

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 63-15603
Date Received: 6/7/1989
Receipt No: W003137
Received By:

SECOND AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

HELEN L HUFFMAN Phone: (208)888-0099

2045 E AMITY RD
MERIDIAN ID USA 83642

JOHN HUFFMAN Phone: (208)888-0099

2045 E AMITY RD
MERIDIAN ID USA 83642

2. Date of Priority: 03/01/1885

3. Source: TENMILE CREEK , Trib. to: FIFTEENMILE CREEK
WASTEWATER PIERCE LATERAL

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	01E	32	NE NW	ADA	
03N	01E	32	NE NW	ADA	

5. Description of diverting works:

This system consists of water from two streams. In the ditch from Tenmile Cr., there is: (1) a 3/4 - 1 hp pump with a pipeline for sprinkler irrigation; and (2) a canvas dam for flood irrigation. In the southwest portion of the property, the wastewater is diverted by a canvas dam from a ditch connected to the Pierce Lateral for flood irrigation. The points of diversion are in the same 1/4 1/4.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.34	

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

8. Total consumptive use:

arabianwest @
westo.com
westo.net

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01E	32	NE	NW	IRRIGATION	17
Section Acres						17
Total Acres						17

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:

DESC. OF DIVERTING WORKS - THIS SYSTEM CONSISTS OF A 3/4-1 HP PUMP IN THE UNN. DITCH FROM TENMILE WITH A PIPELINE FOR FLOOD AND SPRINKLER IRRIGATION. THE WASTEWATER COMES FROM A WASTE DITCH AND IS DIVERTED BY HEADGATES AND CANVAS DAMS FOR FLOOD IRRIGATION. THE POINTS OF DIVERSION ARE IN THE SAME 1/41/4, HOWEVER, THE WASTE DITCH AND UNNAMED DITCH ARE TWO DIFFERENT SOURCES USED IN THE SAME IRRIGATION SYSTEM.

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): _____ Date: _____

_____ Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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 63-15603
Date Received: 6/7/1989
Receipt No: W003137
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

HELEN L HUFFMAN Phone: (208)888-0099
2045 E AMITY RD
MERIDIAN ID USA 83642

JOHN HUFFMAN Phone: (208)888-0099
2045 E AMITY RD
MERIDIAN ID USA 83642

2. Date of Priority: 05/01/1905

3. Source: UNNAMED DITCH Trib. to: TENMILE CREEK
WASTEWATER PIERCE LATERAL

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	01E	32	NE NW	ADA	
03N	01E	32	NE NW	ADA	

5. Description of diverting works:

This system consists of water from two streams. In the Unnamed Ditch, there is: (1) a 3/4 - 1 hp pump with a pipeline for sprinkler irrigation; and (2) a canvas dam for flood irrigation. In the southwest portion of the property, the wastewater is diverted by a canvas dam from a ditch connected to the Pierce Lateral for flood irrigation. The points of diversion are in the same 1/4 1/4.

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15 0.26	

7. Total Quantity Appropriated is:
0.26 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
03N	01E	32	NE	NW	IRRIGATION	13
					Section Acres	13
					Total Acres	13

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:

DESC. OF DIVERTING WORKS - THIS SYSTEM CONSISTS OF A 3/4-1 HP PUMP IN THE UNN. DRAIN WITH A PIPELINE FOR FLOOD AND SPRINKLER IRRIGATION. THE WASTEWATER COMES FROM A WASTE DITCH AND IS DIVERTED BY HEADGATES AND CANVAS DAMS FOR FLOOD IRRIGATION. THE POINTS OF DIVERSION ARE IN THE SAME 1/41/4, HOWEVER, THE WASTE DITCH AND UNNAMED DRAIN ARE TWO DIFFERENT STREAMS USED IN THE SAME IRRIGATION SYSTEM.

15. Basis of Claim: Beneficial Use

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 RIGHT TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number A63-15603

Date Received 12-29-06

Receipt Number

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

RECEIVED

DEC 29 2006

**WATER RESOURCES
WESTERN REGION**

Please type or print clearly

1. Name of Claimant(s) John Huffman and Helen L. Huffman Phone (208) 888-0099
Mailing Address 2045 E. Amity Road, Meridian, ID Zip 83642
2. Date of Priority (only one (1) per claim) May 1, 1905
3. Source of water supply (a) (1) Unnamed Ditch; (2) Wastewater
which is tributary to (b) (1) Tenmile Creek; (2) Pierce Lateral
4. a. Location of existing point of diversion is: Township 03N Range 01E Section 32,
1/4 of NE 1/4 of NW 1/4, Govt. Lot, B.M., County of Ada
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 enlargement in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. This system consists of water from two streams. In the
Unnamed Ditch, there is: (1) a 3/4-1 HP pump with a pipeline for sprinkler irrigation; and (2) a canvas dam for flood
irrigation. In the southwest portion of the property, the wastewater is diverted by a canvas dam from a ditch connected to
the Pierce Lateral for flood irrigation. The points of diversion are in the same 1/4 1/4.

