

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 63-32638
Date Received: 9/20/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JIM CLEARY Phone: (208)229-0411
6029 ECHANOVE DR
BOISE ID USA 83714

TERESA CLEARY Phone: (208)229-0411
6029 ECHANOVE DR
BOISE ID USA 83714

2. Date of Priority: 09/13/1874

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

4. Point of Diversion:

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

5. Description of diverting works:

Dam, gravity ditches, & pressure irrigation from distribution pond.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.18	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	02E	31	NW	NE	IRRIGATION	4
			NE	NW	IRRIGATION	5
					Section Acres	9
					Total Acres	9

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 63-32406 .

15. Basis of Claim: Beneficial Use

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

DEC 04 2006

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-32406	63-32406	/			
63-32415	63-32415	/			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Scott and Suzie Bohme
4. New Owner/Claimant(s) Teresa and Jim Cleary
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 6029 Echanove Dr.
- City, State and ZIP Code Boise, ID 83714
- New Telephone Number () 208 229-0411
5. Date you acquired the property 5-25-06

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>63-32406 ~~63-32415~~</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.18 cfs</u>	<u>9.8 acres : NWNE 4</u>
Stock		<u>NENW 5</u>
Domestic		
Other		
Total	<u>9</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>63-32415</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.095 cfs / 40.5 af</u>	<u>9 ACRES : NWNE 4</u>
Stock		<u>NENW 5</u>
Domestic		
Other		
Total	<u>9</u>	

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

J. Cleary

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

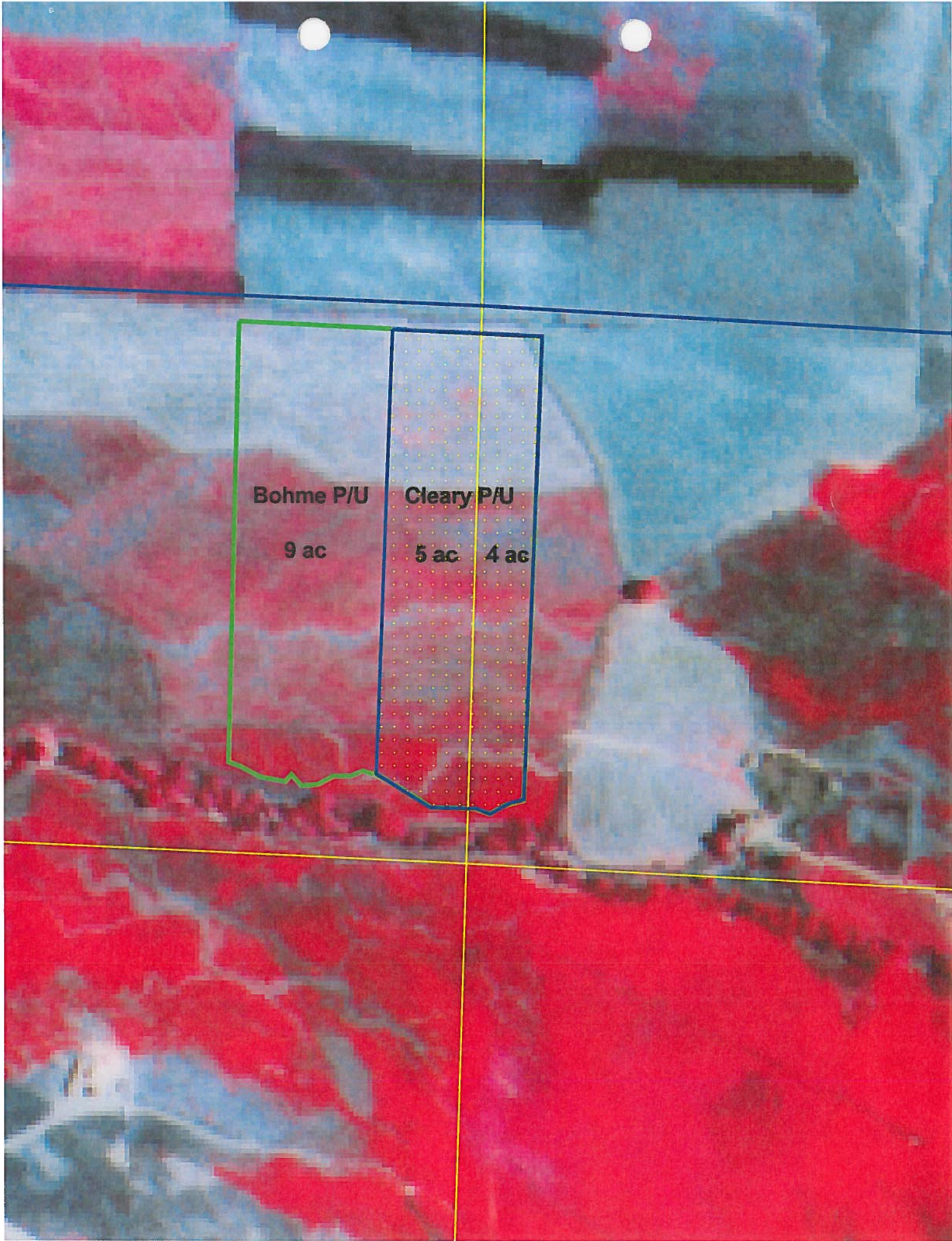
Received by g Date 12/4/06 Fee _____
 Received by g Date 4-11-07 Receipt No. _____
 Processed by g AJ Date 4-11-07 WR _____ Date _____

