

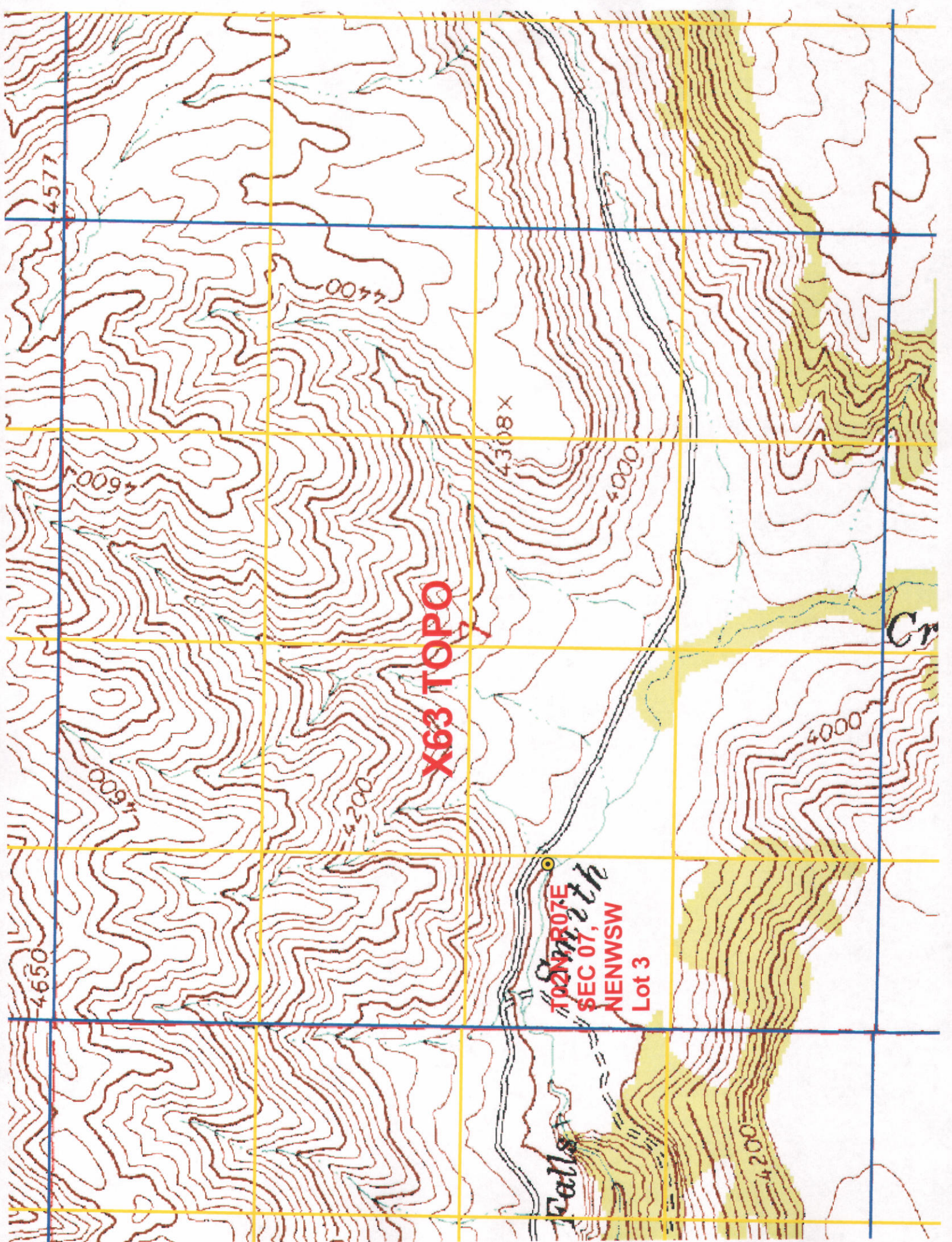




Photo 1. FX Oct. 24, 2001. Photos by RDH. POD screw headgate from Smith Creek into 16' ditch located in T02N, R07E, NENWSW lot 3.



Photo 2. Distribution pond was built in 2000-2001 to improve on big ditch loss problem. Located in T02N, R06E, NWNW, lot 2.



