

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: A63-05023A
Date Received: 8/27/1993
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: ANTHONY W MUSCHBACHER
Address: 15940 PARK VIEW DR
WILDER ID

83676

(208) 337-4427

OR

Name: MARY A MUSCHBACHER
Address: 15940 PARK VIEW DR
WILDER ID

83676

2. Date of Priority: JAN 1, 1947

3. Source: SPRING

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	05W	13	SE	NW	NE		CANYON

5. Description of diverting works:
CULVERT, PUMP, PIPELINE & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.060		
DOMESTIC	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is 10.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	05W	13	NW		NE		IRR	3.0
			NW		NE		DOMEST	

Section Acres 3.0

Total Acres 3.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

APPLICATION FOR PERMIT (NO ID# AS OF 02/12/90)

14. Remarks:

ADDRESS CHANGED 08/29/1995 BY MM.

15. Basis of Claim: BENEFICIAL USE

As soon as you know your new address, mail this card to all the people, businesses, and publications who send you mail.
For publications, tape an old address label over name and old address sections and complete new address.

Your Name	Print or Type—Last Name, First Name, Middle Initial <i>Muschbacher, ANTHONY W.</i>				
Old Address	No. and Street <i>242 89 Haskins Rd.</i>	Apt./Suite No.	P.O. Box	R.R. No.	Rural Box No.
	City <i>Wilder, Idaho</i>	State <i>Id.</i>	ZIP Code <i>83676</i>		
New Address	No. and Street <i>15940 Park View Dr.</i>	Apt./Suite No.	P.O. Box	R.R. No.	Rural Box No.
	City <i>Wilder</i>	State <i>Id.</i>	ZIP Code <i>83676</i>		
Sign Here	Signature <i>Anthony W. Muschbacher</i>		Date new address in effect <i>Jan. 1993</i>		Account No. (if any)

PS Form 3576, Apr. 1986

RECEIVER: Be sure to record the above new address book at home or office

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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: **A63-05023A**
Date Received: 8/27/1993
Receipt No: NA x777777
Received By: Dur

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

1. Name: ANTHONY W. MUSCHBACHER 208-337-4427
Address: 24289 HOSKINS RD.
WILDER ID 83676

OR

Name: MARY A. MUSCHBACHER 208-337-4427
Address: 24289 HOSKINS RD.
WILDER ID 83676

2. Date of Priority: JAN 1, 1947

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	05W	13	SE	NW	NE		CANYON

5. Description of diverting works:
CULVERT, PUMP, PIPELINE & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.060		
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is 10.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME

MICROFILMED

JUL 25 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	05W	13	NW	NE	IRR	3.0
			NW	NE	DOMEST	
					Section Acres	3.0
					Total Acres	3.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
APPLICATION FOR PERMIT (NO ID# AS OF 02/12/90)

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: —

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Anthony W. Muschbacher Date: 8-27-1993
Date:

MICROFILMED
JUL 25 1994

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 27th day

of Aug 19 93

D. R. Tuttle
Notary Public

Seal

Residing at Boise Id

My Commission Expires 9/10/1994

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JUL 25 1994

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: A63-05023
Date Received: 2/12/1990
Receipt No: W008659
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ANTHONY W. MUSCHBACHER 208-337-4427
Address: 24289 HOSKINS RD.
WILDER, ID 83676

OR
Name: MARY A. MUSCHBACHER 208-337-4427
Address: 24289 HOSKINS RD.
WILDER, ID 83676

2. Date of Priority: JAN 01, 1947

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	05W	13	SE	NW	NE		CANYON

5. Description of diverting works:
CULVERT, PUMP, PIPELINE & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.100		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/2 HOMES

A63-05023

Page 1

Date: 02/12/90

MICROFILMED

JUL 25 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	05W	13	NW NW	NE NE	IRR DOMEST	5.0
Section Acres						5.0
Total Acres						5.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
APPLICATION FOR PERMIT (NO ID# AS OF 02/12/90)

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

\$55

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 63-5023

Date Received 2/12/90

Receipt Number 4008659

35

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Anthony W or Mary A Muschbacher Phone () 337-4427Mailing Address 24289 Hashin Road Wilder Zip 836762. Date of Priority (Only one (1) per claim) 1/1/19473. Source of water supply (a) Spring
which is tributary to (b) Slacks4. a. Location of existing point of diversion is: Township 3N Range 5W Section 13,
SE 1/4 of NW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of _____

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.2 Springs pumped to 2 homes
through right of way to sprinklers.

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JUL 25 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 10/15 amount .10 or _____
For Domestic purposes from 1/1 to 12/31 amount .04 or _____
For Stock purposes from 1/1 to 12/31 amount .02 or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .14 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 15 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) D/2 S/50

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	
3N	5W	13		D/S															
				S															5

Total number of acres irrigated 5

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

12. Do you own the property listed above as place of use? Yes Yes No 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: Lots 3, 4, 5, Blk 4 Seven Springs Park

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JUL 25 1994

Last Name _____ Ident No. 63-5023

Copies: White -State, Yellow-Claimant

15. Basic of Claim (check one) Beneficial Use _____ Posted Notice ☒ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-5023
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 0

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

Signature of Claimant (s) Anthony W. Murchbacker Date Jan. 24, 1990

Date _____

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 24 day of January 19 90

SEAL

Notary Public Lori Harris

Residing at LORI HARRIS
RESIDING ATTORNEY, IDAHO

My Commission Expires MY COMMISSION EXPIRES DEC. 3, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

MICROFILMED

JUL 25 1994

Last Name _____ Ident. Number _____

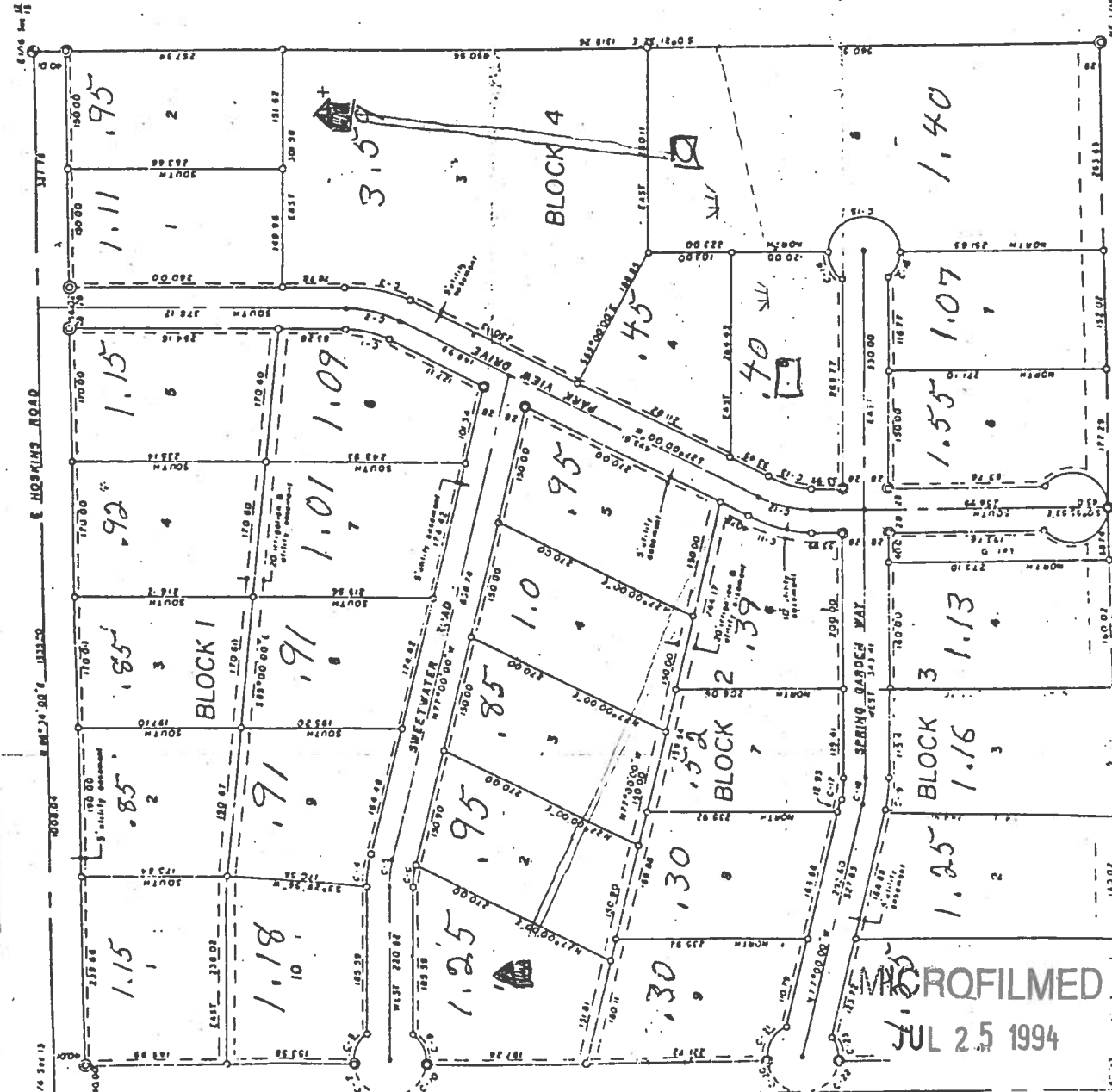
Copies White-State, Yellow-Claimant

POOR ORIGINAL

SEVEN SPRINGS PARK

SITUATED IN THE NW 1/4 NE 1/4, Sec. 13 T3N R5W 8M CANYON COUNTY, IDAHO

A63-05023



LEGEND

- 8 3/8" Iron Rod
- 1/2" Iron Rod

SURVEYORS CERTIFICATE

STATE OF IDAHO 33
COUNTY OF CANYON

I, John W. Howe, a Professional Land Surveyor for the State of Idaho, do hereby certify that I have surveyed, subdivided, and platted SEVEN SPRINGS PARK, situated in the NW 1/4 NE 1/4, Section 13, T3N, R5W, 8M, more particularly described as follows: BEGINNING at the North 1/4 corner of said Sec. 13; thence N 68° 36' 00" E 1335.80 ft. along the North boundary of the said NW 1/4 NE 1/4; thence S 0° 21' 32" E 1318.26 ft. along the East boundary of said NW 1/4 NE 1/4; thence S 89° 04' 07" W 1331.73 ft. along the South boundary of said NW 1/4 NE 1/4; thence N 0° 31' 47" W 1307.30 ft. along the West boundary of said NW 1/4 NE 1/4 to the POINT OF BEGINNING. This parcel contains 40.93 acres. The bearings are based on the 1923 Government Land Office survey. I further certify that I made the survey under the direction of the owner thereof, and that the size of all lots and the width of all streets are as shown on the annexed plat.

ALPHA ENGINEERS INC.