Bohme P/U

9 ac

Cleary P/U

5 ac 4 ac





Pioneer Title Co.

GOING BEYOND

8151 W. Rifleman Ave. / Boise
Idaho 83704 / (208) 377-2700

DEPUTY Vicki Allen
RECORDED - REQUEST OF
Pioneer

31 PM

AMOUNT 3.00



270500
SW/CS

WARRANTY DEED

For Value Received

Sumiko Bohme and Scott Bohme wife and husband

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Teresa Cleary and Jim Cleary wife and husband

hereinafter referred to as Grantee, whose current address is 6029 W Echanove St, Boise, ID 83714
the following described premises, to-wit:

Lot 2 in Block 1 of Echanove Ranch Subdivision No. 1, according to the Official Plat thereof, filed in Book 82 of Plats at Page 8918, 8919 and 8920, records of Ada County, Idaho and amended by an Affidavit recorded June 20, 2001, as Instrument No. 101060347.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

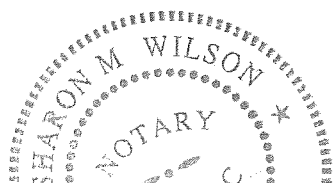
Dated: May 23, 2006

Sumiko Bohme

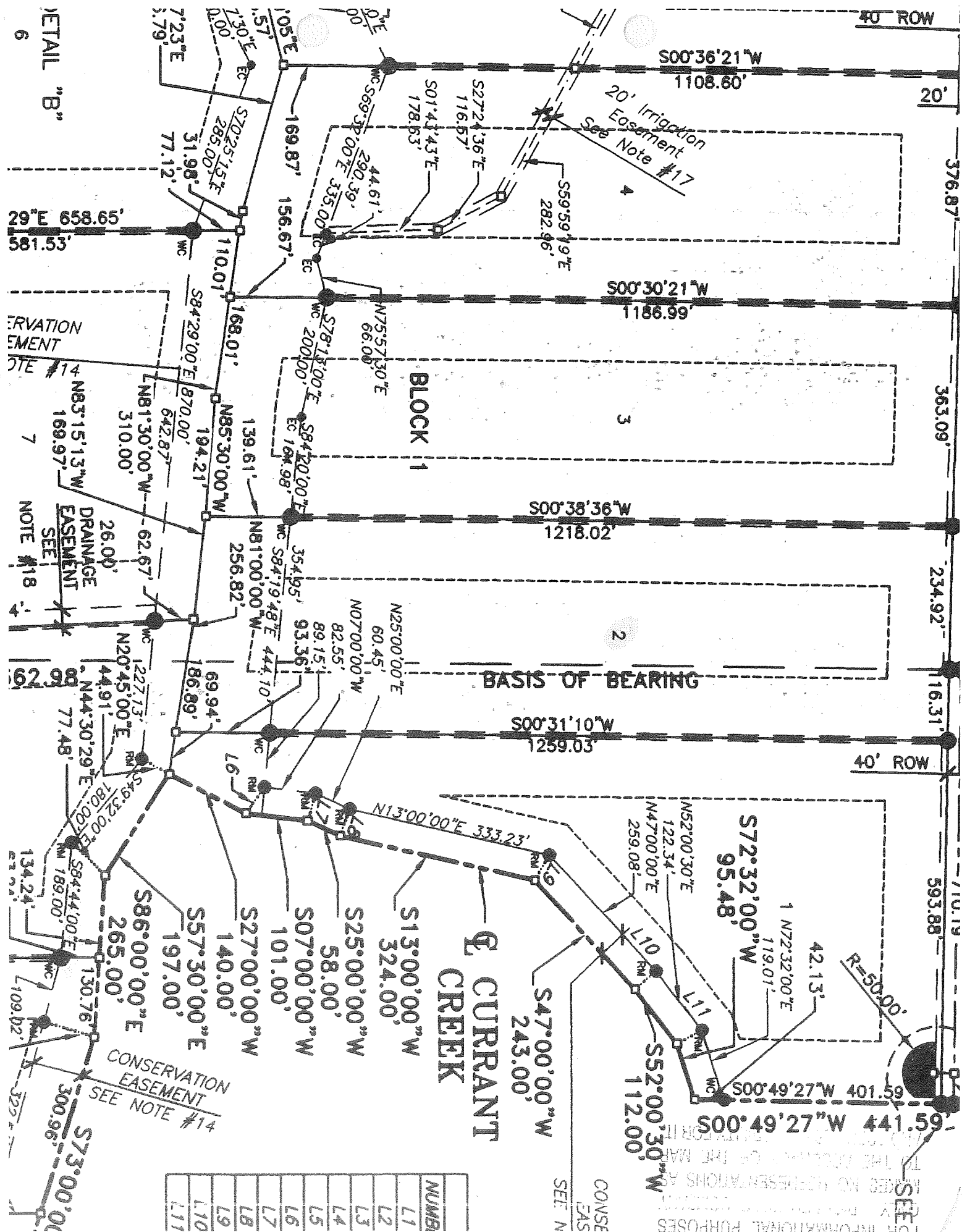
Scott Bohme

STATE OF Idaho, County of Ada, ss.

On this 23rd day of May, in the year of 2006, before me the undersigned, notary public personally appeared Sumiko Bohme and Scott Bohme known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Sharon M Wilson
Notary Public of ID



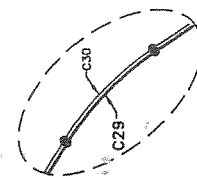
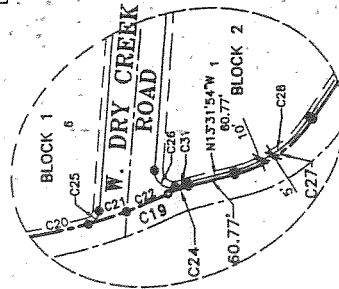
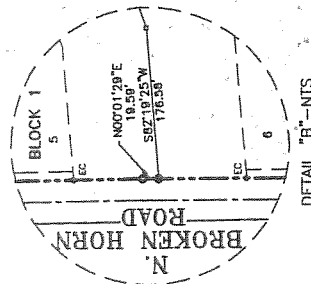
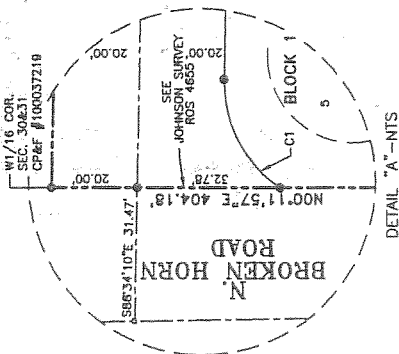
THIS IS NOT A SURVEY. THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY.

PLAT SHOWING ECHANOVE RANCH SUBDIVISION NO. 1

A PORTION OF THE NW1/4 AND THE W1/2 OF THE NE1/4
OF SECTION 31 TOWNSHIP 5 NORTH, RANGE 2 EAST, BOISE MERIDIAN
ADA COUNTY, IDAHO
2001

THIS IS NOT A SURVEY. THIS MAP IS
FOR INFORMATIONAL PURPOSES
ONLY. FIONEER TITLE COMPANY
