

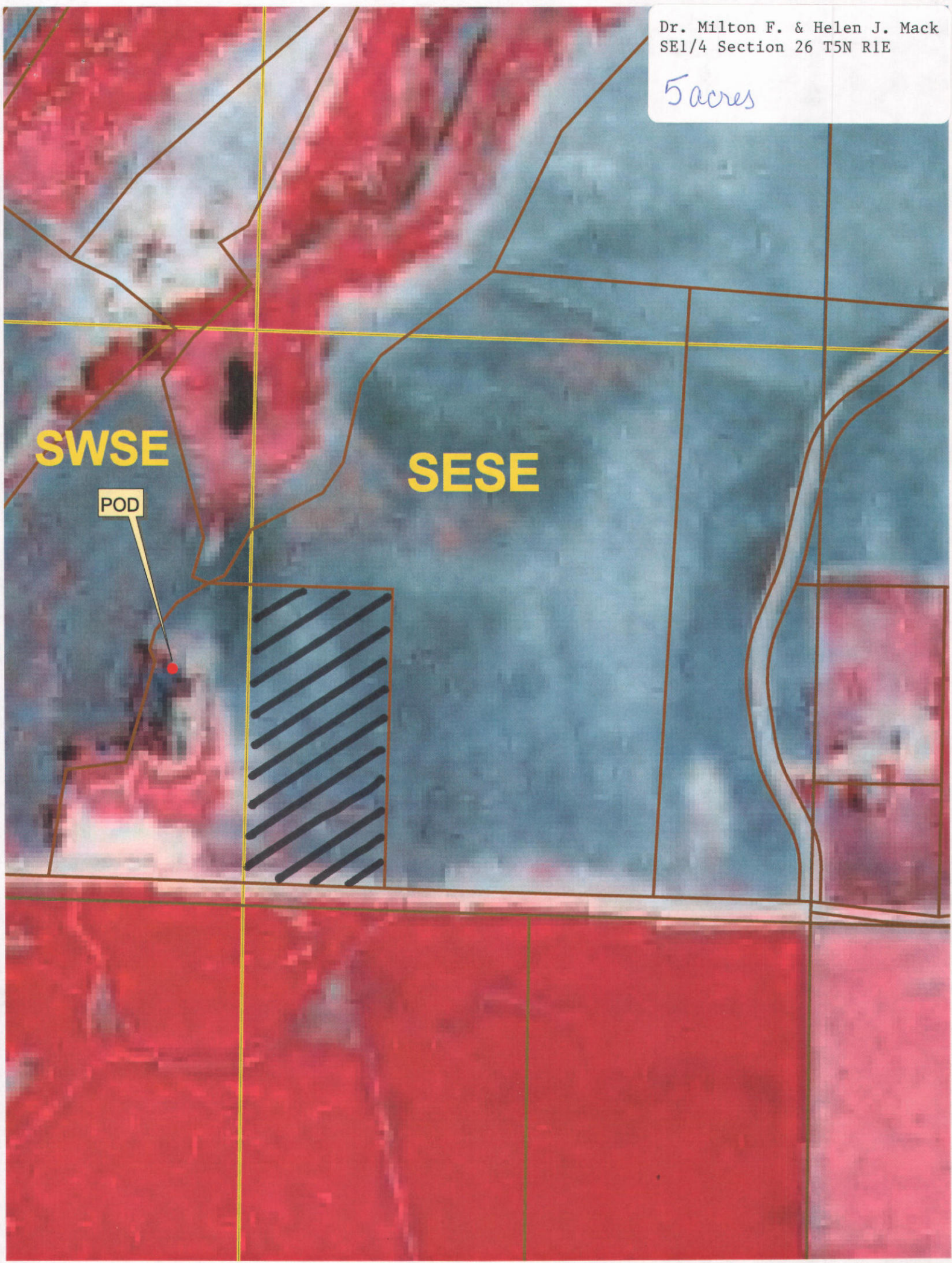
Dr. Milton F. & Helen J. Mack
SE1/4 Section 26 T5N R1E

5 acres

SWSE

POD

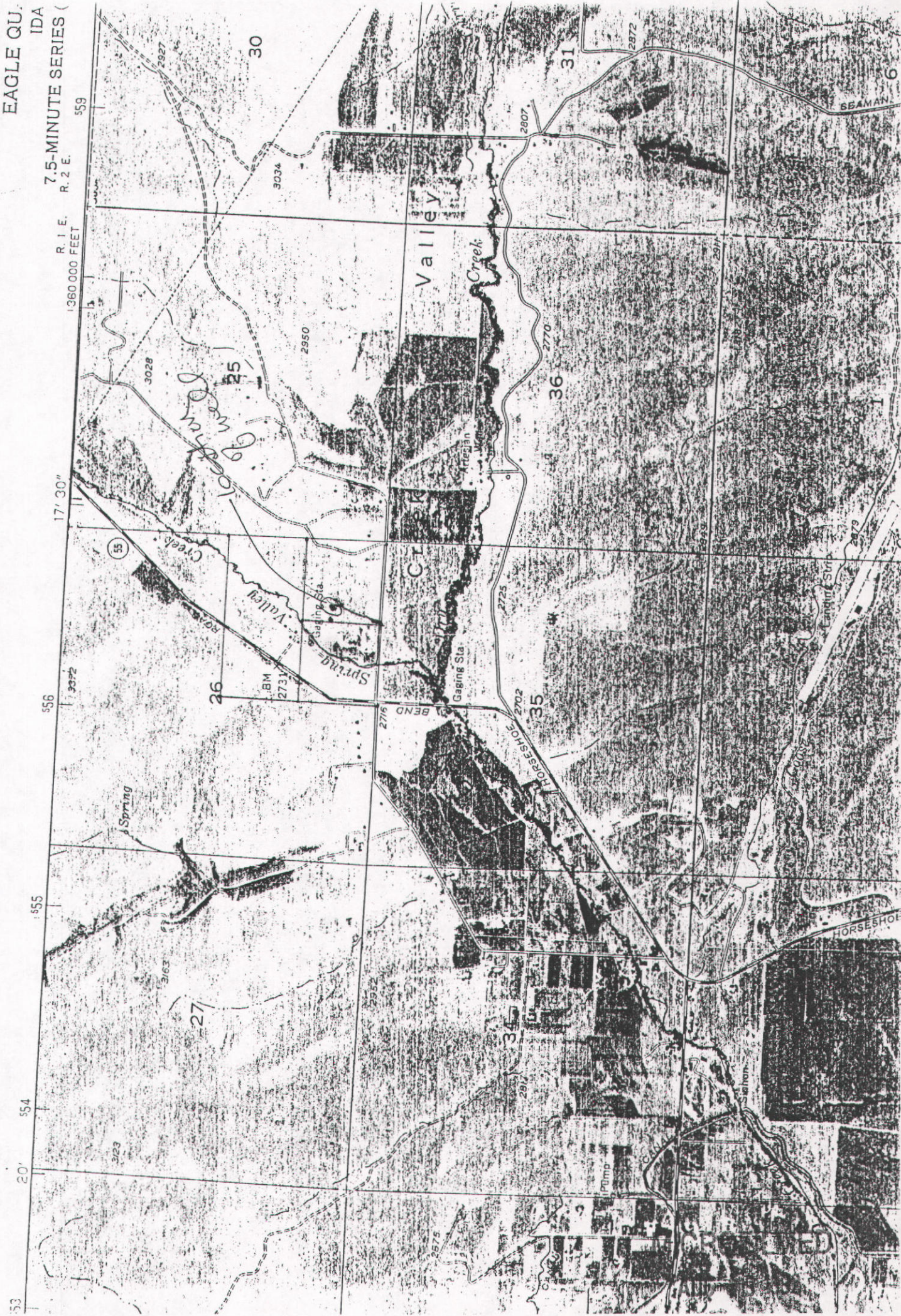
SESE



WYOMING TO NEW MEXICO

R1E R2E

EAGLE QU.
IDA
7.5-MINUTE SERIES (R. 2 E.)



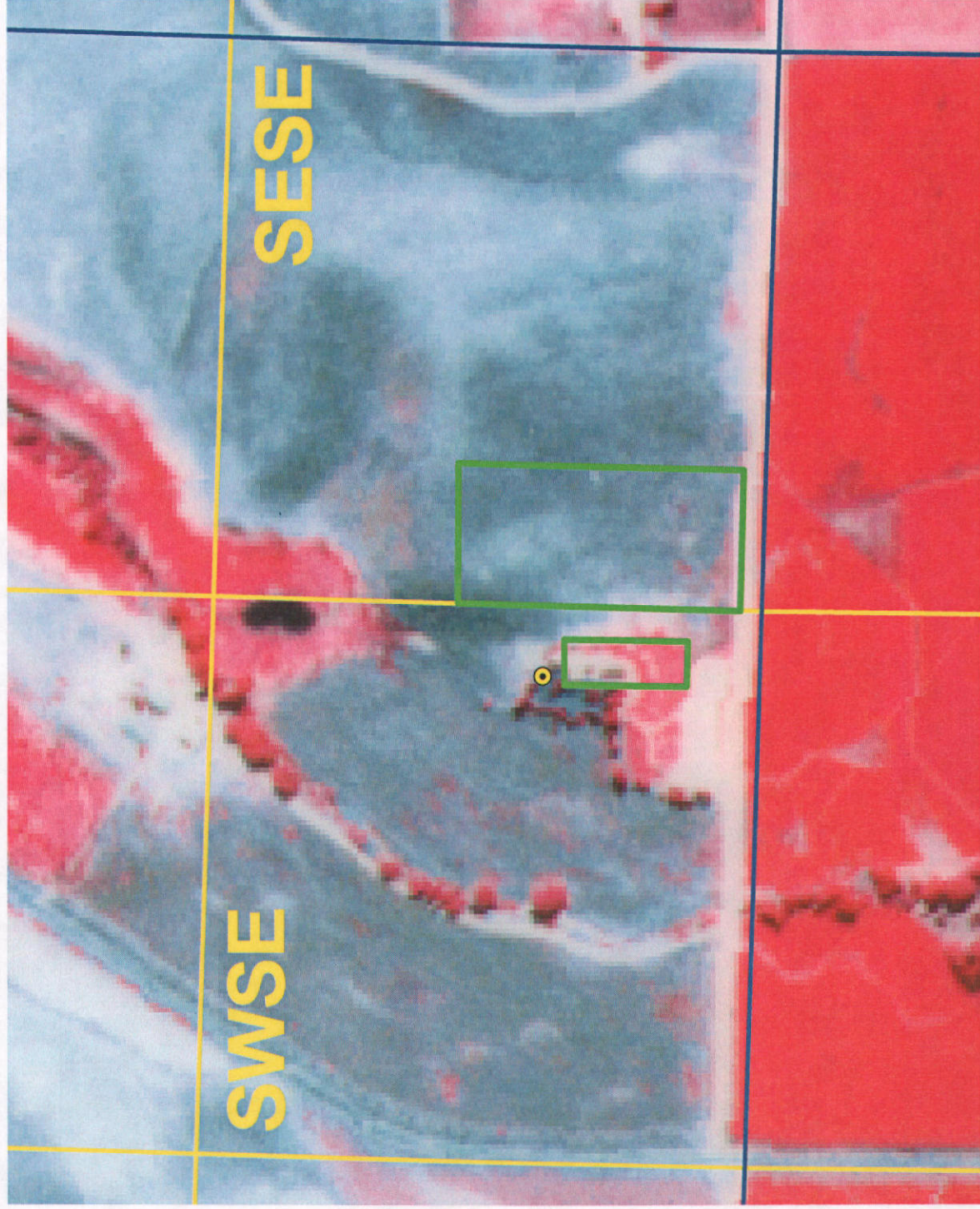
Idaho Department of Water Resources

T05N, R01E,
S26

Claim No: 63-31850

Prepared By: Kimberly Brown

Date: December 8, 2005



Place of Use



Section Lines



1/4 1/4



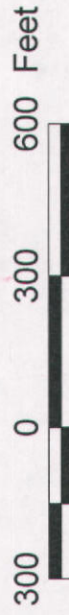
Point of Diversion

Acres Irrigated = 5.0

N



S



1987 NAPP

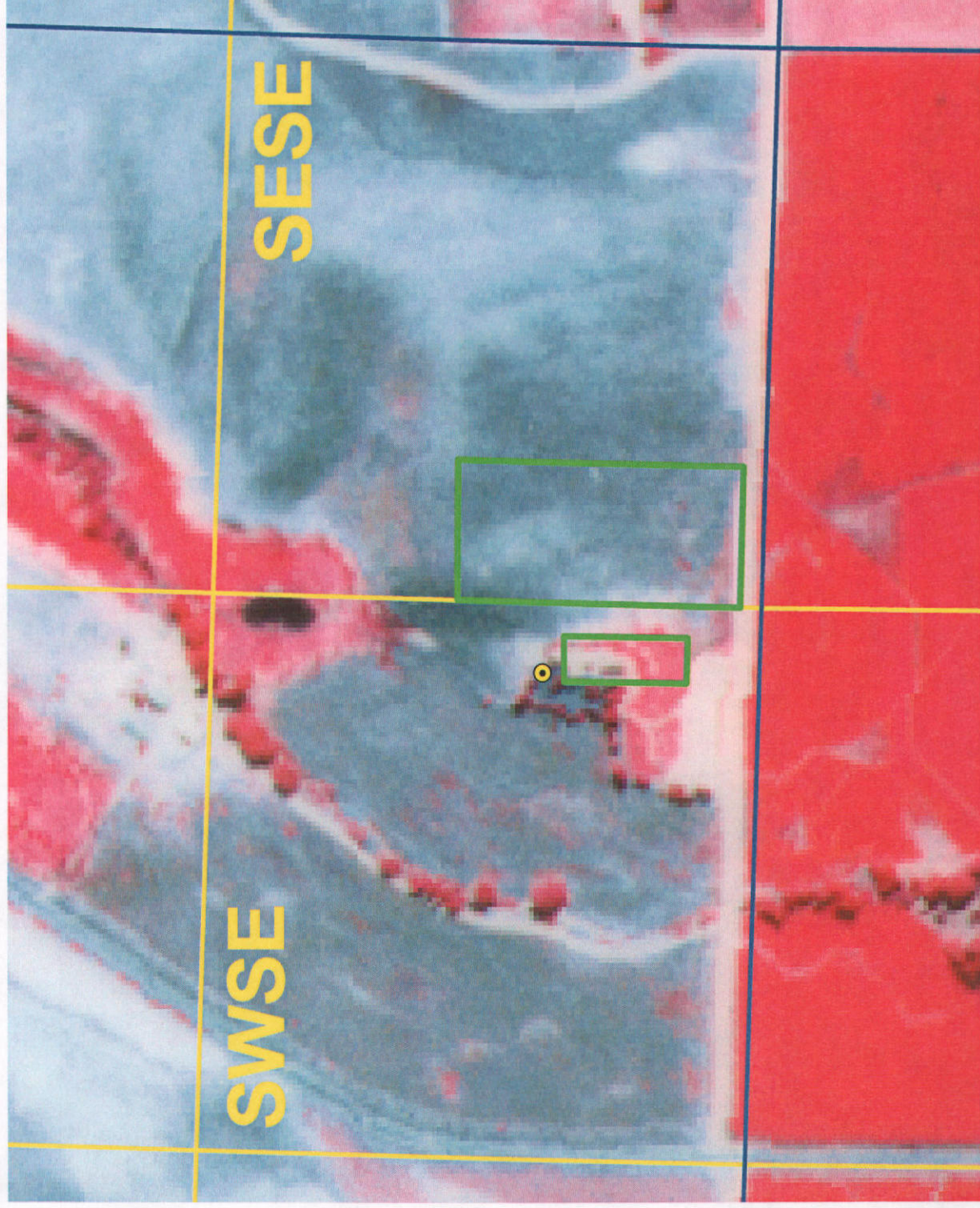
Idaho Department of Water Resources

**T05N, R01E,
S26**

Claim No: 63-31850

Prepared By: Kimberly Brown

Date: December 8, 2005



Place of Use



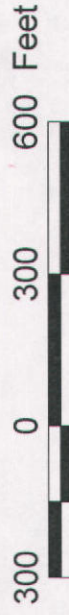
Section Lines



1/4 1/4



Point of Diversion



1987 NAPP



The Aerie Addictions Recovery Center

9600 W Brookside Ln
Boise ID 83714-9642
Phone: (208)939-4141
Toll Free: (800)809-4141
Fax: (208)939-1576
Email:
aeriemac@earthlink.net



HOME

Specialties

Location

Contact Us

Services

Links

HOME

THE AERIE RECOVERY FACILITY was conceived to restore the body systems, physical and psychological. Our goal is to help our guests to assemble a body of information that will permit recognition of the extent to which dependence and co-dependence have affected their lives and the lives of others.

Addictive disease is a progressive condition whose downward course is predictable and inevitable. If allowed to progress untreated, addicted persons will finally be affected in every area of their lives: family, social, economic, legal, employment, and health. Though the end result is always the same, the progression differs in every person. For this reason, treatment must be individualized and personalized for each guest.

THE AERIE is an elegant and comfortable residential treatment facility, family oriented and intense, whose sole objective is to enable its guests to face the reality of their illness, restore their self worth, and walk the road to lifelong recovery.

(# the home
of Milton +
Helen Mack)

Thank you for taking a moment to learn about THE AERIE ADDICTIONS RECOVERY CENTER. For more information, please call or e-mail us. Better yet, come by for a visit. We will be happy to see you, and you will be glad you did.

Hours:
7 Days, 24 Hours

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The Aerie Addictions Recovery Center

9600 W Brookside Ln
Boise ID 83714-9642
Phone: (208)939-4141
Toll Free: (800)809-4141
Fax: (208)939-1576
Email:
aeriemac@earthlink.net



7
This photo matches
the photo attached to
the Ada County
Assessor Land
Record for
Parcel No:
SO 27644-
9067
(see
file).

HOME

Specialties

Location

Contact Us

Services

Links

Specialties

THE AERIE develops every treatment plan with respect for the uniqueness and individuality of each guest. The course of care for each person is determined in the first three days after admission by an extensive evaluation consisting of psychometric testing, individual interviews, and staff consultations. During the course of therapy modifications and additions are made to the initial treatment plan as new considerations and needs are revealed.

