROFILMED
OCT 07 1996

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-05139A
Date Received: 8/17/1989
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: JAMES D GARROW
Address: 5700 DRY CREEK RD
BOISE ID

208-939-6634

83703

2. Date of Priority: APR 1, 1898

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	02E	31		SE	NE		ADA

5. Description of diverting works:
DAM WITH GRAVITY DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.180		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	02E	31	NE	NE		IRR	9.0

Section Acres

MICROFILMED
OCT 07 1996

10. Place of Use: Continued

Total Acres 9.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

CLAIM NO. A63-05138 FOR A GROUNDWATER SOURCE.

14. Remarks:

CHANGE OF OWNERSHIP PER FORM 42-1409(7). CLF 5-19-95

15. Basis of Claim: BENEFICIAL USE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF ID HO,
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: 3957

Ident. Number: A63-05139
Date Received: 8/17/1989
Receipt No: 10074692
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES D. GARROW 208-939-6634
Address: 5700 DRY CREEK RD.
BOISE, ID 83703

2. Date of Priority: APR 01, 1898

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	02E	31	SE	NE			ADA

5. Description of diverting works:
DAM WITH GRAVITY DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.640		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	02E	31	NE	NE		IRR	9.0
			SE	NE		IRR	23.0
Section Acres							32.0

10. Place of Use: Continued

Total Acres 32.0

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:

CLAIM NO. A63-05138 FOR A GROUNDWATER SOURCE.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: 1

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): James D. Garrow Date: 8-17-89
_____ Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 17th day

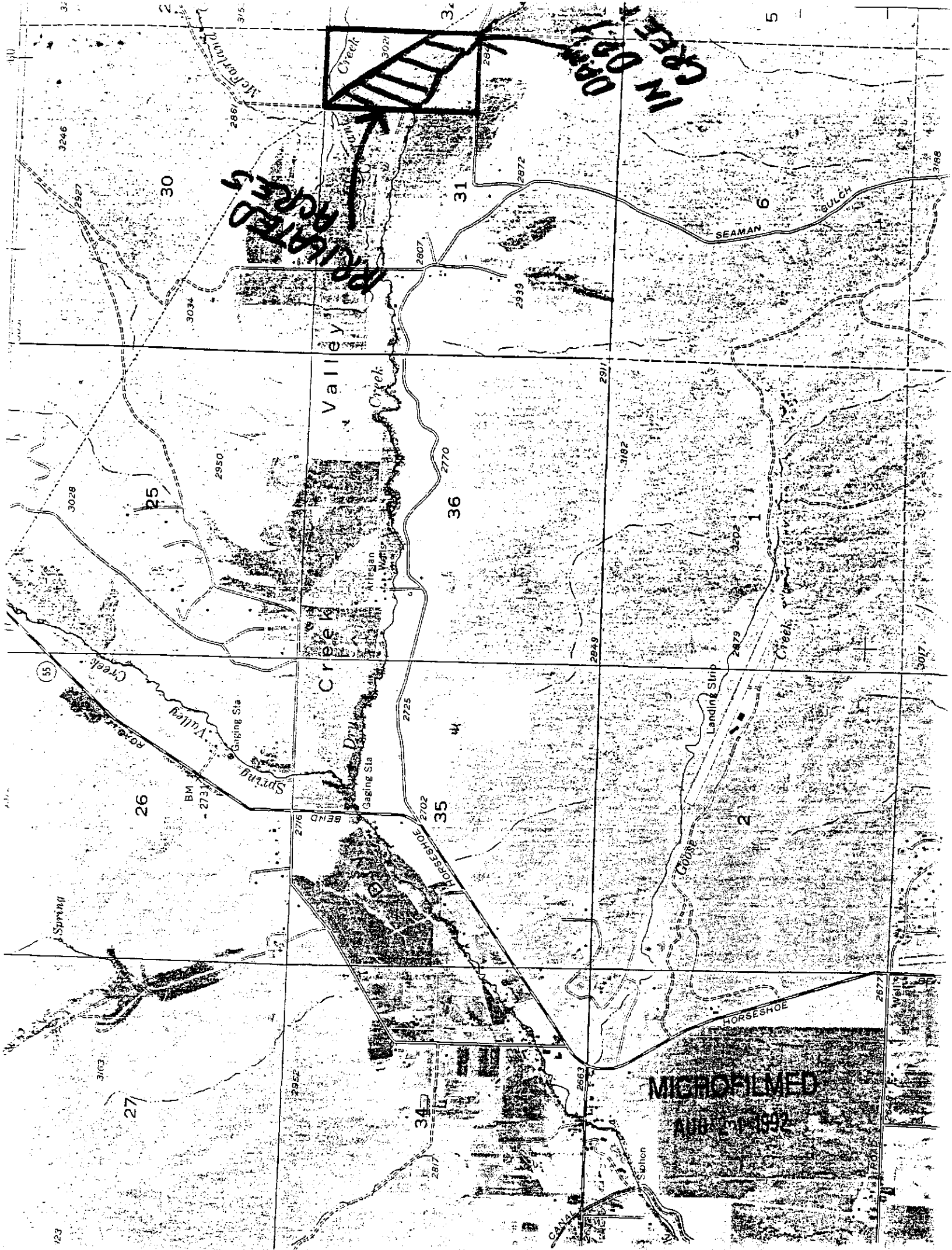
of August 19 89

Seal

Jan Shute
Notary Public

Residing at Meridian, ID

My Commission Expires 9-12-94



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

) Subcase: 63-05139A
) (James D. Garrow)
)
) NOTICE OF COURT'S INTENT TO
) ISSUE AMENDED PARTIAL DECREE
) AND NOTICE OF HEARING THEREON

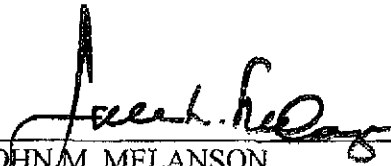
2007 AUG 2 PM 1:15

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

On February 16, 2007, a *Partial Decree* was issued for the above-captioned water right. On August 2, 2007, a *Motion to Correct Clerical Error* was filed, by and through counsel, William D. Collins, on behalf of the estate of James D. Garrow, indicating that the *Partial Decree* is in error regarding the location of the place of use (POU) for this water right, and that the POU is actually located in the SE1/4NE1/4 of Township 5N, Range 2E, Section 31, Boise Meridian, Ada County, Idaho. Accordingly, it is the Court's intent to issue an amended partial decree for the purpose of correcting this error in the POU.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **Tuesday, November 20, 2007, at 1:30 p.m.** at the **Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho.** Any party wishing to object or comment on the Court's proposed action shall do so at that time. Attendance at this hearing is not required, as the Court will take the proposed action in the absence of any objection to the contrary. **Telephone participation will be available by calling 1-918-583-3445 and entering 406128 when prompted.**

Dated August 2, 2007.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF COURT'S INTENT TO ISSUE AMENDED PARTIAL DECREE AND NOTICE OF HEARING THEREON was mailed on August 02, 2007, with sufficient first-class postage to the following:

J PATRICK GARROW
Represented by:
WILLIAM D COLLINS
PO BOX 2836
516 W FRANKLIN ST LOWER LEVEL
BOISE, ID 83701
Phone: 208-336-5200

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JAMES D GARROW
5700 DRY CREEK RD
BOISE, ID 83703
Phone: 208-229-6634

NOTICE

Page 1 8/02/07

FILE COPY FOR 02115

Deputy Clerk

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

RECEIVED

AUG 02 2007

DEPARTMENT OF
WATER RESOURCES

COPY

1 WILLIAM D COLLINS
Idaho State Bar No. 1054
2 WESTBERG, McCABE & COLLINS, CTD
ATTORNEYS & COUNSELORS AT LAW
3 516 WEST FRANKLIN STREET
P.O. BOX 2836
4 BOISE, IDAHO 83701-2836
FACSIMILE: (208) 336-2121
5 TELEPHONE: (208) 336-5200

6 Attorneys for Petitioner

7 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
8 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
9

10 In Re SRBA) SUBCASE: 63-05139A
11)
12 Case No. 39576) MOTION TO CORRECT CLERICAL
13) ERROR

14 COMES NOW, J. PATRICK GARROW, Personal Representative of the Estate of James D.
15 Garrow, by and through William D Collins of the firm of Westberg, McCabe & Collins, Ctd., and
16 hereby moves the Court to correct a clerical error appearing in the Partial Decree for Water Right No.
17 63-05139A entered February 16, 2007, which clerical error occurred from oversight or omission.
18

19 The error occurred in the description of the fractional section in which the place of use
20 occurred. The Partial Decree lists the place of use as being in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 31, T. 5N., R. 2E.,
21 B.M., Ada County, Idaho. The actual place of use is the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of that same section and range.