MAKES NO REPRESENTATIONS AS
TO THE ACCURACY OF THE MAP
AND ASSUMES NO LIABILITY FOR IT.

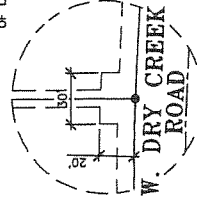
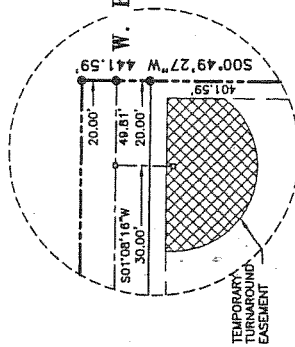
NUMBER	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BRG
C1	26.78	30.00	54°57'48"	15.60	27.89	S63°56'56"W
C2	365.57	470.00	44°33'56"	192.60	356.43	S67°16'58"E
C3	275.92	470.00	33°39'11"	142.06	271.86	S61°49'08"E
C4	89.65	470.00	10°55'45"	44.96	89.52	S64°06'04"E
C5	356.27	500.00	40°48'30"	186.07	348.78	S65°24'45"E
C6	228.01	530.00	24°38'58"	115.60	226.26	S57°19'29"E
C7	1583.73	1830.00	48°53'55"	851.37	1543.64	N69°56'57"W
C8	91.01	1830.00	2°50'58"	45.51	91.00	N46°25'29"W
C9	664.65	1830.00	20°48'55"	336.03	661.01	N77°23'00"W
C10	227.10	1830.00	7°08'37"	113.69	226.95	S68°39'24"W
C11	1567.61	1800.00	48°53'55"	837.41	1518.53	N68°56'57"W
C12	1541.48	1770.00	46°53'55"	823.46	1493.23	N68°56'57"W
C13	827.10	1770.00	26°46'25"	431.24	819.60	N81°30'42"W
C14	714.38	1770.00	23°07'02"	362.12	709.54	N56°33'45"W
C15	163.55	970.00	8°39'37"	81.97	163.35	N89°55'54"E
C16	168.60	1060.00	8°39'36"	84.50	168.40	N89°55'54"E
C17	173.66	1030.00	8°39'36"	87.04	173.45	N89°55'54"E
C18	288.37	825.00	24°28'40"	146.42	286.19	N72°13'48"W
C20	185.71	875.00	15°45'48"	93.44	185.12	S07°32'21"E
C21	46.54	875.00	3°57'01"	23.28	46.53	S17°45'46"E
C22	56.12	875.00	4°45'52"	28.08	56.11	N22°05'12"W
C23	27.88	145.00	10°56'14"	13.98	27.84	N1°00'01"W
C24	24.25	20.00	88°29'03"	13.97	22.80	S50°29'47"E
C25	40.02	20.00	11°43'20"	31.18	33.67	S37°26'32"W
C26	124.38	166.00	42°56'04"	65.28	121.50	N34°58'56"W
C28	120.64	161.00	42°56'04"	63.31	117.84	S34°58'56"E
C29	148.88	378.00	22°39'30"	75.93	148.91	N45°08'14"W
C30	151.86	384.00	22°39'30"	76.93	150.67	N45°08'14"W
C31	18.61	150.00	6°20'44"	8.31	16.60	N16°42'16"W