The standard twenty-eight day treatment consists of one hundred sixty-eight hours of structured material presented in the form of lectures, video and audio tapes, reading and written exercises, group discussion meetings, and individual counseling. The family concept of twenty-four hour availability of counselors to answer questions or deal with any problems encountered in the therapy process eliminates the possibility of the guests feeling that they are just a number or depersonalized in any manner.

Giving a person feelings of once again being part of the mainstream of life is the foundation upon which THE AERIE has built its outstanding rate of recovery.

since 1993? → In the twelve years THE AERIE has served people, our recovery rate has proven that.... WE KNOW WHAT WORKS

We offer:

- Treatment for All Addictions
- Family Counseling
- Concurrent Family Program
- Aftercare Program
- Residential Patient Treatment
- Helpful, Caring Staff
- Concurrent Childrens Program
- Co-dependence Therapy



The Aerie Addictions Recovery Center

9600 W Brookside Ln
Boise ID 83714-9642
Phone: (208)939-4141
Toll Free: (800)809-4141
Fax: (208)939-1576
Email:
aeriemac@earthlink.net



[HOME](#)

[Specialties](#)

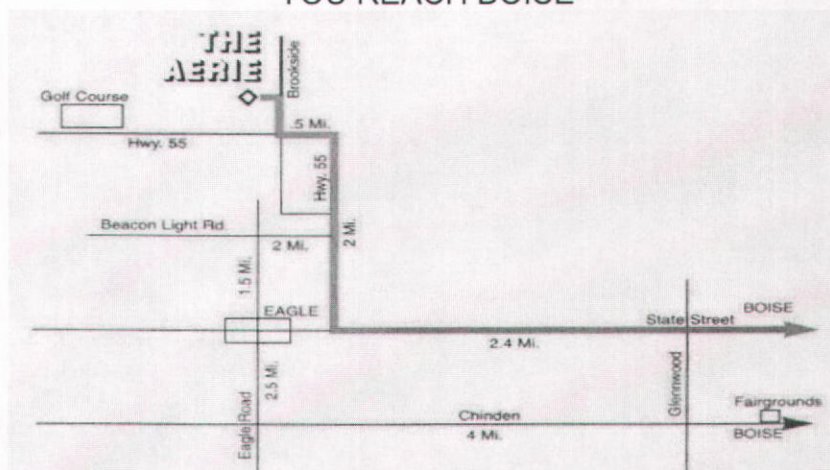
[Location](#)

[Contact Us](#)

[Services](#)

[Links](#)

Directions: CALL US FOR PRECISE DIRECTIONS WHEN YOU REACH BOISE



Hours:
7 Days, 24 Hours

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The Aerie Addictions Recovery Center

9600 W Brookside Ln
Boise ID 83714-9642
Phone: (208)939-4141
Toll Free: (800)809-4141
Fax: (208)939-1576
Email:
aeriemac@earthlink.net



HOME

Specialties

Location

Contact Us

Services

Links

Services

The following is a list of services provided by THE AERIE:

- 1) Food and lodging
- 2) Detoxification - social or medical medications oversight and administration
- 3) Transportation Medical exams, court appearances, supervised personal shopping
- 4) Daily individual sessions with primary counselor (minimum - 60 minutes)
- 5) Daily group sessions
- 6) Daily AA meeting
- 7) Daily reading assignments
- 8) Daily written assignments
- 9) Review and processing with patient(reading and written assignments)
- 10) 24 hour availability of primary counselor for patients
- 11) Assessment and evaluation (oral and psychometric)
- 12) Psychological services are provided by facility psychologists when indicated
- 13) Treatment plan development with patient
- 14) 2 year aftercare program (weekly meetings)
- 15) 2 year aftercare counseling (patient and immediate family)
- 16) Family program
- 17) Children's program
- 18) Total of 168 hours personalized and individualized education and instruction relative to addictive process

Should you have any further questions please feel free to call.

Dr. Milton Mack, Program Director Internationally Certified Drug/Alcohol Counselor, Certified Clinical Supervisor, Idaho State Licensed Addictions Evaluator

Hours:
7 Days, 24 Hours

[HOME](#) | [Specialties](#) | [Location](#) | [Contact Us](#) | [Services](#) | [Links](#) |

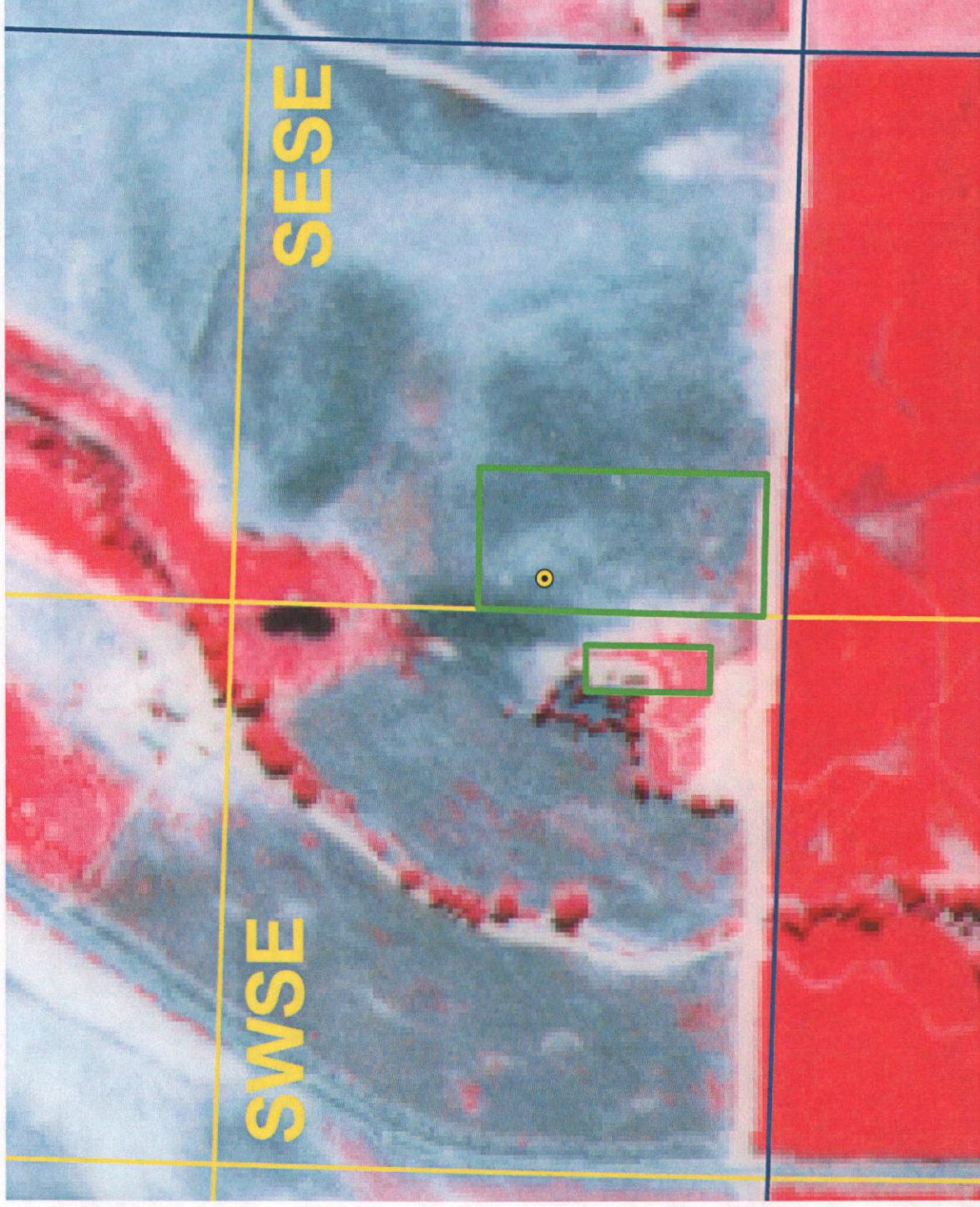
Idaho Department of Water Resources

T05N, R01E,
S26

Claim No: 63-31850

Prepared By: Kimberly Brown

Date: November 16, 2005



Place of Use



Section Lines

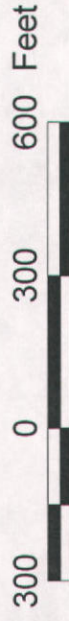


1/4 1/4



Point of Diversion

Acres Irrigated = 5.0



1987 NAPP

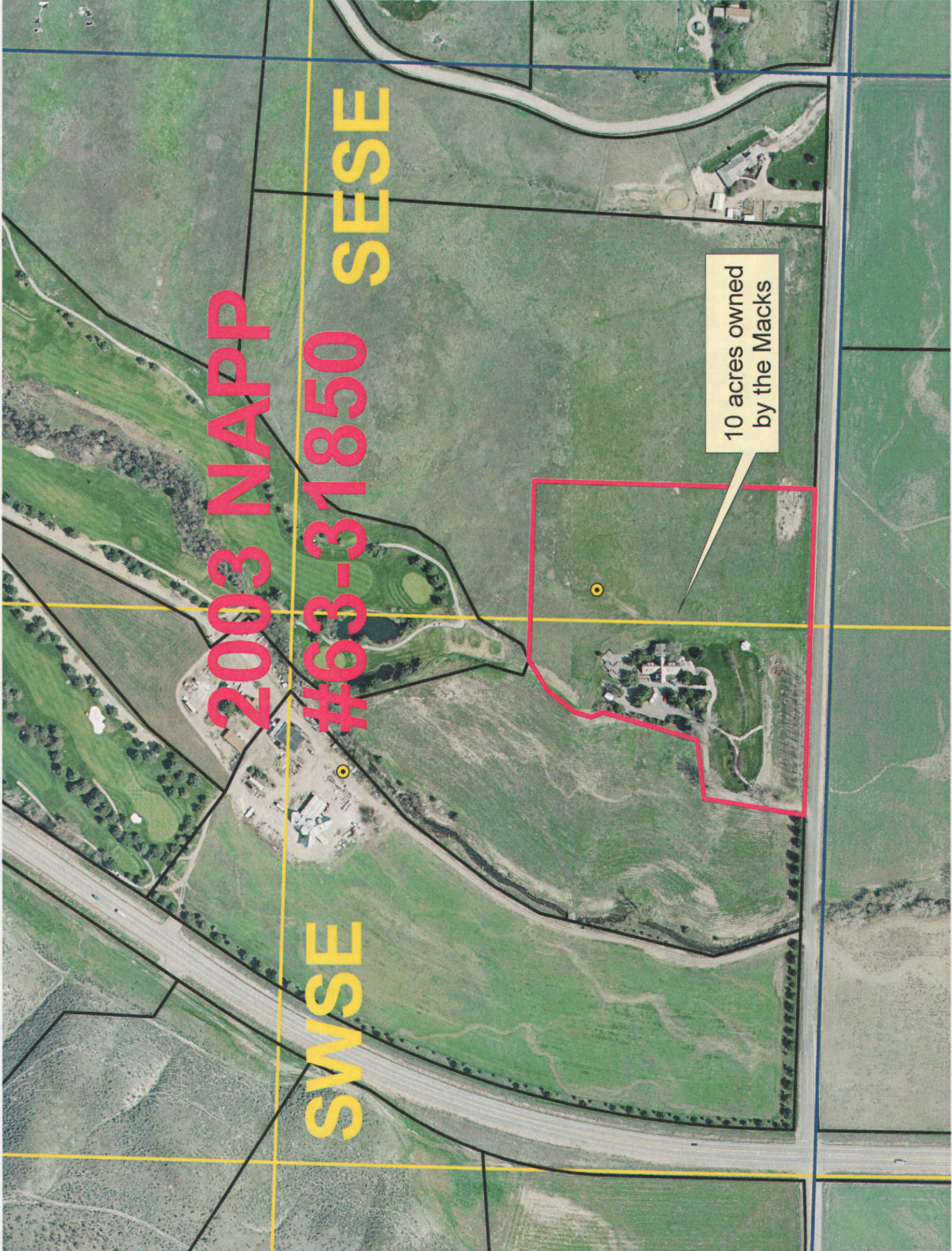
2003 NAPP

#63-31850

SESE

SWSE

10 acres owned
by the Macks



#63-31850

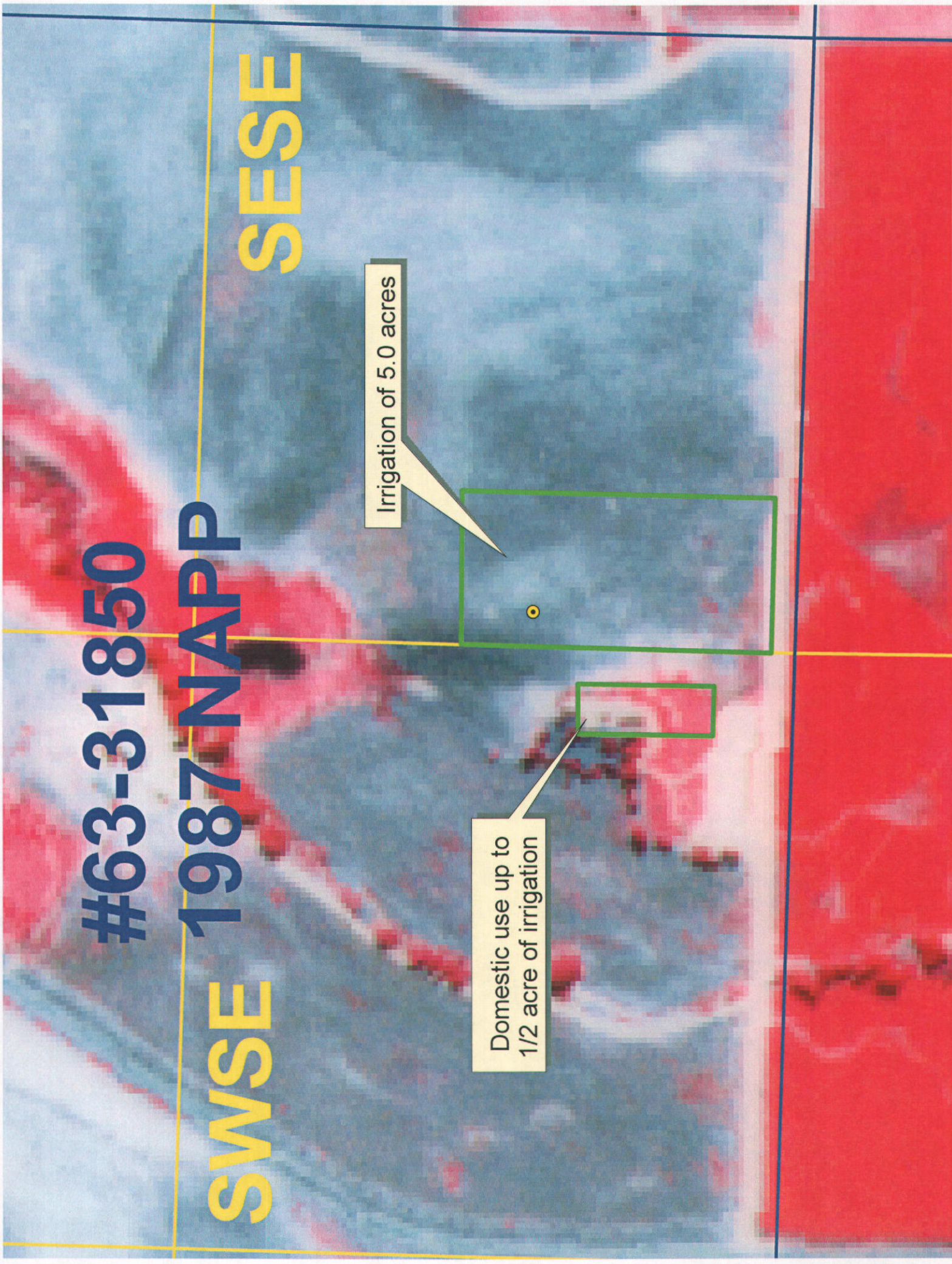
1987 NAPP

SWSE

SESE

Irrigation of 5.0 acres

Domestic use up to
1/2 acre of irrigation



**Ada County Assessor
Land Records/GIS****Main Menu**

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[Help Index](#)
[FAQ](#)
[About Us](#)
[Contact Us](#)
[Disclaimer](#)

Property Search

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[Search by Address](#)
[Search by Subdivision](#)
[Online Documents](#)

[Interactive Map](#)

Property Details for Parcel S0226449067 and Year 2006

2006 ▼

[Change Year](#)

[\[Back to Parcel Search\]](#) [\[Print View\]](#)

[Details](#)

[Valuation](#)

[Tax Districts](#)

[Characteristics](#)

Parcel: S0226449067

Year: 2006

Zone Code: RR

Total Acres: 10

Tax Code Area: 270

Property Description:

PAR #9067 OF S2SE4

SEC 26 5N 1E R/S #2395

#449066-S #438700-C



[View Interactive Map of this Parcel](#)

Address: 9600 W BROOKSIDE LN BOISE , ID 83703

Subdivision: 5N 1E 26

Land Group Type: SECT

Township/Range/Section: 5N1E26

[Contact Us](#) | [Disclaimer](#)

I am assuming this
is "the Castle" referred to
on the Notice of Claim -
#63-3428.