X63 TOPO

102N R07E
SEC 07, NENWSW
Lot 3

Falls Cr

Cr

**T02N R06E
S02
T03N R06E
S34 & S35**

**Claim: 63-00097
Updated: 8 Nov 01
By: Ron Howerton**

Idaho Department of Water Resources

 Place of use

 POD

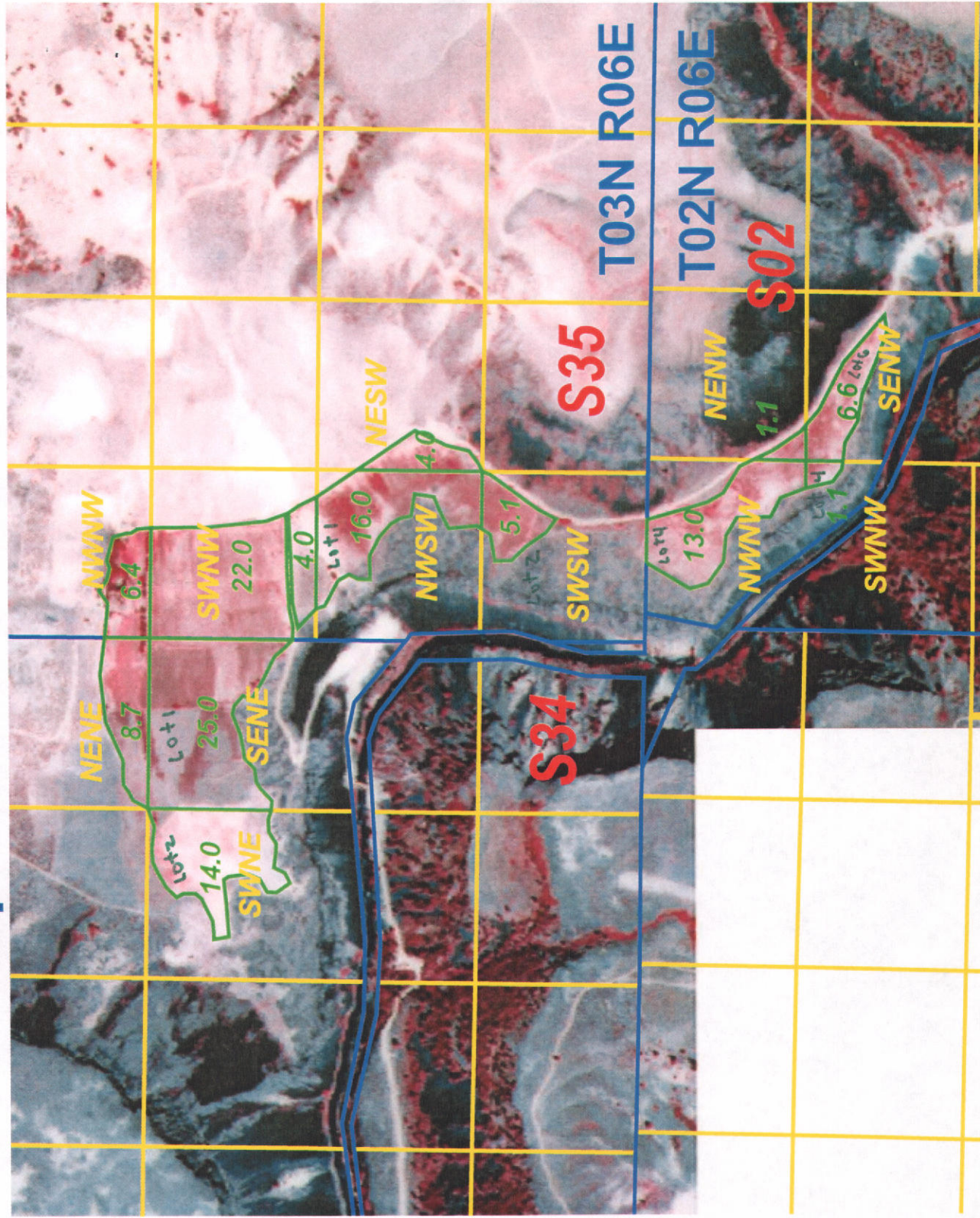
 SECTION

 1/4 1/4

127 Acres



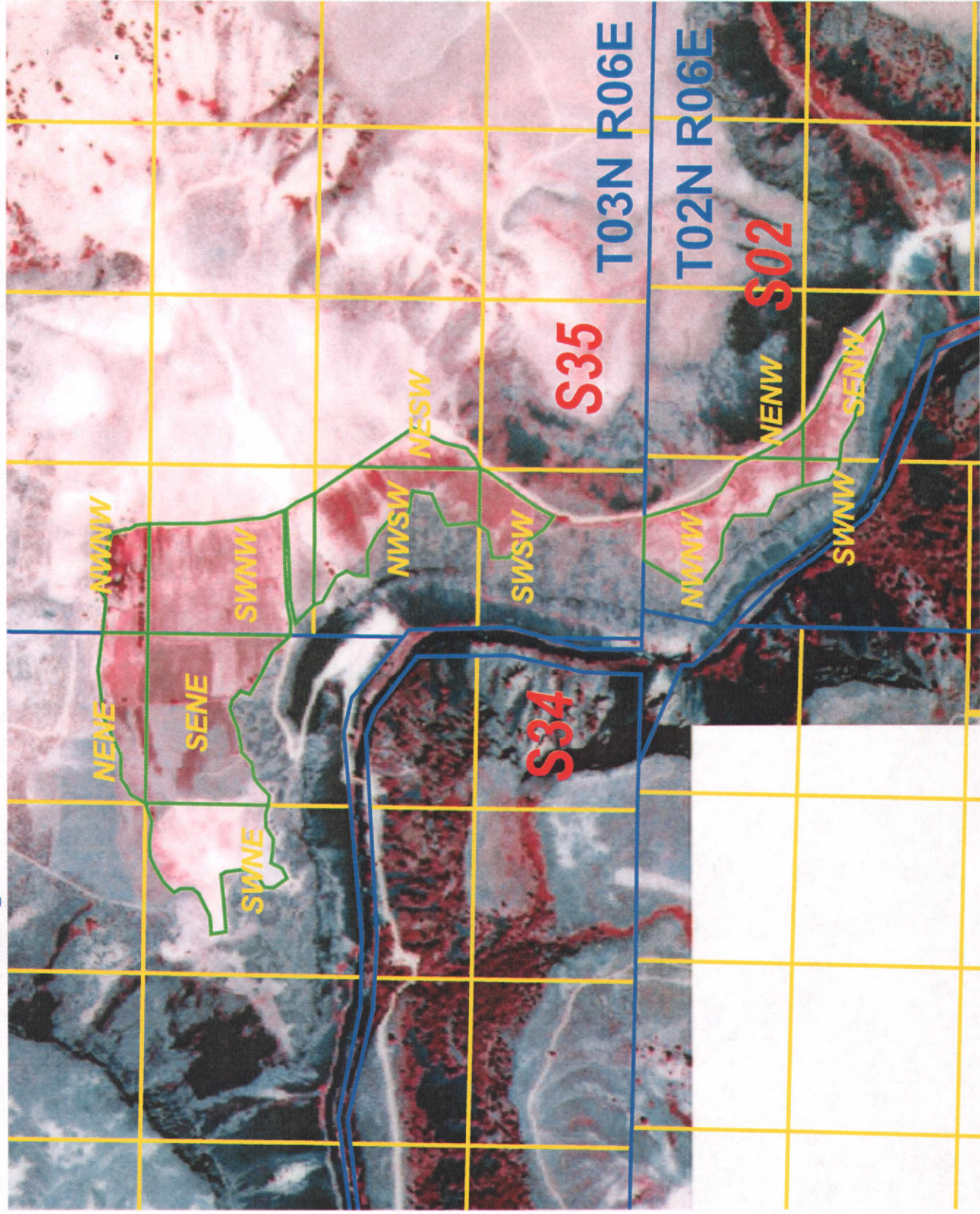
1987 NAPP



T02N R06E
S02
T03N R06E
S34 & S35

Claim: 63-00097
Updated: 8 Nov 01
By: Ron Howerton

Idaho Department of Water Resources



 Place of use

 POD

 SECTION

 1/4 1/4



1987 NAPP



ectively, to-wit:

That the plaintiff Theodore Pierce be, and he is hereby awarded the use of the amount of water hereinafter stated from the waters of Smith Creek, in Elmore County, State of Idaho, in each year, said use to date from the 10th day of August A.D. 1897, for use upon the N.E.1-4, of the N.E.1-4 of Section 33, Tp.2N. R, 7E.B.M., and Lots 1,2 and 3, and the N.W.1-4, of the N.E.1-4, and the N.E.1-4, of the N.W.1-4, of Section 33, Tp.2,N.R7, E.B.M. and the S.W.1-4, of the N.W.1-4, and the N.W.1-4, and the N.W.1-4, of the S.W.1-4, of Section 34, Tp.2, N. R,7.E.B.M., 235-1-2, inches continuous flow and that he pay his costs in this action, taxed at the sum of \$2.75.

63

0095

That E.M. Wolfe, successor in interest to the right of defendant William

Pierce be, and he is hereby awarded the use of the amount of water hereinafter stated from the waters of said Smith Creek in each year, said use to date from the 10th day of August A.D.1897, for use upon Lots 1 and 2 in Section 32, Lots 4 and 5, in Section 33, and the N.W.1-4, of the N.W.1-4, of Section 33, all in Tp.2,N.,R,7E. B.M., 210 inches continuous flow, and that he pay his costs in this action, taxed at \$2.75.

That the defendant and cross complainant John Krall be, and he is hereby awarded the use of the amount of water hereinafter stated from the waters of Smith Creek, in each year, said use to date from the 8th day of August A.D. 1898, for use upon the land embraced in U.S. Desert Land Entry No. 1308 in the United States Land Office at Boise City, Idaho, October 22, 1894, and described as follows to-wit: "being in Elmore County, Idaho, and on unsurveyed land beginning at the enitial point marked by a lava rock five feet high and ten (10) feet long, with monument of small rocks on top, being about 1-1-2 miles Northwest of the mouth of Cottonwood Creek where it empties into the South Boise River, and about 3-4, of a mile North of South Boise River at a point one mile below the mouth of said Cottonwood Creek, thence North 1-2 mile, thence West 3-4, mile, thence South 1-2 mile, thence East 3-4 mile, to place of beginning; each of said corners being marked by monument of rock with stakes; containing 240 acres, more or less (The Cove), 436 inches continuous

0097

AMENDED

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 63-97
Date Received: 12/4/1989
Receipt No: C013184
Received By:

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

1. Name of Claimant(s)

L G DAVISON & SONS INC Phone: (208)868-3243
1969 PRAIRIE RD
PRAIRIE ID USA 83647-9803

2. Date of Priority: 08/08/1898

3. Source: SMITH CREEK Trib. to: BOISE RIVER SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	07E	7	NE NW SW	ELMORE	

5. Description of diverting works:

ROCK DAM, HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	8.72	
STOCKWATER	01/01	12/31	0.14	

7. Total Quantity Appropriated is:
8.72 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
02N	06E	2	NE	NW	IRRIGATION	1.1
			NW	NW	IRRIGATION	13
			SW	NW	IRRIGATION	1.1
			SE	NW	IRRIGATION	6.6
Section Acres						21.8
03N	06E	34	NE	NE	IRRIGATION	8.7
			SW	NE	IRRIGATION	14
			SE	NE	IRRIGATION	25
Section Acres						47.7
03N	06E	35	SW	SW	IRRIGATION	5.1
			NW	NW	IRRIGATION	6.4
			SW	NW	IRRIGATION	26
			NE	SW	IRRIGATION	4
			NW	SW	IRRIGATION	16
Section Acres						57.5
Total Acres						127

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

14. Remarks:

CLAIM AMENDED BY RDH ON 12/14/01.

15. Basis of Claim: Decreed

- AMENDED -IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

63-00097

Date Received

12/4/89

Receipt Number

C013184 EW028571 12/13/01NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) L.G. DAVISON & SONS, INC Phone (208) 868-3243
Mailing Address 1969 PRAIRIE RD. Zip 83647-9803
PAIRIE, ID.2. Date of Priority (Only one (1) per claim) AUG 8, 18983. Source of water supply (a) SMITH CREEK
which is tributary to (b) SOUTH FORK BOISE RIVER4. a. Location of existing point of diversion is: Township 2N Range 7E Section 7,
NE 1/4 of NW 1/4 of SW 1/4, Govt. Lot, 3 B.M., County of ELMORE

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. ROCK DAM HEADGATEGRAVITY DITCH

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrig purposes from 04-01 to 11-01 amount 8.72 or _____

For stk purposes from 01-01 to 12-31 amount 0.14 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 8.72 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) STOCKWATER, 600 RANGE CATTLE

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
2N	6E	2					1.1	13	1.1	6.6									21.8
3N	6E	34	8.7		14	25													47.7
3N	6E	35						6.4	26		4	16	5.1						57.5

Total number of acres irrigated 127

11. In which county (ies) are lands listed above as place of use located? ELMORE

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ☒

14. Remarks:

Last Name _____ Ident No. 63-00097

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Presi _____

Title

of L. G. Davison & Sons, INC. _____, that I have signed the foregoing

Organization

document in the space below as Pres. _____ of L. G. Davison & Sons, INC. _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent L. G. Davison _____

Title and Organization Pres. L. G. Davison & Sons, INC. Date 12-13-01

State of Idaho/or _____)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 13th day of DEC. 2001

Notary Public Ron Howerton _____

Residing at _____

My Commission Expires Residing at Boise, Idaho
My Commission Expires December 8, 2006