6. Water is claimed for the following purposes

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 03/15 to 11/15 amount 0.260 or
 For purposes from to amount or
 For purposes from to amount or
 For purposes from to amount or

7. Total quantity claimed (a) 0.260 (cfs) and/or (b) (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number Of livestock Etc.) None

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
			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	
03N	01E	32					13												13.0

Total number of acres irrigated 13.0

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

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

Claim No. A63-15606 - groundwater or None ()

14. Remarks:

Last Name Huffman Ident. No.

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

If applicable provide IDWR Water Right Number 63-15603

Court Fifth Judicial District Case Number 39576 Decree Date _____

Plaintiff vs Defendant _____

16. Signature(s)

(a.) by signing below, We acknowledge that We have received, read, and understand the form entitled

"How you will receive notice in the Snake River Basin Adjudication." (b.) We do _____ do not X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1 (map)

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

Signature of Claimant(s)

[Signature]
[Signature]

Date

12/29/06

Date

12/29/06

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 Idaho)

) SS.

County of Ada)

Subscribed and sworn (or affirmed) before me this

29th

day of

December

2006

Notary Public

Carol Gill

Residing at

Meridian Id. 83642

My Commission Expires

4/5/2010

17. Notice of Appearance

Please Print Name

Notice is hereby given that, Michael P. Lawrence 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

[Signature]

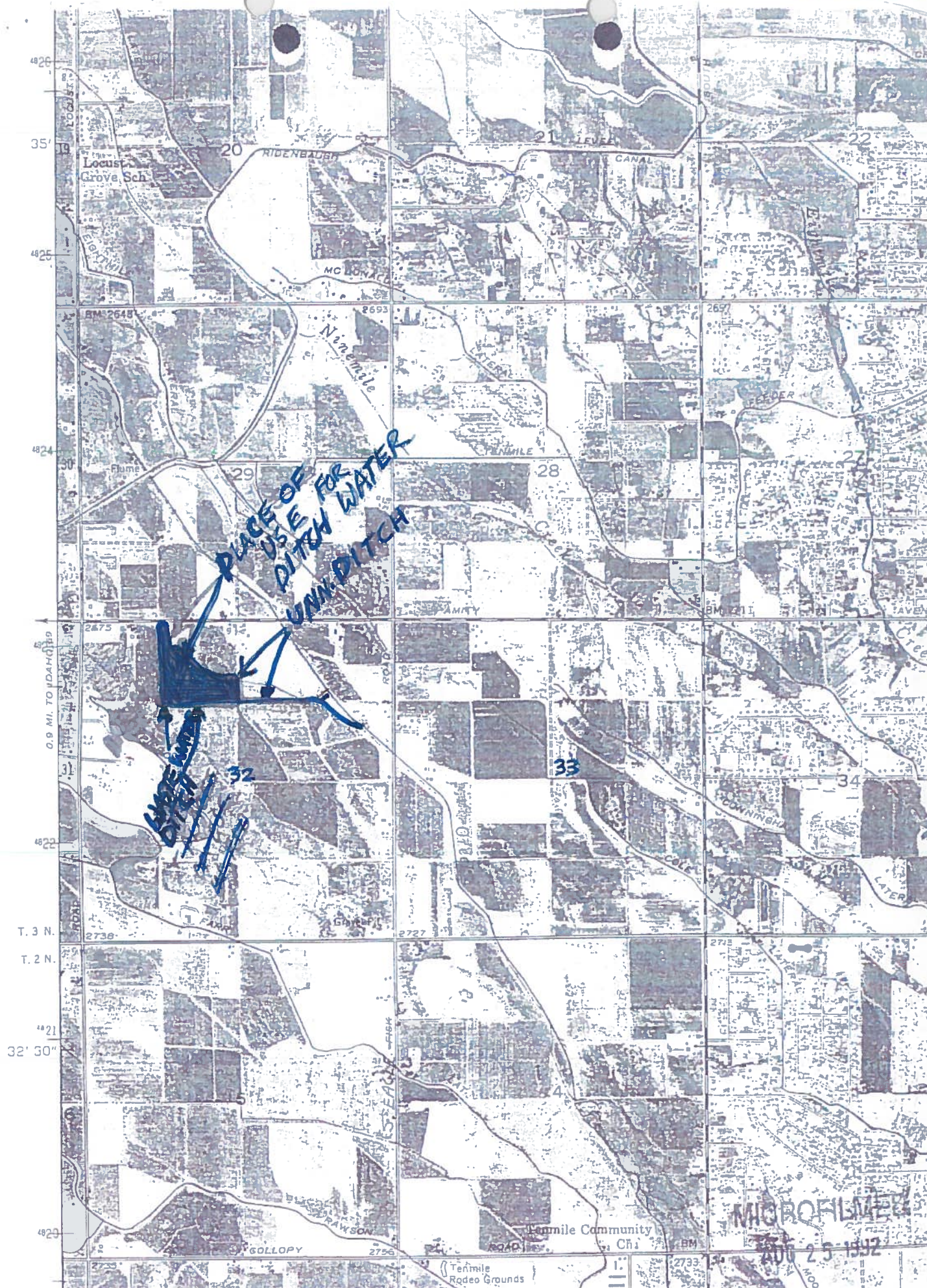
Address c/o Givens Pursley LLP, 601 W. Bannock, P.O. Box 2720, Boise, ID 83701