DETAIL "C"-NTS

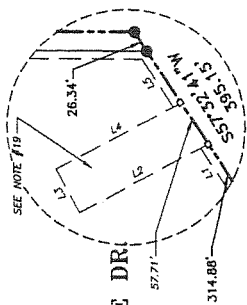
DETAIL "D"-NTS

DETAIL "G"-NTS



DETAIL "F"-NTS
COMMON DRIVEWAYS (TYP.)

DETAIL "H"-NTS



NOTE:
DETAIL "F" AS SHOWN APPLIES TO THE COMMON DRIVEWAYS FOR THE COMMON LOT LINES
OF LOTS: 6 AND 7, 8 AND 9, 9 AND 10, BLOCK 1; AND LOTS 1 AND 2 OF BLOCK 2.

PINNACLE
Engineers, Inc.
12552 W. Executive Dr., Suite B, Boise, Idaho 83713
(208) 887-7760

SHEET 2 OF 3
DRAWING NO. 98627_FP.dwg

PLAT OF ECHANOVE RANCH SUBDIVISION NO. 1

CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS, THAT BULL DEVELOPMENT INC., AN IDAHO CORPORATION, IS THE OWNER OF THE REAL PROPERTY HEREINAFTER DESCRIBED:

Situated in a portion of the NW1/4 and the W1/2 of the NE1/4 of Section 31, Township 5 North, Range 2 East, B.M., Ada County, Idaho and described as follows:

Beginning at an aluminum cap marking the NW corner of the said W1/2, thence along the North line of said W1/2 S86°51'44"E a distance of 710.00 feet to a 5/8 inch rebar; thence along the NE corner of said W1/2 S86°51'44"E a distance of 663.65 feet; thence along the East line of said W1/2 S86°51'44"E a distance of 441.59 feet to a point; thence along the centerline of Current Creek the following courses:
S72°32'00"W a distance of 85.48 feet to a point;
Thence S52°00'30"W a distance of 112.00 feet to a point;
Thence S47°00'00"W a distance of 243.00 feet to a point;
Thence S12°00'00"W a distance of 324.00 feet to a point;
Thence S25°00'00"W a distance of 58.00 feet to a point;
Thence S07°00'00"W a distance of 101.00 feet to a point;
Thence S27°00'00"W a distance of 161.00 feet to a point;
Thence S60°00'00"E a distance of 187.00 feet to a point;
Thence S60°00'00"E a distance of 265.00 feet to a point;
Thence S72°00'00"E a distance of 777.67 feet to a 5/8 inch rebar on the East line of said W1/2;
Thence along said East line S02°54'38"W a distance of 799.17 feet to a 5/8 inch rebar;
Thence leaving said East line S57°32'41"W a distance of 395.15 feet to a 5/8 inch rebar on the South line of said W1/2;
Thence along said South line N08°19'13"W a distance of 1024.91 feet to an aluminum cap marking the SW corner of said W1/2;
Thence leaving said South line of the W1/2 and along the South line of the said NW1/4 N08°19'32"W a distance of 551.11 feet to a 5/8 inch rebar;
Thence leaving said South line of the W1/2 and along the South line of the said NW1/4 N08°19'32"W a distance of 551.11 feet to a 5/8 inch rebar;
Thence leaving said South line and along the right-of-way of Seamon Gulch Road N33°49'28"W a distance of 212.00 feet to a 5/8 inch rebar; and a long chord bearing N34°58'56"W a distance of 121.50 feet to a 5/8 inch rebar;
Thence along the arc of a curve to the right having a radius of 109.00 feet, a central angle of 42°56'04", an arc length of 124.39 feet, and a long chord bearing N34°58'56"W a distance of 121.50 feet to a 5/8 inch rebar;
Thence along the arc of a curve to the left having a radius of 145.00 feet, a central angle of 105°51'14", an arc length of 27.68 feet, and a long chord bearing N18°00'01"W a distance of 27.64 feet to a 5/8 inch rebar on a non-tangent curve on the easterly right-of-way line of Broken Horn Road;
Thence along the right-of-way of Seamon Gulch Road along the easterly right-of-way of said Broken Horn Road the following courses:
Along the arc of a curve to the right having a radius of 675.00 feet, a central angle of 24°28'40", an arc length of 206.37 feet, and a long chord bearing N12°13'40"W a distance of 206.18 feet to a 5/8 inch rebar;
Thence N00°01'20"E a distance of 470.80 feet to a 5/8 inch rebar;
Thence N00°48'01"W a distance of 804.30 feet to a 5/8 inch rebar;
Thence along the West line of the E1/2 of the said NW1/4 N00°11'57"E a distance of 404.18 feet to a 5/8 inch rebar marking the NW corner of said E1/2;
Thence leaving said easterly right-of-way and along the North line of said Section 31 S86°34'10"E a distance of 1382.24 feet to the POINT OF BEGINNING.