Subscribed and sworn to before me this 1st day of November, 1973

Notary Public for Idaho
Commission expires 12-JUNE-1975

CURVE	RADIUS	ANGLE	LENGTH	L.C.	L.C. BEARINGS
C-1	122	27° 00' 00"	97.49	84.88	S 13° 10' 00" W
C-2	180	27° 00' 00"	10.89	70.03	S 13° 10' 00" W
C-3	178	27° 00' 00"	93.68	83.11	S 13° 10' 00" W
C-4	178	15° 00' 00"	140.39	40.30	N 83° 10' 00" W
C-5	180	15° 00' 00"	34.03	23.88	N 83° 10' 00" W
C-6	122	15° 00' 00"	27.68	27.62	N 83° 10' 00" W
C-7	43	63° 38' 36"	63.71	60.03	S 89° 18' 00" W
C-8	45	58° 23' 28"	43.93	43.90	N 8° 40' 13" W
C-9	45	37° 09' 36"	43.03	43.06	S 67° 06' 47" W
C-10	48	87° 39' 24"	85.71	80.03	N 6° 21' 36" W
C-11	178	27° 00' 00"	93.68	83.11	S 13° 10' 00" W
C-12	150	15° 00' 00"	70.89	70.93	S 13° 10' 00" W
C-13	122	27° 00' 00"	37.49	38.36	S 13° 10' 00" W
C-14	43	58° 31' 17"	40.46	38.11	N 6° 14' 22" E
C-15	48	180° 00' 00"	141.37	90.00	N 0° 00' 00" E
C-16	48	54° 31' 17"	40.48	39.11	S 66° 14' 25" E
C-17	122	15° 00' 00"	27.68	27.62	N 83° 10' 00" W
C-18	150	15° 00' 00"	34.03	33.36	N 83° 10' 00" W
C-19	178	15° 00' 00"	40.39	40.30	N 83° 10' 00" W
C-20	43	82° 38' 36"	63.71	60.03	S 89° 18' 00" W
C-21	45	58° 23' 28"	43.93	43.90	N 8° 40' 13" E
C-22	45	37° 09' 36"	43.03	43.06	S 67° 06' 47" E
C-23	48	87° 39' 24"	85.71	80.03	N 6° 21' 36" E

FRONT

BOOK 12 PAGE 22

The SANITARY RESTRICTIONS under Title 50 Chapter 13, Idaho Code are in force.

When cut to full width rights of way the portions here to the respective lots

When cut to full width rights of way the portions here to the respective lots

PROFILED
JUL 25 1994

07/07/2006

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

RIGHT NUMBER: 63-5023A

NAME AND ADDRESS: ANTHONY W MUSCHBACHER
15940 PARK VIEW DR
WILDER ID 83676

MARY A MUSCHBACHER
15940 PARK VIEW DR
WILDER ID 83676

SOURCE: SPRING TRIBUTARY: RUBY DRAIN

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 01/01/1947

POINT OF DIVERSION:

T03N R05W S13 SENWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS
Domestic use is for 1 home.		

PLACE OF USE: DOMESTIC Within CANYON County

T03N R05W S13 NWNE

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

The quantity of water decreed for this water right 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Place of use is located within Lot 3, Blk. 4, Seven Springs Park.

Parcel No. R078150040030

Recommendation
based on exam
of 8/31/1995
by Maria
Miniucci.

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

CLAIM NO(s). 63-5023A

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: 1-1-1947

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

See evidence of Priority Review attached.
Recommend 1-1-1954 as priority
since that is when house was built.

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

Source found: Spring

Further review of tax
lot info shows house
built 1940 - OK to
allow claimed
priority date.

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

Township 3N Range 5W Section 13 1/4 NE 1/4 NW 1/4 NE
Township _____ Range _____ Section _____ 1/4 SE 1/4 NW 1/4 NE

Spring
on line

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

per exam
63-12024-
spring in

SEWNNE - fw

Spring is tributary of Ruby
Drain per topo X53/X54

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

Use Dom From 1-1 To 12-31 Amount 0.02 CFS N/A - Surface
Use (1 home) From _____ To _____ Amount _____ CFS AFA water
Use _____ From _____ To _____ Amount _____ CFS AFA

7. No Change - TOTAL VOLUME - N/A
Incomplete on claim, the total is, Amount 0.02 CFS N/A AFA
Changes found, the new total is, Amount 0.02 CFS N/A AFA

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: 1 Stock # _____ List types: _____

Additional comments: _____

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

Use: Dom Township 3N Range 5W Section 13 1/4 NW 1/4 NE
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

Parcel # R078150040030
Aka: Lot 3, Block 4, Seven Springs
Park.
N11, N13

SYSTEM DIAGRAM INCLUDED

NA

Shown on GIS Layout

CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED:

7-7-2006

FIELD EXAMINER:

Kay Walker

Print Name

Kay Walker

Signature

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5023A

WATER RIGHT NUMBER: 63-5023A ✓

Owner Type

Current Owner

Name and Address

MARY A MUSCHBACHER
15940 PARK VIEW DR ✓
WILDER, ID 83676 ✓
(208)337-4427 ✓

Current Owner

ANTHONY W MUSCHBACHER
15940 PARK VIEW DR ✓
WILDER, ID 83676 ✓
(208)337-4427 ✓

Original Owner

ANTHONY W MUSCHBACHER
24289 HOSKINS RD
WILDER, ID 83676
(208)337-4427

Original Owner

MARY A MUSCHBACHER
24289 HOSKINS RD
WILDER, ID 83676
(208)337-4427

Priority Date: 01/01/1947

Basis: Beneficial Use ✓

Status: Active

Source

SPRING ✓

Tributary

SINKS ✓

Beneficial Use

DOMESTIC ✓

From To

1/01 to 12/31 ✓

Diversion Rate

0.020 CFS ✓

Annual Volume

N/A - surface water

IRRIGATION

4/01 to 11/01

0.000 CFS

Total Diversion:

0.080 CFS ✓

Location of Point(s) of Diversion

SPRING ✓

CANYON County ✓

NE
SE 1/4 NW 1/4 NE 1/4
SE NW NE

Sec. 13, Twp 03N, Rge 05W, B.M.

Place of Use

DOMESTIC ✓

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	05W	13	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	Totals
			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	Totals

Parcel # R078150040030
Aka Lot 3, Blk 4 Seven Springs Park

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5023A

03N 05W 13	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13	3.0																3.0

Total Acres: 3

Conditions of Approval:

1. ADDRESS CHANGED 08/29/1995 BY MM.

Remarks:

Comments:

Water Supply Bank:

pg. 1

Evidence of Priority Review Claim A63-5023A

① Statutory Claim 63-5023 → 1947
(no evidence in this claim file)

submitted

8/29/95 ② Affidavit of Dayle Bishop = 1919;
evidence not sufficient to
document use on this specific
property. (submitted to
substantiate use under 63-28903-
different property).

8/29/95 ③ Affidavit of Elaine Simpson for
63-28903 - evidence of use
for this 40 acre tract back
to 1919 - (based on conversation
of with Dayle Bishop - affiant
listed under #2).

8/29/95 ④ Affidavit of Mary Muschbacher -
Use documented to 1974 (August)
when property was purchased
by this party.

8/29/95 ⑤ Affidavit of Anthony Muschbacher -
same as #4 - August 1974.

pg. 2.

10/3/95 ⑤ Muschbacher filed affidavit stating no use of water for ~~domestic use~~ by Claim 63-28903 - stated land was idle 1974-1984 by their own personal knowledge.

8/13/96 ⑥ Affidavit of George Sams - Documents use of 63-5023A to 1972 - (Bealter in area)

10/15/96 ⑦ Affidavit of Anthony & Mary Muschbacher after researching property history -
Turners used 1956-1972
Not enough documentation for McCures use from 1943-1956.
(Only speculation of use by McCures.)

field exam notes of 8/31/95 -
63-5023A is original house under claim - built in 1954 - no irrig from spring since 1973 - used irrig. district water only.

pg 3

Recommend Claim 63-5023A
for domestic use back
to 1954 when house
was built. Domestic
use includes lawn/garden
up to $\frac{1}{2}$ acre.

Ray Walker
7/7/2006
Sr. Water Resource
Agent -

County tax lot info (also
attached) shows house
was built in 1940 -

Okay to allow claimed
priority date for domestic
use which includes lawn
& garden up to $\frac{1}{2}$ acre.
KW 7/7/06

REAL PROPERTY INQUIRY

+++++

01 6R26281-010- -0 078-00 SCH370+ 15 400 .01

+++++

MUSCHBACHER, MARY A

+

+

+

+

+

15940 PARK VIEW DR

+

WILDER ID 83676

+

+++++

13-3N-5W NE SEVEN SPRINGS PK 7815 + TOTAL 400 .01

LT D BLK 3 FIELD DRAIN

+++++

+ SURVEY INST 200211995

+ DRAIN DR VALUE APPR SAM

+ CLASS REAP 01 MAN UNIT 0

PARK VIEW DR, WI

Pg 150

+ PARCEL 6R0781500300D0 H/O N C/B N

+ PRIOR ACCOUNT 5R26281-010- -0

+ 02 MH on Property NO

MODE:F ACTION:

TRAITS INQUIRY

TRQK318

ACCOUNT NUMBER R26281010 0

UNIT 001

TOTAL UNITS

SITE PARK VIEW DR WI

SEC/TWN/RNG 13-3N-5W

ASSESSED VALUE 400

ACREAGE .01

SUB/PARK NAME SEVEN SPRINGS PK

YEAR/MAKE

CLASS NO BUILDING CLASS

SPACE

LOT

BLOCK

+++++

YR BUILT 0

AIR COND

AIR - NONE

CARPORT

N

STORY NO BLDG

HEATING

CARPORT SQ FT

FIRST SQ FT 0

EXTERIOR

UNKNOWN

DECK/PATIO?

N

SECOND SQ FT

ROOF

UNKNOWN

POOL?

N

BEDS 0

BSMT SQ FT

SPA?

N

BATHS .00

% BSMT FIN

LOT SIZE

FRPLC 0

GARAGE

N

NEIGHBORHOOD

0

GARAGE SQ FT

COMMENTS

MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO

MODE:F ACTION:

PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT

TRQK101

System User- IDWRR

Date 03/29/2006

Time 11:27

REAL PROPERTY INQUIRY

+++++

01 6R26285-000- -0 078-00 SCH370+ 15 13,000 .49

+++++

MUSCHBACHER, MARY A

+

+

+

+

+

+

15940 PARK VIEW DR

+

WILDER ID 83676

+

+++++

13-3N-5W NE SEVEN SPRINGS PK 7815 + TOTAL 13,000 .49

LT 4 BLK 4 LS TX 03342

+++++

+ SURVEY INST 200211995

+ DRAIN DR VALUE APPR CTR

+ CLASS REAP 01 MAN UNIT 0

PARK VIEW DR, WI

Pg 150

+ PARCEL 6R07815004004A H/O N C/B N

+ PRIOR ACCOUNT 5R26285-000- -0

+ 02 MH on Property NO

SEE R26284 & R26289

Acres .495-
see next
page

ACCOUNT NUMBER R26285000 0 UNIT 001 TOTAL UNITS

SITE PARK VIEW DR WI SEC/TWN/RNG 13-3N-5W
ASSESSED VALUE 13,000 ACREAGE .49
SUB/PARK NAME SEVEN SPRINGS PK YEAR/MAKE
CLASS NO BUILDING CLASS SPACE LOT BLOCK
+++++
YR BUILT 0 AIR COND AIR - NONE CARPORT N
STORY NO BLDG HEATING CARPORT SQ FT
FIRST SQ FT 0 EXTERIOR UNKNOWN DECK/PATIO? N
SECOND SQ FT ROOF UNKNOWN POOL? N
BEDS 0 BSMT SQ FT SPA? N
BATHS .00 % BSMT FIN LOT SIZE
FRPLC 0 GARAGE N NEIGHBORHOOD 0
GARAGE SQ FT