-K. Brown



(Course fee 12/08/05 Conversation Memo in file). -KB

Apparently, this photo was taken by Gene Gibson while "working on" Joe Stadler's Shadow Valley Gals



Apparently, this photo was taken by Gene Gibson while "working on" Gene Stadler's Shadow Valley Golf Course (see 12/03/05 Conversation Memo in file) -KJB

Idaho Department of Water Resources

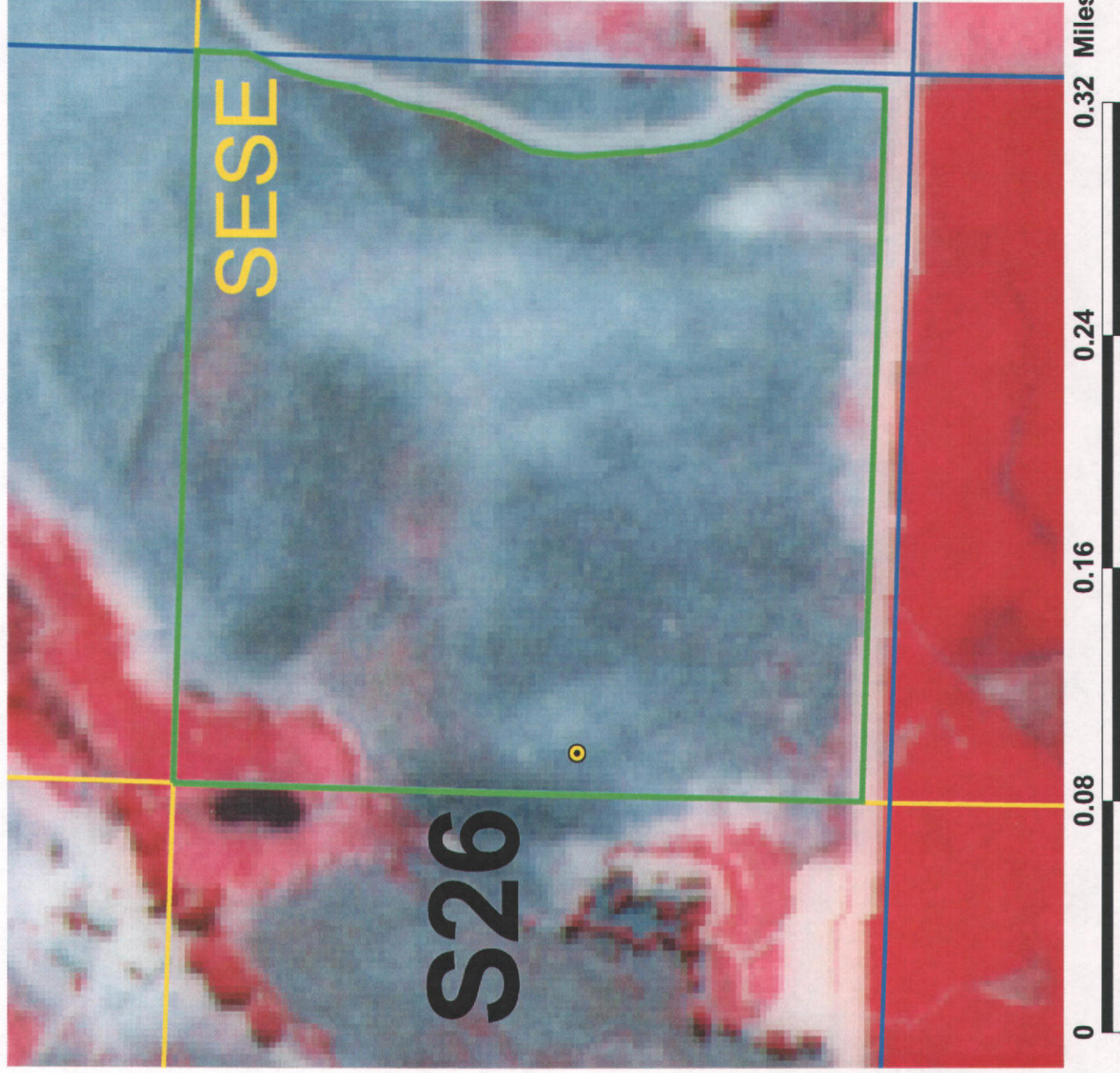
T05N, R01E,
S26

Claim No: 63-03428
Prepared By: Kimberly Brown
Date: January 14, 2003

- Point of Diversion
- Place of Use
- Section Lines
- 1/4 1/4



1987 NAPP



SESE

Turn sheet over and refer
- to curves pendive number →

1

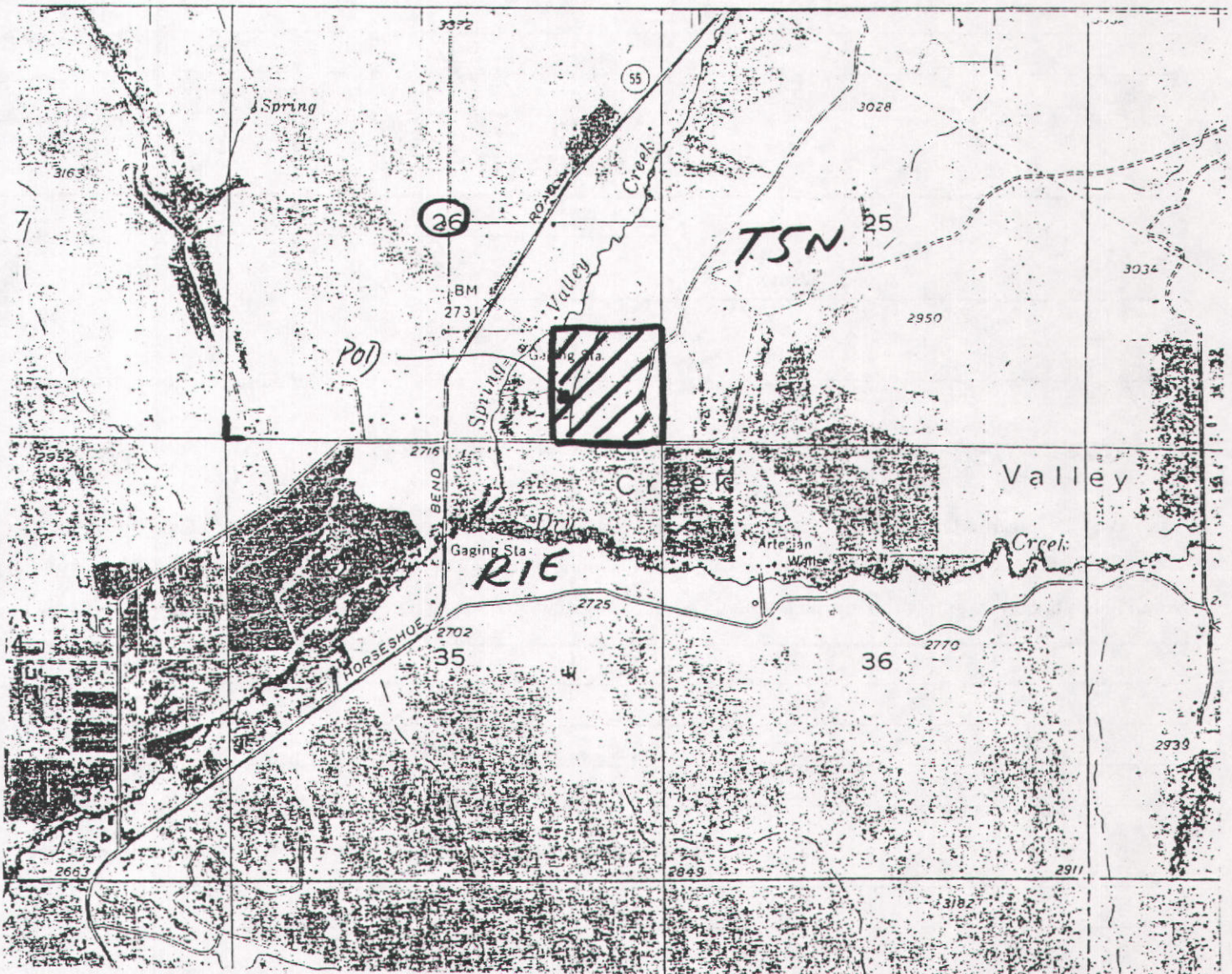
3

2

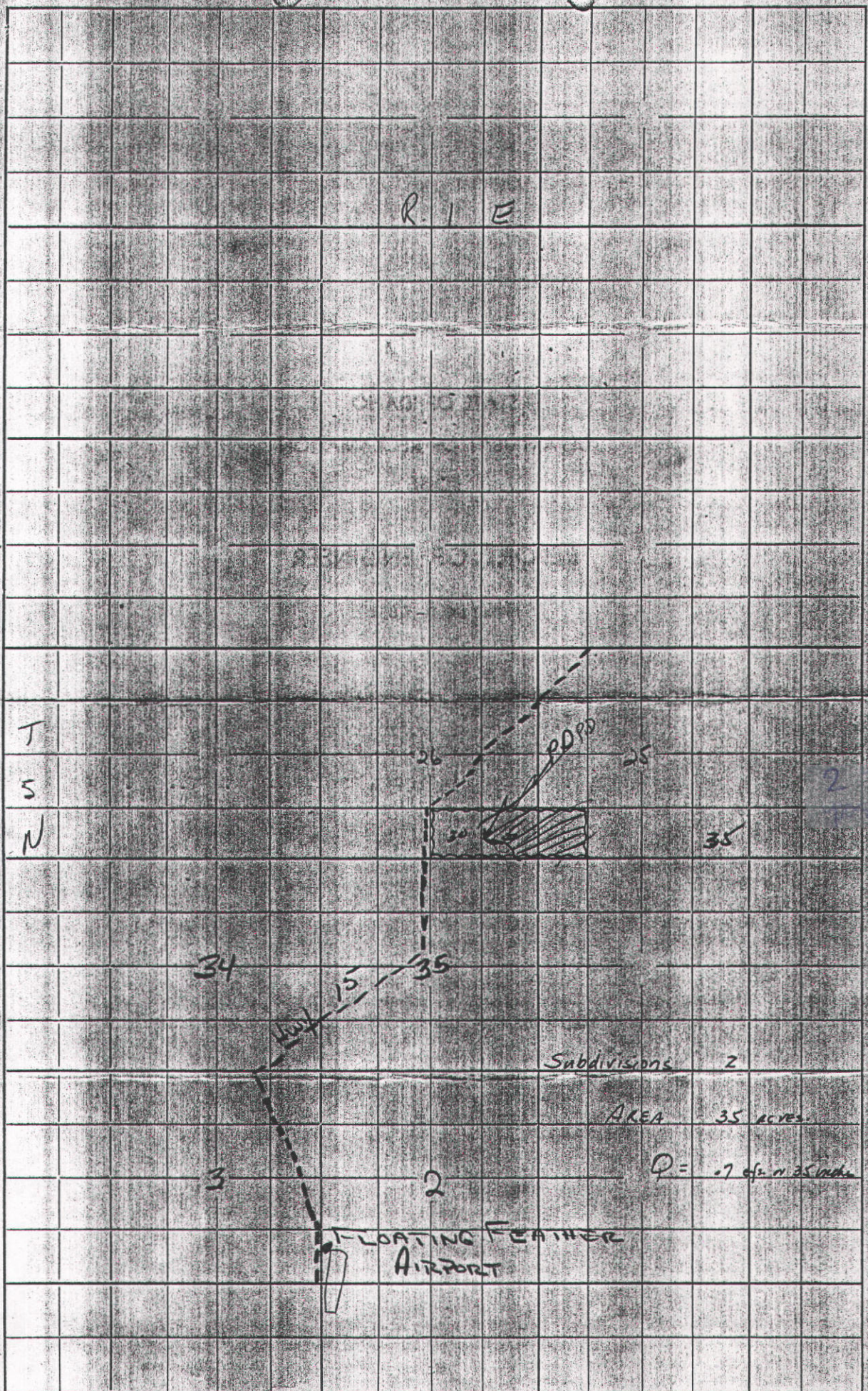
4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



MICROFILMED
JUL 23 1990



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

32051

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 63-31850
Date Received: 9/21/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

HELEN J MACK
9600 W BROOKSIDE LN
BOISE ID USA 83714

Phone: (208) 939-4141

MILTON F MACK
9600 W BROOKSIDE LN
BOISE ID USA 83714

Phone: (208) 939-4141

2. Date of Priority: 09/02/1964

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	01E	26	SE SE	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.1	22.5
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.1 C.F.S. and/or 22.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	01E	26	SE SE	SE SE	DOMESTIC IRRIGATION	5
Section Acres						5
Total Acres						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:

Claim amended based on approved transfer 7/12/90. Amended POU acres.

This claim is the result of a split due to change in ownership for a portion of 63-3428. DB 3/4/2004

Representative name removed at time of ownership change. 3/4/2004

15. Basis of Claim: License

RECEIVED

FEB 24 2004

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
63-3428		☒			

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) Idaho STATE BANK
4. New Owner/Claimant(s) x Mr. MILTON F. MACK - Helen J. MACK
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 9600 W. BROOKSIDE LN.
- City, State and ZIP Code Boise, ID 83714
- New Telephone Number 208) 939-4141
5. Date you acquired the property April 9, 1998
 (the 10 AC)

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	<u>.10 cfs</u>	<u>5 Acres</u>
Stock	_____	_____
Domestic	<u>.04</u>	<u>1 House</u>
Other	_____	_____
Total	<u>.10 cfs</u>	_____

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) Dr. Melba F. Mock
(include title if applicable) Henry J. Mock

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 DB Date 2-24-04 Fee 0
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

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.

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Irrigation	<u>.10 cfs</u>	<u>5 Acres</u>
Stock	_____	_____
Domestic	<u>.04</u>	<u>1 House</u>
Other _____	_____	_____
Total	<u>.10 cfs</u>	_____

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)
(include title if applicable)

Dr. William F. Mock
Henry J. Moore

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 DB Date 2-24-04 Fee 0
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3428

WATER RIGHT NUMBER: 63-3428

63-31850

<u>Owner Type</u>	<u>Name and Address</u>
<u>Current Owner</u>	IDAHO STATE BANK PO BOX 909 GLENN'S FERRY, ID 83623 (208)366-7492
Original Owner	BEN F. STADLER RT 1 BOISE, ID 83703
Representative	S DONALD ROWE PO BOX 128 KUNA, ID 83634 (208)922-1105

Mack

Priority Date: 09/02/1964

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC ✓	1/01 to 12/31		0.040 CFS	.04 cfs
IRRIGATION ✓	3/15 to 11/15		~~0.700~~ CFS	.10 cfs
	<u>Total Diversion:</u>		~~0.700~~ CFS	.10 cfs total

Location of Point(s) of Diversion

GROUND WATER NE1/4SE1/4SE1/4 Sec. 26, Twp 05N, Rge 01E, B.M. ADA County

Place of Use

DOMESTIC ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01E	26																	X

IRRIGATION ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01E	26																	35.0

Total Acres: 35

5 total acres

9/21/89



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2348

IDAHO DEPARTMENT OF WATER RESOURCES

FAX (208) 334-2348

Adjudication Claim Report 63-3428

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

WATER RIGHT NUMBER: 63-3428

Owner Type

Current Owner

Name and Address

IDAHO STATE BANK
PO BOX 909
GLENN'S FERRY, ID 83623
(208)366-7492

Original Owner

BEN F STADLER
RT 1
BOISE, ID 83703

Representative

S DONALD ROWE
PO BOX 128
KUNA, ID 83634
(208)922-1105

*Mack
portion*

RECEIVED

FEB 24 2004

WATER RESOURCES
WESTERN REGION

Priority Date: 09/02/1964

Basis: License

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

DOMESTIC

IRRIGATION

From To

1/01 to 12/31

3/15 to 11/15

Diversion Rate

0.040 CFS

0.700 CFS

Annual Volume

Total Diversion: 0.700 CFS

Location of Point(s) of Diversion

GROUND WATER

ADA County

NE1/4SE1/4SE1/4

Sec. 26, Twp 05N, Rge 01E, B.M.

Place of Use

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	01E	26	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	01E	26	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	35.0

Total Acres: 35

5 AC (5 total)
to MACK

RECEIVED

FEB 24 2004

WATER RESOURCES
WESTERN REGION

QUITCLAIM DEED

FOR VALUE RECEIVED

B & B PROPERTIES LIMITED PARTNERSHIP, the grantor,
does hereby convey, release, remise and forever quit claim unto
Dr. Milton F. Mack and Helen J. Mack,

EXHIBIT "A"

A parcel of land situated in the Southeast one-quarter of Section 26,
Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho.
More particularly described as follows:

Commencing at the Section Corner common to Sections 25, 26, 35 and
36, a Brass Cap;
thence N 89°50'17"W a distance of 2643.00 feet to a found 5/8 inch
iron pin and aluminum cap marked LS 946, 1/4 cor.;
thence N 54°49'22"E a distance of 86.44 feet to a point on the
northerly rights-of-way of W. Brookside Lane;
thence S89°50'17"E a distance of 796.53 feet to a 5/8 inch iron pin,
the Point of Beginning;
thence N 07°42'17"E a distance of 249.90 feet to a 5/8 inch iron pin;
thence N 81°06'47"E a distance of 141.76 feet to a 5/8 inch iron pin;
thence N 14°25'54"E a distance of 240.50 feet to a 5/8 inch iron pin;
thence N 24°10'43"W a distance of 29.76 feet to a 5/8 inch iron pin;
thence N 14°55'11"E a distance of 44.62 feet to a 5/8 inch iron pin;
thence N 36°30'45"E a distance of 81.97 feet to a 5/8 inch iron pin;
thence N 56°26'49"E a distance of 85.76 feet to a 5/8 inch iron pin;
thence N 67°11'46"E a distance of 40.76 feet to a 5/8 inch iron pin;
thence N 28°46'09"E a distance of 121.75 feet to a 5/8 inch iron pin;
thence N 61°03'46"E a distance of 187.15 feet to a 5/8 inch iron pin;
thence N 32°41'03"E a distance of 84.51 feet to a 5/8 inch iron pin;
thence N 11°14'40"E a distance of 186.16 feet to a 5/8 inch iron pin;
thence N 34°18'49"E a distance of 78.51 feet to a 5/8 inch iron pin;
thence N 51°58'30"E a distance of 324.90 feet to a 5/8 inch iron pin;
thence S 86°51'38"E a distance of 459.93 feet to a 5/8 inch iron pin;
thence S 01°49'34"W a distance of 1397.28 feet to a 5/8 inch iron
pin;
thence N 89°50'17"W a distance of 1409.85 feet to the Point of
Beginning.

The above described parcel containing 33.03 acres more or less.
together with their appurtenances. Dated: 7-20-95

Milton F. Mack

Helen J. Mack

STATE OF IDAHO, COUNTY OF Ada

On this 20th day of July 1995,
before me, a notary public in and for
said State, personally appeared

Dr. Milton F. Mack
Helen J. Mack

known to me to be the person who
name are/is subscribed to the
within instrument, and acknowledged
to me that they executed the same.

Vandra L. Burrows
Residing at Frankland, Idaho
Commission expires 6-6-96

B + B deeded

33 acres to

Dr. Mack in

1995



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Id.