22 The Partial Decree is founded upon Claim No. 63-5139. That claim listed place of use as
23 being in both of the fractional sections. In 1991, James D. Garrow, the claimant, sold a portion of the

1 land to which the water right was appurtenant to Michael G. Brady and Kathleen L. Brady. As a result
2 of that transfer, Claim No. 63-05139 was split into two claims, 63-05139A (Garrow) and 63-05139B
3 (Brady). However, the land retained by Garrow to which the water right was appurtenant is located
4 in the SE¼NE¼. A copy of the Idaho Department of Water Resources' photographic imagery of the
5 land retained by Garrow and to which the water right is appurtenant clearly lists the location of the
6 water right as being in the SE¼NE¼. A copy of that photograph is attached as Exhibit A.
7

8 James D. Garrow died January 22, 2004. His surviving spouse, Geraldine E. Garrow, died
9 May 9, 2007. J. Patrick Garrow was appointed as personal representative of their joint estates May
10 24, 2007. A copy of Letters of Administration of the joint estates of James D. Garrow and Geraldine
11 E. Garrow is attached as Exhibit B.
12

13 Oral argument on the above motion is requested

14 DATED this 1 day of August, 2007
15

16 WESTBERG, MCCABE & COLLINS, CTD.

17
18 By 

William D. Collins

Attorneys for J. Patrick Garrow
19
20
21
22
23

CERTIFICATE OF MAILING

I certify that on the 1st day of August, 2007, I mailed the original and copies of this Motion, including all attachments, to the following persons:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P O. Box 2707
Twin Falls, Idaho 83303-2707

2 Copies to:

IDWR Documentary Depository
P.O. Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Dept. of Justice
Environmental & Natural Resource Division
550 W Fort Street
MSC 033
Boise, Idaho 83724



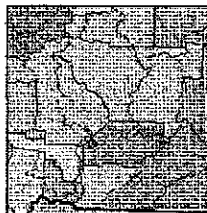
William D. Collins



SRBA Recommendation:
63-5139A
 (Irrigation)

Legend

- ⊙ Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Aila Cessly
 IDWR Branch 63
 Prepared by C. Clark
 on Wednesday, 4/12/2007



COPY

NO _____
FILED _____
A.M. _____ P.M. _____

MAY 24 2007

J. DAVID NAVARRO, Clerk
By E. CHILD
DEPUTY

1 WILLIAM D. COLLINS
2 Idaho State Bar No. 1054
3 WESTBERG, McCABE & COLLINS, CTD.
4 ATTORNEYS & COUNSELORS AT LAW
5 516 WEST FRANKLIN STREET
6 P.O. BOX 2836
7 BOISE, IDAHO 83701-2836
8 FACSIMILE: (208) 336-2121
9 TELEPHONE: (208) 336-5200

10 ATTORNEYS FOR PETITIONER

11 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
12 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

13 In the Matter of the Estate of) Case No. **CV 1E 0709332**
14)
15 JAMES D. GARROW and) LETTERS OF ADMINISTRATION
16 GERALDINE E. GARROW,) OF THE JOINT ESTATES OF
17) JAMES D. GARROW AND
18) GERALDINE E. GARROW
19 Deceased) (IC 15-3-602 and 15-3-702)

20 J. PATRICK GARROW is hereby appointed personal representative of the joint estates of
21 JAMES D. GARROW and GERALDINE E. GARROW, deceased, without bond but with all authority
22 pertaining thereto. Administration of the joint estates is unsupervised

23 These letters are issued to evidence the appointment, qualification and authority of the personal
representative.

WITNESS: CHRISTOPHER M. BIETER, Magistrate of District Court, County of Ada, State
of Idaho, with the seal of the Court affixed the 24th day of May, 2007.

STATE OF IDAHO }
COUNTY OF ADA }

I, J. David Navarro, Clerk of the District Court of the Fourth
Judicial District of the State of Idaho, in and for the County
of Ada, do hereby certify that the foregoing is a true and cor-
rect copy of the original on file in this office. In witness
whereof, I have hereunto set my hand and affixed by official
seal this 24 day

CHRISTOPHER M. BIETER

Judge

LETTERS OF ADMINISTRATION
w/c: GarrowG.7766\Letters 051407

By E. Child, Deputy

EXHIBIT B-1

Shurte, Jan

From: Spencer, Nick
Sent: Wednesday, August 01, 2007 12:09 PM
To: Shurte, Jan
Cc: Harvey, Becky
Subject: 63-5139A - clerical error

Hi Jan. I received a call from attorney Bill Collins about a clerical error in the partial decree of this right. As I understand it, 63-5139 originally was claimed in both the NENE and the SENE. The right was split into A and B portions. The original owner (Collins' client) retained the SENE and sold the NENE. Therefore the place of use on the A portion should have been recommended in the SENE but was instead incorrectly recommended in the NENE. This got carried over into the partial decree. I explained to Collins that if this were the case IDWR could easily write a letter to the court asking it to correct the clerical error under Rule 60(a), etc. etc. However, Collins wants to file his own 60(a) motion with the court. I explained to him the procedure the court will follow. Since the error is going to be brought to the court's attention by somebody other than IDWR I expect the court to ask IDWR if it concurs that there is a clerical error. Therefore, Jan, I need to know if you agree with Collins' assessment of the situation. Thanks. NBS

Shurte, Jan

From: Harvey, Becky
Sent: Monday, July 23, 2007 7:57 AM
To: Shurte, Jan
Subject: FW: 63-03280, 63-03368, 63-07933, and 63-07993; Claimant: Thornton

fyi -

-----Original Message-----

From: Fredric_Price@blm.gov [mailto:Fredric_Price@blm.gov]
Sent: Thursday, July 19, 2007 8:55 AM
To: Harvey, Becky
Subject: RE: 63-03280, 63-03368, 63-07933, and 63-07993; Claimant: Thornton

Oh, have her use the shape from 63-32355 (new expansion claim). It describes the same PPU but the BLM land has been trimmed out. Could she cut & paste it rather than redraw it.