+++++
COMMENTS MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO

MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101
System User- IDWRR Date 03/29/2006 Time 11:28
REAL PROPERTY INQUIRY

+++++
01 6R26289-000- -0 078-00 SCH370+ 15 5,500 .95
+++++

MUSCHBACHER, MARY A

15940 PARK VIEW DR

WILDER ID 83676

+++++
13-3N-5W NE SEVEN SPRINGS PK 7815 + TOTAL 5,500 .95
LOT 8 LS TX 2 BLK 4
+ SURVEY INST 200211995
+ DRAIN DR VALUE APPR SAM
+ CLASS REAP 01 MAN UNIT 0

SPRING GARDEN WAY, WI

Pg 150

+ PARCEL 6R07815004008A H/O N C/B N
+ PRIOR ACCOUNT 5R26289-000- -0
+ 02 MH on Property NO

SEE R26285 & R26284

MODE:F ACTION: TRAITS INQUIRY TRQK318

ACCOUNT NUMBER R26289000 0 UNIT 001 TOTAL UNITS

SITE SPRING GARDEN WAY WI SEC/TWN/RNG 13-3N-5W
ASSESSED VALUE 5,500 ACREAGE .95
SUB/PARK NAME SEVEN SPRINGS PK YEAR/MAKE
CLASS NO BUILDING CLASS SPACE LOT BLOCK
+++++
YR BUILT 0 AIR COND AIR - NONE CARPORT N
STORY NO BLDG HEATING CARPORT SQ FT
FIRST SQ FT 0 EXTERIOR UNKNOWN DECK/PATIO? N
SECOND SQ FT ROOF UNKNOWN POOL? N
BEDS 0 BSMT SQ FT SPA? N
BATHS .00 % BSMT FIN LOT SIZE
FRPLC 0 GARAGE N NEIGHBORHOOD 0
GARAGE SQ FT

+++++
COMMENTS MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO

MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TROK101

REAL PROPERTY INQUIRY

+++++

01 6R26284-000- -0 078-00 SCH370+ 15 25,000 1.00

+++++ 37 79,900

MUSCHBACHER, MARY A + 5A 11,500 2.55

+

+

+

+

15940 PARK VIEW DR +

WILDER ID 83676 +

+++++

13-3N-5W NE SEVEN SPRINGS PK 7815 + TOTAL 116,400 3.55

LOT 3 BLK 4 ++++++

+ SURVEY INST 200211995

+ DRAIN DR VALUE APPR SAM

+ CLASS 2 REAP 01 MAN 00 UNIT 1

15940 PARK VIEW DR, WI Pg 150 + PARCEL 6R078150040030 H/O N C/B N

+ PRIOR ACCOUNT 5R26284-000- -0

SEE R26285 & R26289 + 02 MH on Property NO

MODE:F ACTION: TRAITS INQUIRY TRQK318

ACCOUNT NUMBER R26284000 0 UNIT 001 TOTAL UNITS 1

SITE 24289 PARK VIEW DR WI SEC/TWN/RNG 13-3N-5W

ASSESSED VALUE 116,400 ACREAGE 3.55

SUB/PARK NAME SEVEN SPRINGS PK YEAR/MAKE

CLASS 2 OWNER / OCCUPIED HOUSE CLASS ' 2' SPACE LOT BLOCK

+++++

YR BUILT 1940 AIR COND HEAT PUMP CARPORT N

STORY 1 STORY HEATING ELECTRIC FA CARPORT SQ FT

FIRST SQ FT 1496 EXTERIOR STUCCO DECK/PATIO? Y

SECOND SQ FT ROOF COMP POOL? N

BEDS 4 BSMT SQ FT 1324 SPA? N

BATHS 2.50 % BSMT FIN 100 LOT SIZE

FRPLC 1 GARAGE N NEIGHBORHOOD 0

GARAGE SQ FT

+++++

COMMENTS MPS 12X16 MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-5023A**

03/29/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
5023A	Claim	03N	05W	13	NW	NE		IRRIGATION	3/3	MARY A MUSCHBACHER
5023B	Claim	03N	05W	13	NW	NE		IRRIGATION	2/2	FAY BRINKERHOFF
58903	Claim	03N	05W	13	NW	NE		IRRIGATION	2/2	MELINDA C SHERMAN
5023	Water Right	03N	05W	13	NW	NE		IRRIGATION	5/5	MARY A MUSCHBACHER
58903	Claim	03N	05W	13	NW	NE		STOCKWATER		MELINDA C SHERMAN
56492	Water Right	03N	05W	13	NW	NE		STOCKWATER		CHARLES W SIEGFRIED
58776	Water Right	03N	05W	13	NW	NE		STOCKWATER		ROBERT C SHERMAN
5023A	Claim	03N	05W	13	NW	NE		DOMESTIC		MARY A MUSCHBACHER
5023B	Claim	03N	05W	13	NW	NE		DOMESTIC		FAY BRINKERHOFF
52368	Water Right	03N	05W	13	NW	NE		DOMESTIC		WANDA BRINKERHOFF
53743	Water Right	03N	05W	13	NW	NE		DOMESTIC		MARCY PAUL
53871	Water Right	03N	05W	13	NW	NE		DOMESTIC		ELLIS E PENNINGTON
56492	Water Right	03N	05W	13	NW	NE		DOMESTIC		CHARLES W SIEGFRIED
58776	Water Right	03N	05W	13	NW	NE		DOMESTIC		ROBERT C SHERMAN
52024	Water Right	03N	05W	13	NW	NE		RECREATION		ROBERT C SHERMAN

Receipt Details for ID W008659

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/12/1990 9:43:16 AM	2/12/1990	Western	\$85.00	Check
Payer		MUSCHBACHER, ANTHONY/MARY		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2901			
Card Expiration Date	Credit Card Transaction #		

Comment APPLICATION FOR PERMIT FEES

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$55.00	ADJUDICATION FEE	410162	9337	0	0	6490
\$30.00	APPLICATION FOR PERMIT FEES	610199	1238	0	0	6390

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	5023		\$55.00	Claim

Print Report

08/31/1995

A63-05023A

This is original house. Built in 1954.

One spring is now used for house + yard.

Springs have not been used for irrigation since spring of 1973. Springs may have run into RR district ditch. ~~It~~ Did not count on spring H₂O or try to divert spring. Have never used springs for RR - Ditch H₂O only.

1st house sold in 1977.

Legal Treas.

12.50 secs 4.8 GPM

9.91 secs 6.05 GPM

10.79 secs 5.56 GPM

9.84 secs 6.10 GPM

11.27 secs 5.24 GPM

5.55 GPM

6 GPM ÷ 448.83" = .013 CFS

08/31/1995

AG3-05023A

Spring is on hillside on S side.
All div. works are underground - Gravel
piped to pressure tank w/pump to
house. Overflow to Simpson's pond.
N of Simpson's pond on west side
Spring is located SW of $\frac{1}{4}$ section,
directly south of barn.

Spring used for house, garden,
sm. orchard

Ruschbach's driveway is .10 mile from
intersection w/ Haskins

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-5023

WATER RIGHT NUMBER: 63-5023

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARY A MUSCHBACHER RT 1 HOSKINS RD WILDER, ID 83676
Current Owner	ANTHONY W MUSCHBACHER RT 1 HOSKINS RD WILDER, ID 83676

Priority Date: 01/01/1947

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
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	
IRRIGATION	4/01 to 11/01	0.100 CFS	
<u>Total Diversion:</u>		0.140 CFS	

Location of Point(s) of Diversion

SPRING	NW1/4NE1/4	Sec. 13, Twp 03N, Rge 05W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	05W	13		5.0															5.0

Total Acres: 5

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:Comments:

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. AG 3-05023A

FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	Y	Attidavut	N			
PT. OF DIV.	08/31/1995	5				
SOURCE		5	N			
PL. OF USE		1,5				
DIV. AMOUNT CFS/AF		5				
CONSUMPTIVE USE						
NATURE OF USE		5	N			
PERIOD OF USE		IDWR STANDARD				
BASIS OF CLAIM		B/U				
REMARKS						

VERIFICATION CODES

TOPO MAP/ORTHO PHOTO = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE COMMENTS) = 6

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES X NO .

*IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: Lot 1 Block don't match stat. claim.

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A63-05023A

OWNER
CODE
C ANTHONY W MUSCHBACHER
C MARY A MUSCHBACHER

PRIORITY
DATE
01/01/1947

WATER USE
IRRIGATION
DOMESTIC

USE PERIOD
FROM TO
04-01 11-01
01-01 12-31

DIVERSION
RATE
0.06 CFS
0.02 CFS

DIVERSION
VOLUME
10.50 AFA

Water Source: SPRING

Tributary to: SINKS

Point(s) of Diversion: T03N R05W S13 SENWNE

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE	
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
03							
TOTAL DIVERSION: CONSUMPTIVE USE:				TOTAL ACRES			
0.08 CFS				3.0			

Stage: BENEFICIAL USE
CANYON County

Place of use Legal Description for: DOMESTIC

NE		NW		SW		SE	
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
03							
TOTAL DIVERSION: CONSUMPTIVE USE:				TOTAL ACRES			
0.08 CFS				3.0			

POU County: CANYON

Non-Irrigation Uses: D/1 HOME

Other Rights: APPLICATION FOR PERMIT (NO ID# AS OF 02/12/90) 03-11341, capped permit

Remarks: ADDRESS CHANGED 08/29/1995 BY MM.

Dates: Exam Made Date: 08/31/1995 Verified Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag:

POT FOR NENWNE + SENWNE

10:16:07
08/30/95

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A63-05023A

LAST: MUSCHBACHER
ADDRESS: 24289 HOSKINS RD
CITY: WILDER
PHONE NUMBER: 208-337-4427

FIRST: ANTHONY W
STATE: ID ZIP: 83676

OWNER CODE: 0

LAST: MUSCHBACHER
ADDRESS: 24289 HOSKINS RD
CITY: WILDER
PHONE NUMBER: 208-337-4427

FIRST: MARY A
STATE: ID ZIP: 83676

OWNER CODE: 0

LAST: MUSCHBACHER
ADDRESS: 15940 PARK VIEW DR
CITY: WILDER
PHONE NUMBER: 208-000-0000

FIRST: ANTHONY W
STATE: ID ZIP: 83676

OWNER CODE: C

LAST: MUSCHBACHER
ADDRESS: 15940 PARK VIEW DR
CITY: WILDER
PHONE NUMBER: 208-000-0000

FIRST: MARY A
STATE: ID ZIP: 83676

OWNER CODE: C

FIELD EXAM REQUIRED?

FIELD EXAMINER
Y (H) N ()

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

CLAIM REMARKS: ADDRESS CHANGED 08/29/1995 BY MM.

CONTACT PERSON: Tony Noschbacher
DATE OF FIELD EXAM: 08/31/1995 APPOINTMENT MADE: Y(X) N()
ACCOMPANIED BY: Re. Noschbacher
RELATIONSHIP TO CLAIMANT: Same

PHONE NUMBER: (208) 337-4427
TIME: 2:00 A() P(X)
PHONE NUMBER: () - -

DIRECTIONS TO PROPERTY / NOTES:

Hwy 55 (Kearcher Rd) from Beet Factory, when Hwy turns south toward
Transing go straight (Heskins). At 3.5 miles Allendale. 1/4 mile
to subdivision. Turn south on Park View. 2 lots down - mailbox #
paperbox on driveway. Turn south after turning into driveway - house is
on other side of trees.