RECEIVED

FEB 24 2004

WATER RESOURCES
WESTERN REGION

April 09, 1998

Re: Escrow No. 165422
9600 W. BROOKSIDE LANE, BOISE,
To: Pioneer Title Company of Ada Co
821 West State Street
Boise, Idaho

I hand you herewith

WARRANTY DEED FOR 33 ACRES FROM
B & B PROPERTIES

WARRANTY DEED FOR 10 ACRES FROM
RECOVERY CENTER

which you are authorized to use in c.
escrow when you are in a position to

COMPLETE THE ABOVE REFERENCED TI
INSTRUCTION FROM MR. RANDAL J. I

You are hereby authorized and directed to deliver funds and/or documents
as follows:

PER EARNEST MONEY AGREEMENT

If you are unable to comply with these instructions within 30 days from
the above date, said money and/or instruments shall thereafter be returned
to me on my written demand; but in the absence of such demand, you will
proceed to comply with these instructions as soon as possible thereafter.

In the event that any controversy should arise between the parties hereto
or with any third person, you shall not be required to determine the same
or to take any action in the premises, but you may await settlement of any
such controversy by joint instructions of the parties or by appropriate
legal proceedings. In the event that you should become a party to any
such legal proceedings, we jointly and severally agree to pay and to hold
you harmless from and against any and all costs, charges, damages,
attorney's fees or other expense that you in good faith may incur.
AERIE ADDICTION RECOVERY CENTER, INC.

BY William H. Mack

BY Allen J. Mack

B & B PROPERTIES LIMITED PARTNERSHIP

BY Lillian E. Stadler, General Partner

BY _____

Receipt of money and/or instruments hereinabove mentioned is hereby
acknowledged.

PIONEER TITLE COMPANY OF ADA COUNTY

By
DEBBIE NULLIGAN, Escrow Officer

Dr. Mack deeded
33 acres back to
B+B. (1998)

And → then B+B
deeded 10 acres
to Dr. Mack again
on same document.



A Pioneer Company

**PIONEER TITLE COMPANY
OF ADA COUNTY**

821 West State Street / Boise, Idaho 83702-5836 / Telephone (208) 336-6700

RECEIVED

FEB 24 2004

WATER RESOURCES
WESTERN REGION

April 09, 1998

Re: Escrow No. 165422
9600 W. BROOKSIDE LANE, BOISE, ID 83703

To: Pioneer Title Company of Ada County
821 West State Street
Boise, Idaho

I hand you herewith

WARRANTY DEED FOR 33 ACRES FROM AERIE ADDICTION RECOVERY CENTER TO
B & B PROPERTIES

WARRANTY DEED FOR 10 ACRES FROM B & B PROPERTIES TO AERIE ADDICTION
RECOVERY CENTER

which you are authorized to use in connection with your above-numbered
escrow when you are in a position to

COMPLETE THE ABOVE REFERENCED TRANSACTION IN ACCORDANCE WITH WRITTEN
INSTRUCTION FROM MR. RANDAL J. FRENCH, ATTORNEY

You are hereby authorized and directed to deliver funds and/or documents
as follows:

PER EARNEST MONEY AGREEMENT

If you are unable to comply with these instructions within 30 days from
the above date, said money and/or instruments shall thereafter be returned
to us on my written demand; but in the absence of such demand, you will
proceed to comply with these instructions as soon as possible thereafter.

In the event that any controversy should arise between the parties hereto
or with any third person, you shall not be required to determine the same
or to take any action in the premises, but you may await settlement of any
such controversy by joint instructions of the parties or by appropriate
legal proceedings. In the event that you should become a party to any
such legal proceedings, we jointly and severally agree to pay and to hold
you harmless from and against any and all costs, charges, damages,
attorney's fees or other expense that you in good faith may incur.
AERIE ADDICTION RECOVERY CENTER, INC.

BY Matthew H. Mack

BY Allen J. Mack

B & B PROPERTIES LIMITED PARTNERSHIP

BY Lillian E. Stadler, General Partner

BY _____

Receipt of money and/or instruments hereinabove mentioned is hereby
acknowledged.

PIONEER TITLE COMPANY OF ADA COUNTY

By _____
DEBBIE MULLIGAN, Escrow Officer

A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702-5836 / Telephone (208) 336-6700

BUYER'S CLOSING STATEMENT

ESCROW STATEMENT OF:

B & B PROPERTIES LIMITED PARTNERSHIP
LILLIAN E. STADLER, General Partner

Escrow: 165422

Escrow Officer: **DEBBIE MULLIGAN**

Date: April 10, 1998

Closing Date: 04/13/98

FINAL

Property Address: 9600 W. BROOKSIDE LANE
BOISE, ID, 83703

ITEMS	DEBITS	CREDITS
TOTAL CONSIDERATION	159,000.00	
INITIAL DEPOSIT TO ESCROW		10,000.00
PRORATIONS/ADJUSTMENTS	FROM	TO
TAX ACCOUNT 50226449066		
POR TAX YEAR 1998 AT \$990.36	01/01/98	04/13/98
		276.76
TITLE CHARGES TO PIONEER TITLE COMPANY OF ADA COUNTY		
EXTENDED OWNER	366.00	
DEED RECORDING FEE	6.00	
RECORD POWER OF ATTORNEY	15.00	
ESCROW CHARGES		
ESCROW FEE	261.00	
LENDER CHARGES		
BALANCE DUE ESCROW		149,371.24
TOTALS	159,648.00	159,648.00

B & B PROPERTIES LIMITED

Lillian E. Stadler, General Partner
LILLIAN E. STADLER, General Partner



A Pioneer Company

**PIONEER TITLE COMPANY
OF ADA COUNTY**

821 West State Street / Boise, Idaho 83702-5836 / Telephone (208) 336-6700

ESCROW INSTRUCTIONS

Seller: AKRLE ADDICTIONS RECOVERY CENTER, INC., AN IDAHO CORPORATION
Buyer: B & B PROPERTIES LIMITED PARTNERSHIP
Escrow No.: 165422 DM
Date: 04/02/98

RECEIVED

FEB 24 2004

**WATER RESOURCES
WESTERN REGION**

Upon receipt of collected funds sufficient to close this transaction, PIONEER TITLE COMPANY OF ADA COUNTY is authorized to close the above escrow and record the documents delivered to it, as well as to disburse those funds as set forth in the closing statement executed and hereby approved by the Buyer and Seller on the following conditions:

1. **TITLE INSURANCE:** Buyer and Seller instruct Pioneer Title to close this transaction upon notification that an OWNER STANDARD title insurance policy in the amount of \$159,000.00 insuring Buyer and a MORTGAGEE'S title insurance policy can be issued insuring in an amount not exceeding \$0.00 subject to customary title exceptions, restrictive covenants, easements, and title exceptions 2 THROUGH 4 set forth in title commitment No. 165422 which Buyer and Seller have read and hereby approve.

2. **PRORATIONS:** All prorations between Buyer and Seller shall be as of the date set forth in the closing statement. All prorations shall be based upon a 365 day year, unless the parties otherwise notify Pioneer Title of a different applicable period. Prorations shall be calculated based on the most recently available property tax, rental and insurance information received from the Seller or the Deed of Trust beneficiary or Mortgagee. All water, utility or other prorations not specifically set forth in the closing statement shall be prorated directly between Buyer and Seller outside of this closing. Additional recording fees and additional interest due on any required loan payoffs different from that set forth in the closing statement may be deducted from the appropriate party's funds notwithstanding the amounts set forth in that closing statement.

3. **FIRE INSURANCE:** Pioneer Title shall have no obligation to cancel, transfer or purchase fire or other insurance for Buyer or Seller. All insurance needs of the parties shall be handled directly by the parties outside of escrow.

4. **DISPUTE:** If a dispute arises between Buyer and Seller or with any third party, Pioneer Title shall have the option to await settlement of such controversy between the parties and submission of joint instructions by them, or to institute an interpleader action or otherwise await the entry of a court order or judgment determining the parties' rights to such dispute.

5. **DISBURSEMENTS:** Buyer and Seller agree to pay and reimburse Pioneer Title upon demand any sums paid or otherwise disbursed by it in reliance upon any check, draft or other item delivered to it as part of this closing, if such checks, drafts or other items are returned or otherwise fail to result in the immediate, unconditional deposit or credit of cash funds at closing. IF Buyer or Seller fail to present for payment any check or instrument issued by Pioneer Title company within ninety (90) days from the date such check was issued, then Buyer and Seller authorize Pioneer Title Company to deduct the sum of Three Dollars (\$3.00) per month from such funds until the check is presented for payment. IF Pioneer Title reissues any stale check, the fee charged to Pioneer Title by its bank for reissuing a check shall be deducted from the funds otherwise due and payable to Buyer or Seller.

Escrow Instructions - 1



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702-5836 / Telephone (208) 336-6700

Escrow Instructions, continued

6. AMENDMENTS: These Escrow Instructions may only be amended in writing signed by the parties to this escrow or as set forth in any written supplemental escrow instruction. Pioneer Title may return the instruments and funds delivered pursuant to these instructions if this transaction fails to close within fifteen (15) working days from the above date, but if Pioneer Title elects not to return the instruments and funds, then this transaction may proceed to close unless otherwise notified by all parties to this escrow.

7. COPIES: Buyer and Seller authorize Pioneer Title to deliver a copy of these instructions and related documentation to Buyer's or Seller's real estate broker, salesman, mortgagee, deed-of-trust beneficiary, attorney or other agent upon request.

THE UNDERSIGNED ARE HEREBY NOTIFIED THAT THEY HAVE THE RIGHT TO HAVE THE DOCUMENTATION USED IN THE CLOSING AND THESE ESCROW INSTRUCTIONS REVIEWED BY AN ATTORNEY OF THE UNDERSIGNED'S CHOICE AT THEIR OWN EXPENSE PRIOR TO CLOSING AND ANY QUESTIONS THEY MAY HAVE WITH REGARD TO THE DOCUMENTATION SHOULD BE ADDRESSED TO THEIR ATTORNEY. PIONEER TITLE CANNOT ANSWER LEGAL QUESTIONS FOR THE PARTIES.

TRUSTEE'S RECONVEYANCE FEE: Some deeds of trust provide that no reconveyance charge shall be charged to the party legally entitled to the reconveyance while other deeds of trust forms limit the dollar amount of a reconveyance fee. The undersigned nevertheless request that Pioneer Title pay the trustee's customary reconveyance fee notwithstanding any contrary agreement, restriction or limitation set forth in any deed of trust wherein a reconveyance is requested in this transaction. The undersigned knowingly and intentionally waives any restriction or limitation on the collection of a reconveyance fee in this transaction and voluntarily agree to pay the reconveyance fee set forth in the closing statement executed and hereby approved by the undersigned.

B & B PROPERTIES LIMITED PARTNERSHIP

Lillian E. Stadler

AERIE ADDICTIONS RECOVERY CENTER, INC.

Michael Wood

Debbie Mulligan

PIONEER TITLE COMPANY OF ADA COUNTY

By _____
DEBBIE MULLIGAN
Escrow Officer



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702-5836 / Telephone (208) 336-6700

TAX NOTICE

Re: Escrow No. 165422 DM
9600 W. BROOKSIDE LANE

THE TAX VALUES SHOWN IN THE ACCOMPANYING CLOSING STATEMENT ARE BASED ON:

1998 estimated tax amount of \$990.36, which is based on the 1997 tax amount.

The buyer and seller herein hereby affirm and agree that Pioneer Title Company, its employees, agents, or assigns have not made any warranties as to the accuracy of these tax figures. Further, the buyer and seller agree that if the actual tax amount (as shown in the tax statement forwarded by the Treasurer's Office during the year of the sale) differs from the amount shown above, the following will occur:

1. If the buyer has received excess credit based on the estimated tax, the buyer agrees to reimburse the seller for such excess; or
2. If the seller has received excess credit based on the estimated tax, the seller agrees to reimburse buyer for such excess.
3. Reimbursement, if applicable, shall be made by the respective party within three months of receipt of the actual tax notice; any such reimbursement shall be handled by and between the undersigned and not as part of any escrow services provided by Pioneer Title Company.

In witness whereof, the parties have set their hands this _____ day of _____, 19 ____.

BUYER:

B & B PROPERTIES LIMITED PARTNERSHIP

Lillian E. Stadler

Address: _____

SELLER:

AERIE ADDICTIONS RECOVERY CENTER, INC.

William A. Mack

William J. Mack

Address: _____

RECEIVED

FEB 24 2004

WATER RESOURCES
WESTERN REGION

Dr. Milton F. & Helen J. Mack
SE1/4 Section 26 T5N R1E

5 acres

SWSE

POD

NESE

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 63-3428
Date Received: 9/21/1989
Receipt No: C011749
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

IDAHO STATE BANK
PO BOX 909
GLENN'S FERRY ID USA 83623

Phone: (208)366-7492

2. Date of Priority: 09/02/1964

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	01E	26	NE SE SE	ADA	

5. Description of diverting works:

WELL, 688' DEEP, 12" CASING, 5 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.7	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.7 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	01E	26	SE	SE	DOMESTIC	
			SE	SE	IRRIGATION	35
					Section Acres	35
					Total Acres	35

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:

Claim amended based on approved transfer 7/12/90. Amended POU acres.

15. Basis of Claim: License

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: A63-03428
Date Received: 9/21/1989
Receipt No: Col 1748 & Col 1749
Received By: hdt

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IDAHO STATE BANK 208-366-7492
Address: P.O. BOX 909
GLENNS FERRY, ID 83623

2. Date of Priority: SEP 02, 1964

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	01E	26	NE	SE	SE		ADA

5. Description of diverting works:
WELL, 688' DEEP, 12" CASING, 5 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.700		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 122.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE (KNOWN AS THE CASTLE)

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	01E	26	SW	SE		IRR	30.0
			SE	SE		IRR	5.0

A63-03428

Page 1

Date: 09/21/89

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AUG 19 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	01E	26	SE SE		DOMEST	

Section Acres 35.0

Total Acres 35.0

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:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 32051

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: 3 4

- 1- map
- 2- Legal Des.
- 3- Well log
- 4- Authority to sign

For Organizations:

I do solemnly swear or affirm that I am Property Manager of
Idaho State Bank, that I have signed the foregoing
Organization Title
document in the space below as Property Manager of
Title
Idaho State Bank and that the statements contained in the
Organization
foregoing document are true and correct.

Donald Rowe
Signature of Authorized Agent

Property Manager
Title and Organization

Idaho State Bank 9-21-89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of September 19 89

Helen Harrington
Notary Public

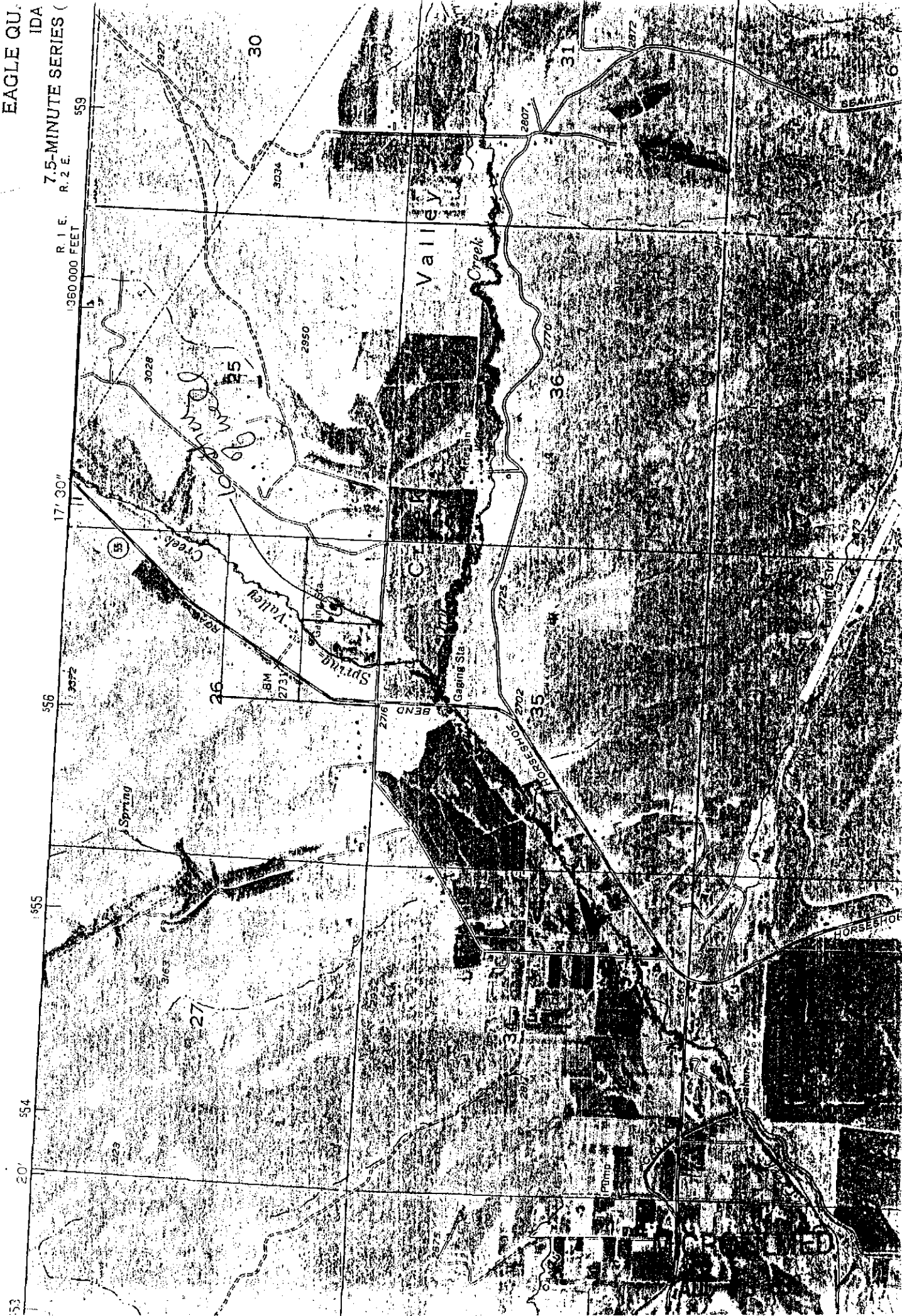
Seal

Residing at Helen Harrington, Notary Public
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 1, 1994

WACAMWAY TO FILE 03420

R1E R2E

EAGLE QU.
IDA
7.5-MINUTE SERIES (R. 2 E.)