Please Print Name

17. Notice of Appearance: Notice is hereby given that _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number 63-00097

Copies White-State, Yellow-Claimant

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: A63-00097
Date Received: 11/21/1989 12/4/89
Receipt No: 0013184
Received By: RRR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: L. G. DAVISON & SONS, INC. 208-868-3243
Address: C/O PRAIRIE STAGE
MOUNTAIN HOME, ID 83647
2. Date of Priority: AUG 08, 1898
3. Source: SMITH CREEK Trib. to: BOISE RIVER, SOUTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	07E	7	NE	NW	SW		ELMORE

5. Description of diverting works:
ROCK DAM, HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	8.720		
STOCKWATER	01/01	12/31	0.140		

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

8. Total consumptive use is 250.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR UP TO 600 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	07E	2	NE	NW		IRR	5.0
			NW	NW		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	07E	2	SE	NW		IRR	7.0
						Section Acres	22.0
03N	06E	34	NE	NE		IRR	5.0
			SW	NE		IRR	2.0
			SE	NE		IRR	25.0
						Section Acres	32.0
		35	NW	NW		IRR	4.0
			SW	NW		IRR	27.0
			NE	SW		IRR	3.0
			NW	SW		IRR	9.0
			SW	SW		IRR	3.0
						Section Acres	46.0
						Total Acres	100.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
NONE

14. Remarks:
D.L.E. #1308 (THE COVE).

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

THEODORE PIERCE
Decree Plaintiff

vs

WM. PIERCE
Decree Defendant

16. Signature(s)

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Asst. Sec. of _____
Title

L. G. Davison & Sons, INC., that I have signed the foregoing
Organization
document in the space below as Asst. Sec. of _____
Title

L. G. Davison & Sons, INC. and that the statements contained in the
Organization
foregoing document are true and correct.

R. E. Davison
Signature of Authorized Agent

Asst. Sec. L. G. Davison & Sons, INC.
Title and Organization

11-21-89
Date

State of Idaho)
County of Ada) SS.

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

Helen Harrington
Notary Public

Seal

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

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

Claim Number(s): 63-97, 63-101, 63-102, 63-103, 63-104, 63-105, 63-106, 63-114
63-2237, 63-2598, 63-2916, 63-3611, 63-4881, 63-7059, 63-19768
63-2477

Previous Mailing Address:

L. G. Davison & Sons, Inc.
% Prairie Stage
MTN. Home, Id

63-19769
63-19770
63-19771
63-19772
63-30132

New Mailing Address:

L. G. Davison & Sons, Inc.
1969 Prairie Rd.
Prairie, Id. 83647-9803

Telephone Number:

(208) 868-3243

Signature of Claimant(s):

L. G. Davison

Please return this completed form to:

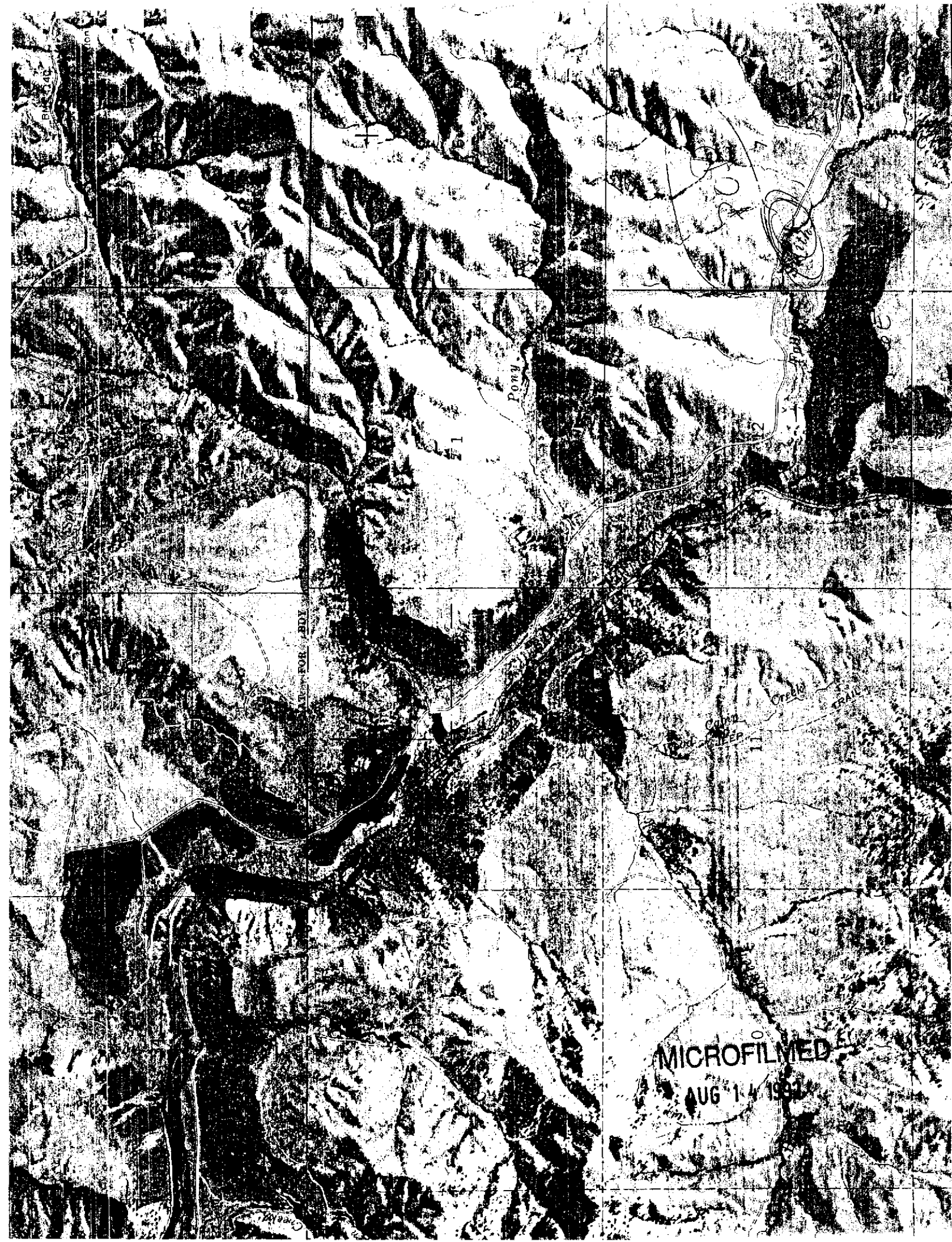
Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

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

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

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

NOTE: THIS WAS
A POST-
OFFICE CHANGE
IN ADDRESSING
THE ADDRESS OF
LOCATION -
HASN'T



MICROFILMED
AUG 14 1992

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

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-00097

709 OCT -1 AM 11:01
FILED
TWIN FALLS CO., IDAHO
SRBA

NAME AND ADDRESS: L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE, ID 83647

SOURCE: SMITH CREEK TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 8.72 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.
THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN
MEASURED AT THE FIELD HEAD GATE.

PRIORITY DATE: 08/08/1898

POINT OF DIVERSION: T02N R07E S07 LOT 3 (NENWSW) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	8.72 CFS
	Stockwater	01-01 TO 12-31	0.14 CFS

PLACE OF USE:

Irrigation	Within Elmore County			
T02N R06E S02	NENW 1.1	LOT 4	(NWNW)13.0	
LOT 4	(SWNW) 1.1	LOT 6	(SENW) 6.6	
T03N R06E S34	NENE 8.7	LOT 2	(SWNE)14.0	
LOT 1	(SENE)25.0			
S35	NNNW 6.4		SWNW 26.0	
	NESW 4.0	LOT 1	(NWSW)16.0	
LOT 2	(SWSW) 5.1			
127.0 Acres Total				
Stockwater	Within Elmore County			
Same as Irrigation				

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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. I.C. SECTION 42-1412(6).