A. AJ CLAIM: # A63-05023A PRIORITY DATE: 01-01-1947 STAGE: J
B. WR RECORD: # 63-05023 PRIORITY DATE: 01-01-1947 STAGE: S
C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y() N(X)
D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y() N(X)
E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? Y(X) N()
F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?
PROOF OF BENEFICIAL USE SUBMITTED N/A(X) Y() N()
FIELD EXAM COMPLETED N/A(X) Y() N()
FIELD EXAM SENT TO STATE OFFICE N/A(X) Y() N()
LICENSE ISSUED N/A(X) Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED?

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

NOTES: 08/31/1995: Evidence of priority submitted by Simpson (A63-28903)

supports irrigation of these acres from 1919 to present from springs.

Claimant indicated in tel. conv. that per. is for lawn + gardens. Unknown

when domestic use first occurred, or where original home is located.

Amended claim to change priority date, as split claim of dom is per to acre. From

11/27/1995: Claimants indicated during the field exam that the entire 40 acre parcel

was not irrigated by spring water - the land claimed by the Simpsons was both

waste land + 40' d of per distinct water for a while. The spring claimed under

this claim has been used for dom. use + per of the land around the house since

the land was first occupied permanently (as per claimant). Claimants indicated they would ask

orig. owners' daughter for affidavit; see corr. 11/27 requesting

RECOMMENDED PRIORITY DATE: 01 - 01 - 1947 DATE 10/17/1996 That evidence. 777

REVIEWED BY [Signature]

10/17/1996: See affidavit dated 10/15/1996. Although the evidence is second and third-hand, the Nuschbaehers have information from the previous owners which supports the claimed priority date. See attached 17000 + affidavits. 777

N/A() Y(X) N()

$$Y(\quad) N(X)$$
$$Y(\underline{X}), N(\underline{\quad})$$
$$Y(\quad)N(X)$$
$$Y(X) \sim N(\quad)$$

ILRM A63-28403 (Simpson) is also filed on springs in this same subd, as is A63-05023B (Bawkenhoff). Field exam to determine if any of these springs serve more than 1 water right. Field exam for 63-12024 (Simpson pond) indicates that one of the springs also serves Bawkenhoff.

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD	CHECK HERE IF RECOMMENDED AS CLAIMED ()	DIVERSION NAME	DIVERSION NBR
03N	05W	13	SE	NW	NE		FLAG			
03N	05W	13	NE	NW	NE				Canyon	

11/27/1995: The spring claimed here is not shared. Brinkerhoff & Simpson have a spring located a short distance to the south. See 63-12024 + A63-28903 for the location of their spring
nm

TRIB: SINKS

DATE: 10/17/1996

SYSTEM DESCRIPTION: DESCRIBED BELOW (X), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

Spring is located on south-facing hill south of home. All diversion works are underground - nothing visible on hillside. Underground pipes utilize gravity flow to east to pump house (pressure tank). From here the water is pumped to the house, lawn, and gardens. Overflow runs down to pond to south. Spring is located south of barn (which claimant intends to tear down). 777

A. ROOT WATER RIGHT NUMBERS: A63-05023
R63-05023

A63-05023A

A63-05023B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
03N	05W	13	NW	NE		MUSCHBACHER, ANTHONY W	A63-05023A / 3.0	- /	34.0		
			NW	NE		SIMPSON, E RAY	A63-28776 /	- /			
			NW	NE		OLSEN, BERNETTA	A63-23688 /	- /			
			NW	NE		PAUL, DAVID	R63-23743 /	- /			
			NW	NE		SATTERFIELD, MAXINE	R63-23871 /	- /			
			NW	NE		SATTERFIELD, BURAL W	A63-23871 /	- /			
			NW	NE		SIMPSON, E RAY	A63-28903 / 2.0	- /			
			NW	NE		SIEGFRIED, CHARLES W	R63-26492 /	- /			
			NW	NE		SIEGFRIED, CHARLES W	A63-26492 /	- /			
			NW	NE		BRINKERHOFF, FAY	A63-05023B / 2.0	- /			
			NW	NE		MUSCHBACHER, ANTHONY W.	63-05023 / 5.0	- /			
			NW	NE		SIMPSON, E RAY	63-12024 /	- /			
03N	05W	13	NW	NE		MUSCHBACHER, ANTHONY W	A63-05023A /	- /	34.0		
			NW	NE		SIMPSON, E RAY	A63-28776 /	- /			
			NW	NE		OLSEN, BERNETTA	A63-23688 /	- /			
			NW	NE		PAUL, DAVID	R63-23743 /	- /			
			NW	NE		SATTERFIELD, MAXINE	R63-23871 /	- /			
			NW	NE		SATTERFIELD, BURAL W	A63-23871 /	- /			
			NW	NE		SIMPSON, E RAY	A63-28903 / 2.0	- /			
			NW	NE		SIEGFRIED, CHARLES W	R63-26492 /	- /			
			NW	NE		SIEGFRIED, CHARLES W	A63-26492 /	- /			
			NW	NE		BRINKERHOFF, FAY	A63-05023B / 2.0	- /			
			NW	NE		MUSCHBACHER, ANTHONY W.	63-05023 / 5.0	- /			
			NW	NE		SIMPSON, E RAY	63-12024 /	- /			

ADDITIONAL POU FOUND

TOTAL ACRES A63-05023A 3.00 68.00

POU COUNTY: CANYON

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A63-05023A	SPRING	MUSCHBACHER, ANTHONY W	0.080	0.026		
A63-05023B	SPRING	BRINKERHOFF, FAY	0.060	0.030		
A63-28903	SPRINGS	SIMPSON, E RAY	0.080	0.040		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A63-05023A	DOMESTIC	MUSCHBACHER, ANTHONY W	FROM 01-01 TO 12-31	0.020 CFS	
A63-28776	DOMESTIC	SIMPSON, E RAY	FROM 01-01 TO 12-31	0.040 CFS	
A63-28776	STOCKWATER	SIMPSON, E RAY	FROM 01-01 TO 12-31	0.020 CFS	
A63-23688	DOMESTIC	OLSEN, BERNEITA	FROM 01-01 TO 12-31	0.040 CFS	
A63-23688	STOCKWATER	OLSEN, BERNEITA	FROM 01-01 TO 12-31	0.020 CFS	
A63-23743	DOMESTIC	PAUL, DAVID	FROM 01-01 TO 12-31	0.040 CFS	
A63-23871	DOMESTIC	SATTERFIELD, MAXINE	FROM 01-01 TO 12-31	0.040 CFS	
A63-23871	DOMESTIC	SATTERFIELD, BURAL W	FROM 01-01 TO 12-31	0.040 CFS	
A63-28903	STOCKWATER	SIMPSON, E RAY	FROM 01-01 TO 12-31	0.020 CFS	
A63-26492	DOMESTIC	SIEGFRIED, CHARLES W	FROM 01-01 TO 12-31	0.040 CFS	
A63-26492	STOCKWATER	SIEGFRIED, CHARLES W	FROM 01-01 TO 12-31	0.020 CFS	
A63-26492	DOMESTIC	SIEGFRIED, CHARLES W	FROM 01-01 TO 12-31	0.040 CFS	
A63-26492	STOCKWATER	SIEGFRIED, CHARLES W	FROM 01-01 TO 12-31	0.020 CFS	
A63-05023B	DOMESTIC	BRINKERHOFF, FAY	FROM 01-01 TO 12-31	0.020 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: APPLICATION FOR PERMIT (NO ID# AS OF 02/12/90)

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POB BE VERIFIED BY FIELD EXAM?

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y (X) N ()

Y (X) N ()

TOTAL ACRES: _____ N/A ()

REVIEWED BY: _____ DATE: _____

RECOMMENDATIONS:

CHECK DOCUMENTS USED TO VERIFY POB: (X) ORTHOPHOTOQUAD, IDNR NO. X53; () TOPOGRAPHIC QUAD, IDNR NO. _____;

(X) NAPP, IDNR NO. X53NE; () ASCS PHOTO; () OTHER _____

NOTES: 08/30/1995: 63-12024 is permit for pond on subd. Lot 8 Block 4.
Discrepancy b/w Lot #1's for stat. Claim & SRBA claim. Discuss w/ claimant
during field exam. in

10/17/1996: Based on Canyon County plat (date unknown), there is no
lot 8 Bk 3. Lot 8 is in Block 4 but perhaps was in Block 3 at one time.

10/23/1996: Conversation w/ Mrs. Tuschbacher: 2nd home was owned
by Mr. Tuschbacher's brother and was developed about the time the
claimants bought the property (mid 1970's). The Brinkerhoffs now
live in this home. See file A63-05023B for a discussion of that
use. The Brinkerhoffs use another spring than the Tuschbachers -
their uses have always been from different springs. in

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A63-05023A IRRIGATION	FROM 04-01 TO 11-01	0.060 CFS	
A63-05023A DOMESTIC	FROM 01-01 TO 12-31	0.020 CFS	
TOTAL DIVERSION RATE/VOLUME		0.080 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/OAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
63-05023 IRRIGATION	FROM 04-01 TO 11-01	0.100 CFS	
63-05023 DOMESTIC	FROM 01-01 TO 12-31	0.040 CFS	
TOTAL DIVERSION RATE/VOLUME		0.140 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☒) N(☐)F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☐) N(☐)G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☐) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☒) N(☐)J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☐)

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 0.080 CFS

WR ROOT TOTAL DIVERSION RATE: 0.140 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD 1 gallon bucket, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES x 0.02 CFS/ACRE = CFS
(Taken from pou review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 10.5 AF/A

ACRES x CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

1b. CALCULATIONS

NOTES: 10/22/1996 : 1 gallon bucket timed for fill. Average 7.6 gallons per minute at .013 cfs. Pump was shut off for measurement, theoretically allowing entire flow to bypass diversion to home via overflow apparatus. 77

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A		REC. CONS. USE
	FROM	TO		DATABASE	EXAMINER	
IRRIGATION	04-01	11-01	DATABASE 0.060	DATABASE	EXAMINER	DATABASE 10.5
DOMESTIC	01-01	12-31	0.020			10.5
TOTAL FOR THIS RIGHT			0.080			10.5

NON-IRRIGATION USES CLAIMED: D/1 HOME

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ()
NEEDS REVIEW ()
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 63-05023

TOTAL DIVERSION RATE OF WR SPLITS _____
CFS
DATABASE 0.140 EXAMINER _____

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A63 - 05023A	.08	A63 - 05023A		63-05023	0.140
-	A63 - 05023B	.06	A63 - 05023B		63-05023	0.140
TOTAL CFS						0.140

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE ☒ Y
FIELD EXAMINER Y() N()

NOTES:

AUTHENTICATION:

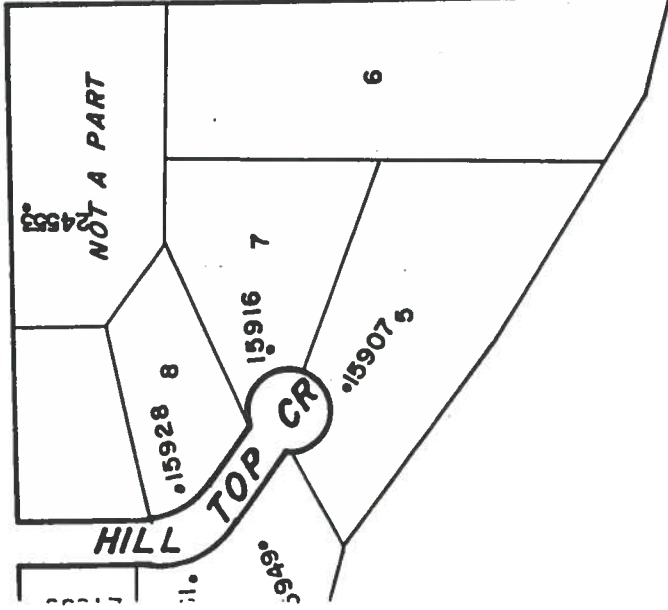
SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

NGS PARK No. 2

24500

HOSKINS

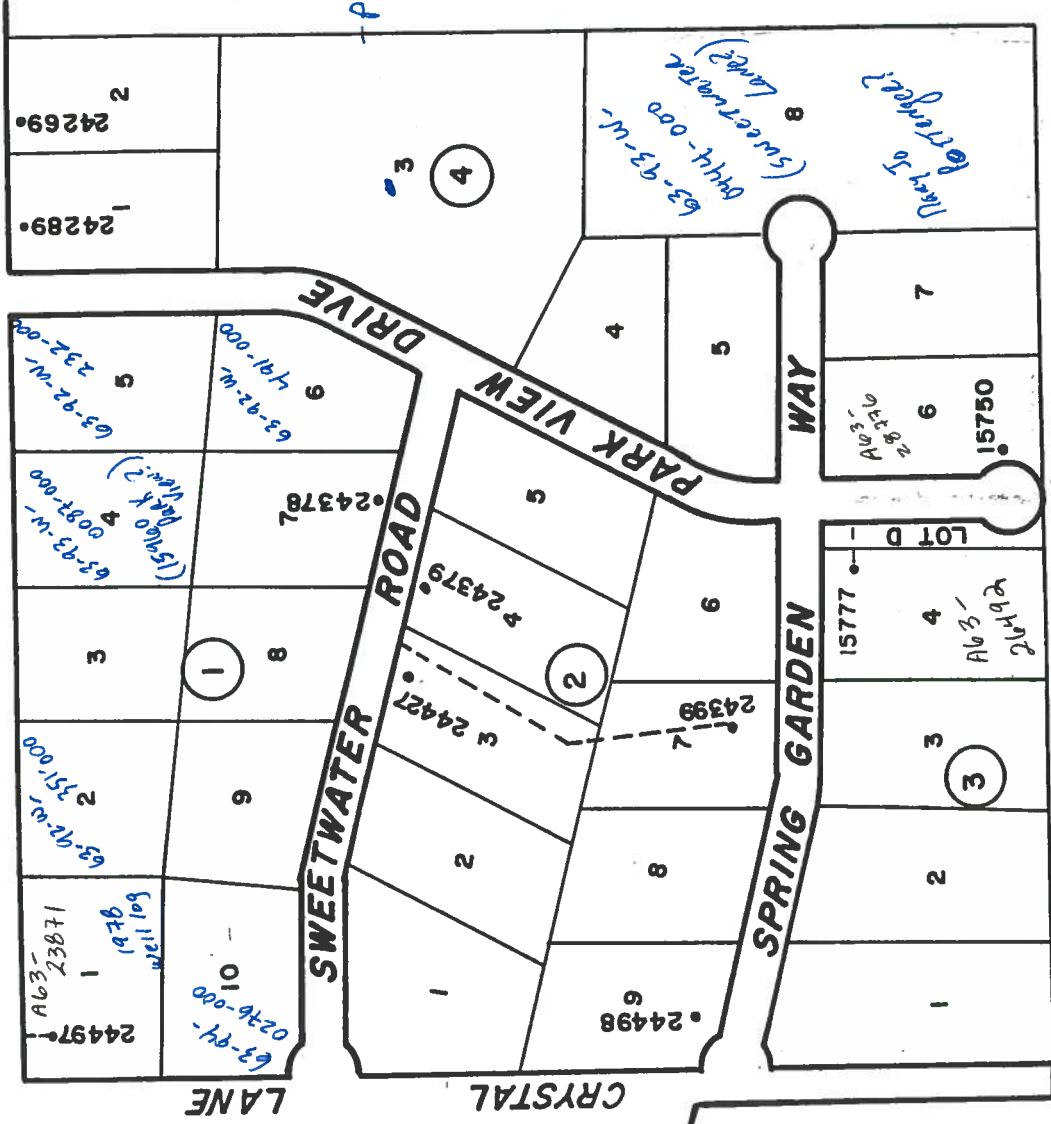


SEVEN SPRINGS PARK

24250

16000

ROAD



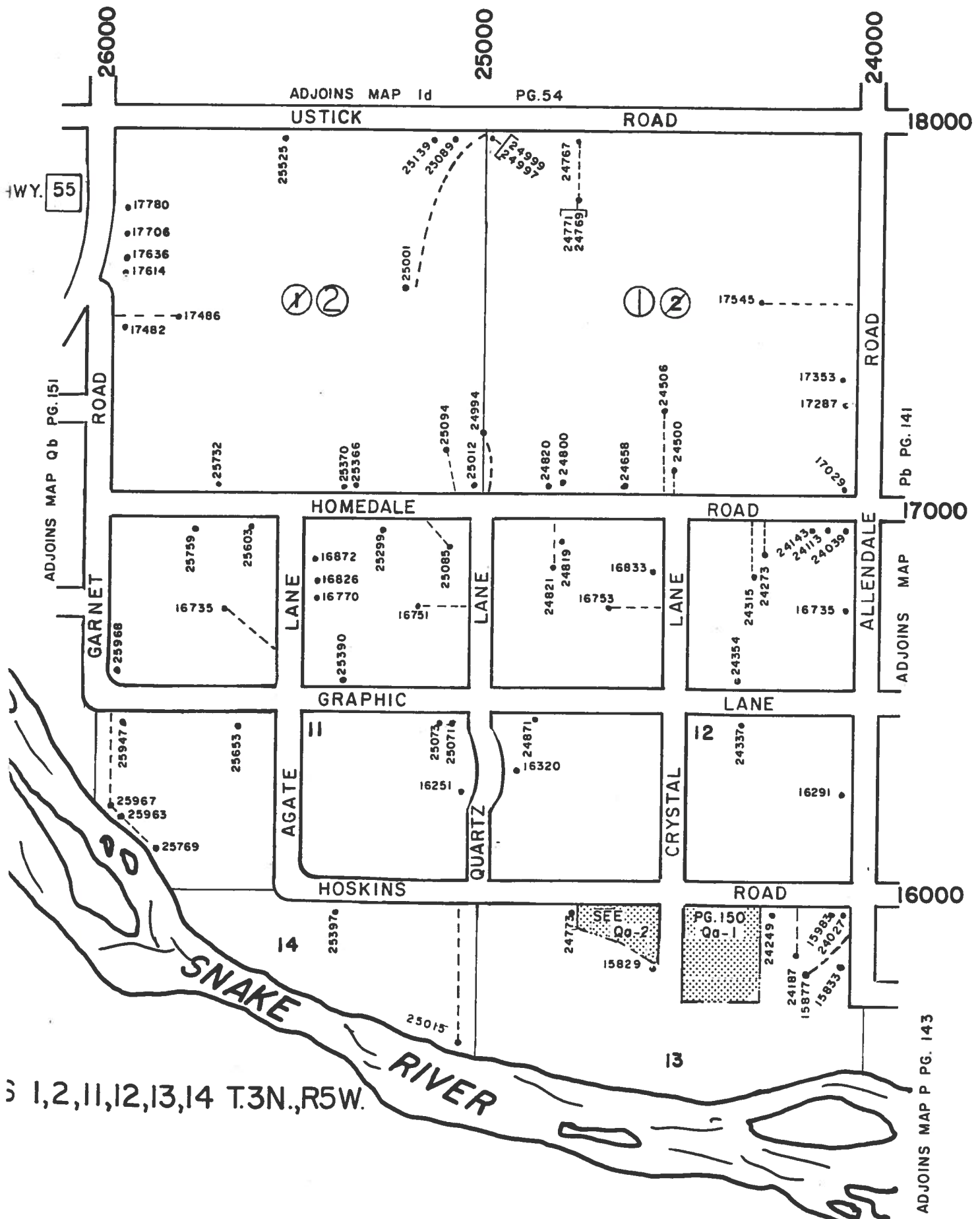
15750

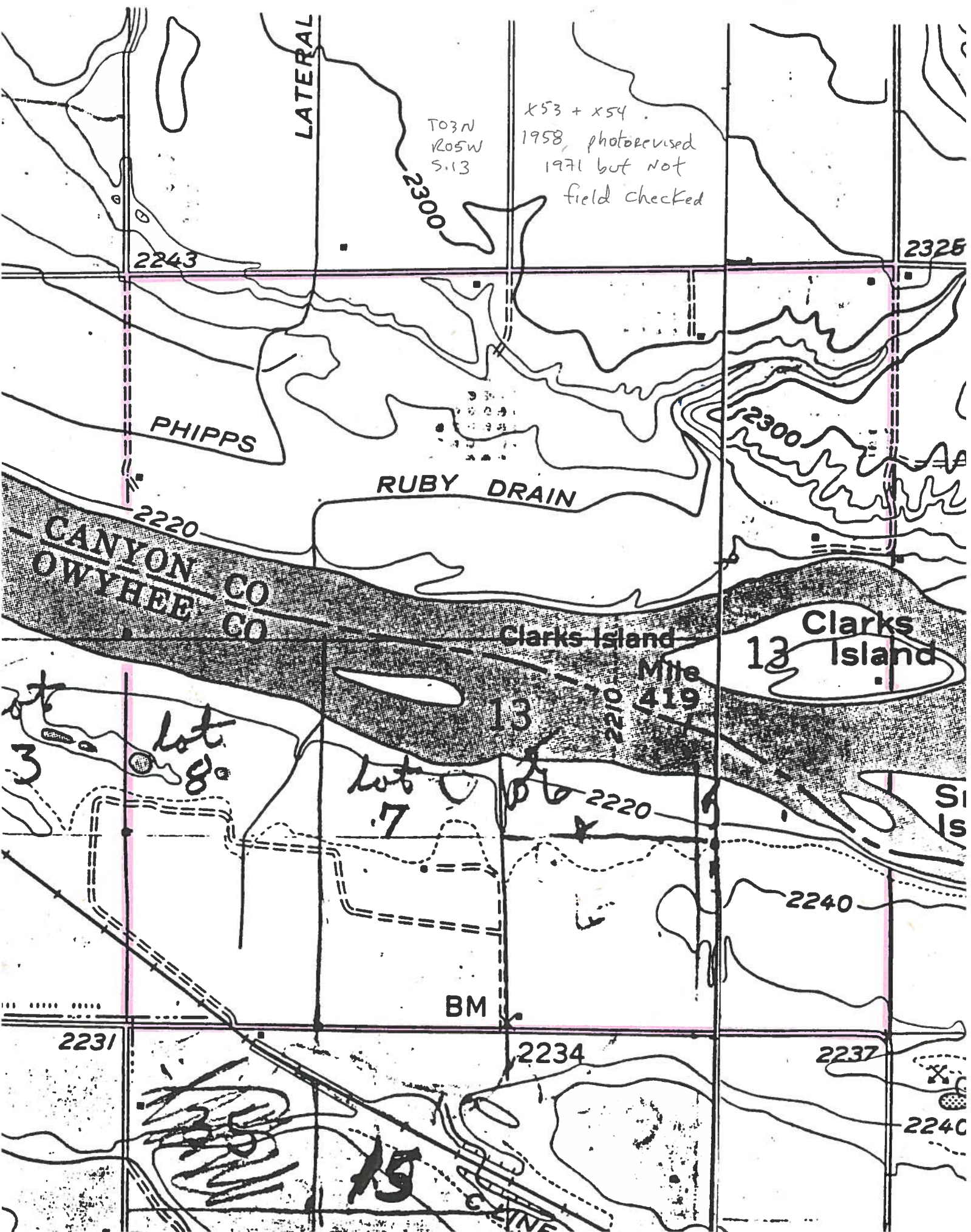
(SEE PAGE 149)

CANYON COUNTY RURAL ADDRESS BOOK

PAGE 150

SECTION 13 T.3N., R.5W.