LEGAL DESCRIPTION

PARCEL I

farm land

A parcel of land situated in the Southeast quarter of Section 26, Township 5 North, Range 1 East, Boise-Meridian, Ada County, Idaho; more particularly described as follows:
Commencing at the Southeast corner of said Section 26, thence
North 89°50'17" West along the South line of said section a distance of 366.11 feet to a point; thence
North 00°09'43" East a distance of 50.00 feet to a 5/8 inch iron pin, the REAL POINT OF BEGINNING; thence
North 01°51'35" East a distance of 1362.53 feet to a 5/8" steel pin; thence
West a distance of 586.24 feet to a 5/8" steel pin; thence
South 49°37'16" West a distance of 258.10 feet to a 5/8" steel pin; thence
South 13°21'14" West a distance of 288.48 feet to a 5/8" steel pin; thence
South 57°17'11" West a distance of 185.13 feet to a 5/8" steel pin; thence
South 28°44'24" West a distance of 121.95 feet to a 5/8" steel pin; thence
South 40°45'02" West a distance of 233.82 feet to a 5/8" steel pin; thence
South 14°15'41" West a distance of 263.39 feet to a 5/8" steel pin; thence
South 80°39'37" West a distance of 141.22 feet to a 5/8" steel pin; thence
South 07°42'17" West a distance of 249.90 feet to a 5/8" steel pin; thence
South 89°50'17" East a distance of 1410.04 feet to THE REAL POINT OF BEGINNING.

EXCEPT the following described property:

Castle & Granda

A parcel of land situated in the Southeast quarter of Section 26, Township 5 North, Range 1 East Boise-Meridian, Ada County, Idaho; more particularly described as follows:

Commencing at the Southeast corner of said Section 26; thence
North 89°50'17" West on the South line of said section a distance of 366.11 feet to a point; thence
North 00°09'43" East a distance of 50.00 feet to a 5/8" iron pin; thence
North 89°50'17" West a distance of 978.56 feet to a 5/8" iron pin and THE REAL POINT OF BEGINNING; thence
North 00°00'00" East a distance of 425.82 feet to a 5/8" iron pin; thence

continued

MICROFILMED

AUG 19 1992

LEGAL DESCRIPTION CONTINUED

Parcel D.

Castle & Grounds

North 62°24'45" West a distance of 218.60 feet to a 5/8" iron pin; thence
South 14°15'41" West a distance of 263.39 feet to a 5/8" iron pin; thence
South 80°39'37" West a distance of 141.22 feet to a 5/8" iron pin; thence
South 07°42'17" West a distance of 249.90 feet to a 5/8" iron pin; thence
South 89°50'17" East a distance of 431.48 feet to THE REAL POINT OF BEGINNING.

ALSO EXCEPT ditch and road rights of way

MICROFILMED

AUG 19 1992

Attachment to A63-03428

Well Log Form 1
3-3-60

RECEIVED
AUG 25 1964

Department of Reclamation

WELL LOG AND REPORT TO THE
STATE RECLAMATION ENGINEER OF IDAHO

SUBMIT WITHIN 30 DAYS AFTER COMPLETION OF WELL: SEE IDAHO STATUTES 42-236

Project No. 9-32251 Well No. _____ County Ada

Owner Ben F. Stadler

Address Route 1 Boise, Idaho

Driller Russell Power

Address Boise, Idaho

Well location _____ % _____ % Sec 26, T. 5N R. 2E S. 18

Size of drilled hole 12" to 340' 10" 340' to 688'

Total depth of well 688'

Locate well to section

100%	00%
00%	100%
00%	00%
00%	00%

Give depth to standing water from the ground Young Water from 82.5' to 85'

Test delivery was 900 g.p.m. at _____ c.s. Drawdown was _____ feet. Pump? Boillit

Size of pump and motor used to make test None

Length of time of test _____ hours _____ minutes

If flowing well, give flow _____ c.s. at 900 g.p.m. and of shut off pressure 5/165

If flowing well, describe control valve 6" Gate Valve

(TYPE AND SIZE OF VALVE, ETC.)

Water will be used for Domestic consumption Weight of casing per lineal foot _____

Thickness of casing 1/4" wall Casing material Steel

(STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing 12" casing to 340' 8" casing 340' to 688'

(CASING 18" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER; CASING OVER 18" IN DIAMETER, GIVE OUTSIDE DIAMETER)

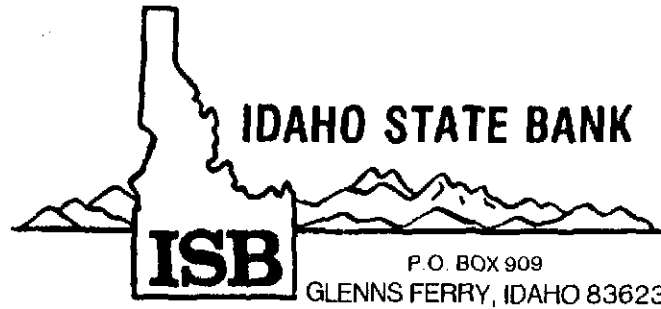
CASING RECORD

From Casing	From Foot	To Foot	Length	Remarks—wash, grouting, etc.
12"	0'	340'	343'	above ground casing set in hard blue shale
8"	321'	688'	367'	8" seal into 12" at 321' from ground level

Number and size of perforations 32" 990 perforations Seal to _____ feet from ground
perforations 633' to 688'

Date of commencement of well June 1, 1964 Date of completion of well Aug. 12, 1964

MICROFILM
AUG 19 1992



208/366-7492

September 19, 1989

To Whom It May Concern:

You are hereby notified that S. Donald Rowe is authorized on behalf of Idaho State Bank to research and investigate the water right situation on property referred to as Spring Creek Winery, 9600 Brookside Lane, Eagle, Idaho, more particularly described on the attached exhibit, in which Idaho State Bank is the contract buyer, and also to sign all the necessary documents to file water permits.

IDAHO STATE BANK

BY:

James R. Echtermeyer
Chief Executive Officer and President

JRE:nm

MICROFILMED

AUG 19 1992

12/08/2005

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

RIGHT NUMBER: 63-31850
NAME AND ADDRESS: HELEN J MACK
9600 W BROOKSIDE LN
BOISE ID 83714

MILTON F MACK
9600 W BROOKSIDE LN
BOISE ID 83714

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.100 CFS
22.500 AFY
PRIORITY DATE: 09/02/1964
POINT OF DIVERSION:

T05N R01E S26 SWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY
IRRIGATION	03/15 11/15	0.100 CFS 22.50 AFY

Domestic use is for 1 home.

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within ADA County
T05N R01E S26 SESE 5.0
DOMESTIC Within ADA County
T05N R01E S26 SWSE

5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

PARCEL NO: a portion of S0226449067.

Water Right 63-31850

Idaho Department of Water Resources

**T05N, R01E,
S26**

Claim No: 63-31850

Prepared By: Kimberly Brown

Date: December 8, 2005



Place of Use



Section Lines

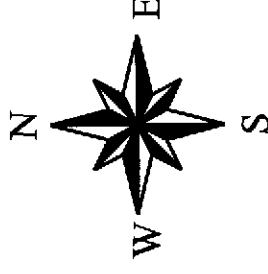


1/4 1/4



Point of Diversion

Acres Irrigated = 5.0



300 0 300 600 Feet

1987 NAPP

Idaho Department of Water Resources

**T05N, R01E,
S26**

Claim No: 63-31850

Prepared By: Kimberly Brown

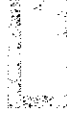
Date: December 8, 2005



Place of Use



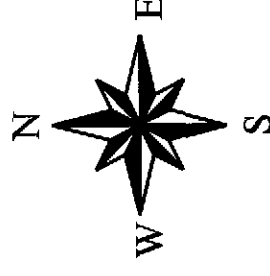
Section Lines



1/4 1/4



Point of Diversion



300 0 300 600 Feet

1987 NAPP

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-31850
Notice of Error Reply**

December 9, 2005

Since I have not heard back from Dr. Milton Mack and today is the last day I can make any changes to preliminary recommendations in Basin 63 Part 2, I have done as Mr. Mack requested on his initial call to me on November 30, 2005. During this conversation, Mr. Mack insisted that there is no well located in the SESE, S26. He said that the well is, and has always been, located in the SWSE, S26; "right next to his home." In my subsequent conversations with Joe Stadler and Gene Gibson, they also confirmed this fact. Therefore, the Application for Permit filed by Ben Stadler, the Notice of Claim filed by Idaho State Bank, the Report of Engineer, the License, and Transfer No. 3732 incorrectly placed the well in the SESE, S26.

I spoke with my supervisor, Jan Shurte, and she advised that I recommend the point of diversion in the SWSE, S26; where it has always been located. Even though Mr. Mack was also concerned about the recommended place of use, Mrs. Shurte advised that since Mr. Mack has not indicated which option he prefers (keeping the recommended 5-acres of irrigation in the SESE, based on Transfer No. 3732 or changing the 5-acres of irrigation to the SWSE, S26 in order to cover his 3-acre lawn); that I keep the place of use as was recommended.

Kimberly Brown
Senior Water Resource Agent
Western Region

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-31850
Notice of Error Reply**

December 8, 2005

After speaking with Nick Spencer, IDWR Deputy Attorney General, on December 6, 2005, I called him at the state office and asked if he was able to address the forfeiture issue with any of his colleagues. Mr. Spencer said that he spoke with fellow employees Candice McHugh (Atty.), Dave Tuthill (Administrator, Water Management Division) and Susan Hamlin-Nygard (Atty.) and they "were all on board;" meaning, they all agreed that the forfeiture clock stopped ticking when the claim was filed in 1989.

Kimberly Brown
Senior Water Resource Agent
Western Region

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-31850
Notice of Error Reply**

December 8, 2005

When Milton Mack referred to someone who had visited his property a few years ago (see Conversation Memorandum, 12/7/05), alluding that it was someone associated with our department; I had an inkling that it may have been former IDWR employee Gene Gibson.

Therefore, I called Gene (#938-4093) and left a message on his answering machine.

Mr. Gibson returned my call later in the day and confirmed that he was the one that took the two pictures of the well and its exterior. When I told Mr. Gibson that there are only two photos in the claim file with nothing attached and nothing written on them to explain their meaning, he replied that "there should be a memo to the file." Unfortunately, I cannot find any such memo in any of the three associated files (63-3428, -31849, or -31851); nor in any of the Stadler's claim files.

According to Mr. Gibson, while he had been out "working" on Joe and Judy (Hutt) Stadler's golf course, Mr. Mack had requested that he also take a look at his well. So Mr. Gibson took photographs of it. When I asked Mr. Gibson if he remembered there being a well in the SESE, S26, he replied, "Not to my knowledge." Mr. Gibson said that, besides the well that Judy Hutt uses for domestic purposes, he is not aware of any other well in the SESE, S26.

Miscellaneous Information:

During our conversation, Mr. Gibson informed me that Judy (Stadler) Hutt, who also owns property in the SESE, S26, leases Mr. Mack's 5-acres that are located in the SESE, S26 for horse pasture.

Kimberly Brown
Senior Water Resource Agent
Western Region

Urgent ☐

FOR

Kimberly

DATE

12-8-05

TIME

1:20

AM
P.M.

While You Were Out

M

Bene Gibson

OF

PHONE

938-4093

AREA CODE

NUMBER

EXTENSION

TELEPHONED		PLEASE CALL	<i>L</i>
CAME TO SEE YOU		WILL CALL AGAIN	
RETURNED YOUR CALL		WANTS TO SEE YOU	

MESSAGE

SIGNED

AK

 adelphi

9711

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-31850
Notice of Error Reply**

December 8, 2005

I called Joe Stadler (#939-8021) in order to speak to him about whether or not he is aware of any well(s) located in the SESE, S26. Mr. Stadler, the son of Ben and Betty Stadler who still owns property in this area, said that there is no well in the SESE; that the well has always been in the SWSE, near Dr. Mack's home (which used to be the Stadler's home). Mr. Stadler said that his family used to use the artesian well located next to their home for domestic and irrigation purposes. According to Mr. Stadler, the well water went into a pond and they used a pump to irrigate their property in the SWSE, S26. In the 1960s, they used to run the unused well water into the creek (Spring Valley, I believe) and it became known as the "swimming hole;" where all the kids would swim.

Mr. Stadler also stated that in 1986, he remembers that the water "got to 86 degrees" Fahrenheit. When I asked Mr. Stadler how long his family used this well water, he said that they used it until his folks sold its associated acres in the early 1980s. He wasn't sure when Milton Mack bought the property, but he mentioned that when Dr. Mack purchased the property, the well then went with his property. Only then did the Stadlers stop using it for irrigation purposes and, Mr. Stadler added, "only Mr. Mack uses the well since he bought the property" (meaning that B & B Properties and Judy Hutt, who also own property in the SESE, S26 have never used the well located near Dr. Mack's home).

When I asked if he knew anything about the Aeries Subdivision, Mr. Stadler informed me that Milton Mack was personally associated with the subdivision's plans, but those plans "went defunct because there were no easements available."

I am still waiting to hear back from Dr. Mack, but he has not called me to tell me whether or not he would like me to keep the preliminary recommendation as is or change it using an accomplished transfer. However, Dr. Mack did call to speak with IDWR employee Sue Kreger this morning around 11:25 a.m. Liberty Gagnon took the call.

Kimberly Brown
Senior Water Resource Agent
Western Region

CONVERSATION MEMORANDUM

RE: Snake River Basin Adjudication Water Right Nos. A63-31850
Notice of Error Reply

December 7, 2005

Since Dr. Mack did not return my call yesterday afternoon (in my attempt to potentially save him from having to come to the office by sending us an affidavit), I expected that he still intended to meet with me this morning at 10:00 a.m.

At 9:59 a.m., I received a call from Dr. Mack in which his first words were, basically, "Where are you?" Since I was anticipating his presence here at the office, I essentially asked him the same question. Despite this misunderstanding, I informed Dr. Mack of the option of him submitting an affidavit and my ability to give him what he requested on November 30th [moving the POD from the SESE to the SWSE, S26 – right next to his home (/rehabilitation center) - and moving the POU from the SESE to the SWSE, S26 in order to cover the irrigation of the 3-acres of lawn around his home] by utilizing an accomplished transfer.

Instead of accepting this option, Dr. Mack countered with a new scenario. Dr. Mack then inquired: if I changed the POU from the SESE to the SWSE, what would happen to his future plans of building a home on his 5-acre parcel of land in the SESE? I informed Dr. Mack that if I recommended the 5-acres of irrigation in the SWSE and he drilled a new well for a new home in the SESE, that he would be limited to 13,000 gallons per day for internal domestic use and up to ½ acre of irrigation of the lawn and garden. After he considered this, I asked Dr. Mack what he would like to do. Instead of answering my question, Dr. Mack asked me who had been "out here" a few years ago; to "look at his water right." I said that I was not aware of anyone from the department having recently visited his place and I said that there was nothing in the file to indicate a recent field exam. Dr. Mack said that he would call his neighbor, Judy Hutt, to find out who was out on their property a few years ago and then get back to me.

During this conversation, I was able to obtain additional information:

In answer to my questions, Dr. Mack said that:

- He purchased the property in 1991.
- B & B Properties and the Hutts have never used the water from his well.
- He uses the well located next to his home to irrigate approximately 3-acres around his home and to heat his "home" with 3 heat pumps (he did not mention that his home also houses a rehabilitation facility).

When I asked Dr. Mack if his home is also a rehabilitation center, he replied that it is. 

Kimberly Brown
Senior Water Resource Agent
Western Region

Please refer to the attached advertisement found in the 2005 DEX telephone directory, and the four pages printed from the Aerie Addiction Recovery Center's webpage (www.aerierecovery.com). -K.Brown



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of Milton +
Helen Mack)

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the photo attached to
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Assessor Land
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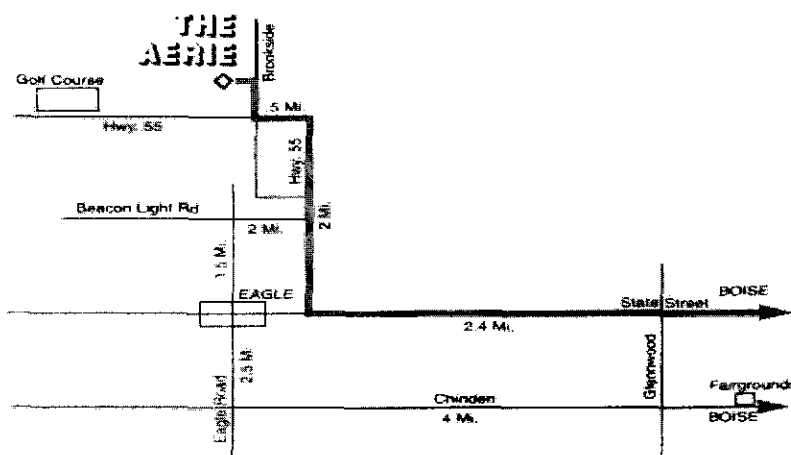
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- 6) Daily AA meeting
- 7) Daily reading assignments
- 8) Daily written assignments
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- 10) 24 hour availability of primary counselor for patients
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- 12) Psychological services are provided by facility psychologists when indicated
- 13) Treatment plan development with patient
- 14) 2 year aftercare program (weekly meetings)
- 15) 2 year aftercare counseling (patient and immediate family)
- 16) Family program
- 17) Children's program
- 18) Total of 168 hours personalized and individualized education and instruction relative to addictive process

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Dr. Milton Mack, Program Director Internationally Certified Drug/Alcohol Counselor, Certified Clinical Supervisor, Idaho State Licensed Addictions Evaluator

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CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-31850
Notice of Error Reply**

December 6, 2005

Since I was expecting a visit from Mr. Mack on the 7th, I met with my supervisor, Jan Shurte, in order to talk to her about Mr. Mack's insistence that there is no well in the SESE, S26 and that there never has been (despite the fact that the Application for Permit, the Notice of Claim, the Engineer's Report, the License, and Transfer No. 3732 all place it in the SESE, S26). I also wanted to talk about Mr. Mack's quandary of him irrigating more than ½ acre of his lawn in the SWSE, S26.