"Harvey, Becky"
<Becky.Harvey@idwr.idaho.gov>

07/18/2007 05:26 PM

To
<Fredric_Price@blm.gov>
cc
Subject
RE: 63-03280, 63-03368, 63-07933,
and 63-07993; Claimant: Thornton

Thanks Fred. Jan knows the shape needs to be changed, she has not had time to do it. Becky

-----Original Message-----

From: Fredric_Price@blm.gov [mailto:Fredric_Price@blm.gov]
Sent: Wednesday, July 18, 2007 5:23 PM
To: Harvey, Becky; Bromley, Chris
Cc: larry.brown@usdoj.gov
Subject: 63-03280, 63-03368, 63-07933, and 63-07993; Claimant: Thornton

Becky,

RE: 63-03280, 63-03368, 63-07933, and 63-07993; Claimant: Thornton

IDWR filed Amended Director's Reports for 63-03280, 63-03368, 63-07933, & 63-07993 on June 29, 2007. BLM objected to have a POU on public land removed from the Director's Report [T01N, R01E, S06, Lot 7 (SWSW)]. The new ADRs do remove the POU on public land,

as well as, add five additional POUs on private land. However, as of today (07/18/07), the shape file on your website has not been adjusted to exclude the approx. 3 acres of public land. Once the shapefile gets adjusted, I can ask Larry to withdraw BLM's objections.

Fred

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P.O. BOX 2836
BOISE, IDAHO 83701-2836

RECEIVED

JUL 27 2007

WATER RESOURCES
WESTERN REGION

PAUL L. WESTBERG
WILLIAM D. COLLINS
CHRISTIAN D. COLLINS

Of Counsel:
THOMAS J. McCABE

TELEPHONE
(208) 336-5200
FAX
(208) 336-2121

July 26, 2007

*Check Accrued
1987 looks like
13.5 acres*

*2004 - expanded
somewhat -*

*need to meas.
cliff.*

05139A

5700 Dry Creek Road
Boise, Idaho 83703

*60 a clerical
error*

*606 Motion
to rescind + get*

more acc.

Dear Jan:

I have found what I believe to be a clerical error in the
relates to the place of use.

As I understand, this water right was decreed to Mr. Garrow February 16, 2007. He passed away January 22, 2004, after a long illness. His wife, Geraldine E. Garrow passed away May 9, 2007, also after a long illness. I do not believe either was capable of catching this error.

This water right was originally based upon a statutory claim filed with the department in 1983 for irrigation of a total of 34 acres (Claim No. 63-5139).

In 1991 Mr. & Mrs. Garrow sold a portion of their property to Michael G. Brady and Kathleen L. Brady. This caused a splitting of the water right into Claim Nos. 63-05139A (Garrow) and 63-05139B (Brady). The Bradys purchased the portion of the property in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 31, T.5N., R.2E. The property retained by the Garrows lies in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of that same section. This is where the error occurred. The Partial Decree referred to above shows that the place of use is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ for 13.5 acres. It should read SE $\frac{1}{4}$ NE $\frac{1}{4}$. I had Cynthia Clark with the

WESTBERG, McCABE & COLLINS, CTD.

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BOISE, IDAHO 83701-2836

RECEIVED

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FAX
(208) 336-2121

July 26, 2007

Jan Shurte
Adjudication Office
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: Partial Decree, 63-05139A
James D. Garrow
5700 Dry Creek Road
Boise, Idaho 83703

Dear Jan:

I have found what I believe to be a clerical error in the above Partial Decree. The error relates to the place of use.

As I understand, this water right was decreed to Mr. Garrow February 16, 2007. He passed away January 22, 2004, after a long illness. His wife, Geraldine E. Garrow passed away May 9, 2007, also after a long illness. I do not believe either was capable of catching this error.

This water right was originally based upon a *statutory claim* filed with the department in 1983 for irrigation of a total of 34 acres (Claim No. 63-5139).

In 1991 Mr. & Mrs. Garrow sold a portion of their property to Michael G. Brady and Kathleen L. Brady. This caused a splitting of the water right into Claim Nos. 63-05139A (Garrow) and 63-05139B (Brady). The Bradys purchased the portion of the property in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 31, T.5N., R.2E. The property retained by the Garrows lies in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of that same section. This is where the error occurred. The Partial Decree referred to above shows that the place of use is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ for 13.5 acres. It should read SE $\frac{1}{4}$ NE $\frac{1}{4}$. I had Cynthia Clark with the

Jan Shurte
Adjudication Office
July 26, 2007
Page 2

Department pull up the Department's aerial photo for this water right and a copy is enclosed. As you can see, the place of use is clearly within the SE $\frac{1}{4}$ NE $\frac{1}{4}$.

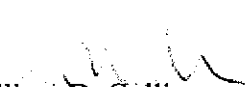
It was suggested to me that I not file a Motion with the SRBA Court to correct this clerical error but that it was preferred that the Department initiate the proceeding. Therefore, I am requesting that the Department confirm this clerical error with me and let me know what the Department intends to do.

One of my concerns is that under I.R.C.P. 60(b) some motions to correct a decree must be made within six (6) months after the entry. If I am computing my time correct, the six month period would end August 15. Therefore, I do not want to jeopardize my client's ability to remedy this problem.

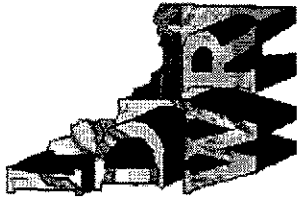
On one other point, the personal representative of the Garrow estates believes that the number of acres irrigated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ is closer to 18 rather than 13.5. Would you also check your computation of acres irrigated and let me know what that figure is.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.


William D. Collins

WDC:mrs
enclosure
cc: J. Patrick Garrow



Idaho Department of Water Resources

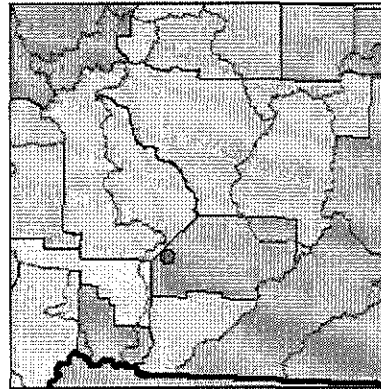
SRBA Recommendation:

63-5139A

(Irrigation)

Legend

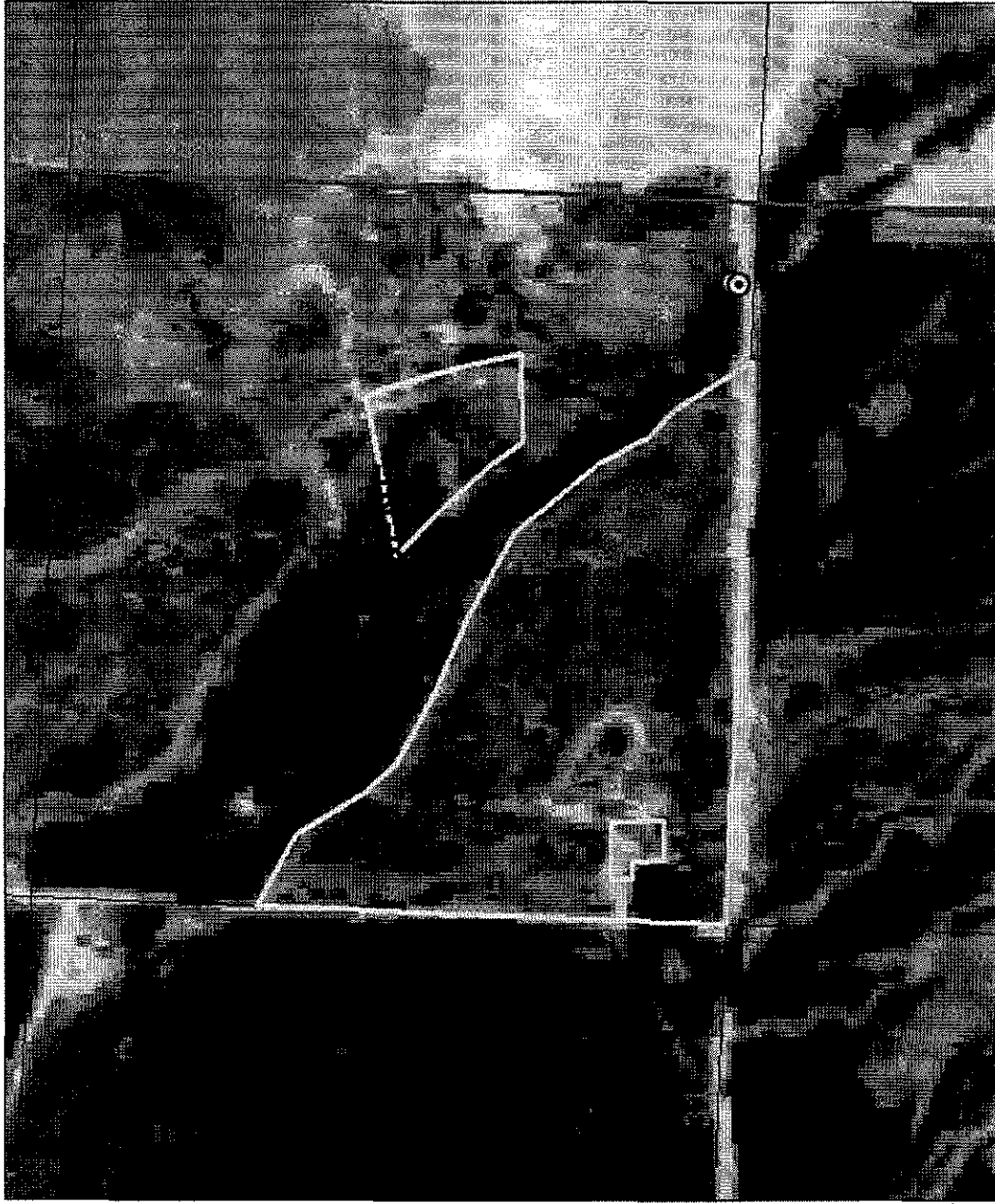
- ⊙ Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Ada County
IDWR Basin 63