LATERAL

TO3N
R05W
S.13

X53 + X54
1958, photorevised
1971 but not
field checked

2243

2325

PHIPPS

RUBY DRAIN

2220

CANYON
OWYHEE CO
CO

Clarks Island
Mile
419

13 Clarks Island

Lot 8
3

Lot 7

2220

2240

BM

2231

2234

2237

2240

15

CANE

LATER

2243

CHIEFS

RUBY DRAIN

CLARK ISLAND

419

CLARKS ISLAND

SMITHS ISLAND

GEBERT

DRAIN II

LATERAL

2325

2363

X53 + X54
BOTH 1971
+15676 Twice
To 3 ~ 205W5.13

X53 (1971)
+15676 Twice

To 3 ~ 205W
S.13

X54 (1971)



PHOTOGRAPHER AND DATE OF PHOTOS MT. NICUCCI 08/31/1995

FILE NO. A63-05023A T03N R05W S.13 SEWNNE



① Claimant at
pump house.
Pump house is on hill
east of Ruby Drain
& north of
Neighbors' pond
(63-12024).



② Inside of
pump house



PHOTOGRAPHER AND DATE OF PHOTOS MM. micucci 08/31/1996

FILE NO. A63-05023A T03N R05W S.13 SEWNNE



Overflow from pump house - pump shut off.

Measurement location



PHOTOGRAPHER AND DATE OF PHOTOS TTINICUCCI 08/31/1995

FILE NO. A63-05023A T03N R05W 13 NWNE



Domestic place of use. Photograph taken from
Southwest^{side} of house.

FIELD EXAM PHOTO INDEX SUMMARY

Date: 08/31/1995

Roll No.: 1

Photographer: TTINICUCCI

PHOTO NO.	SUBJECT
1	POD #1 A63-04485
2	POD #1 Location in field
3	POD #2
4	10" concrete pipe discharge into Spring #2 drainage
5	Measurement site @ Spring #2
6	Channel of Spring #2
7	New (yellow) house
8	White house
9	Field in rd of Spring #2 + #1 run-off (NOT waste)
10	A63-04507 Greeter
11	" " POV NOT SPRINKLES. Coen down to house
12	POD - NO Power
13	POD area, Looking east
14	A63-28903 Springbor shed
15	Pt where div. to in a dit / pond
16	POV
17	Dom Well + house from SE side
18	Pressure house - inside @ 1/2 HP subm. A63-05023A
19	House w/ pressure tank
20	Measurement Location
21	Spring area on dry hillside Simpson's pond in back. Looking S
22	House + back yard
23	
24	

DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet For

SRBA Claim Verification Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Claim Verification Report(CVR)
- ☒ Copy of Adjudication Claim
- ☒ Copies of pertinent files(prev. rts., exams, etc.)
- ☒ Well Inspection Form (If Needed)
- ☒ Copy of U.S.G.S. Quad map, orthophotoquad, or NAPP photography
- NONE Check P.D. & P.U. desc. for Govt. Lots(if a lot is found, a copy of the Govt. plat is needed to add the lot onto the R claim file later.)
- ☒ Check CVR for P.D. overlap(see page titled Pt. of Div. Review Sheet)
- ☒ Check AJ & WR P/D indexes(to ck. accuracy of CVR overlap ckd. above)
- Overlap yes no If yes: ☒ copy of claims & water rights incl? A63-05023B
- Type of Overlap? Add acres or uses to existing system A63-28903
- Increase rate of flow or volume
- ☒ Other: other diversions from same spring(s)
- ☒ Check CVR for P.U. overlaps(see page titled Pl. of Use Review Sheet)
- ☒ Check AJ & WR P/U indexes(to ck. accuracy of CVR overlap ckd. above)
- Overlap ☒yes no If yes: copy of claims & water rights incl?
- Type of Overlap? Increase rate of flow or volume
- Add P/D's
- Increase number of acres within tracts
- ☒ Different source for same acres 63-02388 - BOR
- Other:
- ☒ Appointment Letter Sent? LH 07/07/1995 (initial & date)
- ☒ Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

- Fully Completed and Signed CVR Form
- Photographs of Point(s) of Diversion and Place of Use
- Completed map outlining Point(s) of Diversion and Place of Use

C. Review and Processing:

- Claim No. submitted for weekly exam completed prog. report? Yes No
- Exam completed date data entered on claim (initial & date)
- Claim Verification Report completed (initial & date)
- Was CVR spot-checked by Supervisor? Yes No (initial & date)
- R claim file created (initial & date)
- Recommendations entered on R claim file (initial & date)

FIELD EXAM
TELEPHONE CONVERSATION MEMORANDUM

NAME OF CONTACT Anthony or Tracy Muschbacher

PHONE NUMBER 337-4427 ADJ. AGENT TTTTINICUCCI

DATE SET FOR EXAM 08/31/1995 2:00 pm

LOCATION/DIRECTIONS Haskins Rd Karcher Rd (Hwy 55)

Road turns south toward Mansing. Go straight
on Haskins. 3-3.5 miles is Allendale. 1/4 mile to subd.

1st road is Park View. Turn SOUTH. 2 lots - MAILBOX +

Diverting at full rates? paperbox.
TURN south
Type of measuring devices? after turning
Places to make measurements? into driveway.
Type of System? (pipelines, ditches) House on other
side of trees.

How many laterals are used? i

Length and size of mainline?

Size of motor used for each P/D?

Estimate of depth to water?

Pressure at well?

Pressure at sprinkler heads?

COMMENTS 08/29/1995: Garden + landscaping irrigation

Perforated line to steel culvert. Pumped to house.

Spigots for yard & house. Lot 8 is now owned

by Simpsons - House built in 1950-52. No house on

Lot 8. Lot 5 has house now - 1978. Uses water from same

source. Brinkerhof is new owner of all of Lot 5.

ADJUDICATION MEMORANDUM

CLAIM NO.: A63-05023A

SUBJECT: Affidavit

EMPLOYEE: TE MINICUCCI

DATE: 10/22/1996

Telephone conversation with Mrs. Muschbacher:

Dates in affidavit (most recent) are based on records at the County Courthouse researched by Mrs. Muschbacher.

The ~~orig~~ statutory claim lists 2 homes. This represented the Muschbachers' home and a home owned by Mr. Muschbacher's brother. The brother developed a separate spring - the one now used by Brinkerhoff.

The claimants irrigate their lawn & gardens as well as a pasture on the south and west sides of the house. This pasture was not irrigated when I conducted my field exam and I indicated to Mrs. Muschbacher that I would come out first thing in the Spring to face it off.

October 15, 1996

Notice of claim to water right No. A63-05023A

Dear Maria Minicucci, we, Anthony and Mary Muschbacher being first duly sworn depose and say that we were told by the Turners (Mr. & Mrs. J. B. Turner) that they used the spring water on this land for household use and lawn and garden irrigation for the 16 years they (the Turners) owned the land: 1956-1972.

As there is no other water supply on or in the land, Mr. and Mrs. C. A. McClure (sellers of the land to the Turners) also, ^{must have} used the spring water for household use and irrigation of lawn and garden. They (the McClures) owned and occupied this land from 1943 to 1956 when the Turners became the owners.

The land referred to is: NW 1/4 NE 1/4, Sec. 13 T.3. N (R5W) R6W 8M Canyon CO. Idaho. Now known as Seven Springs Park Subdivision.

Anthony W. Muschbacher

RECEIVED
OCT 16 1996
WATER RESOURCES
WESTERN REGION

Mary A. Muschbacher

Individual Acknowledgment

West One Bank, Idaho

WESTONE
BANK

STATE OF IDAHO,

COUNTY OF

Owyhee } ss.

On this 15th day of October, in the year 1996, before me Carra Pennington

, a notary public in and for said State of Idaho, personally appeared Anthony W. Muschbacher & Mary A. Muschbacher

known or identified to me (or proved to me on the oath of) to be the person S

whose name S subscribed to the within instrument and acknowledged to me that they executed the same.

RECEIVED

OCT 16 1996

WATER RESOURCES
WESTERN REGION

Carra Pennington
Notary Public for Idaho

Residing at

Homedale

My commission expires

3-11-99

Maria Minicucci
Sr. Water agent
Adjudication Bureau

Enclosed is an
affidavit concerning our
water rights.

Hopefully this will be
what you need on this
claim.

Sincerely
Mary Muschbacher

RECEIVED

AUG 13 1996

WATER RESOURCES
WESTERN REGION

RECEIVED

8-8-96

AUG 13 1996

WATER RESOURCES
WESTERN REGION

Claim to water right no. A63-05023A

This is to certify that I George Sams of Greenlesf, Idaho A resident of Canyon County since 1934 being A licenced Real Estate Broker with Yamamoto R.E. Agency of Caldwell, Idaho did on Oct. 12, 1972 sell A property belonging to James B. Turner,

Discription:

Northwest Quarter of Northeast Quarter of Section 13

Township 3 North Range 5 West

to Anthony and Mary Muschbacher.

This statement is to testify that I George Sama, being familiar with this property for many years, will swear under oath that this property has springs that runs clear clean water that has been usedon this property for many years for both Domestic and Irrigation purposes.

Signed:

George Sams

STATE OF Idaho)
COUNTY OF Canyon) ss.

I certify that I know or have satisfactory evidence that George Sams

[Name(s) of person(s)]

is/are the person(s) who appeared before me, and said person(s) acknowledged that (he/she/they) signed this instrument and acknowledged it to be (his/her/their) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 8-8-96

(Seal or Stamp)

Henry L. Decker
(Signature)

Notary Public in and for the State of Idaho,
residing at Caldwell
My commission expires Oct 14th, 1998

4/17/1996

Mrs. Nuschbacher called to review what was required for her claim. We discussed the importance of the 1971 mandatory permit statute date. She will try to contact the daughter of the previous owner as well as a man who grew up on an adjacent 40 and is still in the area. I told her that the affidavits do not have to be fancy but should speak to the water use for domestic & the yard as specifically as possible & should include dates. ~~She~~

TJN



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

November 27, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ANTHONY W MUSCHBACHER
MARY A MUSCHBACHER
15940 PARK VIEW DRIVE
WILDER ID 83676

RE: Notice of Claim to a Water Right No. A63-05023A

Dear Mr. and Mrs. Muschbacher:

This office has received your affidavit which describes the historical water use on the 40 acre parcel on which your home is located. This affidavit did not describe the use of spring water at your home and acreage. When we talked during my visit to your home, you mentioned that you would contact the daughter of the previous owner and ask her to write an affidavit describing the historical use of the spring water on your property.