SRBA

SUBCASE SUMMARY REPORT 63-00097

[Return to SRBA Home Page](#)

SRBA
10-06-2004

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 63-00097 FILE#: 01098
CLAIMANT: L G DAVISON & SONS INC
1969 PRAIRIE RD

PRAIRIE ID 83647
STATUS: M/R/R FILED SPECIAL MASTER: MELANSON, JOHN M
WATER SOURCE: SMITH CREEK TRIBUTARY: SOUTH FORK BOISE RIVER
ISSUES: PERIOD OF YEAR WHEN WATER IS USED
0

**** PARTIES INVOLVED ****

L G DAVISON & SONS INC C ATTY: JAY R FRIEDLY

**** ROA ENTRIES ****

01-31-2003	OBJ 01 F/B USA,ACTING THRU DEPT OF INTERI	RB	04-04-2003 0001
01-31-2003	OBJ 02 F/B BOISE PROJECT BOARD OF CONTROL		0002
03-10-2003	CASE MANAGEMENT REPORT FILED		
03-10-2003	ORIGINAL CLAIM RECEIVED FROM IDWR		
04-04-2003	RESPONSE TO OBJ 0002 F/B L.G. DAVISON & SONS,		0001
06-20-2003	INITAL HEARING SET	HS	07-30-2003 0900
07-03-2003	ORDER VACATING EVENT ON 07302003 AT 0900		
07-06-2004	ORDER RESCINDING ORDER OF REFERENCE		
	ASSIGNED MASTER WAS: 703 CUSHMAN, THOMAS R		
07-06-2004	ORDER SETTING STATUS & SCHEDULING CONFERENCE	HS	08-17-2004 0130
08-17-2004	HEARING HELD - STATUS/SCHEDULING	HH	08-17-2004 0130
08-17-2004	MINUTES - STATUS/SCHEDULING		
08-25-2004	ORDER SETTING INITIAL HEARING/SCHEDULE CONF	HS	09-28-2004 1000
08-26-2004	ORDER CORRECTING SUPREME COURT ADDRESS		
09-13-2004	NOTICE OF SERVICE OF PROPOSED SETTLEMENT ON		
	ALL CLAIMANTS		
09-28-2004	INITIAL HEARING HELD	HH	09-28-2004 1115
09-28-2004	MINUTES FILED		
09-28-2004	VERBAL MOTION TO WITHDRAW OBJECTIONS BY	MG	09-28-2004
	UNITED STATES AND BOISE PROJECT BOARD		
09-28-2004	VERBAL ORDER GRANTING MOTION TO WITHDRAW		
	OBJECTIONS BY U.S. & BOISE PROJECT BOARD		
09-28-2004	DISMISS OBJECTION FILED BY UNITED STATES		09-28-2004 0001
09-28-2004	DISMISS OBJECTION FILED BY BOISE PROJECT		09-28-2004 0002
09-28-2004	VERBAL NOTICE OF APPEARANCE FOR JAY FRIEDLY		
10-01-2004	REPORT & RECOMMENDATION OF MASTER	CB	11-29-2004
10-01-2004	NOTICE OF ISSUANCE - MASTERS R&R		
10-01-2004	CERTIFICATE OF MAILING - MASTER R&R		

RECEIVED

APR - 4 2003

Department of Water Resources

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

In Re SRBA

Case No. 39576

Subcase 63-97

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

NAME AND ADDRESS OF PERSON RESPONDING

Name: L. G. Navison & Sons, Inc.

Address: 1969 Prairie Rd.

Prairie, Id. 83647

Daytime Phone: (208) 868-3243

Name & Address of Attorney, if any:

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

Name: Boise Project Board of Control

Address: 2465 Overland Rd.

Boise, Id. 83705

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

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☒ Period of Year
9. ☐ Place of Use

11. Recommendation

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



VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Canyon

R E Dawson , duly sworn, upon oath, deposes and says:
(Name of person filing response)

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

R E Dawson
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

April 3, 2003



Notary Public for Janice Thurman
Residing at: Callwell Id
My Commission Expires: 3/06

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on April 3, 2003, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

Name: L.G. Davison & Sons, Inc.
Address: 1969 Prairie Rd.
Prairie, Id. 83647

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

Name: Boise Project Board of Control
Address: 2465 Overland Rd.
Boise, Id. 83705

4. Copies to:

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

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

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

R.E. Davison
Your signature or signature of attorney
mailing on your behalf

we feel that The period of use from
March 15 To November 15, reflects The historical
use of this water right # 63-97. It was
granted continuous flow in the court
decree dated May 25, 1907. The water was
used on this land early in the season
before any of the dams were built on
the Boise River. Priority date of Aug 8, 1898.

yours truly
R. E. Davison

R. E. DAVISON
L. G. DAVISON & SONS, INC
1969 Prairie Rd.
Prairie, Id. 83647

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, WITHIN AND FOR ELMORE COUNTY.

Book-3-
Judgment
Records
Page-200-

May 27th
1907

Theodore Pierce,
Plaintiff,
vs
William Pierce, George W.Goble,
Julius P.Nauerth, John Krall, A.E.
Brown, Minnie J.Nauerth, Robert
Sandlin, Martha B.Loving,
Sarah C.Smith, E.M.Wolfe,
successor in interest to William
Pierce, et al.,
Defendants.

DECREE
Dated May 25-1907
Edward A.Walters,
Judge.

This cause came regularly on for trial on the 12th day of December A.D.1906, being the 7th Judicial day of the December Special term 1906 of said Court; E.J.Dockery, Esq. appearing as counsel for the plaintiff Theodore Pierce, and E.M.Wolfe, Esq., as counsel for defendant William Pierce and for defendant and cross-complainant E.M.Wolfe, as successor in interest to William Pierce; Edgar Wilson, Esq., as counsel for defendants and cross-complainants John Krall, Robert Sandlin and Martha B.Loving; Carl A.Davis, Esq., as counsel for defendants and cross-complainants Julius P. Nauerth and Minnie J.Nauerth; and Messrs Morrison & Pence as counsel for defendants and cross-complainants A.E.Brown and George W.Goble. A trial by jury was waived by express agreement of counsel, and it appearing to the Court that the matter would involve the taking of a large amount of testimony and consume a great amount of time, it was ordered by the court that a referee be appointed herein to take the testimony and report the same to the Court, H.M. Branin was appointed to take such testimony, which was afterwards taken and documentary evidence introduced before said referee, all parties being present and represented by their respective counsel. Said testimony and documentary evidence having been reported to and filed in this Court in this action, and the same having been examined by the Court, and arguments made by the counsel for all the respective parties herein;

Now, on the 25th day of May A.D.1907 findings of fact and conclusions of law having been expressly waived by the counsel for the respective parties, the Court orders that judgment be entered herein in accordance with a stipulation on file in said cause, signed by the counsel for all the said respective parties.

EXPLANATION
References in left hand margin show book and page where document is recorded, also date of filing same.
In the margin of the document the grantor's name is given as they appear in the heading (as regards spelling, etc.) If there is any discrepancy in these names in the three vital parts of the document (signature, body of instrument, and acknowledgment) the discrepancy will be shown in explanation appended at the end of document, and the same will be indicated in the margin by a reference mark corresponding to the one below.
When acknowledgment shows no discrepancy, only the date of the same is given. If discrepancy, such discrepancy is noted, as are also any discrepancies of a miscellaneous nature.

Sheet-2

3-200

WHEREFORE, by reason of the law and the premises and the stipulation aforesaid, findings of fact and conclusions of law having been expressly waived by the respective parties to this action, it is ordered, adjudged and decreed by this Court that the respective parties hereto are entitled to take from, and use, for irrigating and domestic purposes, the waters flowing in Smith Creek, in Elmore County, State of Idaho, in dates of priorities and in the following amounts respectively, to-wit:-

That the plaintiff Theodore Pierce be, and he is heretw
awarded the use of the amount of water hereinafter stated
from the waters of Smith Creek, in Elmore County, Idaho, in
each year, said use to date from the 10th day of August A.D
1897 for use upon (property described) 235- $\frac{1}{2}$ inches con-
tinuous flow and that he pay his costs in this action, taxed
at the sum of \$2.75.

That E.M. Wolfe, successor in interest to the rights of defendant William Pierce, be and he is hereby awarded the use of the amount of water hereinafter stated from the waters of said Smith Creek in each year, said use to date from Aug. 10-1897, for use upon (property described) 210 inches continuous flow, and that he pay his costs in this action taxed at \$2.75.

That the defendant and cross-complainant John Krall be, and he is hereby awarded the use of the amount of water hereinafter stated from the waters of said Smith Creek, in each year, said use to date from Aug. 8-1898, for use upon the (property described) containing 240 acres, (The Cve) 436 inches continuous flow, and that he pay his costs etc.

That defendant and Cross-complainant Robert Sandlin be, and he is hereby awarded the use of the amount of water hereinafter stated from the waters of said Smith Creek in each year, said use to date from Feb. 28-1900, for use upon (property described) 137- $\frac{1}{2}$ inches continuous flow etc.

That the defendant and cross-complainant Martha B. Loving be, and she is hereby awarded the use of the amount of water hereinafter stated from the waters of said Smith Creek, in each year, said use to date from March 30-1900, (property described) 116- $\frac{1}{2}$ inches continuous flow etc.,

That the defendant and cross-complainant A.E.Brown be and he is hereby awarded the use of the amount of water etc. of Smith Creek in each year, said use to date from Oct. 7-1899, (property described) 175 inches continuous flow and that he pay his costs etc.

EXPLANATION

References in left hand margin show book and page where document is recorded, also date of filing same.

In the caption of the document the greater names are given as they appear in the heading (as regards spelling, etc.). If there is any discrepancy in these names in the three vital parts of the document (signature, body of instrument, and acknowledgement) the discrepancy will be shown in explanation appended at the end of document, and the same will be indicated in the caption by a reference mark corresponding to the one below.