Said parcel contains 128.20 acres more or less and is subject to all easements or rights-of-ways of record or implied.

That it is the intention of the undersigned to and they hereby include said land in this plat. The easements indicated on said plat are not dedicated to the public but the right to use said easements is perpetually reserved for public utility and for such other uses as designated hereon and no structure other than for such utility purposes or to be erected within the limits of said easements. The undersigned, by these presents, dedicates to the public for use for all public streets as shown on this plat. The individual lots described in the plat will not be served by any water system common to one (1) or more of lots, but will be served by individual wells.

In witness whereof, I have set my hand this 20 day of March in the year of 2001

BULL DEVELOPMENT, INC.

Michael S. Homan
MICHAEL S. HOMAN PRESIDENT

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF IDAHO) S.S.
COUNTY OF ADA)

On this 20th day of March in the year 2001, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Michael S. Homan, known or identified to me to be the President of Bull Development, Inc., the corporation that executed the foregoing instrument, and acknowledged to me that he executed such instrument as his free act and deed on behalf of said corporation and said corporation executed the same.



CERTIFICATE OF SURVEYOR

I, Craig R. McCullough, do hereby certify that I am a Registered Professional Land Surveyor, licensed by the State of Idaho, and that this plat as described in the CERTIFICATE OF OWNERS was drawn from an actual survey made on the ground under my supervision and that this plat accurately represents the points thereon and is in conformity with the Idaho Code relating to Plats and Surveys.



Craig R. McCullough

SANITARY RESTRICTIONS
Sanitary restrictions of this plat were reviewed according to the letter of approval on file with the County Recorder or Health Department listing the conditions of approval, signed by the Central District Health Department.

Michael S. Homan
Health Officer
Date 3/23/01



APPROVAL OF ADA COUNTY HIGHWAY DISTRICT

The foregoing plat was accepted and approved by the Board of Ada County Highway District Commissioners on this 29 day of March, year of 2001

Judy H. Homan
Chairman
ADA COUNTY HIGHWAY DISTRICT

APPROVAL OF ADA COUNTY COMMISSIONERS

The foregoing plat was accepted and approved by the Board of Commissioners of Ada County, Idaho, this 29 day of March, year of 2001

Judy H. Homan
Board Chairman

CERTIFICATE OF ADA COUNTY SURVEYOR

I, the undersigned, County Surveyor for Ada County, Idaho, do hereby certify that I have checked this plat and that it complies with the State of Idaho Code relating to Plats and Surveys.

John E. Smith
Ada County Surveyor FELS 8030



CERTIFICATE OF THE ADA COUNTY TREASURER

This is to certify that the undersigned, per the requirements of Idaho Code 50-1308, do hereby certify that any and all current and/or delinquent county property taxes for the property included in this plat have been paid in full. This certification is valid for the next thirty (30) days only.