Prepared by C. Clark
On Wednesday, July 26, 2007
1987/88 Aerial Photography

R02E



T05N

0 0.1 0.2 Miles



02/07/2003

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

RIGHT NUMBER: 63-5139A

NAME AND ADDRESS: JAMES D GARROW
5700 DRY CREEK RD
BOISE ID 83703

SOURCE: DRY CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.270 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-5138 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.27 CFS.

PRIORITY DATE: 04/01/1898

POINT OF DIVERSION:

T05N R02E S31 SESENE Within ADA County

T05N R02E S31 SESENE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.270 CFS

PLACE OF USE:

IRRIGATION Within ADA County

T05N R02E S31 NENE 13.5

13.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-5138 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 13.5 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*

**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) 63-5139AOwner: JAMES D. GARROW Phone No. 229-6634

Current Address: _____

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

Accompanied by: MRS. GARROW & MRS. BRADY**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: APRIL 1, 1898

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

WAITING FOR CLAIMANT TO SUBMIT EOP, REQUESTED
AT FIELD EXAM THROUGH MRS. GARROW & MRS. BRADY

Source: _____ Tributary to _____

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

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: CLARIFIED 10 ACRE TRACTS & TWO PODS IN LEGAL
- ☐ 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
1		SE	SE	NE	31	SN	2E	ADA	NORTH DITCH
2		SE	SE	NE	31	SN	2E	ADA	SOUTH DITCH

Description of diverting works

CEMENT DAM WITH WOOD BOARDS, PLASTIC TURNOUT
DAMS GRAVITY FLOW

OVERLAP REVIEW

① North Ditch BRADY ECHAMOVE
 Other water rights with the same point of diversion: 63-5139B & 63-4849 - South Ditch ②

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

NOT FOR SAME ACRES

WATER USES

- ☐ No change
☐ Different Uses

Use IRR From 3-1 To 11-15 Amount 0.27 CFS AFA
 Use From To Amount CFS AFA
 Use From To Amount CFS AFA

← CORRECTED
TO STANDARD
SOL

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:

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: 63-5138

SEE OVERLAP REVIEW SHEET DATED 6 FEB 03

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

Limit to 0.27 CFS

" " 13.5 IFF ACRES IN SEASON

Delivery System Narrative: TWO-POINTS OF DIVERSION CEMENT
DAM WITH WOOD BOARDS, TWO DITCHES,
PLASTIC TURNOUT DAMS, GRAVITY FLOWS

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

FLOW MEASUREMENTS: SEE MANNING MEASUREMENT FOR BOTH
DITCHES - EVIDENCE OF MUCH MORE
FLOWS THAN REQUIRED.

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

THIS IS THE PRIMARY RIGHT USED IN
COMBINED USE WITH GW RIGHT 63-5138
SEE PHOTO DESCRIPTIONS FOR ADDITIONAL INFO.

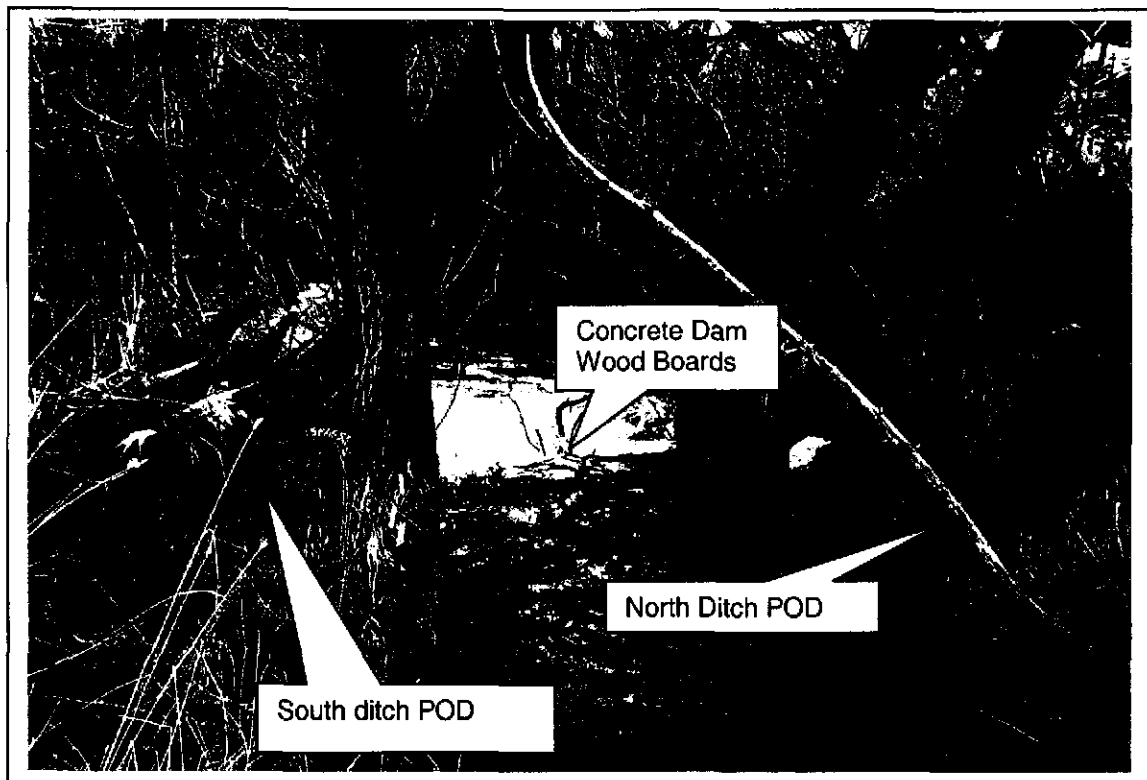


Photo 1: 63-5139A, Field Exam 01-31-03: Located in the SESENE, S31, T05N, R02E. Photo shows the dam, POD's for North and South ditches. Photos by RDH.