Since we had not yet received the additional affidavit I am writing this letter to make sure that I have not misinterpreted our conversation at your home. In order to recommend your water right to the court, evidence of the use of water from the spring previous to the time you bought the property must be submitted to this department. As we discussed, if you are unable to provide evidence of the spring has been used for domestic and irrigation use since before May 20, 1971, your claim may not be recommended to the court for decree, and a new application for permit will be required.

If you have any questions about this letter or need additional information, please do not hesitate to contact me at the telephone number listed at the top of this letter.

Sincerely,

Maria Minicucci
Sr. Water Agent, Adjudication Bureau

MM:m

In the matter of)
Notice of Claim to
a Water right No(s)

affidavit

RECEIVED

OCT 03 1995

WATER RESOURCES
WESTERN REGION

863-28903
State of Idaho
County of Canyon

A. W. and Mary A. Muschbacher being first duly sworn,
deposes and says that they purchased in 1973 and took
possession in Jan. 1974 of the land now known as
Seven Springs Park Subdivision. This land was formerly
a 40 acre farm and no buildings of any kind existed
where the Simpsons are trying to claim beneficial
and domestic water rights. The land in question
was idle land, not used for any beneficial or
domestic use at that time and was not built on till
late summer of 1984 at which time the Simpsons bought
Lots 6-7-part of 8-Block 4 and built their home. This
simply means that the land in question (lots 6-7-part of 8)
(Block 4) was not used for any beneficial or domestic
use from January 1974 when we took possession of
the property till the ~~the~~ summer of 1984 when the
Simpsons purchased the land (lots 6-7-part of 8-Block 4) and
built their home on it (lots 6-7-part of 8-Block 4).
Enclosed is a plat of Seven Springs Park Subdivision with the
Simpsons land and location of the Springs
Marked in red.

Anthony W. Muschbacher
Signature

Mary A. Muschbacher
Signature

subscribed and sworn to before me
this day 2 of October, 1995

[Signature]
(Notary Public)

Residing at Owyhee County

My commission expires 10-20-1999

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
A63-05023A)
_____)
_____)

AFFIDAVIT

RECEIVED
AUG 29 1995

WATER RES.
WESTERN FLA.

State of Idaho)
County of Canyon)

Anthony W. Murchbacher being first duly sworn,
deposes and says: that my wife Mary and
I have owned the land on
which this spring is located
(claim # A63-05023A) since August
of 1974. We have used the water
for beneficial (domestic) use, also
some irrigation since that
time and need it as it is
our only source for domestic
water. We would appreciate the
granting of this claim (# A63-05023A)
for beneficial and domestic use.

Anthony W. Murchbacher
(Signature)

Subscribed and sworn to before me this
day 28 of August, 1995.

SEAL

Natalie B. [Signature]
(Notary Public)

Residing at Vanessa

My Commission Expires 2/98

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

A63-05023A)

State of Idaho)
County of Canyon)

AFFIDAVIT

RECEIVED

AUG 29 1995

WATER RESOURCES
WESTERN REGION

Mary A. Muschbacher being first duly sworn,
deposes and says: that we, my husband and I have owned
the land on which this water claim is located
and used it (the land) as our residence since
August 1974. The Water (claim # A63-05023A)
has been used for beneficial and domestic use,
also irrigation, all that time. It is our only
source of water for beneficial and domestic
use. We understood when we purchased the
land that the water rights were ours and
we would like to register our claim
to them at this time. Thank you and
we would greatly appreciate the granting of this
claim. # A63-05023A.

Mary A. Muschbacher
(Signature)

Subscribed and sworn to before me this
day 28 of August, 1995.

Notary Public
(Notary Public)

Residing at Manila.

My Commission Expires 2/98.

SEAL

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
A63 - 28903)
)
)
)

State of Idaho)
County of Canyon)

AFFIDAVIT

RECEIVED
AUG 29 1995
WATER RESOURCES
WESTERN REGION

Elaine Simpson being first duly sworn,
deposes and says: Dayle Bishop told us that his father,
Hugh Bishop, bought 4 sections of land, totaling 160 acres
in 1916. He sold one east 40 acres, which our 5 acres
is part of, to Tom Marcum in 1919. Tom Marcum
"proved up" the land, built a home and started using the
spring water for domestic and irrigation at this
time. Dayle owned and lived on the remainder of
his land, and thus witnessed the spring waters
use until he sold it in 1976 to Tony Mushbacher.
Tony had also bought the ^{east} 40 (originally ^{sold} to Marcum,) ^{and}
and he subdivided all of it, and thus sold
our 5 acres to us. The spring water was in use
for domestic and irrigation use when we bought it,
and we have continued to use it as stated on our claim.

Elaine Simpson
(Signature)

Subscribed and sworn to before me this
day 28 of Aug., 1995.

SEAL

Garry Pennington
(Notary Public)

Residing at Donsdale.

My Commission Expires 3-11-99.

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

463-28903)

AFFIDAVIT

RECEIVED
AUG 29 1995
TER. REGION

State of Idaho)
County of Canyon)

Dayle Bishop being first duly sworn,
deposes and says: that the spring water
on said property has been used
for domestic and irrigation
purposes, on this property ever
since the year 1919.

Dayle Bishop
(Signature)

Subscribed and sworn to before me this
day 21st of August, 1995.

SEAL

Margie Taquini
(Notary Public)

Residing at El. 1 Wilder Idaho. 83676

My Commission Expires 6/11/97.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 7, 1995

A63-05023A
ANTHONY W MUSCHBACHER
MARY A MUSCHBACHER
24289 HOSKINS RD
WILDER ID 83676

Re: Claim No(s) - A63-05023A

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is NOT to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by September 1 1995, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

lh
Enclosures

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

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

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

I, the undersigned, declare that: Anthony W. &/or Marj A. Muschbacher
(Name of Claimant)

Res. 1 Hoodlum, Rfd. Wilder, ID 83676

Telephone No. 337-4427

(Mailing Address) (Zip Code)

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

1. Date of priority: (When was the water first applied to a beneficial use?) 1947

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

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

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

	(cfs all)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	.04 cfs	Use <u>Domestic</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	.10	Use <u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) .14 cfs TOTAL QUANTITY USED.

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

N 1/4 NE 1/4 Sec. 13 Twp. 3N Rge. SW B.M., County of Canyon
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 48" Culvert (spring to X) w/pump & pipeline w/gravity irrigation.

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

T	R	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	5W	13		5.0															5.0

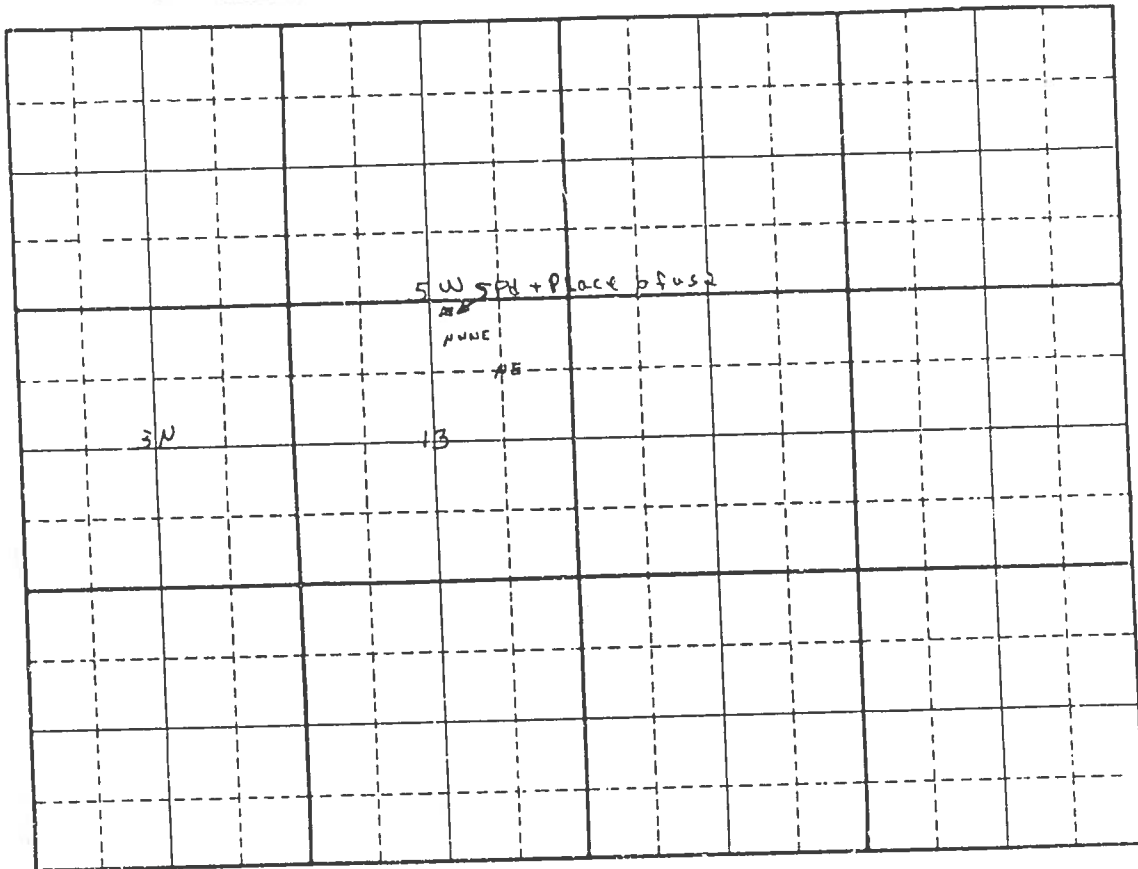
No. of acres 5.0

B) If water is used for other than irrigation, fully describe that use, being as specific as possible.
Domestic for two households

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

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

8) Remarks Lot B, Blk. 3 Seven Springs



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Ada) ss.

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

Sworn to before me this 10 day of May, 1983.