Lynda Fisher by Mary Enoff
Ada County Treasurer
Date 6-7-2001



CERTIFICATE OF ADA COUNTY RECORDER

INSTRUMENT No. 101055582

STATE OF IDAHO) S.S.
COUNTY OF ADA)

I hereby certify that this plat was filed at the request of BULL DEVELOPMENT, INC. at 10:00 minutes past the clock on this 20th day of March, A.D. 2001, and was duly recorded in Book 82 of Plats of Pages 8318 to 8322

David N. Nance
Deputy Recorder
Date 3/23/01

David N. Nance
Ex-officio Recorder

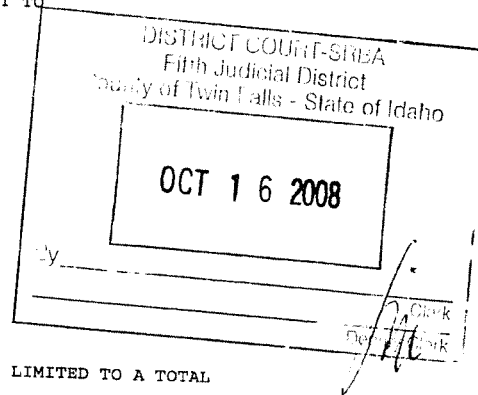
PINNACLE
Engineers, Inc.
12552 W. Executive Dr., Suite B, Boise, Idaho 83713
(208) 887-7760

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 63-32638



NAME AND ADDRESS: JIM CLEARY
TERESA CLEARY
6029 ECHANOVE DR
BOISE, ID 83714

SOURCE: DRY CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.18 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-32640 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .18 CFS.

PRIORITY DATE: 09/13/1874

POINT OF DIVERSION: T05N R02E S31 SESENE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.18 CFS

PLACE OF USE:	Irrigation	Within Ada County
	T05N R02E S31 NWNE 4.0	NENW 5.0
	9.0 Acres Total	

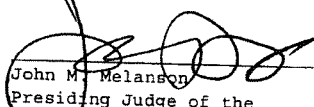
USE OF THIS RIGHT WITH RIGHT NO. 63-32640 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 9 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

Attorneys for Scott Bohme and Suzie Hegstad-Bohme

Scott L. Campbell, ISB No. 2251
Dylan B. Lawrence, ISB No. 7136
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
23225.0000

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 Nos. 63-32638 & 63-32640

NOTICE OF WITHDRAWAL OF OBJECTIONS

Water right objectors Scott Bohme and Suzie Hegstad-Bohme (the "Objectors"), through undersigned counsel of record, hereby file this Notice of Withdrawal of Objections to the above-referenced water rights. On or about June 15, 2007, the Objectors filed objections in the SRBA to the recommendations for water rights 63-32638 and 63-32640, both recommended in the name of Jim Cleary. Since then, the Objectors have been in contact through counsel with the Idaho Department of Water Resources, and have decided based upon those discussions to withdraw their objections to these water rights. Therefore, the Objectors hereby give notice to

this Court and all parties involved that they hereby withdraw their objections to the above-referenced water rights.

DATED this 23rd day of May, 2008.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Dylan B. Lawrence – Of the Firm
Attorneys for Scott Bohme and
Suzie Hegstad-Bohme

CERTIFICATE OF SERVICE

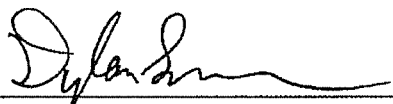
I HEREBY CERTIFY that on this 23rd day of May, 2008, I caused a true and correct copy of the foregoing NOTICE OF WITHDRAWAL OF OBJECTIONS to be served by the method indicated below, and addressed to the following:

Wayne V. Mueleman
MEULEMAN MOLLERUP, LLP
755 West Front Street, Suite 200
Boise, Idaho 83702-5802
Fax: (208) 336-9712
Representing Jim and Teresa Cleary

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 East Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098
Fax: (208) 287-6700

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Dylan B. Lawrence

RECEIVED

MAY 06 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 05 PM 01:07
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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	)	ORDER SETTING SUBCASE(S)	
	)	FOR INITIAL HEARING	
Case No. 39576	)		
	)	SUBCASE NOS: 63-32406	63-32415
		63-32637	63-32638 63-32639
		63-32640	

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 05, 2008 at 01:45 PM (MT)
NAMPA
120 - 9TH AVE S
NAMPA, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 02, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

(continued)

Dated: MAY 05, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 05, 2008,
with sufficient first-class postage to the following:

SCOTT BOHME

Represented by:
DYLAN B LAWRENCE
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829

SCOTT BOHME

SUZIE BOHME
Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

JIM CLEARY

TERESA CLEARY
Represented by:
WAYNE V MEULEMAN
PO BOX 955
BOISE, ID 83701
Phone: 208-342-6066

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

SCOTT BOHME

SUZIE BOHME
4389 W FARM VIEW RD
BOISE, ID 83714
Phone: 208-229-0023

RECEIVED

JUL 05 2007

Department of Water Resources
Adjudication Bureau

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 63-32640 and 63-32638

STANDARD FORM 2
RESPONSE TO OBJECTION

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Jim Cleary and Teresa Cleary

Address: 6029 Echanove Drive

Boise, Idaho 83714

Daytime Phone: 208-955-9306

Name & Address of Attorney, if any:

Wayne Meuleman

755 W. Front Street, Suite 200

Boise, Idaho 83702

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

Name: Scott Bohme or Suzie Hegstad-Bohme

Address: 4389 W. Farm View Road

Boise, Idaho 83714

1.	☐	Name and address
2.	☐	Source
3.	☒	Quantity – See Exhibit A
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 – See Exhibit A

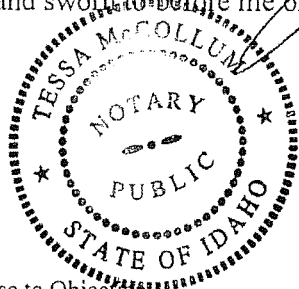
- ☐ This water right should not exist
- ☐ This water right was not recommended, but should be recommended with the elements described above

State of Idaho)
County of Ada) ss.