When acknowledgment shows no discrepancy, only the date of the same is given. If discrepancy, such discrepancy is noted, as are also any discrepancies of a witness in some nature.

RECEIVED

FEB 4 - 2003

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 63-97
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

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

Name: L G Davison & Sons Inc
Address: 1969 Prairie Rd
Prairie, ID 83647-9803

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

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

E. REASONS SUPPORTING EACH OBJECTION(S):

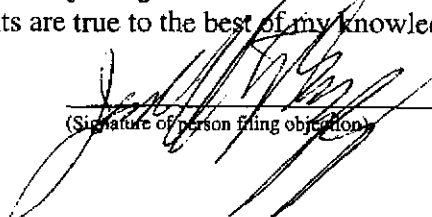
The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow (a) injury to the United States' water rights, (b) impairment of historic river conditions conducive to regular United States Bureau of Reclamation diversions to storage reservoirs and the New York Canal, and (c) diminution of contract water reliability.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

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

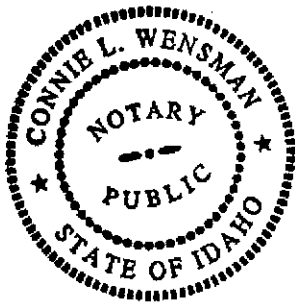
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

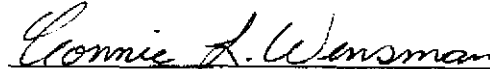

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 29, 2003





Connie L. Wensman

Notary Public for: Idaho

Residing at: Meridian

My Commission Expires: 10-06-2004

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on January 31, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Name: L G Davison & Sons Inc

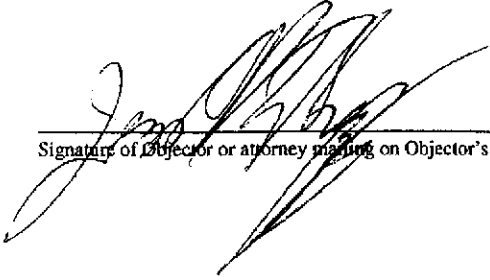
Address: 1969 Prairie Rd
Prairie, ID 83647-9803

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

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

In Re SRBA)

Case No. 39576)

A. Subcase Number: See Attachment A
(Insert water right number)

**STANDARD FORM 1
OBJECTION RECEIVED**

JAN 31 2003

Department of Water Resources

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise Project Board of Control acting on its own behalf and on behalf of
and for the following individual entities:
New York Irrigation District, Nampa & Meridian Irrigation District, Wilder
Irrigation District, Boise-Kuna Irrigation District, Big Bend Irrigation
District
Address: 2465 Overland Road
Boise, Idaho 83705
Phone: (208) 344-1141

Name & Address of Attorney, if any:
Albert P. Barker, ISB # 2867
Amy D. Chestnut, ISB # 5904
Barker Rosholt & Simpson, LLP
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: 208-336-0700
Facsimile: 208-344-6034

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

Name: See Attachment B
Address:

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

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

E. REASONS SUPPORTING EACH OBJECTION(S): The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow injury to the objector's water rights and diminution of contract water reliability.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

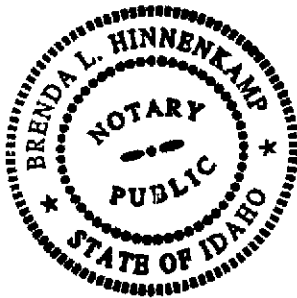
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 30, 2003



Brenda L. Hinnenkamp
Brenda L. Hinnenkamp
Notary Public for: Idaho
Residing at: Boise
My Commission Expires: 9/11/2004

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on January 30, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Name: See Attachment B
Address:

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

Attachment A

63-3540	63-7984A	63-7984B
63-8624	63-10279	63-31335
63-31336	63-7119	63-7115
63-148B	63-15395	63-2472
63-7529	63-7037	63-2026
63-7207	63-31077	63-5102
63-5192	63-318A	63-318C
63-4629A	63-4797	63-4810
63-5101	63-31074	63-31289
63-31328	63-19A	63-19B
63-378	63-4636	63-5057
63-31124	63-31173	63-31174
63-31319	63-31320	63-31397
63-4548	63-3125	63-15093
63-15677	63-31317	63-5332
63-5334	63-4071	63-31380
63-5235	63-4629C	63-31454
63-5408	63-2171	63-5167
63-317B	63-320A	63-7613D
63-30310	63-97	63-15409
63-3447D	63-3447B	63-3447C
63-5161B	63-15101	63-4731
63-3422B	63-5161C	63-3422A
63-5251	63-5250	63-15684
63-5108	63-15427	63-15094
63-15206	63-15373	63-2252

ATTACHMENT B

63-3540

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-8624

Randall A Ambuehl
HC 33 Box 1610
Boise ID 83706

63-31336

Wilderness Ranch Owners Assn Inc
46 Wilderness Ranch Rd
Boise ID 83716

63-148B

South Boise Water Co
PO Box 6005
Boise ID 83707

63-7529

Walter M Nichols
Thelma E Nichols
14 Cougar Lane
Boise ID 83716

63-2026

James E Bryant
1915 N 11th
Boise ID 83712

63-5102

Laura LA May Holmes
2391 Sheri Dr
Emmett ID 83617

63-318C

Paula E Lewis
Stephen E Lewis
PO Box 4002
Boise ID 83711-4002

63-4810

Walter S Nichols
Sara A Nichols
12 Cougar Ln
Boise ID 83716

63-31289

Walter M Nichols
Thelma E Nichols
14 Cougar Lane
Boise ID 83716

63-7984A

Teresa L Raschke
Steven L Raschke
2095 Panama St
Boise ID 83705

63-10279

Cumer L Green
PO Box 2597
Boise ID 83701

63-7119

Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-15395

Marilyn Priest
Jay R Priest
PO Box 122
Idaho City ID 83631

63-7037

Blue Jay Creek Water & Road Users Inc
C/O Robert O Walker
129 Blue Jay Creek Rd
Boise ID 83706

63-7207

Barbara W Little
1980 Myers Rd
Boise ID 83706

63-5192

David Steadman
Lynae Steadman
8873 Ottawa Ct
Boise ID 83709

63-4629A

Wilderness Ranch Owners Assn Inc
46 Wilderness Ranch Rd
Boise ID 83716

63-5101

Marilyn Priest
Jay R Priest
PO Box 122
Idaho City ID 83631

63-31328

Michael C Perry
Tami J Perry
10 Cougar Ln
Boise ID 83716

63-7984B

Lawrence Poisson
Sheila Poisson
3193 Highway 21
Idaho City ID 83716

63-31335

Val Dean Schroeder
13 Blacksmith Road
Boise ID 83716

63-7115

Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-2472

Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-2026

Hilda Larson
3015 Silver St
Boise ID 83703

63-31077

State of Idaho
Dept of Parks & Recreation
PO Box 83720
Boise ID 83720-0065

63-318A

Ranch Subdivision Property Owners
Assn
26 Burnett Dr
Boise ID 83716

63-4797

Connie Jo Cooper
Douglas S Cooper
2268 Highway 21
Boise ID 83716

63-31074

Barry Marcus
737 N 7th St
Boise ID 83702

63-19A

Larry R Smith
Alda L Smith
8442 W Beachside Ct
Boise ID 83703

63-19B
Rosemary Swanstrum
Philip Swanstrum
2708 Columbus
Boise ID 83705

63-5057
Francis Mangum
Shirley Mangum
17 Old Mill Rd
Boise ID 83716

63-31174
Michal Sweeney
28 N Fork Clear Creek Rd
Boise ID 83716

63-31397
Michael E Claus
Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-15093
Gail G Allen
Robert P Allen
14 Allen Ln
Boise ID 83716

63-5332
Osprey Land Co
737 N 7th St
Boise ID 83702

63-5235
Rex E Lanham
2630 Highway 21
Boise ID 83716

63-5408
Scott R Nicholson, Thomas Emil Nicholson,
Christine Nicholson et al
C & T Ranches Inc
PO Box 690
Meridian ID 83680-0690

63-317B
Richard A Stull
K Gail Richardson
13 Robie Creek Ln
Boise ID 83716

63-97
L G Davison & Sons Inc
1969 Prairie Rd
Prairie ID 83647-9803

63-378
Dirk L Marcum
14364 E Highway 21
Boise ID 83716

63-31124
Allen Cupit
Diana Cupit
25 Old Mill Rd
Boise ID 83716

63-31319
Sandra Miner
1512 Apache Dr Unit D
Chula Vista CA 91910-8160

63-4548
James R Stringfellow
787 David Way
North Salt Lake UT 84054

63-15677
Barry Marcus
737 N 7th St
Boise ID 83702

63-4071
Robert P. Perez
Laurie A. Perez
20 Colleen Lane
Boise, ID 83716

63-4629C
Sherry Smith
James C Smith
7 Mores Creek Cir
Boise ID 83716

63-2171
Rex B Lanham
2630 Highway 21
Boise ID 83716

63-320A
Wade C Woolery
1902 Thompson Street
Richland WA 99352

63-15409
Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-4636
Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-31173
Hide Associates Partnership
Boise Holcomb Inc
737 N 7th St
Boise ID 83702