Jan suggested that if Mr. Mack will submit an affidavit stipulating that the well has always been located next to his home in the SWSE, S26 and that there never has been a well in the SESE, S26; we can move both the point of diversion and the 5-acre place of use from the SESE to the SWSE as an Accomplished Transfer.

It was during this meeting that a fellow co-worker, Lori Graves (whom we pulled into our gathering to ask her some questions about the transfer*), mentioned that she thought that the building located at 9600 W. Brookside Lane was not a home, but a rehabilitation center. I replied that during our last conversation Mr. Mack had said that he resided there, but had made no mention that his home was also a rehabilitation facility.

In an attempt to save Mr. Mack a drive to our office on Wednesday by explaining the accomplished transfer option, I called him at #939-4141. To my surprise, his secretary answered the phone and said that Dr. Mack was currently in a session; but that she would give him my message and have him return my call when he was done.

Kimberly Brown
Senior Water Resource Agent
Western Region

*Since Jim Howard, of J.J. Howard Consulting Engineers, informed me that the Aeries Subdivision plans were never completed and the 1996 and 2003 NAPP images show no subdivision development in the SESE, S26, Jan and I were concerned about the transfer condition that states the "failure to put the water to beneficial use within 5 (five) years of the date of the approval of this transfer . . . shall constitute loss or forfeiture of the water right." Therefore, we called Nick Spencer, IDWR Deputy Attorney General, and spoke to him about the forfeiture issue. Mr. Spencer said that he believed that the issue of forfeiture of this right would probably not hold up in court because the forfeiture clock stopped ticking in 1989, when the claim was filed. However, Mr. Spencer wanted to make sure he was giving us accurate advice and said that he would speak to some other attorneys and get back to us.

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-31850
Notice of Error Reply**

November 30, 2005

Milton Mack called in response to the Notice of Error packet he recently received from the department. Mr. Mack was concerned about the location of the point of diversion on the enclosed 1987 NAPP shapefile. He said that there is no well located in the area where it is depicted on the shapefile. I told him that I placed it in the SWSESE, S26 based on the project map submitted with approved Transfer No. 3732. I also explained that the Application for Permit filed by Ben Stadler, the Notice of Claim filed by Idaho State Bank, the Report of Engineer, the License, and Transfer No. 3732 all describe the well as being located in the SESE, S26. (Unfortunately, the Well Log Report does not list the quarter-quarter .)

Mr. Mack, who owns approximately 5 acres in the SWSE and 5 acres in the SESE, S26 (see attached 2003 aerial photo) also questioned the 2 shapes depicting the places of use on the shapefile he received with the Notice of Error Reply. I explained that the smaller green shape located in the SWSE represented the domestic use, both internal and external use up to ½ acre of lawn and garden irrigation. Mr. Mack was surprised and frustrated that the domestic use only covered ½ acre of irrigation of his lawn because, he explained, he irrigates approximately 3 acres of lawn around his home. Mr. Mack was a bit confused by all of this information and asked if he could come in to the office on Wednesday, December 7th (since he just had eye surgery and needed to let his eyes heal) in order to meet with me and attempt to take care of this situation. Therefore, I checked my schedule and set up an appointment to meet with Mr. Mack on the 7th at 10:00 a.m.

Kimberly Brown
Senior Water Resource Agent
Western Region

11/17/2005

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

RIGHT NUMBER: 63-31850

NAME AND ADDRESS: HELEN J MACK
9600 W BROOKSIDE LN
BOISE ID 83714

MILTON F MACK
9600 W BROOKSIDE LN
BOISE ID 83714

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
22.500 AFY

PRIORITY DATE: 09/02/1964

POINT OF DIVERSION:

T05N R01E S26 SESE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

1.20 AFY

IRRIGATION

03/15 11/15

0.100 CFS

22.50 AFY

Domestic use is for 1 home.

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION Within ADA County

T05N R01E S26 SESE 5.0

DOMESTIC Within ADA County

T05N R01E S26 SWSE

5 ACRES TOTAL

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

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

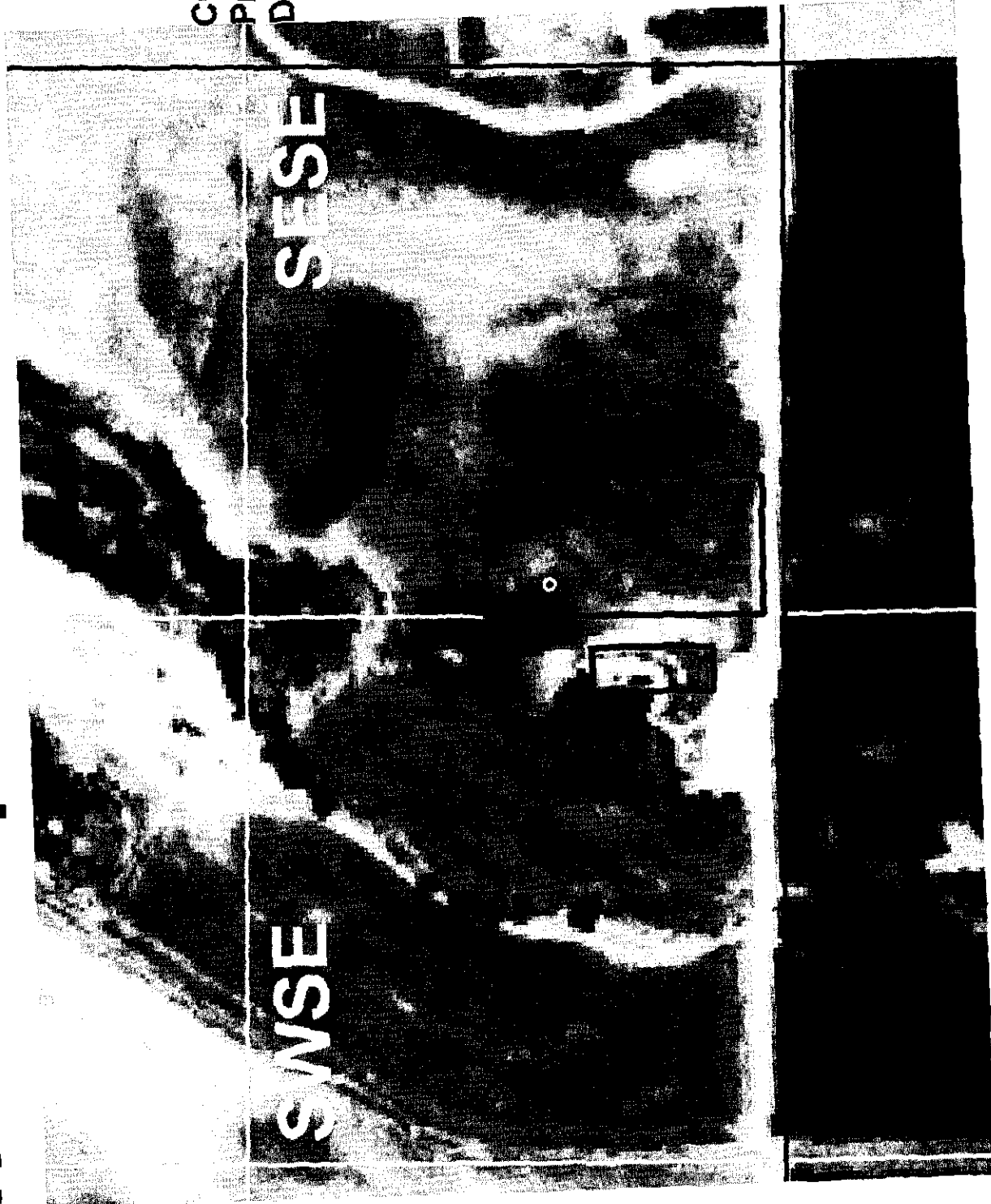
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

PARCEL NO: a portion of S0226449067.

Idaho Department of Water Resources

T05N, R01E, S26

Claim No: 63-31850
Prepared By: Kimberly Brown
Date: November 16, 2005



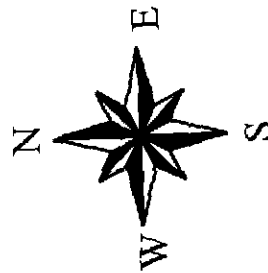
 Place of Use

 Section Lines

1/4 1/4

 Point of Diversion

Acres Irrigated = 5.0



1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31850 V1

WATER RIGHT NUMBER: 63-31850 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	IDAHO STATE BANK PO BOX 909 GLENN'S FERRY, ID 83623 (208)366-7492
Current Owner	HELEN J MACK ✓ 9600 W BROOKSIDE LN BOISE, ID 83714 (208) 939-4141
Original Owner	BEN F STADLER RT 1 BOISE, ID 83703
Current Owner	MILTON F MACK ✓ 9600 W BROOKSIDE LN BOISE, ID 83714 (208) 939-4141

Transfer 3732-

changed POU -
moved 30 acres from
SWSE to SESE

QU: what happened to Domestic
(still in SWSE)?
Yes.

Priority Date: 09/02/1964 ✓
Basis: License ✓
Status: Active

Source
GROUND WATER ✓

Tributary

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	1.2
IRRIGATION ✓	03/15 to 11/15 ✓	0.100 CFS ✓	22.50 AF ✓
	<u>Total Diversion:</u>	0.100 CFS ✓	22.50 AF ✓

Location of Point(s) of Diversion

GROUND WATER SE1/4SE1/4 ✓ Sec. 26, Twp 05N, Rge 01E, B.M. ✓
ADA County ✓

Place of Use

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	01E	26	NE	NW	SW	SE	

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
			NE	NW	SW	SE	

Parcel No: a portion of S0226449067.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31850 V1

05N 01E 26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
																5.0	5.0

Total Acres: 5

Conditions of Approval:

✓ 1. X01 Domestic use is for 1 home.

REMOVE (licensed) ✓ 2. ~~N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.~~

✓ 3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

✓ 4. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

REMOVE (licensed) ✓ 5. ~~N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.~~Remarks:Comments:

1. dbuffington 3/4/2004 Ownership

Comment: This right is the result of a split due to change in ownership for a portion of 63-3428.

2. dbuffington 3/4/2004 Representative name

Comment: Representative name removed at time of ownership change.

Water Supply Bank:

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

Prior to Field Exam

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

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) A63-31850Owner: Heleen & Milton Mack Phone No. 939-4141Current Address: 9600 W. Brookside Ln., Boise 83714

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

Accompanied by: N/A**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: 9/2/64

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

Source: Ground Water 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

688' deep well, 12" casing, 5 HP

OVERLAP REVIEW

Other water rights with the same point of diversion: 63-31849, 63-31851

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

same PCD

WATER USES

Season of use is 3/1 to 11/15.

5 AC
0.02 cfs/AC
0.1 cfs

☐ No change

☐ Different Uses

Use Domestic From To Amount CFS 1.2 AFA

Use From To Amount CFS AFA

Use From To Amount CFS AFA

0.1 cfs x 1.9835 x 246 days = 48.8 af/annum @ 5 AC x 4.5 af/AC = 22.5 af/annum

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 1 Stock #

Types Additional comments: licensed domestic use was in SWSE, S26 - Transfer No. 3732 moved 30 acres of irrigation from SWSE to SESE (+ the house remained in the SWSE).

PLACE OF USE:

☐ No Change

☒ Changes shown below:

Parcel No: a portion of 80226449067.

8W8E, S26.

(D)

63-9376, 63-31849, 63-31851

no overlap - separate POU's

See 63-3428 Field Report.

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

H/A

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

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

DATE EXAM CONDUCTED: 11.16.05 (in office review)

FIELD EXAMINER: Kimberly Brown

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-31850
Notice of Error Reply**

November 30, 2005

After speaking with Milton Mack earlier this morning, I called J.J. Howard Engineers (#344-0574 has been disconnected – the new # is: 846-8937) in order to speak to Amy Woodruff regarding the Aeries Estates Subdivision (see letter dated 12/4/96 in file). The person who answered the telephone said that Amy Woodruff no longer worked for them, so I asked to speak with someone who may be familiar with the Aerial Estates Subdivision. After a brief wait, Jim Howard introduced himself on the phone.

I asked Mr. Howard if he was familiar with the Aerial Estates Subdivision and he said that he was. Mr. Howard informed me that they initially worked on the plans for the subdivision, but that those plans “were never completed.” When I asked him if he was aware if the well associated with the subdivision had been drilled, he answered, “No, the well was never drilled.” I then went out on a limb and asked him if he was aware of any existing wells in that area and he replied that he remembered “a well located near the home.” When I asked him if it was a big, castle-looking home, he said, “Yes.”

Based on this conversation with Jim Howard, I assume that the comments Milton Mack made earlier this morning; regarding the fact that there is no well located in the 5-acre field behind their home, are true. Mr. Mack said that there is only a well located next to their home.

Kimberly Brown
Senior Water Resource Agent
Western Region

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-31850
Notice of Error Reply**

November 30, 2005

Milton Mack called in response to the Notice of Error packet he recently received from the department. Mr. Mack was concerned about the location of the point of diversion on the enclosed 1987 NAPP shapefile. He said that there is no well located in the area where it is depicted on the shapefile. I told him that I placed it in the SWSESE, S26 based on the project map submitted with approved Transfer No. 3732. I also explained that the Application for Permit filed by Ben Stadler, the Notice of Claim filed by Idaho State Bank, the Report of Engineer, the License, and Transfer No. 3732 all describe the well as being located in the SESE, S26. (Unfortunately, the Well Log Report does not list the quarter-quarters.)

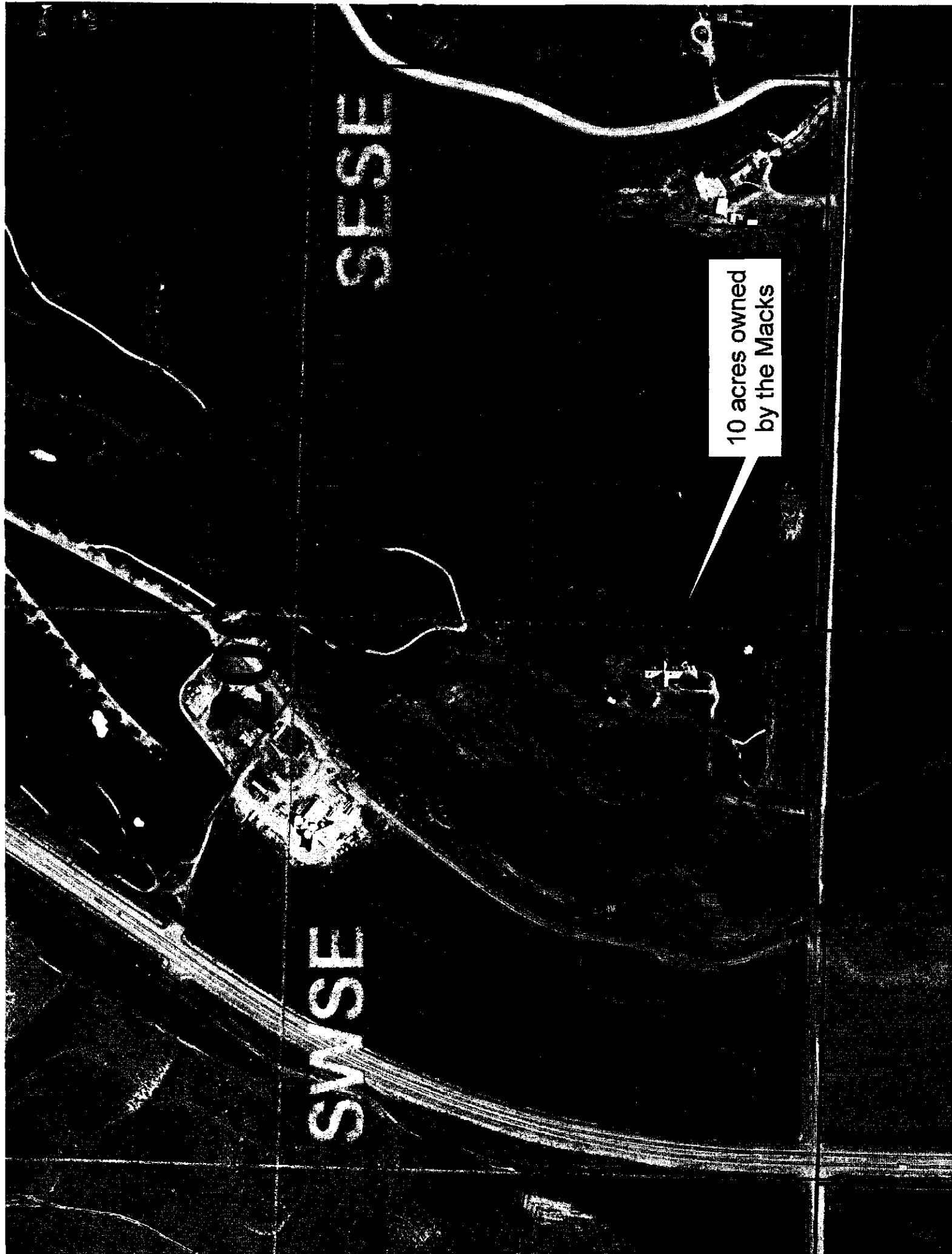
Mr. Mack, who owns approximately 5 acres in the SWSE and 5 acres in the SESE, S26 (see attached 2003 aerial photo) also questioned the 2 shapes depicting the places of use on the shapefile he received with the Notice of Error Reply. I explained that the smaller green shape located in the SWSE represented the domestic use, both internal and external use up to ½ acre of lawn and garden irrigation. Mr. Mack was surprised and frustrated that the domestic use only covered ½ acre of irrigation of his lawn because, he explained, he irrigates approximately 3 acres of lawn around his home. Mr. Mack was a bit confused by all of this information and asked if he could come in to the office on Wednesday, December 7th (since he just had eye surgery and needed to let his eyes heal) in order to meet with me and attempt to take care of this situation. Therefore, I checked my schedule and set up an appointment to meet with Mr. Mack on the 7th.