Anthony W. Muechbacher
(Claimant)

Nancy M. Northway
Notary Public
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by ERO Date 12 May 83 Exception filed by _____ Date _____
Prelim. check by _____ Date _____
\$30.00 fee received by JP Date 5/10/83
Published in Boise to Boise
Dates 5-26 & 6-2-83

Forwarded to claimant by _____ Date _____

Lapsed
Permit

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-11341

Proposed Priority: February 12, 1990 Maximum Diversion Rate: 0.10 CFS
This is to certify, that ANTHONY W. MUSCHBACHER
MARY A. MUSCHBACHER
24289 HASKINS RD.
WILDER, ID 83676
has applied for a permit to appropriate water from:

SPRINGS tributary of RUBY DRAIN
and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 10/15	0.10 CFS
AESTHETIC	01/01 to 12/31	0.10 CFS
Totals		0.10 CFS

LOCATION OF POINT(S) OF DIVERSION: SE1/4 NE1/4 Sec. 13, Township 03N, Range 05W
CANYON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	05W	13	NW1/4	5.		5
Total number of acres irrigated:						5

PLACE OF USE: AESTHETIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1992.
2. Subject to all prior water rights.
3. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
4. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

13th day of

September, 1990.

for

R. Keith Higginson
R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 63-11341

To appropriate the public waters of the State of Idaho

1. Name of applicant Anthony W. & Mary A. Mushbach Phone 331-4427
Post office address 24289 Hasbain Road, Wilder 83676
2. Source of water supply Springs which is a tributary of Ruby Drain (See Remarks)
3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 13 Township 3N Range 5W B.M. Canyon County; additional
points of diversion if any _____
4. Water will be used for the following purposes:
Amount 10 for Irrigation purposes from 10/15 to 3/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 10 for Irrigation purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 10 for Irrigation purposes from 3/15 to 10/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 10 cubic feet per second and/or (b) 0.06 AFA acre-feet per annum
6. Proposed diverting works
 - a. Description of ditches, flumes, pumps, headgates, etc. Two existing springs developed under (Statutory Beneficial Use Claim 63-05023) for 2 domestic and irrigation of 5 acres. Free flow of springs will fill pond.
 - b. Height of storage dam 4' feet; active reservoir capacity 0.06 acre-feet; total reservoir capacity 0.06 acre-feet; period of year when water will be diverted to storage: 10/15 to 3/15 inclusive.
 - c. Proposed well diameter is NA inches; proposed depth of well is NA feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other, describe fully. Pond For Aesthetics

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

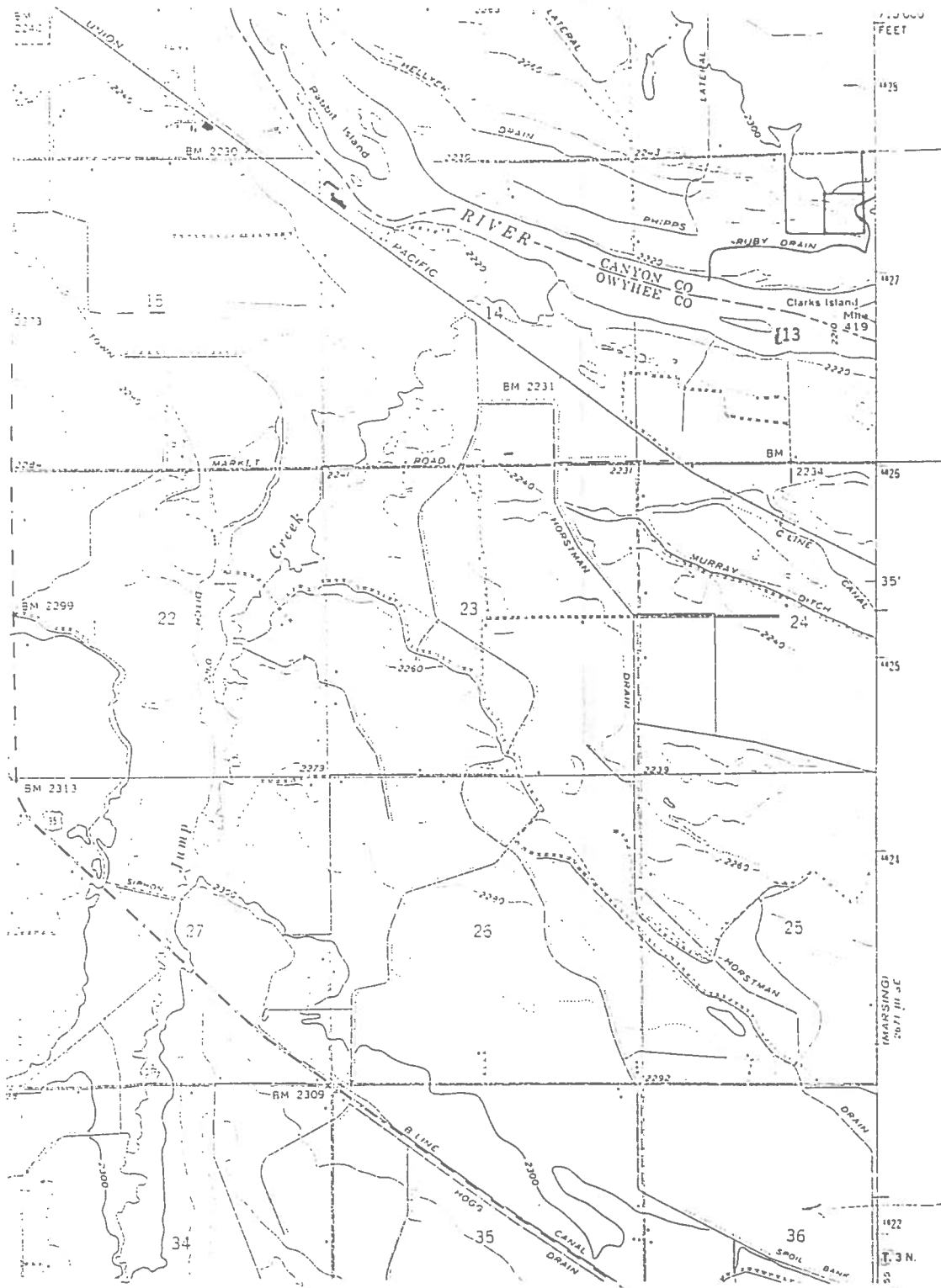
TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	5W	13	J																
			5																5

Total number of acres to be irrigated 5

10. Describe any other water rights used for the same purposes as described above. Statutory Right
A63 5023

- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Nease Ruby drain is Tributary to Snake River
When combined with 63-05023 Irrigation will
not exceed 0.02 cfs per acre.
Pond will be 20' x 30' w/ Maximum depth 4'



SEVEN SPRINGS PARK

SITUATED IN THE NW 1/4 NE 1/4, Sec. 13 T3N R3W NM CANTON COUNTY, IDAHO

LEGEND

- Brass Monument
- 5/8 Iron Rod
- 1/2 Iron Rod

N 1/4

Scale 1"=100'

SURVEYORS CERTIFICATE

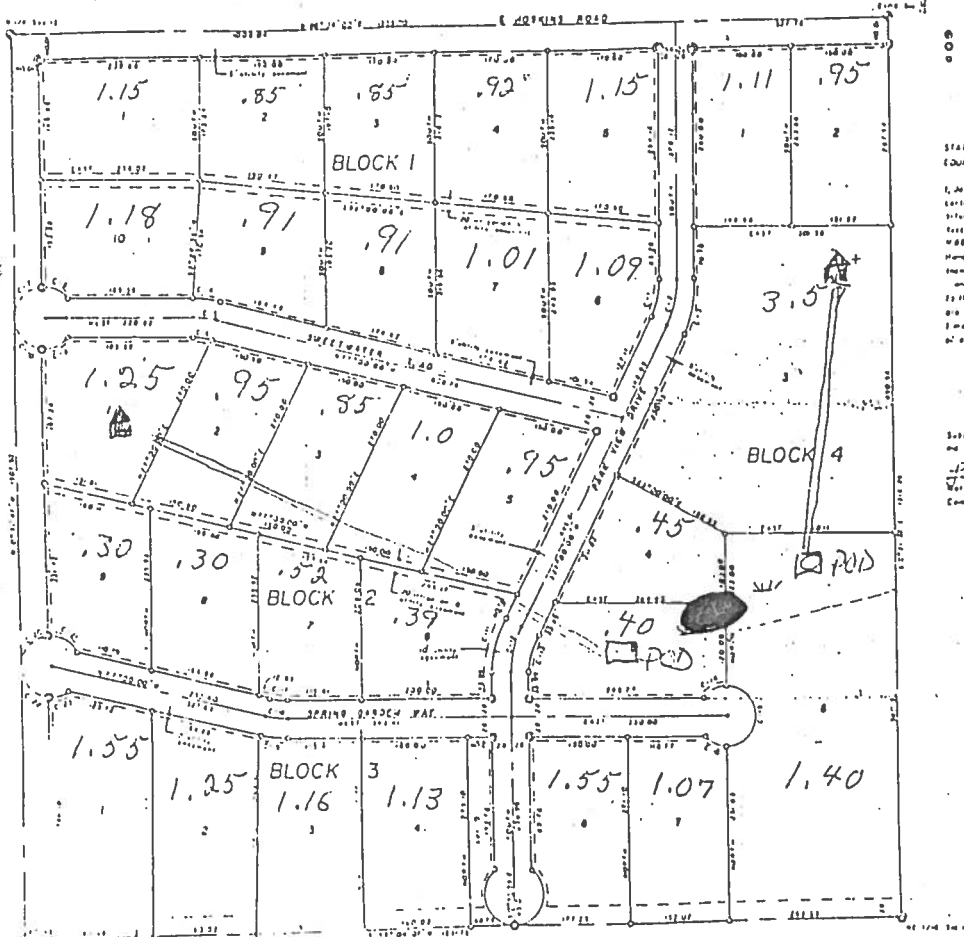
STATE OF IDAHO
COUNTY OF CANTON

I, John W. Moore, a Professional Land Surveyor for the State of Idaho, do hereby certify that I have surveyed, measured, and platted SEVEN SPRINGS PARK, situated in the NW 1/4 NE 1/4, Section 13, T3N, R3W, NM, more particularly described as follows: Beginning at the North 1/4 corner of said Sec 13, thence N88°36'00"E 1333.00' to the North boundary of the said NW 1/4 NE 1/4, thence S 0°21'32"E 1318.14' along the East boundary of said NW 1/4 NE 1/4, thence S 85°04'00"W 1311.13' to the South boundary of said NW 1/4 NE 1/4, thence N 40°31'47"W 1107.50' to the West boundary of said NW 1/4 NE 1/4, to the POINT OF BEGINNING this parcel contains 43.93 acres. The bearings are based on the 1923 Government Land Office survey. I further certify that I made the survey under the direction of the owner thereof, and that the size of all lots and the width of all streets are as shown on the annexed plat.

ALPHA ENGINEERS INC.

Subscribed and sworn to before me this 1 day of December, 1973

Notary Public for Idaho
Commission Expires 12/31/77



Course	Angle	Distance	Lat	Long	Area
E 1	42	27'00.00"	17.00	66.96	117'38.00"
E 2	100	27'00.00"	17.00	70.03	117'38.00"
E 3	100	27'00.00"	23.00	63.11	117'38.00"
E 4	100	10'00.00"	10.00	60.30	087'10.00"
E 5	100	10'00.00"	04.03	23.99	057'50.00"
E 6	42	10'00.00"	27.00	27.42	087'38.00"
E 7	45	27'30.00"	62.71	60.01	141'18.00"
E 8	45	10'00.00"	03.21	01.02	04'00.00"
E 9	45	10'00.00"	03.21	03.10	04'00.00"
E 10	45	10'00.00"	03.79	00.01	04'00.00"
E 11	100	27'00.00"	23.00	63.11	117'38.00"
E 12	100	27'00.00"	10.00	60.30	117'38.00"
E 13	42	27'00.00"	17.00	66.96	117'38.00"
E 14	45	10'00.00"	03.21	01.02	04'00.00"
E 15	45	10'00.00"	03.21	03.10	04'00.00"
E 16	45	10'00.00"	03.79	00.01	04'00.00"
E 17	100	27'00.00"	23.00	63.11	117'38.00"
E 18	100	27'00.00"	10.00	60.30	117'38.00"
E 19	42	27'00.00"	17.00	66.96	117'38.00"
E 20	45	10'00.00"	03.21	01.02	04'00.00"
E 21	45	10'00.00"	03.21	03.10	04'00.00"
E 22	45	10'00.00"	03.79	00.01	04'00.00"
E 23	45	10'00.00"	03.21	01.02	04'00.00"

FRONT

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