63-31320
David Peterson
Toni Peterson
14 Homestead Ct
Boise ID 83716

63-3125
State of Idaho
Dept of Fish & Game
PO Box 25
Boise ID 83707

63-31317
Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31380
Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31454
Jay D Hollinger
Carol L Hollinger
51 Daggett Creek Rd
Boise ID 83716

63-5167
Rex B Lanham
2630 Highway 21
Boise ID 83716

63-7613D
Marvenna S Hodgins
Marilyn E Dawson
PO Box 6466
Boise ID 83707

63-30310
Steven D Cummings
545 Robie Creek
Boise ID 83716

63-3447B
Biff Eshelman
31 Sonshine Lane
Boise ID 83716

63-15101
Steven D Cummings
545 Robie Creek
Boise ID 83716

63-5161C
Sterling Turner
Debbie Turner
328 Robie Creek Rd.
Boise ID 83716

63-5250
Jan Blum
27 Idaho City Stage Rd
Boise ID 83716

63-15684
Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-15094
Gail G Allen
Robert P Allen
14 Allen Ln
Boise ID 83716

63-2252
Twin Springs Resort LLC
PO Box 3994
Ketchum ID 83340

63-3447C
Alan K Johnson
3929 Overland Rd #840
Boise ID 83715

63-4731
Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-3422A
Mary Lou Pote
William W H Pote
27 Idaho City Stage Rd
Boise ID 83716

63-5251
Mary Lou Pote
William W H Pote Jr
27 Idaho City Stage Rd
Boise ID 83716

63-5108
Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-15206
Val Dean Schroeder
13 Blacksmith Rd
Boise ID 83716

63-3447D
Joan Stephens
James R Stephens
3939 S Transport
Boise ID 83705

63-5161B
Dwaine Wright
Lizabeth Wright
4 Larkspur Lane
Boise, ID 83716

63-3422B
Virginia M Cafferty
Allan E Cafferty
2121 S Eagleson
Boise ID 83705

63-15427
Maurice Brown
11 Hoover Dr
Boise ID 83716

63-5334
Osprey Land Co
737 N 7th Street
Boise, ID 83702

63-15373
Rex E. Lanham
2630 Highway 21
Boise ID 83716

IDAHO DEPARTMENT OF WATER RESOURCES 12/19/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE ID 83647-9803

SOURCE: SMITH CREEK TRIBUTARY: SOUTH FORK BOISE RIVER
QUANTITY: 8.72 CFS

THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED
AT THE FIELD HEAD GATE.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 08/08/1898

POINT OF DIVERSION:

T02N R07E S7 NENWSW Lot 3 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.140 CFS
IRRIGATION	03/15 11/15	8.720 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T02N R06E S02	NENW	1.1	T02N R06E S02 Lot 4	NWNW	13.0
T02N R06E S02 Lot 4	SWNW	1.1	T02N R06E S02 Lot 6	SENE	6.6
T03N R06E S34	NENE	8.7	T03N R06E S34 Lot 2	SWNE	14.0
T03N R06E S34 Lot 1	SENE	25.0	T03N R06E S35	NWNW	6.4
T03N R06E S35	SWNW	26.0	T03N R06E S35	NESW	4.0
T03N R06E S35 Lot 1	NWSW	16.0	T03N R06E S35 Lot 2	SWSW	5.1

STOCKWATER same as IRRIGATION

127 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
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: Decreed

STOCKWATER, 600 RANGE CATTLE.

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

CLAIM NO(s). 63-97

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☐ No Change ADDRESS
☐ NEW ADDRESS: _____

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

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION
☐ Point of diversion is different than the claim and/or new P/D's:

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

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Sou RECOMMENDED
PER STANDARDS, DECREE
DIDN'T LIST

Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

7. ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

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

CLARIFIED with
1/4 1/4 & Lot #5

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

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

SEE PHOTOS, EXPLANATIONS ON PROFILE SHEET AND
FIELD NOTES. ORIGINAL DECREE LISTED POA AS
AS SURVEYED.

☐ SYSTEM DIAGRAM INCLUDED ☐ NA
☒ Shown on GIS Layout E TOPO & SOIL MAP

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: OCT 24, 2001

FIELD EXAMINER: RON HOWERTON

Print Name

Ron Howerton

Signature

WR5809NP
No. 63-00097

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/22/01
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN KRALL	08/08/1898	IRRIGATION	00/00 00/00	8.720 CFS	
TOTAL DIVERSION:					8.720 CFS	

Water Source: SMITH CREEK Tributary to: BOISE RIVER, SOUTH FORK Stage: DECREED

Pou County:

Remarks: GEN D.L.E. #1308 (THE COVE). TOTAL ACRES: 240.

Dates: App. Received: Priority Date: 08/08/1898
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 638 Field Exam Fee:

Audit: 05/06/85 05/01/88 CONVERT 07/14/89 CURTIS

Smith Cr WR # 97

PA 4-24-01
with Ron DAVISON

- MEASURED 3-LOCATIONS for conveyance Loss

- Took photos AT Point of diversion
- GPS LOCATION S97P
- Point of diversion has 24" Screw gate
- System consists of very long ditch with very poor soil, full of Lwa Rocks in places and gravel with sand.
- Just recently improved Lwer system took photo of distribution Pond that has underground pipe replacing poor ditch started in 2000 and completed in 2001 15" MAINLINE REPLACING gravity ditch. Gravity flows to wheel LINES creates about 50 PSI SAYS Ron DAVISON. Historical use has all been by old gravity ditch.
- Conveyance Loss is big.
- Historical use was all Gravity Flows now most is Sprinklers.

Note: ck for additional
claims for Drew
Davison - Ron now
owns part of
his - Smith Cr



Photo 1. FX Oct. 24, 2001. Photos by RDH. POD screw headgate from Smith Creek into 16' ditch located in T02N, R07E, NENWSW lot 3.