Kimberly Brown
Senior Water Resource Agent
Western Region

SWASE

SESE

10 acres owned
by the Macks



overlap review-

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31850

11/17/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
9376	Claim	05N	01E	26	SE	SE		IRRIGATION	1/6	JACK BYNUM
31849	Claim	05N	01E	26	SE	SE		IRRIGATION	23/23	B & B PROPERTIES LIMITED PARTNERSHIP
~~31850~~	~~Claim~~	~~05N~~	~~01E~~	~~26~~	~~SE~~	~~SE~~		~~IRRIGATION~~	~~5/5~~	~~HELEN J MACK~~
31851	Claim	05N	01E	26	SE	SE		IRRIGATION	7/7	RONALD HUTT TRUST
~~3428~~	~~Water Right~~	~~05N~~	~~01E~~	~~26~~	~~SE~~	~~SE~~		~~IRRIGATION~~	~~5/35~~	~~BEN F STADLER~~
~~9376~~	~~Water Right~~	~~05N~~	~~01E~~	~~26~~	~~SE~~	~~SE~~		~~IRRIGATION~~	~~1/6~~	~~SHELLEY M DRAKE~~
~~10685~~	~~Water Right~~	~~05N~~	~~01E~~	~~26~~	~~SE~~	~~SE~~		~~STOCKWATER~~		~~RON HUTT~~
~~31850~~	~~Claim~~	~~05N~~	~~01E~~	~~26~~	~~SE~~	~~SE~~		~~DOMESTIC~~		~~HELEN J MACK~~
~~10685~~	~~Water Right~~	~~05N~~	~~01E~~	~~26~~	~~SE~~	~~SE~~		~~DOMESTIC~~		~~RON HUTT~~

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31850

11/17/2005

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-31849	Claim	05N	01E	26	SE	SE		GROUND WATER	B & B PROPERTIES LIMITED PARTNERSHIP
~~63-31850~~	~~Claim~~	~~05N~~	~~01E~~	~~26~~	~~SE~~	~~SE~~		~~GROUND WATER~~	~~HELEN J. MACK~~
63-31851	Claim	05N	01E	26	SE	SE		GROUND WATER	RONALD HUTT TRUST
~~63-3428~~	~~Claim~~	~~05N~~	~~01E~~	~~26~~	~~SE~~	~~SE~~	~~PARENT~~	~~GROUND WATER~~	
~~63-3428~~	~~Water Right~~	~~05N~~	~~01E~~	~~26~~	~~SE~~	~~SE~~		~~GROUND WATER~~	~~BEN F. STADLER~~
~~63-19685~~	~~Water Right~~	~~05N~~	~~01E~~	~~26~~	~~SE~~	~~SE~~		~~GROUND WATER~~	~~RON HUTT~~

shares same well as 63-31849 &
63-31851

63-318

87-100

SWSE

SESE

Irrigation of 5.0 acres

Domestic use up to
1/2 acre of irrigation

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Property Details for Parcel S0226449067 and Year 2006

2006

[Change Year](#)[\[Back to Parcel Search\]](#) [\[Print View\]](#)[Details](#)[Valuation](#)[Tax Districts](#)[Characteristics](#)**Parcel:** S0226449067**Year:** 2006**Zone Code:** RR**Total Acres:** 10**Tax Code Area:** 270**Property Description:**

PAR #9067 OF S2SE4

SEC 26 5N 1E R/S #2395

#449066-S #438700-C

[View Interactive Map of this Parcel](#)**Address:** 9600 W BROOKSIDE LN BOISE , ID 83703**Subdivision:** 5N 1E 26**Land Group Type:** SECT**Township/Range/Section:** 5N1E26[Contact Us](#) | [Disclaimer](#)

I am assuming this
is "the Castle" referred to
on the Notice of Claim -
#63-3428.

-K. Brown



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Land Characteristics

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Residential Acres: 10.0

Commercial Acres: 0.0

Other Acres Acres: 0.0

Street: None

Utility: None

Water Source:

Sewer: None

SideWalks: N

Curb-Gutters: N

Topography:

View:

Water Influence: 3

Water Frontage Feet: 0

Corner: N

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Residential Characteristics[Back to Parcel Search](#)

Year Built:	1974
Year Remodel:	1991
Effective Age:	1980
Construction Class:	6
Number of Bedrooms:	7
Number of Bathrooms:	4.5
Number of FirePlaces:	3
Air Conditioning:	Y
Car Storage Sq Ft #1:	900
Car Storage Sq Ft #2:	0
General Purpose Building Sq Ft:	0
Porch Sq Ft:	0
Deck Sq Ft:	500
Deck Covered:	N
Patio Sq Ft:	0
Patio Covered:	N
Pool Sq Ft:	0
Total Sq Ft:	9096
Main Floor Sq Ft:	4175
Upper Floor Sq Ft:	0
Finished Lower Floor Sq Ft:	0
Unfinished Lower Floor Sq Ft:	0
Finished Basement Floor Sq Ft:	2522
Unfinished Basement Floor Sq Ft:	0
Finished Attic Sq Ft:	2399
Unfinished Attic Sq Ft:	0

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overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-17340

WATER RIGHT NUMBER: 63-17340

Owner Type Name and Address
 Current Owner JOSEPH C STADLER
 9700 BROOKSIDE LN
 BOISE, ID 83714
 (208) 939-8021

Original Owner LILLIAN E STADLER
 RT 1 HWY 55
 BOISE, ID 83703
 (208)939-6689

Priority Date: 08/21/1908

Basis: Decreed

Status: Active

Source Tributary
 SPRING SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

SPRING NE1/4NE1/4SW1/4 Sec. 26, Twp 05N, Rge 01E, B.M.
 ADA County

Place of Use
 DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01E	26																X	

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. PARCEL NO. S0226132107 ~~5~~ no such parcel # in Ada Co. Assessor's
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

11/05
 land
 Records.
 - K. Brown

03/04/2004

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

RIGHT NUMBER: 63-31850

NAME AND ADDRESS: HELEN J MACK
9600 W BROOKSIDE LN
BOISE ID 83714

MILTON F MACK
9600 W BROOKSIDE LN
BOISE ID 83714

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
22.500 AFY

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/02/1964

POINT OF DIVERSION:

T05N R01E S26 SESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	03/15 11/15	0.100 CFS 22.50 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Domestic use is for 1 home.

PLACE OF USE:

DOMESTIC Within ADA County

T05N R01E S26 SESE

IRRIGATION Within ADA County

T05N R01E S26 SESE 5.0

5 ACRES TOTAL

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

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

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 5, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MILTON F MACK
HELEN J MACK
9600 W BROOKSIDE LN
BOISE ID 83714

Re: Original Notice of Claim to a Water Right No. 63-3428

Renumbered Notice of Claim to a Water Right No. 63-31850

Dear Claimant(s):

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

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

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

Thank you for your patience, as we have had several water right changes to process. Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section
Western Region

DB: db

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3428 V1

WATER RIGHT NUMBER: 63-3428 V1

<u>Owner Type</u>	<u>Name and Address</u>
<u>Current Owner</u>	IDAHO STATE BANK PO BOX 909 GLENNS FERRY, ID 83623 (208)366-7482
<u>Original Owner</u>	BEN F. STADLER RT 1 BOISE, ID 83703
<u>Representative</u>	S. DONALD ROWE PO BOX 128 KUNA, ID 83634 (208)922-1105

63-31850

Mack

Priority Date: 09/02/1964

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC ✓	01/01 to 12/31		0.040 CFS	.04 cfs
IRRIGATION ✓	03/15 to 11/15		~~0.700~~ CFS	.10 cfs
	<u>Total Diversion:</u>		~~0.700~~ CFS	.10 cfs

157.50 AF

22.5 af total

Location of Point(s) of Diversion

GROUND WATER SE1/4SE1/4 Sec. 26, Twp 05N, Rge 01E, B.M. ADA County

Place of Use

DOMESTIC ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05N	01E	26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

IRRIGATION ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05N	01E	26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	35.0

Total Acres: 35

5

5

01/14/2004

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

RIGHT NUMBER: 63-3428

NAME AND ADDRESS: IDAHO STATE BANK
PO BOX 909
GLENNS FERRY ID 83623

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.700 CFS

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/02/1964

POINT OF DIVERSION:

T05N R01E S26 SESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	03/15 11/15	0.700 CFS
		157.50 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC Within ADA County

T05N R01E S26 SESE

IRRIGATION Within ADA County

T05N R01E S26 SESE 35.0

35 ACRES TOTAL

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

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

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: License

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3428 V1

WATER RIGHT NUMBER: 63-3428 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDAHO STATE BANK PO BOX 909 GLENN'S FERRY, ID 83623 (208)366-7492
Original Owner	BEN F STADLER RT 1 BOISE, ID 83703
Representative	S DONALD ROWE PO BOX 128 KUNA, ID 83634 (208)922-1105

Priority Date: 09/02/1964

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	
IRRIGATION	03/15 to 11/15	0.700 CFS	157.50 AF
<u>Total Diversion:</u>		0.700 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 26, Twp 05N, Rge 01E, B.M.
ADA County		

Place of Use

DOMESTIC

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	26																X	

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	26																35.0	35.0

Total Acres: 35

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-3428 V1

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
3. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
4. X01 Domestic use is for 1 home.

Remarks:

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. kbrown 1/14/2004 2002 Tax Lot Information

Comment: According to 2002 Ada County Tax Lot information, the 35 acres associated with this right have been divided into 4 parcels (refer to Adjudication Field Report, p. 4).

2. kbrown 1/14/2004 Irrigation Use

Comment: The 1987 and 2000 NAPP images do not show any evidence of irrigation of the 35 acres in the SESE, Section 26, T5N, R1E.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:



(Name has 12/28/05 Conversation Memo in file). -KB

Apparently, this photo was taken by Gene Gibson while "working on" Joe Stiller's Shadow Valley Golf



Apparently, this photo was taken by Gene Gibson while "working on" One Stabler's Shadow Valley Gold
Course (see 12/08/05 Conversation Memo in file) -KRS

Idaho Department of Water Resources

**T05N, R01E,
S26**

Claim No: 63-03428
Prepared By: Kimberly Brown
Date: January 14, 2003

● Point of Diversion



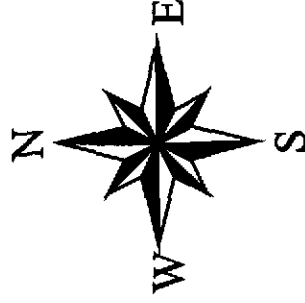
Place of Use



Section Lines



1/4 1/4



1987 NAPP



0.32 Miles

0.24

0.16

0.08

0

01/14/2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3428

WATER RIGHT NUMBER: 63-3428 ✓

CALCULATE

ANNUAL VOLUME:

Owner Type

Current Owner

Name and Address

IDAHO STATE BANK ✓
PO BOX 909
GLENNS FERRY, ID 83623
(208)366-7492

Original Owner

BEN F STADLER ✓
RT 1
BOISE, ID 83703

Representative

S DONALD ROWE ✓
PO BOX 128
KUNA, ID 83634
(208)922-1105

Priority Date: 09/02/1964 ✓

Basis: License ✓

Status: Active

Source

GROUND WATER ✓

$$35 \text{ AC} \times 4.5 \text{ AF/AC} = 157.5 \text{ AFA} \quad (\text{V})$$

$$0.7 \text{ cfs} \times 1.9835 \times 246 \text{ days} = 341.6 \text{ AFA}$$

35 acres

.02

0.7 cfs

TributaryBeneficial Use

DOMESTIC ✓

IRRIGATION ✓

From To

1/01 to 12/31 ✓

3/15 to 11/15 ✓

Diversion Rate

0.040 CFS ✓

0.700 CFS ✓

Total Diversion:

0.700 CFS ✓

Annual Volume

157.5 AF

- ADD N10 #
N12Location of Point(s) of Diversion

GROUND WATER

ADA County ✓

(NE1/4 SE1/4 SE1/4

Sec. 26, Twp 05N, Rge 01E, B.M. ✓

Remove QQQ portion.

Place of Use

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
✓ 05N 01E 26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X
																	✓

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
✓ 05N 01E 26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	35.0
																	✓
																	35

Total Acres: 35 ✓

Transfer No. 3732 moved
the 30 acres from SWSE
to SESE.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-3428

01/14/2004

Conditions of Approval:

Remarks:

ADD X01 - Domestic use is for 1 home.
(AKA The Castle)

Comments:

ADD S04 - Season of use is 3/1 to 11/15.

Dates and Other Information:

Claim Received Date: 9/21/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

ADD N10 - Quantity decreed for domestic
use is not a determination of hist-
orical B.U.

ADD N12 - Quantity of water for domestic
use shall not exceed 13,000 gal/day.

Combined Use Limits:

Water License No. G-32051.

(*) electronic back-file not available

Field Exam Date 1.13.0*

(in office)

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 unknown - Vax system not operable
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information None
- ☒ Check POD & POU overlap, see below - include overlapping right for exam
- ☐ Evidence of Priority - if none, talk with claimant N/A

CLAIMANT INFORMATION - verify contact information is complete

Claim No(s) 63-03428

Owner: Idaho State Bank Phone No. (208) 366-7492

Current Address: P.O. Box 909 Glenns Ferry 83623

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER see page 4
- ☐ No change Address
- ☒ NEW ADDRESS "
- ☐ How long owned property?

Accompanied by: N/A

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: 9/02/64

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

Source: 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 attached D.O.R. Report of
Engineer.

OVERLAP REVIEWOther water rights with the same point of diversion: 63-19685

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

No, -19685 is a domestic & stockwater claim for
another claimant/different parcel.

WATER USES☐ No change☐ Different Uses

Use Irrigation From _____ To _____ Amount _____ CFS 157.5 AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA

$$35 \text{ AC} \times 4.5 \text{ AF/AC} = 157.5 \text{ AFA} / 0.7 \text{ cfs} \times 1.9835 \times 246 \text{ days} = 341.6 \text{ AFA}$$

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)

ADD N11 & N13

NON-IRRIGATION USES:☒ No change

Domestic use

☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☒ Changes shown below:

Based on Transfer No. 3732, which
moved the 30 acres from SWSE to SESE,
Sec. 26.

(OVER)

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	
																		35	

Overlap with other water rights: ^{surface water} 63-2090, ^{no SESE} 63-3429, ^{surface water} 63-15170,
^{DOM} 63-9376, ^{DOM} 63-17340, 63-19685 ^{DOM + STOCK}
Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:
No, these are surface water or Dom/Stock rights.

Delivery System Narrative: Refer to Report of Engineer.

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

FLOW MEASUREMENTS: N/A - licensed.

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Season of use is 3/1 to 11/15.

Domestic use is for 1 home. (AKA the Castle)

Quantity decreed for domestic use is not a determination of historical B.U.

Quantity of water for domestic use shall not exceed 13,000 gallons per day.

AFTER EXAM THE FILE SHOULD CONTAIN:

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

DATE EXAM CONDUCTED: 1.14.04 (in office)

FIELD EXAMINER: Kimberly Brown

The 35 acres associated with this right have been divided into 4 parcels (refer to 1987 NAPP image showing 2002 Ada County Tax lot information):

[ATTACHED]

21.188 ACRES - B & B Properties Ltd. Partnership (Parcel # 80226449)

7.497 ACRES - Ronald & Judy Hutt Trust (Parcel # 80226449825).

5.201 ACRES - Milton & Helen Mace (Parcel # 80226449067)

2.172 ACRES - Shadow Valley Golf Course (Parcel # 8022522301)
c/o B & B Properties Ltd. Partnership

36 ACRES

January 15, 2004

SHADOW VALLEY GOLF COURSE
15711 HWY. 55
BOISE, ID 83714

RE: Snake River Basin Adjudication Water Right Number A63-03428

Dear Property Owner(s):

We have been advised you may be the new owner of the property with the water right referenced above. Enclosed is a profile report for your review.

Before we can modify our records to reflect your ownership of this water right, we need to have the enclosed Notice of Change of Water Right Ownership form completed. Please follow the instructions attached to the form and return it to this office with all of the required information.

If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,

Adjudication Section
Department of Water Resources
Western Region

Enclosures

January 15, 2004

B & B PROPERTIES LTD. PARTNERSHIP
15711 HWY. 55
BOISE, ID 83714

RE: Snake River Basin Adjudication Water Right Number A63-03428

Dear Property Owner(s):

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Sincerely,

Adjudication Section
Department of Water Resources
Western Region

Enclosures

January 15, 2004

HELEN MACK OR
MILTON MACK
9600 W. BROOKSIDE LN.
BOISE, ID 83703

RE: Snake River Basin Adjudication Water Right Number A63-03428

Dear Property Owner(s):

We have been advised you may be the new owner of the property with the water right referenced above. Enclosed is a profile report for your review.

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Sincerely,

Adjudication Section
Department of Water Resources
Western Region

Enclosures

January 15, 2004

RONALD & JUDY HUTT TRUST
9070 W. BROOKSIDE LN.
BOISE, ID 83703

RE: Snake River Basin Adjudication Water Right Number A63-03428

Dear Property Owner(s):

We have been advised you may be the new owner of the property with the water right referenced above. Enclosed is a profile report for your review.

Before we can modify our records to reflect your ownership of this water right, we need to have the enclosed Notice of Change of Water Right Ownership form completed. Please follow the instructions attached to the form and return it to this office with all of the required information.

If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,

Adjudication Section
Department of Water Resources
Western Region

Enclosures

1

Turn sheet over and refer -
to cover page number →

3

2

4

ON THE SECTION TO THE

Based on 2002 Ada County Tax lot information, the 35 acres associated with this right have been divided into 4

parcels:

① Parcel # S0225223016 - 2.172 acres
Shadow Valley Golf Course - c/o B # B Properties Ltd. Partnership
~~15001 W. Horseshoe Bend Rd~~ 15711 Hwy. 55
~~Horseshoe Bend~~ Boise, ID 83703

② Parcel # S0226449067 - 5.201 acres
Milton & Helen Macle
9600 W. Brookside Ln.
Boise, ID 83703

③ Parcel # S0226449068 - 21.188 acres
B # B Properties Ltd. Partnership
15711 Hwy. 55
Boise, ID 83703

④ Parcel # S0226449825 - 7.497 acres
Ronald & Judy Hutt Trust
9070 W. Brookside Lane
Boise, ID 83703

Diff. # Stock (N)

*63-100005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested



Not Deliverable As Addressed

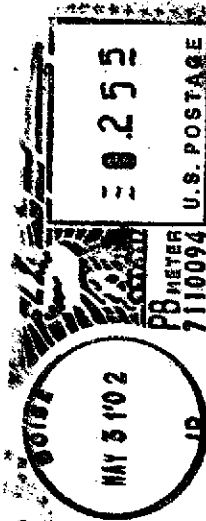
Unable To Forward

- ☐ Insufficient Address
- ☐ Moved, Left No Address
- ☐ Unclaimed ☐ Refused
- ☐ Attempted - Not Known
- ☐ No Such Street ☐ Number
- ☐ Vacant ☐ Illegible
- ☐ No Mail Receptacle
- ☐ Box Closed - No Order
- ☐ Returned For Better Address
- ☐ Postage Due _____

PRESORTED
FIRST CLASS

63-3428

found



RECEIVED

JUN 06 2002

WATER RESOURCES
WESTERN REGION

SDONALD ROWE - Rep.
PO BOX 128
KUNA ID 83634

Id. State Bank

Unbilled Billable Mail Item

1.14.04 According to 2002 Ada County Tax lot information,
the 35 acres associated with this right have been
divided into 4 parcels (refer to enclosed 1987 NAPP
image showing acres, individual owners, and Parcel
numbers).