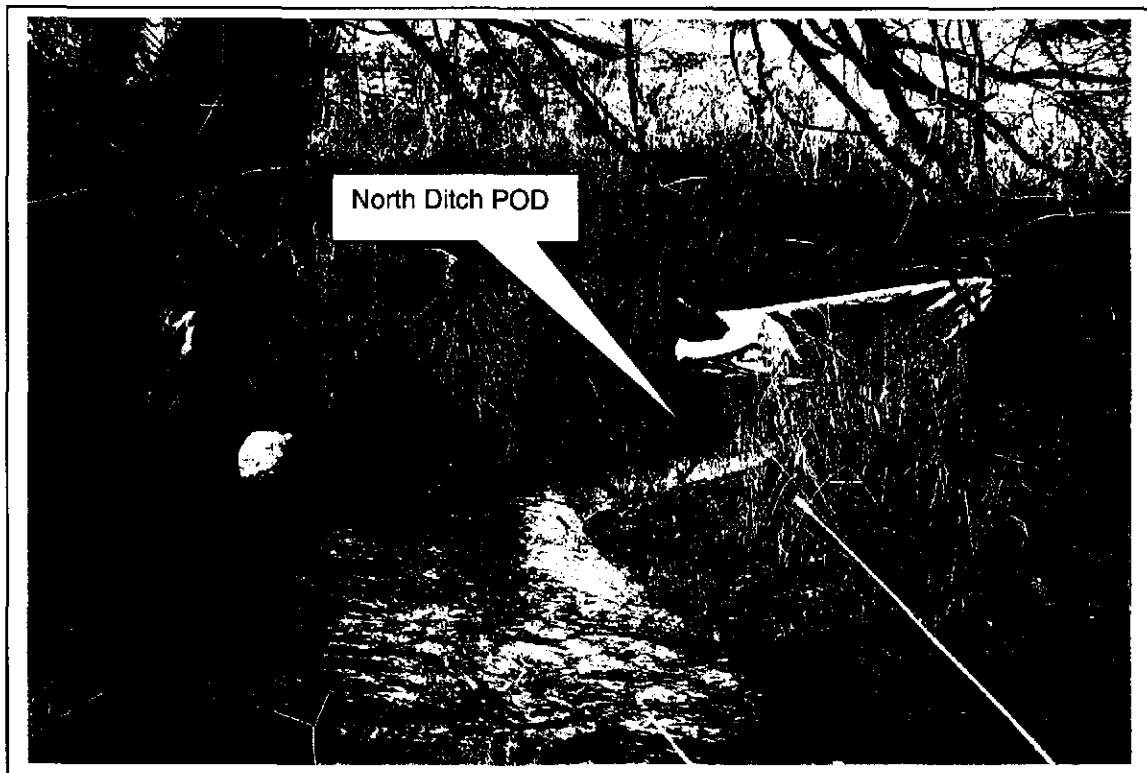


Photo 2: Close-up view of North ditch from above photo 1: View is to NW.

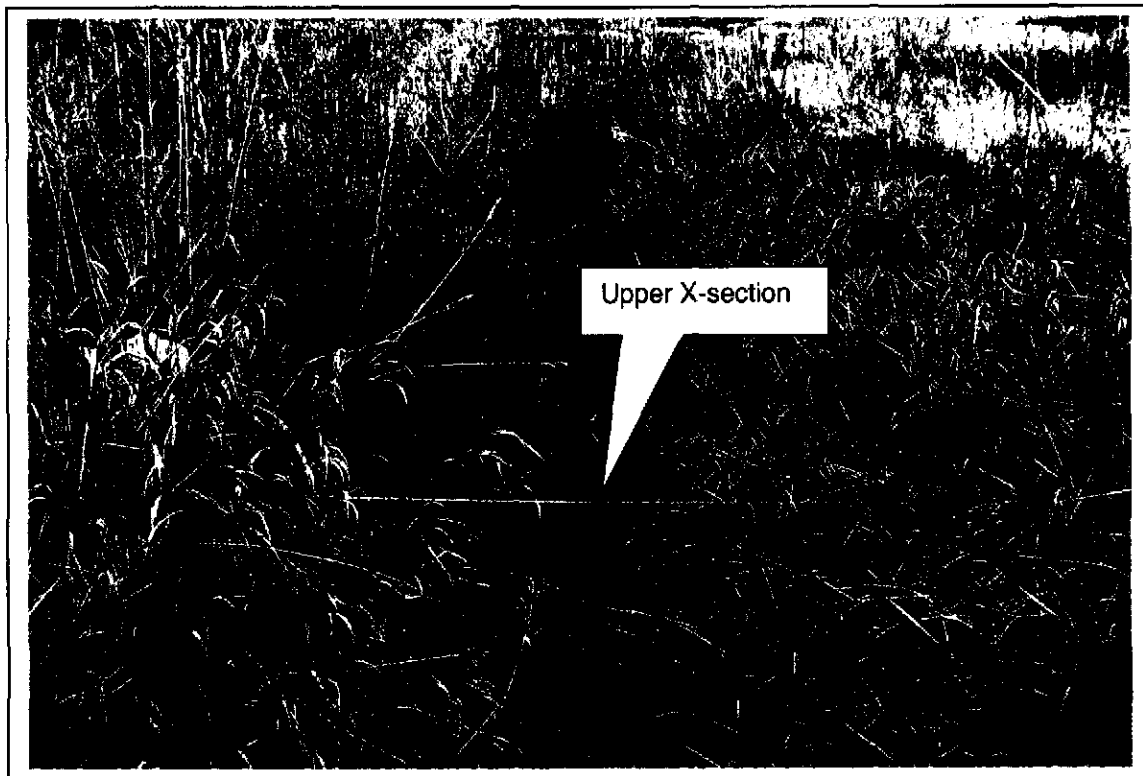


Photo 3: Upper X-section of Manning measurement of the North Ditch. Located in E1/2 SENE, S31, T05N, R02E.