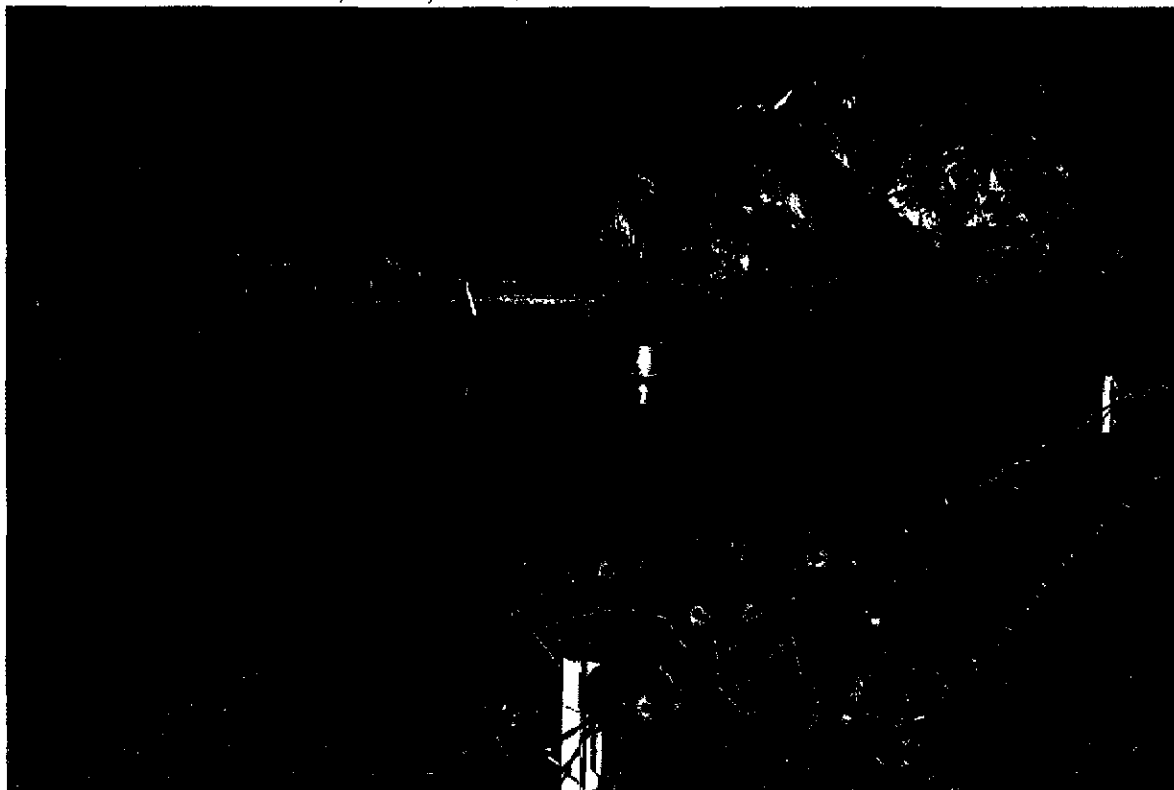
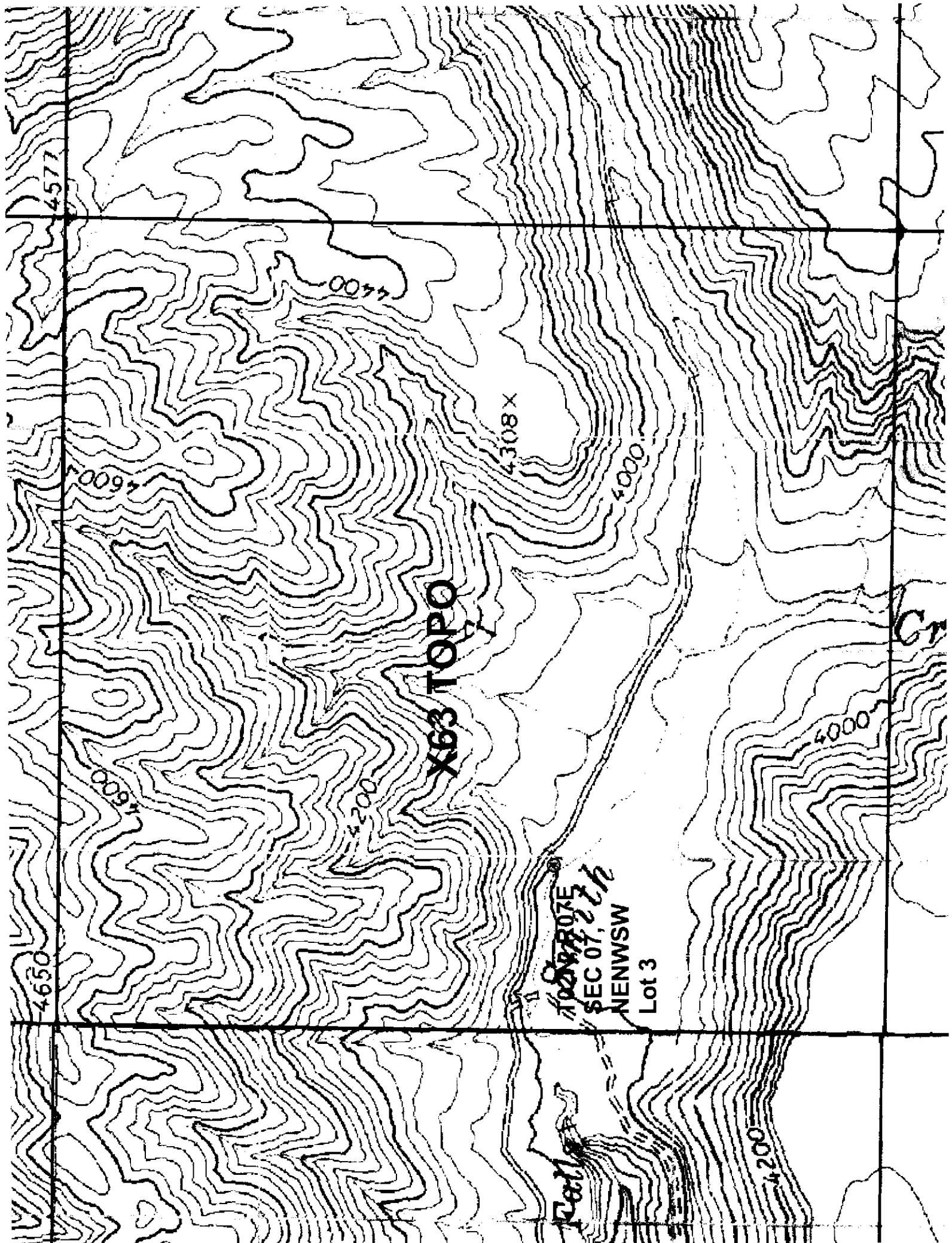


Photo 2. Distribution pond was built in 2000-2001 to improve on big ditch loss problem. Located in T02N, R06E, NWNW, lot 2.



X63 TOPO

SEC 07, 27h
NENWSW
Lot 3

4308x

4577

4650

4009

4000

4200

T02N R06E
S02
T03N R06E
S34 & S35

Claim: 63-00097
Updated: 8 Nov 01
By: Ron Howerton

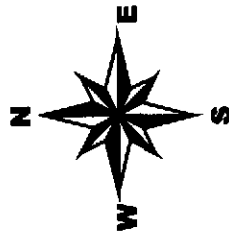
 Place of use

● POD

 SECTION

1/4 1/4

127 Acres



1987 NAPP

Idaho Department of Water Resources



T02N R06E
S02
T03N R06E
S34 & S35

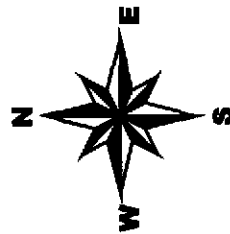
Claim: 63-00097
Updated: 8 Nov 01
By: Ron Howerton

 Place of use

● POD

 SECTION

 1/4 1/4



1987 NAPP

Idaho Department of Water Resources



0 0.25 0.5 0.75 1 1.25 1.5 Miles

SENIOR AGENT: Ron Howerton

FIELD EXAM
TELEPHONE CONVERSATION MEMORANDUM

DATE OF CONVERSATION: 9-18-01

DATE SET FOR EXAM: 9-24-01 0900

NAME OF CONTACT: RON DAVIDSON

ADDRESS CHANGE: _____

PHONE NUMBER: (208) 868-3243 NOT LONG DIST

CELL # 250-3974

LOCATION/DIRECTIONS: MEET AT RANCH HOUSE by BOISE

RIVER - JUST UP THE HILL AND TO THE EAST AFTER YOU
CROSS OVER BOISE RIVER, AKA DE MINT PLACE USED
to grow mint.

TYPE OF SYSTEM: GRAVITY FLOW SYSTEM DECREASED RT
97.

OTHER NOTES: HAS AFFIDAVIT FOR LAWA CR-63-4881

CONVEYANCE LOSS - WORSTELL

NAME OF DITCH: SMITH CR 63-97 BY: RDH DATE: NOV 2, 2001

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	18300	11.0	2.50	6.36		0.00	0.0000	0.00	6.36
2				0.00		0.00	0.0000	0.00	0.00
3				0.00		0.00	0.0000	0.00	0.00
4				0.00		0.00	0.0000	0.00	0.00
5				0.00		0.00	0.0000	0.00	0.00
6				0.00		0.00	0.0000	0.00	0.00
7				0.00		0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	18300			6.36	0.00			0.00	

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

AVE WIDTH = AVERAGE TOP WIDTH OF WATER SURFACE IN REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH

WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD

DELIVERY = TOTAL DELIVERIES IN REACH

DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)

LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT

DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY;
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH;
IF MULTIPLE RIGHTS WITHIN REACH, DELIVERY LOSSES SHOULD BE
PRORATED BASED ON SIZE OF DELIVERY FOR EACH RIGHT WITHIN REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

ESTIMATING CONVEYANCE LOSS

FIELD EXAMINER:

Row H

FIELD EXAM DATE:

9/24/01

FOR CLAIM(S)

63-00097

6.36 Ditch
Loss

+2.54 (127 ACRES)

8.90

DEGREE = 8.72 cfs

OK FOR
RECOMMENDATION

FORMULA: $S = (W)(i)(0.0667)$

Where: S = Loss in CFS per Mile

W = The top width of the high water mark in feet

i = The loss rate in feet per day (see table)

0.0667 is a factor used to convert to CFS per mile

TABLE:

Type of Soil	Loss Rate i (Ft/Day)
Medium clay loam.....	0.5 to 1.5
Impervious clay.....	0.5
Medium soils.....	1.0
Somewhat pervious soils.....	1.5 to 2.0
Gravel.....	2.5 to 5.0

WORK SHEET

W = (11 FT) i = (2.5 FT/DAY)(0.0667)

S = 1.83 CFS/MILE

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = (1.83 CFS/MILE)(3.47 MILE)

CONVEYANCE LOSS =

6.36

TOP OF DITCH = W

MAP MEASUREMENT

Section 1 = 20 REG
Section 2 = 0 CENTER
Section 3 = 5 END

Length in Inches = _____ = A

Map Scale: _____ In. = 1 Mile = B

Total... = 33

A/X: B/5,280 = Ft/5,280 = Mile

/2or 3... = 11 = W

Data/forms/Conv.loss.doc

18,300 Ft/CIS

Ditch Loss calc.
by distance to

3RD FIELD WHICH
IS LARGEST OF

3-FIELDS AT THE
POINT OF MAX Ditch
LOSS.

THREE X-SECTIONS MEAS.
FOR Ditch WIDTH AT
HIGH WATER MARK

MUCK SAND & GRAVEL, LAVA
WITH LAVA OUT-CROPPING
MAKE THIS Ditch B/G
Ditch Loss.