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.

(Attorney signature in representative capacity)

My Commission Expires: 06/05/15



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.

F. CERTIFICATE OF MAILING

I certify that on July 3, 2007, 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: _____
Address: _____

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

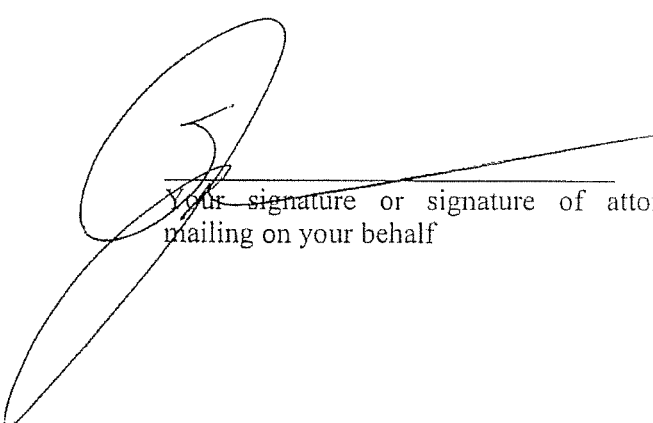
Name: Scott Campbell
Address: 101 S. Capitol Blvd., 10th Floor, PO Box 829, Boise, ID 83701-0829

4. Copies to:

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

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

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



Your signature or signature of attorney
mailing on your behalf

EXHIBIT A

Response to Objections filed by Scott Bohme and Suzie Hegstad-Bohme to Water Right Recommendation 63-32637, 63-32638, 63-32639 and 63-32640.

Responders are owners of Lot 2, Block 1 of Echanove Ranch Subdivision No. 1. Lot 2 consists of approximately 10 acres on which a residence and other non-irrigated improvements consume approximately 1 acre of the total 10-acre parcel. Responders purchased Lot 2 from Scott and Suzie Bohme, who have filed this objection. By the conveyance, the Responders acquired fee simple title by warranty deed without any reservation to the Bohmes as grantors of any portion of the water rights appurtenant to Lot 2. Thus, Responders accept the recommendation of IDWR allocating water rights to Lot 2 in the quantity specified in the recommendation for nine acres.

RECEIVED

JUN 18 2007

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 63-32638

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Scott Bohme and Suzie Hegstad-Bohme

Address: 4389 W. Farm View Rd.

Boise, ID 83714

Daytime Phone: (208) 229-0023

Name & Address of Attorney, if any:

Scott L. Campbell & Dylan B. Lawrence

P.O. Box 829

Boise, ID 83701-0829

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

Name: Jim Cleary and Teresa Cleary

Address: 6029 Echanove Dr.

Boise, ID 83714

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: 0.16 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: 8 acres
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** Please see Exhibit A.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

Scott L. Campbell, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

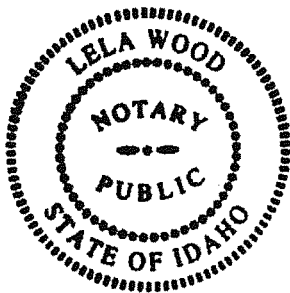
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Scott L. Campbell
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6-15-07

Lela Wood
Notary Public for Idaho
Residing at: Ada County
My Commission Expires: 5-31-2012



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 June 15, 2007, I mailed the original and copies of this objection, 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:

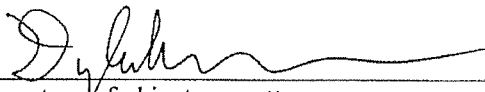
Name: Jim Cleary and Teresa Cleary
Address: 6029 Echanove Dr.
Boise, ID 83714

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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



Signature of objector or attorney
mailing on Objector's behalf

EXHIBIT A

to Objections Filed by Scott Bohme and Suzie Hegstad-Bohme to Water Right Recommendations 63-32637, 63-32638, 63-32639, and 63-32640

IDWR incorrectly processed the split of water rights 63-32406 and 63-32415. These were primary and supplemental water rights, respectively, and accordingly had the same place of use. Prior to the split, those two water rights were used to irrigate 18 acres located within Lots 2 and 3 of Block 1 of the Echanove Ranch Subdivision No. 1. The Bohmes previously owned both of those lots and both water rights, but sold Lot 2 to the Clearys in 2006, which made the split necessary.