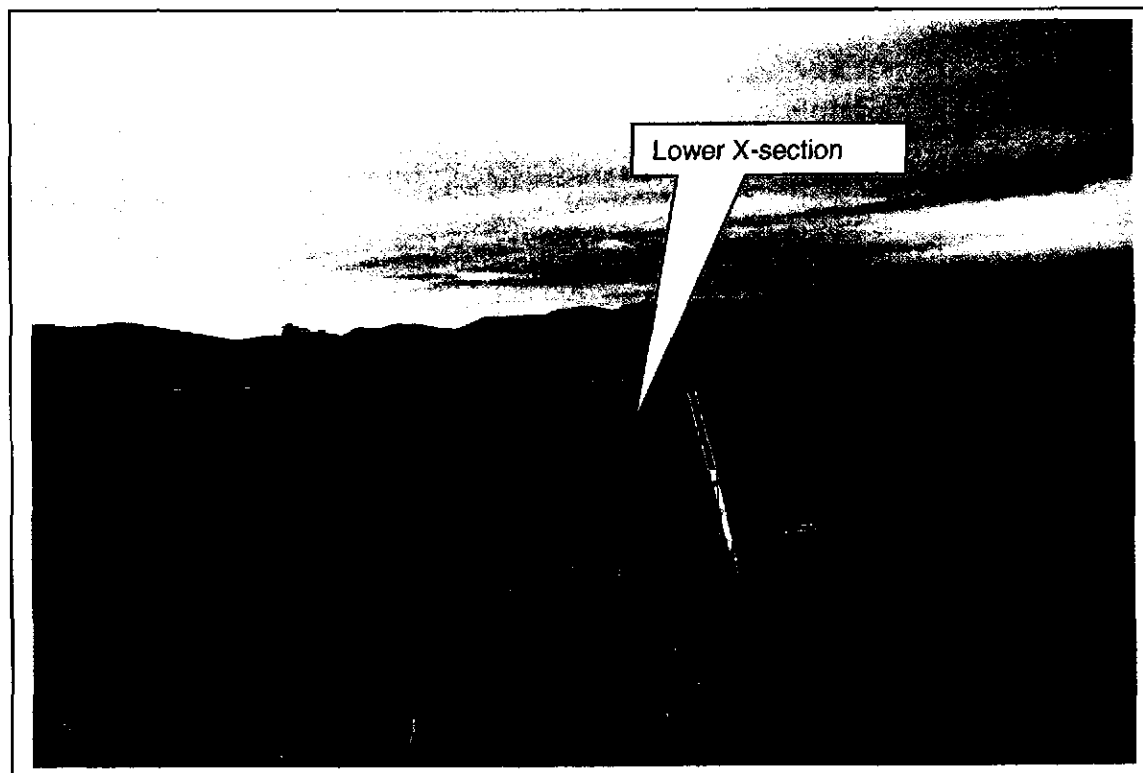


Photo 4: Lower X-section and level location of Manning measurement of the North Ditch. Located in E1/2 SENE, S31, T05N, R02E.



Photo 5: Upper field on North irrigated side of Dry Creek. This field is continuous containing both Garrow and Brady separate ownerships. View is to SW from North Ditch. In the SENE, S31, T05N, R02E.



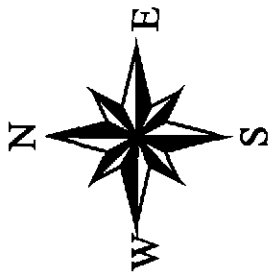
Photo 6: Upper part of irrigated field on South side of Dry Creek. Irrigation overlaps occur here from Dry Creek right 63-5139A and Groundwater irrigation supplemental right 63-5138. View is to the West from Dry Creek Road. In the SENE, S31, T05N, R02E.

IDAHO DEPARTMENT OF WATER RESOURCES

Claims: 63-5139A
Date Prepared: 02-06-03
Prepared By: Ron Howerton



T05N, R02E
S31



☉ Point of Diversion

Place of use

Section

1/4 1/4

13.5 Acres

0 0.1 0.2 0.3 0.4 Miles

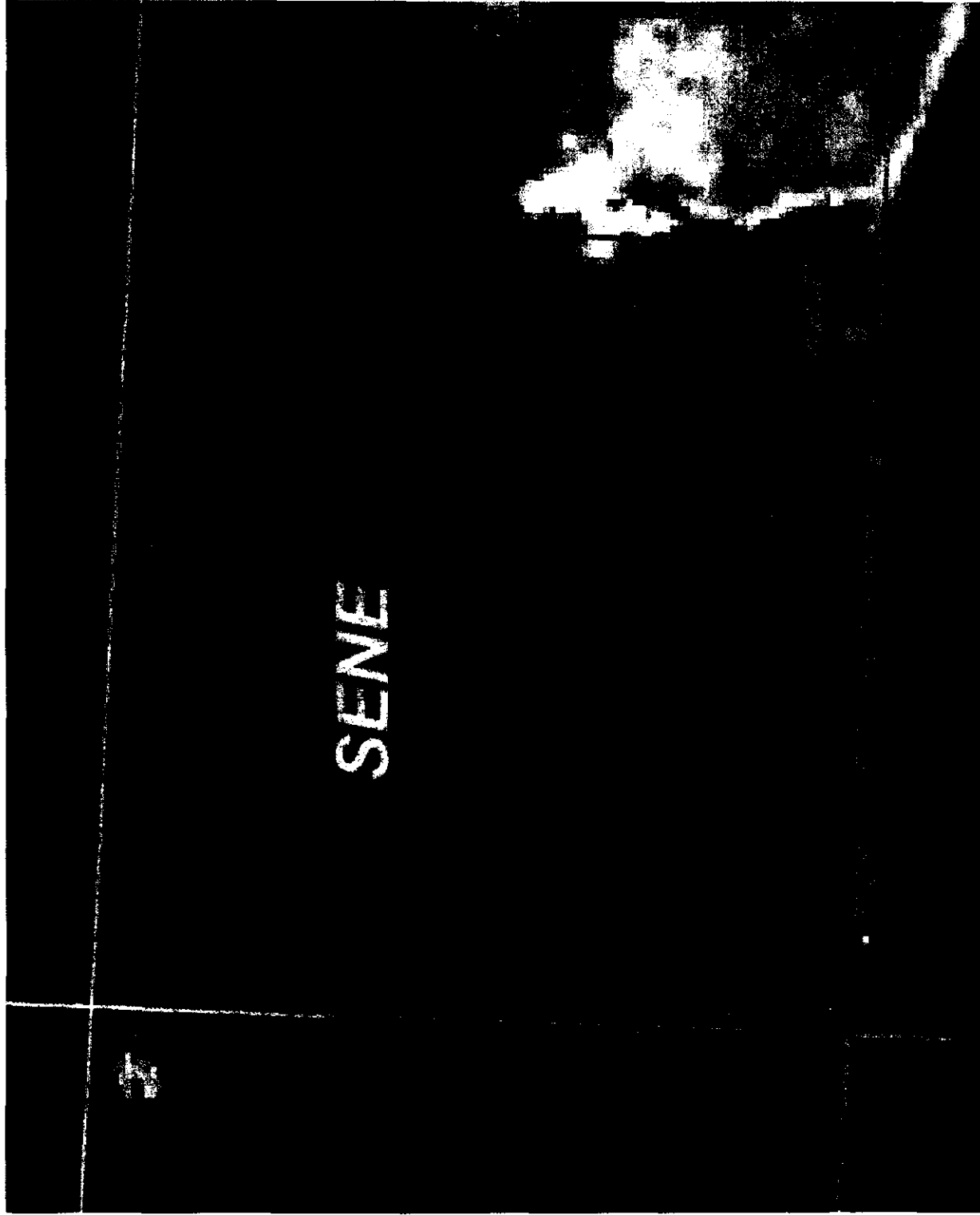
1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

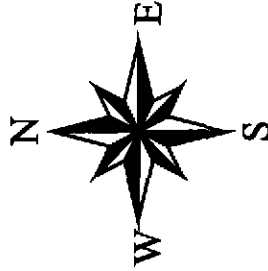
Claims: 63-5139A

Date Prepared: 02-06-03

Prepared By: Ron Howerton



T05N, R02E
S31



● Point of Diversion

☐ Place of use

☐ Section

1/4 1/4

0 0.1 0.2 0.3 0.4 Miles

1987 NAPP

2000 photo

SENE

SWSENE

OVERLAP REVIEW SHEET FOR THE FOLLOWING WR #'s: 63 - 5138 63 - 5139B

AGENT Howerton DATE 6 Feb 03

63 - 5139A

Sr Water Agent

[illegible][illegible]

USE / SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

[illegible]

MANNING EQUATION - DATA COLLECTION

Claim Number(s): 63-5139 A & B

Name of Claimant(s): BRADY - GARROW

Name of Ditch, Canal, or Stream: DRY CREEK - NORTH DITCH

Date of Measurement: JAN. 31, 03 Data Collected By: Ken Howerton
Water Agent

Measurement Location: SE 1/4 NE 1/4 Section 31 T5N R2E

Cross Section Data

Basis: high water mark ☒ maximum capacity()

Note: minimum of five depth or rod readings; first and last must be equal or zero