SOME DEPTHS
BELOW SURFACE
LAND ARE FROM
2ft to OVER
6ft. SOIL UNDER
SOILS MAP IS
NOT KNOWN BUT
WHAT IS SEEN
IS GRAVEL & SAND
USE 2.5 AS
Type of Soil

ESTIMATING CONVEYANCE LOSS

FIELD EXAMINER: AGENT NAME

FIELD EXAM DATE: 9/26/01

FOR CLAIM(S): 57-02222

FORMULA: $S = (W)(i)(0.0667)$

Where: S = Loss in CFS per Mile

W = The top width of the high water mark in feet

i = The loss rate in feet per day (see table)

0.0667 is a factor used to convert to CFS per mile

TABLE:

Type of Soil	Loss Rate i (Ft/Day)
Medium clay loam.....	0.5 to 1.5
Impervious clay.....	0.5
Medium soils.....	1.0
Somewhat pervious soils.....	1.5 to 2.0
Gravel.....	2.5 to 5.0

WORK SHEET

$W = (3.25 \text{ FT})$ $i = (2 \text{ FT/DAY})(0.0667)$

$S = .43355 \text{ CFS/MILE}$

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = (.43355 CFS/MILE) (.84375 MILE)

CONVEYANCE LOSS =

0.37

TOP OF DITCH = W

MAP MEASUREMENT

Section 1 = 3.5

Section 2 = 3.0

Section 3 = NA

Total... = 6.5

/2or 3... = 3.25 = W

Length in Inches = 6.75 = A

Map Scale: 8 In. = 1 Mile = B

$A/X: B/5,280 = \text{Ft}/5,280 = \text{Mile}$

Data/forms/Conv.loss.doc

$\frac{6.75}{x} : \frac{8}{5280} = \frac{4455 \text{ length ft}}{5280 \text{ ft/mile}} =$

.84375 per mile

Most seepage formulas use a unit seepage rate which some call "C" and others call "i". In English units these coefficients are expressed as cubic feet per square foot per day or simply feet per day.

The following table of "C" values is from American Civil Engineering Practice:²⁵

<u>Kind of Material</u>	<u>Loss per Day</u> (in feet)
Cemented gravel and hardpan with sandy loam	0.34
Clay and clay loam	0.41
Sandy loam	0.66
Volcanic ash	0.68
Volcanic ash with some sand	0.98
Sand and volcanic ash or clay	1.20
Sandy soil with some rock	1.68
Sandy and gravelly soil	2.20
Concrete lining	0.33

The following table of "i" values is taken from the California Department of Water Resources Inspection Manual for use with the Etcheverry formula.

<u>Kind of Material</u>	<u>Loss per Day</u> (in feet)
Impervious clay loam	0.25 - 0.35
Medium clay loam underlaid with hardpan at depth of not over 2 to 3 ft. below bed	0.35 - 0.50
Ordinary clay loam, silt soil or lava ash loam	0.50 - 0.75
Gravelly clay loam, sandy clay loam, cemented gravel, sand or clay	0.75 - 1.00
Sandy loam	1.00 - 1.50
Loose sandy soils	1.50 - 1.75
Gravelly sandy soils	2.00 - 2.50
Porous sandy soils	2.50 - 3.00
Very gravelly soils	3.00 - 6.00

The following tables of "Average Seepage Rates" is from

²⁵ Abbett, Robert W., American Civil Engineering Practice, John Wiley & Sons, Inc., New York, 1956, Vol. II, pp. 17-31, 17-32.

TABLE 12.--ENGINEERING INDEX PROPERTIES--Continued

Name and Symbol	Depth In	USDA texture	Classification		Frag- ments > 3 inches Pct	Percentage passing sieve number--				Liquid limit Pct	Plas- ticity index
			Unified	AASHTO		4	10	40	200		
	0-12	Gravelly loam----	CL, CL-ML, GM-GC, GC	A-4, A-6	0-5	65-85	60-80	45-65	35-55	25-35	5-15
	12-15	Very cobbly silt loam, very cobbly loam, very gravelly loam.	GM, GM-GC, ML, CL-ML	A-2, A-4	15-50	45-75	40-70	35-65	25-55	20-30	NP-10
	15-27	Indurated-----	---	---	---	---	---	---	---	---	---
	27-31	Unweathered bedrock.	---	---	---	---	---	---	---	---	---
	0-4	Loam-----	CL-ML, SM-SC	A-4	0	85-100	75-100	60-95	45-75	20-30	5-10
	4-42	Loam, clay loam, sandy clay loam.	CL, SC	A-6, A-7	0	85-100	75-100	60-95	45-75	30-45	10-20
	42-60	Loamy coarse sand, sandy loam.	SM	A-2, A-1	0	85-100	75-100	40-65	15-30	---	NP
	0-4	Loam-----	CL-ML, SM-SC	A-4	0	85-100	75-100	60-95	45-75	20-30	5-10
	4-42	Loam, clay loam, sandy clay loam.	CL, SC	A-6, A-7	0	85-100	75-100	60-95	45-75	30-45	10-20
	42-60	Loamy coarse sand, sandy loam.	SM	A-2, A-1	0	85-100	75-100	40-65	15-30	---	NP
	0-7	Loam-----	CL-ML	A-4	0	90-100	85-95	65-85	50-70	20-30	5-10
	7-29	Loam, sandy clay loam, gravelly sandy clay loam.	CL, SC	A-2, A-6	0	90-100	50-80	45-70	30-55	25-35	10-15
	29-49	Clay loam, silty clay loam.	CL	A-6	0	90-100	85-95	65-90	60-85	30-40	10-20
	49-60	Coarse sandy loam, gravelly coarse sandy loam, sandy loam.	SM	A-2	0	75-95	65-85	40-50	25-30	20-25	NP-5
	0-4	Loam-----	CL-ML, SM-SC	A-4	0	85-100	75-100	60-95	45-75	20-30	5-10
	4-42	Loam, clay loam, sandy clay loam.	CL, SC	A-6, A-7	0	85-100	75-100	60-95	45-75	30-45	10-20
	42-60	Loamy coarse sand, sandy loam.	SM	A-2, A-1	0	85-100	75-100	40-65	15-30	---	NP
	0-4	Stony loam-----	CL-ML, CL	A-4, A-6	10-20	90-100	85-100	70-95	60-75	25-35	5-15
	4-10	Stony clay loam	CL, SC	A-6, A-7	10-20	80-100	75-95	50-75	40-65	35-45	15-25
	10-22	Stony loam-----	CL	A-6	15-25	90-100	85-100	70-95	60-75	30-35	10-15
	22-26	Unweathered bedrock.	---	---	---	---	---	---	---	---	---

Notes at end of table.

That the plaintiff Theodore Pierce be, and he is hereby awarded the use of the amount of water hereinafter stated from the waters of Smith Creek, in Elmore County, State of Idaho, in each year, said use to date from the 10th day of August A.D. 1897, for use upon the N.E.1-4, of the N.E.1-4 of Section 33, Tp.2N. R, 7E.B.M., and Lots 1,2 and 3, and the N.W.1-4, of the N.E.1-4, and the N.E.1-4, of the N.W.1-4, of Section 33, Tp.2,N.R7, E.B.M. and the S.W.1-4, of the N.W.1-4, and the N.W.1-4, and the N.W.1-4, of the S.W.1-4, of Section 34, Tp.2, N. R,7.E.B.M., 235-1-2, inches continuous flow and that he pay his costs in this action, taxed at the sum of \$2.75.

63

That William Pierce, successor in interest to the right of defendant William Pierce be, and he is hereby awarded the use of the amount of water hereinafter stated from the waters of said Smith Creek in each year, said use to date from the 10th day of August A.D.1897, for use upon Lots 1 and 2 in Section 32, Lots 4 and 5, in Section 33, and the N.W.1-4, of the N.W.1-4, of Section 33, all in Tp.2,N.,R,7E. B.M., 210 inches continuous flow, and that he pay his costs in this action, taxed at \$2.75.

*
Trans 365

That the defendant and cross complainant William Pierce be, and he is hereby awarded the use of the amount of water hereinafter stated from the waters of Smith Creek, in each year, said use to date from the 8th day of August A.D. 1898, for use upon the land embraced in U.S. Desert Land Entry No. 1308 in the United States Land Office at Boise City, Idaho, October 22, 1894, and described as follows to-wit: "being in Elmore County, Idaho, and on unsurveyed land beginning at the enitial point marked by a lava rock five feet high and ten (10) feet long, with monument of small rocks on top, being about 1-1-2 miles Northwest of the mouth of Cottonwood Creek where it empties into the South Boise River, and about 3-4, of a mile North of South Boise River at a point one mile below the mouth of said Cottonwood Creek, thence North 1-2 mile, thence West 3-4, mile, thence South 1-2 mile, thence East 3-4 mile, to place of beginning; each of said corners being marked by monument of rock with stakes; containing 240 acres, more or less (The Cove), 436 inches continuous