-KB - sent Change in Ownership forms 1/15/04



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 23, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Amy Woodruff, E.I.T.
J.J. Howard Consulting Engineer
2626 N. 32nd St.
Boise, ID 83703

SENT VIA FACSIMILE AS REQUESTED

RE: AERIES ESTATES SUBDIVISION / CHARLES WARD

Dear Ms. Woodruff:

You requested a letter in response to your letter of December 4, 1996 regarding the above-referenced development. Your letter noted that the existing well will be used within the limits of water right no. 63-03428. That licensed right includes 35 acres of irrigation and one home served by a well.

No additional water right filings are needed if the right will be used within the parameters of the existing right. As you noted, a change in ownership of the water right, or appropriate portion thereof, should be recorded with this agency if the property changes hands.

The issue of forfeiture due to five or more consecutive years of non-use is not being addressed by any action before the Idaho Department of Water Resources at this time. However, that issue could surface in subsequent proceedings such as those anticipated in the Snake River Basin Adjudication (SRBA).

Please contact this office at your convenience if more information is needed.

Sincerely,

Steve Lester
Deputy Regional Manager

C: SRBA file A63-03428



J.J. HOWARD CONSULTING ENGINEER

2626 N. 32nd ST. BOISE IDAHO 83703 (208) 344-0574

December 4, 1996

Mr. Steve Lester 
Department of Water Resources
Western Region
2735 Airport Way
Boise, Id. 83705-5082

RECEIVED

DEC 06 1996

WATER RESOURCES
WESTERN REGION

RE: AERIES ESTATES SUBDIVISION / CHARLES WARD

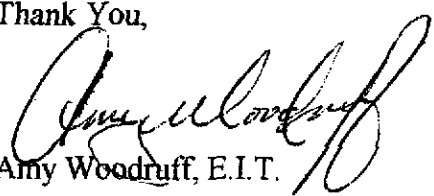
Dear Mr. Lester,

This letter is being sent as an informational update on the "large existing well", water right license number 63-03428, located in Aeries Estates Subdivision, developed by Charles Ward.

The above referenced well will *not* be utilized as a community water system, therefore, it will not be necessary to seek a new water right permit or change the existing water right. The well will be used to provide irrigation water for the development and continue providing domestic water for one home (the existing facility on the property). The planned use for this well is in complete conformance with the existing water right, which authorizes irrigation of up to 35 acres, plus domestic water for one home. The development will be served by individual wells, one per lot, and the applicable permitting for these wells will be completed by the individual property owners.

The ownership of water right number 63-03428, currently owned by Ben E. Stadler, will be transferred with the title to the property, and a change of ownership document will be filed with the Department of Water Resources at the time of closing. If you need additional information or documentation, please call.

Thank You,


Amy Woodruff, E.I.T.

c.c. Charles Ward

Filed → 1996 Comment Letters
cc → 63-03428 S.O. file
63-03428 Western file

RECEIVED
JAN 12 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JAN 29 1990

Transfer No. 3732

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources

APPROVED

Name of applicant IDAHO STATE BANK Phone 208-366-7492
Post Office address P.O. Box 909 GLENNS FERRY, ID 83623
ATTN: DON ROWE

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To change place of use from one location to another according to warranty deed.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|-----------------|--------------------|-------------------|-----------------------------------|
| <u>63-3428</u> | <u>9/2/1964</u> | <u>0.70 cfs</u> | <u>IRRIGATION</u> | <u>3/15</u> to <u>11/15</u> |
| | | | <u>Domestic</u> | <u>1/1</u> to <u>12/31</u> *Added |
| | | | | to <u>727</u> |
| | | | | to _____ |
2. Total amount of water being transferred 0.70 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	26	5N	1E	ADA	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
5N	1E	26																35	35

MICROFILMED

JUL 23 1990

Total acres 35

PART 1

6. General Information:

a. Description of diversion system Alexian well, sprinkler systemb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

This transfer affects 30 of the 35 ~~the~~ acres in license, moves
30 acres from SWSE to SESE. The 30 acres in SWSE will be
irrigated from different groundwater source. different

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-3428And said application is hereby APPROVED, subject to the following limitations and conditions:

1. The use of water on the lands to which the above referenced water right was appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water right. 2. The maximum annual volume of water diverted under this right shall not exceed 157.5 afa.

Witness my hand this 12th day of July, 19 90T. Glen Saylor
Chief, Water Alloc. Bureau

MICROFILMED

JUL 23 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-3428 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
☐ Tax Notice ☒ Warranty Deed ☐ Other _____
3. Source of water GROUND WATER tributary to _____
4. Date or priority 9/2/1964
5. Water is used for the following purpose: + Domestic?
amount 0.70 for IRRIGATION purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
6. Total amount of water under right 0.70 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		<u>SE</u>	<u>SE</u>	<u>26</u>	<u>5N</u>	<u>1E</u>	<u>ADA</u>	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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>26</u>															<u>30</u>	<u>5</u>	<u>35</u>

MICROFILMED

JUL 23 1990

Total acres 35

9. Describe any other water rights used for the same purpose as described above NONE

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

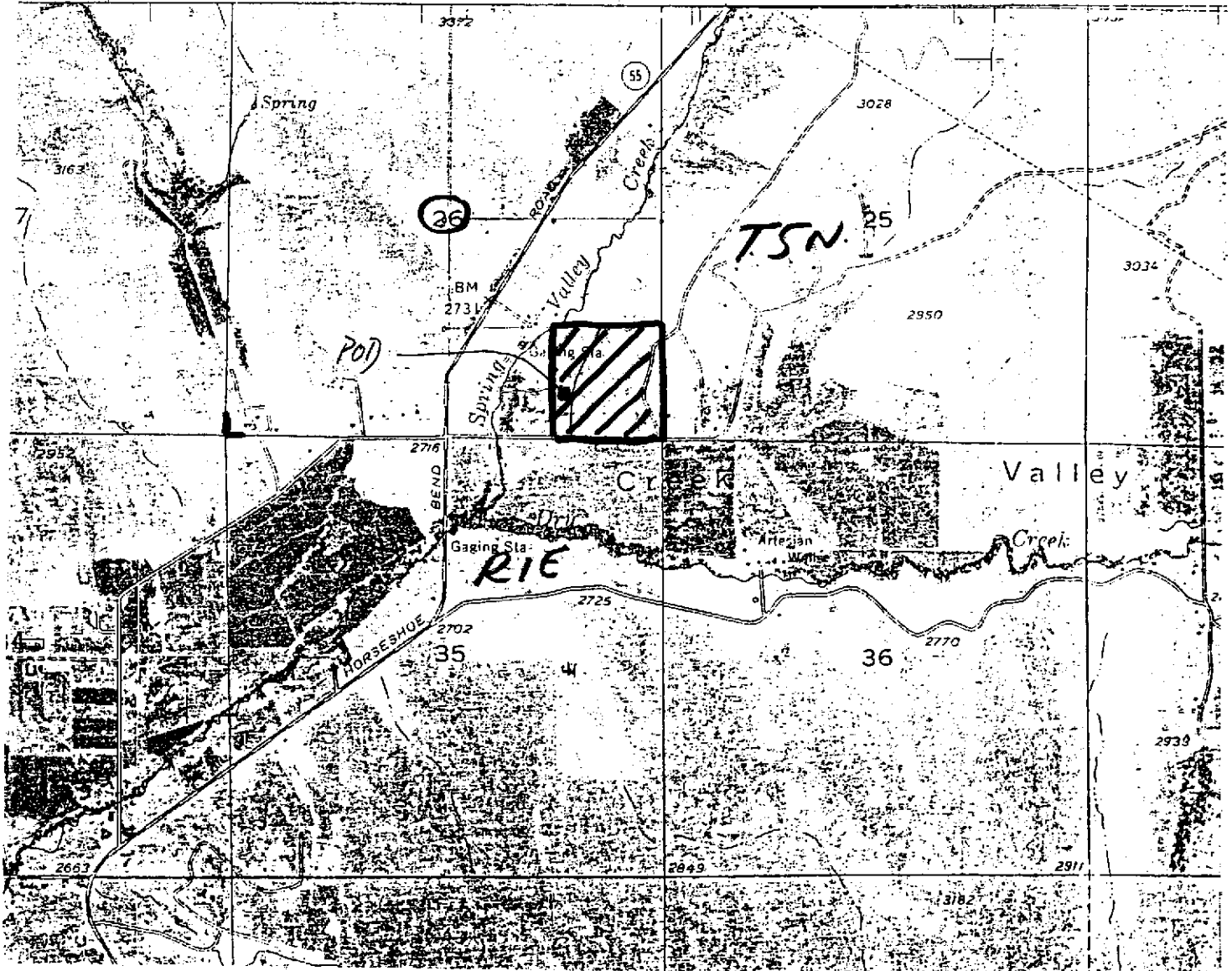
MICROFILMED

JUL 23 1990

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Idaho State Bank By Donald Rowe
(Signature of Applicant)

Subscribed and sworn to before me this 12th day of January, 19 90.

Kathleen A. Walker
(Notary Public)

My commission expires 2-14-1993

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachments

Received by T. Lake Date 1/12/89 Protest filed by _____

Prelim. check by SL Fee \$50.00

Receipted by CW Date 1/12/1990 #C013985

Published in Id Statesman Copies of protest forwarded by _____

Pub. dates 4/19 & 4/26/90 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by DET Gary S

Copy of transfer sent to lien holder _____

RECEIVED

JUL 23 1990

State of Idaho
License and Certificate of Water Right

Water License No. G-32051

Amount 0.7 c.f.s.

Water District No. _____

Priority September 2, 1964

THIS IS TO CERTIFY that BEN F. STADLER
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 2, 19 64; that Permit No. G-32051
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.7 second feet, was issued thereunder on March 4, 19 65, showing that said works
were completed on the 10th day of February, 19 65; and that on the 10th
day of February, 19 65,

BEN F. STADLER

of Boise, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of domestic & irrigation
, under Use Permit No. G-32051 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
13 of Licenses at page 8096, on the 4th day of March, 19 65;
The right hereby confirmed dates from September 2, 19 64;

The Point of Diversion is located

in the SE 1/4 SE 1/4, Sec. 26, Tp. 5N, R. 1E, B. M. Ada - County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.7 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>5 N</u>	<u>1 E</u>	<u>26</u>	<u>SE 1/4 SE 1/4</u>	<u>40</u>	<u>5</u>
			<u>SW 1/4 SE 1/4</u>	<u>35</u>	<u>30</u>
			Total number of acres to be irrigated:		<u>35</u>

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

4th day of March, 19 65.

RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

63 3428

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-32051This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Ben F. Stadler
2. Source of water supply: Artesian well
3. Location of point of diversion: Is in the SE 1/4 of Section 26
T. 5 N. R. 1 E. B.M. County of Ada
4. Describe works as they exist, giving dimensions and capacities of same: Flaming Well - 691' deep
340' x 12" casing reduced to 250' x 8" casing. Casing is capped 6" tee with 6" Gate
valve with coupling to 6" portable main line and sprinkler system 60 - #13 nozzle.
Use both sprinkler and flood irrigation.
5. Water is used for: domestic and irrigation
6. State whether or not water has been turned into works of diversion: yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

30 acres in SW 1/4 Sec. 25., 75 acres in SE 1/4 Sec. 26., Twp. 5 N., Rge. 1 EBM

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

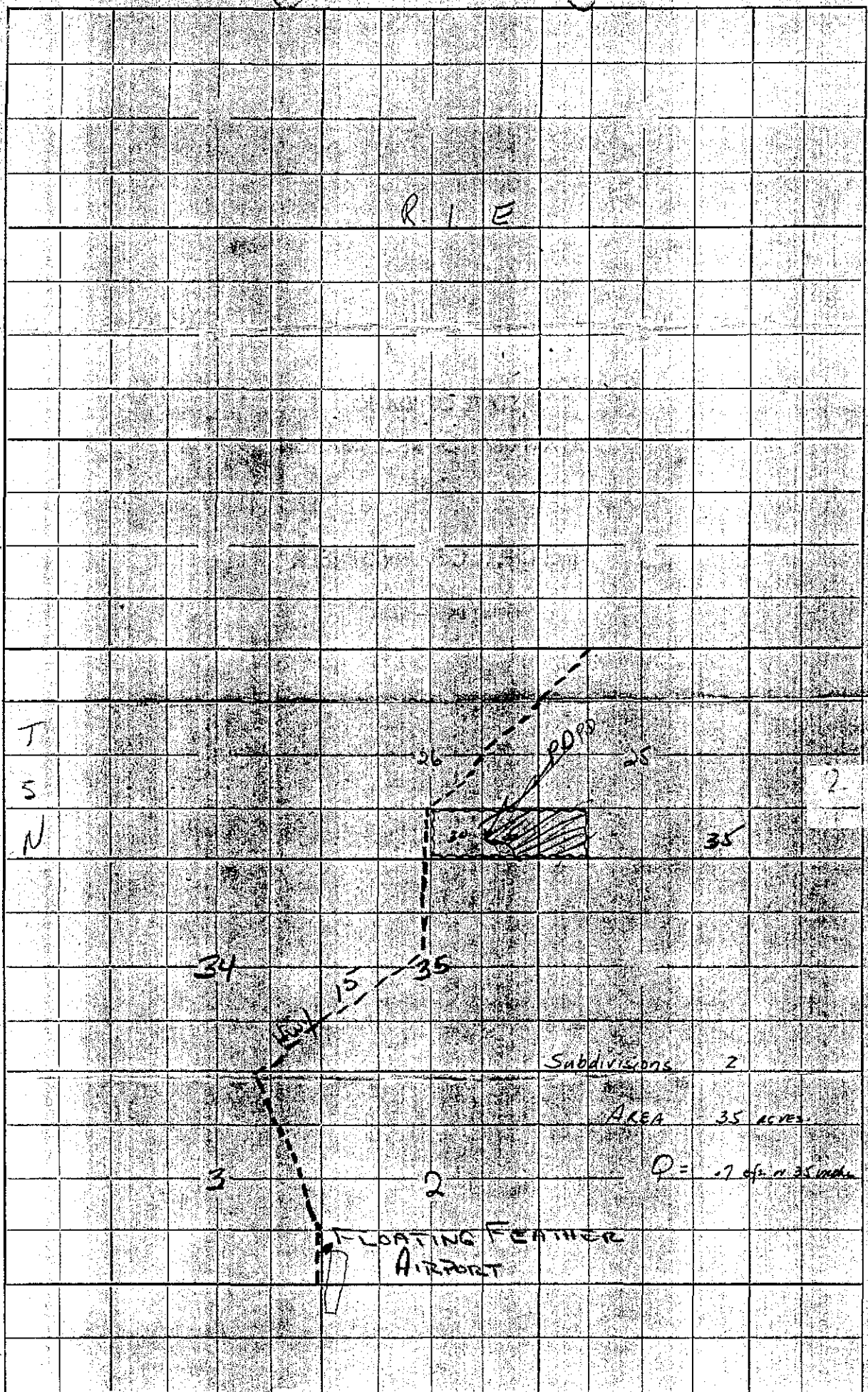
Remarks: Mr Ben Stadler along.Measured by Sprinkling meter 5 Rev 5 Min. 19 Sec. = 1.60 cfsThis examination was made on the 24th day of February, 1965

(Signed)

Loren Johnson

Examiner.

32051



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

32051

63-3428

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 40187
Permit No. G- 32051
District No.

1. Name of Applicant: Ben F. Stadler
Postoffice address: Rt. #1, Boise County: Ada State: Idaho
2. Quantity of water claimed: 2.00 c.f.s.
 - (a) Rate of withdrawal in cubic feet per second or Idaho
Miners' inches or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 26
Twp. 5 N , Rge. 1 E. , B.M., County of Ada
5. Water is to be used for: Domestic & Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26 , Twp. 5 N.
Rge. 1 E. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Artesian
8. Estimated cost of works: \$5,100.00
9. (a) Is reservoir to be used? Yes, with tractor pump
(b) Capacity of reservoir: 6 hrs. to fill
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) 2.0 (cubic feet per second, inches or gallons per minute) is for new lands.

Twp.	Range	Sec.	NE 1/4	NW 1/4	SW 1/4	SE 1/4	Totals
			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	
5 N	1 E	25 26			30	35 40	30 75 105
			Permit No. G-32051 CERTIFICATE OF COMPLETION OF WORKS				
TO ALL WHOM IT MAY CONCERN: This is to certify that HEN F. STADLER of Boise, County of Ada, and State of Idaho, the holder of Permit G-32051, issued upon Application No. G-40187, bearing date of priority of September 2, 1964, authorizing the diversion of 2.00 second feet of waters of a well, County of Ada, State of Idaho, for domestic and irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the work of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the point of intended use 0.7 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters SE 1/4 SE 1/4, Sec. 26, T. 5 N., R. 1 E., B. M.; and that the lands proposed to be irrigated by the use of said waters are described as follows, to-wit: SE 1/4 SE 1/4, Sec. 26, T. 5 N., R. 1 E., B. M. Witness my hand this 4th day of March, A. D. 1965. s/ RALPH W. THOMAS, Deputy State Reclamation Engineer Proof of Completion of Works Made: February 10, 1965 LICENSE ISSUED FOR 0.7 SEC. FT. LICENSE PAGE NO. 8096							