UPSTREAM		DOWNSTREAM	
depth or rod reading	distance from initial point	depth or rod reading	distance from initial point
1. <u>0</u>	<u>0</u>	7. <u>0</u>	<u>0</u>
2. <u>0.6</u>	<u>1</u>	8. <u>.5</u>	<u>1</u>
3. <u>1.4</u>	<u>2</u>	9. <u>1.7</u>	<u>2</u>
4. <u>1.7</u>	<u>3</u>	10. <u>1.8</u>	<u>3</u>
5. <u>1.5</u>	<u>4</u>	11. <u>1.1</u>	<u>4</u>
6. <u>.3</u>	<u>5</u>	12. <u>0.2</u>	<u>5</u>
<u>0</u>	<u>5.2</u>	<u>0</u>	<u>5.4</u>

Slope Data

Basis: high water mark ☒ channel bottom() land surface()

Level Readings:	upstream	downstream	
upper stadia	<u>8.09</u>	<u>8.85</u>	
center	<u>6.96</u>	<u>7.90</u>	
lower stadia	<u>5.84</u>	<u>6.94</u>	channel length
stadia difference	<u>(2.25 + 1.91)</u>		<u>x 100 = 416</u>

Note: for elevations, the downstream rod reading must be higher than the upstream rod reading

Comments

Are maps and/or photos attached? yes ☒

Huge ditch, looks as if it diverted the entire flow of Dry Cr..

MANNING'S "n" (roughness coefficient)

BASIC "n" CHANNEL MATERIAL				CHANNEL OBSTRUCTIONS			
earth	.020	X	(1)	negligible	.000	X	(1)
rock	.025		(2)	minor	.010		(2)
fine gravel	.024		(3)		.015		(3)
coarse gravel	.028		(4)	appreciable	.020		(4)
					.030		(5)
				severe	.040		(6)
					.050		(7)
					.060		(8)
				SURFACE IRREGULARITY			
smooth	.000	X	(1)	low	.005	X	(1)
minor	.005		(2)		.010		(2)
moderate	.010		(3)	medium	.015		(3)
					.020		(4)
					.025		(5)
				high	.030		(6)
					.040		(7)
					.050		(8)
				very high	.060		(9)
					.075		(10)
					.100		(11)
VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION				DEGREE OF MEANDERING			
gradual	.000	X	(1)	minor	1.00	X	(1)
occasional	.005		(2)	appreciable	1.15		(2)
frequent	.010		(3)	severe	1.30		(3)
	.015		(4)				

CROSS SECTION NUMBER 1

For File Number 63-5139A&B for the DRY CREEK NORTH DITCH

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.60	0.60	1.00
3	1.40	1.40	2.00
4	1.70	1.70	3.00
5	1.50	1.50	4.00
6	0.30	0.30	5.00
7	0.00	0.00	5.20

The area for this cross section is 5.38 square feet
and the wetted perimeter is 6.43 feet.

CROSS SECTION NUMBER 2

For File Number 63-5139A&B for the DRY CREEK NORTH DITCH

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.50	0.50	1.00
3	1.70	1.70	2.00
4	1.80	1.80	3.00
5	1.10	1.10	4.00
6	0.20	0.20	5.00
7	0.00	0.00	5.40

The area for this cross section is 5.24 square feet
and the wetted perimeter is 6.70 feet.

MANNING EQUATION CHANNEL CAPACITY RESULTS

02-04-2003

File Number: 63-5139A&B

Claimant: BRADY & GARROW

Channel measured: DRY CREEK NORTH DITCH

Date of measurement: 01-31-03

Measurement location:

SENE S31 T5N R2E

Calculation prepared by: RDH

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 416 feet.

The upstream and downstream rod readings are 6.96 and 7.90 feet.

The channel cross section is 5.31 ft-sq.

The wetted perimeter is 6.57 feet.

The hydraulic radius is 0.81 feet.

The slope is 0.0023

The roughness coefficient is 0.0250

The flow velocity is 2.459 ft/sec.

The rate of flow is 13.06 cfs.

MANNING EQUATION - DATA COLLECTION

Claim Number(s): 63-4849 / 63-5139 A & B

Name of Claimant(s): ENCHANUE RANCH ESTATES / BRADY CARRON

Name of Ditch, Canal, or Stream: S. Ditch from Dry Cr. POD

Date of Measurement: 11-14-02 Data Collected By: Ron Howerton

Measurement Location: SE 1/4 NE 1/4 Section 31 T05N R02E

North Ditch is
Similar to South D. Cross Section Data

Approx 200' below POD
SEE 2000 PHOTO, SHOWS
BETWEEN THE 2 TREES
IN PHOTO.

Basis: high water mark() maximum capacity()

Note: minimum of five depth or rod readings; first and last must be equal or zero

depth or rod reading	distance from initial point	depth or rod reading	distance from initial point
1. <u>0</u>	<u>0</u>	7. _____	_____
2. <u>.8</u>	<u>1.5</u>	8. _____	_____
3. <u>.8</u>	<u>2.0</u>	9. _____	_____
4. <u>1.0</u>	<u>2.5</u>	10. _____	_____
5. <u>.9</u>	<u>3.0</u>	11. _____	_____
6. <u>.5</u>	<u>3.5</u>	12. _____	_____
<u>.5</u>	<u>4.0</u>		
<u>0</u>	<u>4.5</u>		

Slope Data

Basis: high water mark() channel bottom() land surface()

Level Readings: upstream downstream

upper stadia

center

lower stadia

stadia difference

(5.2 + 7.48) x 100 =

channel
length

530 Ft

Note: for elevations, the downstream rod reading must be higher than the upstream rod reading

Comments

Are maps and/or photos attached? yes()

POD SN, 2E, S31, SESENE
NO Lot #'s

MANNING'S "n" (roughness coefficient)

BASIC "n" CHANNEL MATERIAL				CHANNEL OBSTRUCTIONS			
earth	.020	/	(1)	negligible	.000	/	(1)
rock	.025		(2)	minor	.010		(2)
fine gravel	.024		(3)		.015		(3)
coarse gravel	.028		(4)	appreciable	.020		(4)
					.030		(5)
				severe	.040		(6)
					.050		(7)
					.060		(8)
				SURFACE IRREGULARITY			
smooth	.000	/	(1)	low	.005	/	(1)
minor	.005		(2)		.010		(2)
moderate	.010		(3)	medium	.015		(3)
severe	.020		(4)		.020		(4)
					.025		(5)
				high	.030		(6)
					.040		(7)
					.050		(8)
				very high	.060		(9)
					.075		(10)
					.100		(11)
				VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION			
gradual	.000	/	(1)	minor	1.00	/	(1)
occasional	.005		(2)	appreciable	1.15		(2)
frequent	.010		(3)	severe	1.30		(3)
	.015		(4)				

MANNING EQUATION CHANNEL CAPACITY RESULTS

11-20-2002

File Number: 63-4849

Claimant: ENCHANOVE RANCH ESTATES

Channel measured: SOUTH DITCH FROM DRY CREEK POD

Date of measurement: 11-14-02

Measurement location:

ABOUT 200 FT FROM POD ALONG DIRT ROAD BETWEEN TREES

Calculation prepared by: RDH

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 530 feet.

The upstream and downstream rod readings are 5.20 and 7.48 feet.

The channel cross section is 2.65 ft-sq.

The wetted perimeter is 5.10 feet.

The hydraulic radius is 0.52 feet.

The slope is 0.0043

The roughness coefficient is 0.0250

The flow velocity is ~~2.528 ft/sec.~~

The rate of flow is 6.70 cfs.

CROSS SECTION NUMBER 1

For File Number 63-4849 for the SOUTH DITCH FROM DRY CREEK POD

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.80	0.80	1.50
3	0.80	0.80	2.00
4	1.00	1.00	2.50
5	0.90	0.90	3.00
6	0.50	0.50	3.50
7	0.50	0.50	4.00
8	0.00	0.00	4.50

The area for this cross section is 2.65 square feet
and the wetted perimeter is 5.10 feet.