Each of these two lots consists of 10 acres. Lot 2 includes an approximately 2-acre development footprint, while Lot 3 is entirely bare ground. Accordingly, when IDWR split these water rights, it should have included 8 acres as the place of use for Lot 2 (63-32638 and 63-32640), and 10 acres as the place of use for Lot 3 (63-32637 and 63-32639). Instead, IDWR split the place of use equally between the two lots, 9 acres each. This also resulted in IDWR incorrectly splitting the diversion rates. And, IDWR incorrectly identified some of the place of use for 63-32637 as lying within the NWNE quarter-quarter section.

Here is a more detailed explanation of the reasons supporting the objections for each of the four water rights to which the Bohmes are objecting:

63-32637: As explained above, the place of use for this water right should be 10 acres, not 9 acres. In addition, all 10 acres lie within the NENW of T05N, R02E, S31. IDWR's recommendation improperly identifies some of the place of use as lying within the NWNE. Prior to its split, the diversion rate for 63-32406 was 0.36 cfs to irrigate 18 acres. This is a diversion rate of 0.2 cfs per acre. Because the place of use for 63-32637 should be 10 acres, its diversion rate should be 0.20 cfs, not 0.18 cfs.

63-32638: As explained above, the place of use for this water right should be 8 acres, not 9 acres. Based on this place of use, the diversion rate should be 0.16 cfs, not 0.18 cfs.

63-32639: As explained above, the place of use for this water right should be 10 acres, not 9 acres. Prior to the split of parent right 63-32415, the original parent water right for the Echanove Ranch (63-3162) allowed for the diversion of up to 1.5 cfs of groundwater to irrigate 139 acres. This is a diversion rate of 0.0108 cfs per acre. Because the place of use for 63-32639 should be 10 acres, its diversion rate should be 0.11 cfs, not 0.95 cfs. Similarly, the parent water right 63-32415 allowed for the diversion of up to 81 acre feet annually to irrigate 18 acres—a rate of 4.5 afa per acre. Because the place of use for 63-32639 should be 10 acres, its annual diversion volume should be 45 afa, not 40.5 afa.

63-32640: As explained above, the place of use for this water right should be 8 acres, not 9 acres. Based on this place of use, the diversion rate should be 0.086 cfs, not 0.095 cfs. Similarly, the diversion quantity should be 36 afa, not 40.5 afa.

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

RIGHT NUMBER: 63-32638

NAME AND ADDRESS: JIM CLEARY
6029 ECHANOVE DR
BOISE ID 83714

TERESA CLEARY
6029 ECHANOVE DR
BOISE ID 83714

SOURCE: DRY CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.180 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-32640 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .18 CFS.

PRIORITY DATE: 09/13/1874

POINT OF DIVERSION:

T05N R02E S31 SESENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.180 CFS

PLACE OF USE: IRRIGATION in ADA County

T05N R02E S31	NWNE	4.00	T05N R02E S31	NENW	5.00
---------------	------	------	---------------	------	------

9 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-32640 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 9 ACRES IN A SINGLE IRRIGATION
SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 63-32406 .

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	)	Water Rights: 63-32406 (Split)
	)	63-32637, 63-32638
Case No. 39576	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
_____	)	PROCEEDING

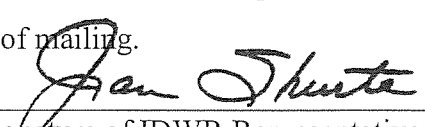
IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX Substitution of Party
- ☐ IC § 42-222 transfer
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |
- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: April 13, 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 13, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐	overnight mail
Snake River Basin Adjudication	☒	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

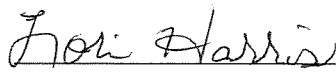
Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☒	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

Scott Bohme	☐	overnight mail
Suzie Bohme	☒	regular mail
4389 W Farm View Rd	☐	hand-delivered
Boise ID 83714	☐	facsimile

Jim Cleary	☐	overnight mail
Teresa Cleary	☒	regular mail
6029 Echanove Dr	☐	hand-delivered
Boise ID 83714	☐	facsimile


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

April 13, 2007

JIM CLEARY
TERESA CLEARY
6029 ECHANOVE DR
BOISE ID 83714

Re: Original Water Right Nos. 63-32406 & 63-32415

Renumbered to Water Right Nos. 63-32638 & 63-32640

Dear Mr. & Mrs. Cleary:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of the original claim.

When a portion of the original water right has been conveyed to another and the original right has been split, then the original right number is renumbered to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right number reflects your remaining portion of the original right after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new number when corresponding with our office. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the SRBA Court as notification of this change.

If you have any questions concerning this ownership change, or the enclosed copy, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:1
Enclosures