Date

12/29/06

Last Name Huffman

Ident. Number _____



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: A63-15603

Date Received: 6/07/1989

Receipt No: 6003137 (63)

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN HUFFMAN 208-888-0099
Address: 2045 E. AMITY RD.
MERIDIAN, ID 83642

OR

Name: HELEN L. HUFFMAN 208-888-0099
Address: 2045 E. AMITY RD.
MERIDIAN, ID 83642

2. Date of Priority: MAY 01, 1905

3. Source: UNNAMED DRAIN Trib. to: BOISE RIVER
WASTEWATER BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01E	32	NE	NW			ADA

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.260		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A63-15603

Page 1

Date: 06/07/89

SCANNED

OCT 05 2006

MICROFILMED

AUG 25 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01E	32	NE NW		IRR	13.0
Section Acres						13.0
Total Acres						13.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

CLAIM NO. A63-15606 - GROUNDWATER.

14. Remarks:

DESC. OF DIVERTING WORKS - THIS SYSTEM CONSISTS OF A 3/4-1 HP PUMP IN THE UNN. DRAIN WITH A PIPELINE FOR FLOOD AND SPRINKLER IRRIGATION. THE WASTEWATER COMES FROM A WASTE DITCH AND IS DIVERTED BY HEADGATES AND CANVAS DAMS FOR FLOOD IRRIGATION. THE POINTS OF DIVERSION ARE IN THE SAME 1/41/4, HOWEVER, THE WASTE DITCH AND UNNAMED DRAIN ARE TWO DIFFERENT STREAMS USED IN THE SAME IRRIGATION SYSTEM.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): Helix L. Huffman Date: 6/7/89