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 1, 2002

JAMES D. GARROW
5700 DRY CREEK RD
BOISE ID 83703

MICHAEL G BRADY OR
KATHLEEN BRADY
13660 N MC FARLAND CREEK RD
BOISE ID 83703

RE: Snake River Basin Adjudication (SRBA)
Split Claim Nos. 63-5139A (Garrow Split) & B (Brady Split)
Also Garrow claim No. 63-5138

Dear Claimants:

A split of claim 63-5139 was issued for estimated portions of this original statutory claim in 1995. These splits have been left in this stage until a field exam could be made to verify the claim. The elements claimed by most statutory claims have never been fully investigated by IDAHO DEPARTMENT OF WATER RESOURCES or any other authorized source, until the SNAKE RIVER BASIN ADJUDICATION.

I am the agent that is responsible for the investigation and recommendation to the SNAKE RIVER BASIN ADJUDICATION COURT as required by law, for these claims.

We now have Ada County Tax lot information that was not available to us at the time 63-5139 was split. I have enclosed a 2000 photo for your review based upon the ownership of the land per Ada county tax lot information and where the split now may be appropriately determined. I will need to review the ownership information with you and verify various elements of the claim by conducting a field exam.

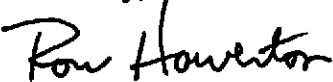
You may receive a notice soon, which asks for proof of the date of priority for the above claims. We will need that information also in order to confirm the claimed date. This is one

of the elements that I will need to verify as mentioned above. I will explain that need when I hear from you or during my field exam.

Please contact me at 334-2190. I would like to schedule a field exam before Thanksgiving Day this year if possible.

If you have any questions regarding this letter prior to the field exam, please contact me ASAP!

Sincerely,



Ron Howerton

Senior Water Right Agent

IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGION

2735 AIRPORT WAY

BOISE IDAHO, 83705-5082

CC: File

Enclosure:

- 2000 map showing Ownership Claim Splits based upon ADA recent Ada County Tax lots
- Old split tree based upon 1995 information

2000 photo

ORIGINAL CLAIM
63-5139
32 ACRES

T05N, R02E
S31

NENE

Brady Split
63-5139B

SENE

Garrow Split
63-5139A

NWNE

SWNE

CLAIM TO A WATER RIGHT

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

12775 Hiway 55, Boise, Id 83703
(Mailing Address)

Telephone No. 939-6316

(11) Date of priority: (When was the water first applied to a beneficial use) 1898

(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:

for all		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	68	Use	Irrigation	Period of Use From	To 11/1
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) 68 TOTAL QUANTITY USED.

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

SE 1/4 NE 1/4, Sec. 31 Twp. 5N Rge. 2E 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. Dam with gravity ditches.

(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.

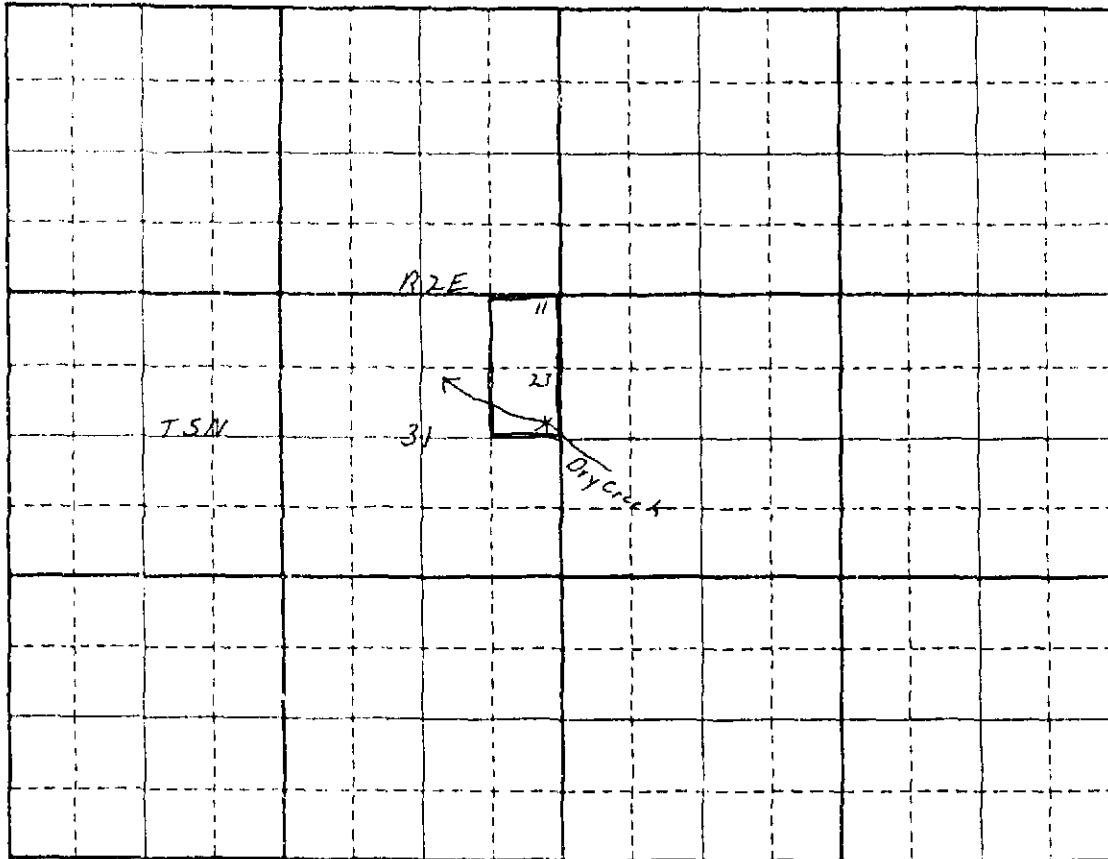
[illegible]

No. of acres 34

B. If a chemical is used for other than indication, fully describe that use, being as specific as possible:

NOTE Include here the type and number of stock wanted.

17) If you are drinking water as a member of an organization, list name of organization:



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

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.

Sworn to before me this 21 day of JUNE

James D. Garraw
(Claimant)

1983

Ronald K. Hoff
Notary Public
Residing at Boise, ID

My commission expires

LIFE

FOR DEPARTMENT USE ONLY

Received by 645 Date 6/21/83 Exception filed by
 Paid in check by 645 Date 6/24/83
 \$30.00 fee received by 645 Date 6/21/83 # 31095
 Published in Idaho Stationer
 Dates 8/25 & 9/1/83

Forwarded to
 claimant by: Date

CLAIMANT'S NAME: Brady, MikeDATE: 5-18-95COUNTY: AdaEMPLOYEE: Carter Fritschle ^{CF}

RECEIVED

MAY 22 1995

WATER RESOURCES
WESTERN REGION

Mr. Brady came into the state office to file a change of ownership on this claim. He did not have a warranty deed with him, but the form 42-1409(7) had Mr. Garrow's signature on it. Mr. Brady was uncertain as to how much irrigated land was purchased from Mr. Garrow (he stated he purchased approximately 50 acres). I printed out a copy of A63-05139 and he decided he had acquired the 23 acres of irrigated land in the SENE since that was the legal description on the form 42-1409(7). In actuality, he may have acquired all of the irrigated land claimed on A63-05139 since he stated the land retained by the Garrows was "across the creek" from his. I have gone ahead and completed the split as follows:

Garrow	A63-05139 A	0.18 cfs	9 ac.
Brady	A63-05139 B	0.46 cfs	23 ac.

MICROFILMED
OCT 07 1996