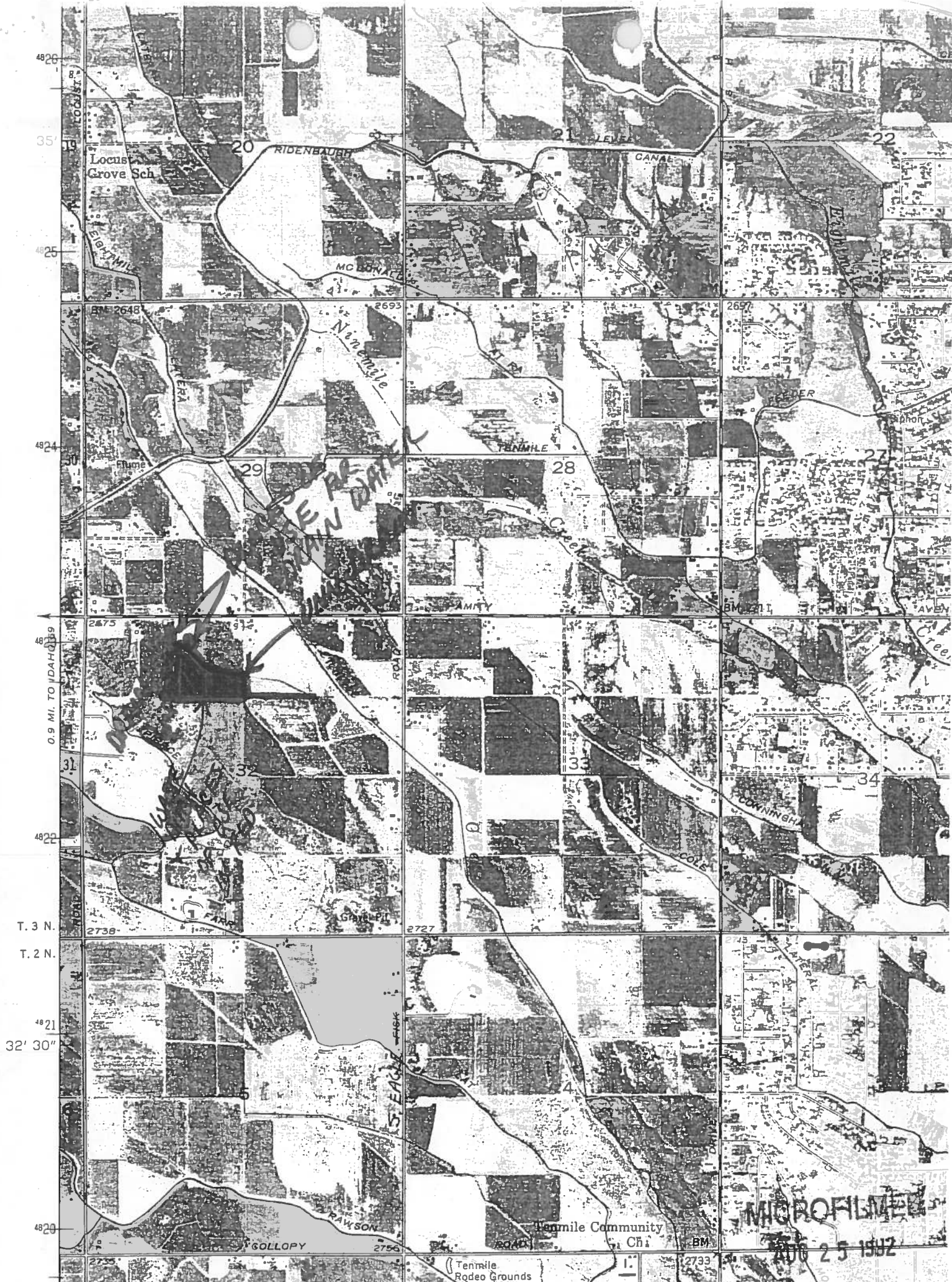
Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of June 19 89 Jan Thurtell
Notary Public

Seal

Residing at Meridian ID
My Commission Expires 9-14-94



ReceiptID	Amount	BasinNumber	SequenceNum	SplitSuffix	Type
W003137	63.00	63	15603		Claim
W003137	25.00	63	15606		Claim

RECEIVED
MAY 09 2008
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY - 7 2008	
By _____	Clerk
_____	Deputy Clerk

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	)	SUBCASE NO. 63-15603
	)	
Case No. 39576	)	ORDER OF AMENDED PARTIAL DECREE
	)	TO CORRECT CLERICAL ERROR;
	)	I.R.C.P. 60(a)
	)	

On March 20, 2008, a *Partial Decree* was issued for the above-captioned water right. On May 7, 2008, this Court received correspondence from the Idaho Department of Water Resources describing a clerical error in the Point of Diversion element of this *Partial Decree*.

On November 30, 2007, an *Amended Director's Report* was filed recommending both Points of Diversion to be T03N R01E S32 NENW. No objections were filed to the Points of Diversion recommended in the *Amended Director's Report*. On January 7, 2008, a *Special Master's Report and Recommendation* was filed, including an incorrect recommendation of one of the Points of Diversion as T03N R01E S32 NWNW. The Court finds this to be the result of a clerical error.

Therefore, IT IS ORDERED pursuant to I.R.C.P. 60(a) that the above-captioned water right be amended as set forth in the attached *Amended Partial Decree*. The previously issued *Partial Decree* is superseded thereby.

DATED May 7, 2008.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-15603
)

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAY - 7 2008
By _____ Clerk

NAME AND ADDRESS: HELEN L HUFFMAN
JOHN HUFFMAN
2045 E AMITY RD
MERIDIAN, ID 83642

SOURCE: TENNILE CREEK TRIBUTARY: FIFTEENMILE CREEK
WASTEWATER TRIBUTARY: PIERCE LATERAL

A SOURCE OF THIS WATER RIGHT IS WASTE WATER. THE WASTING OF
WATER MAY BE DISCONTINUED AT ANY TIME.

QUANTITY: 0.34 CFS

PRIORITY DATE: 03/01/1885

POINT OF DIVERSION: T03N R01E S32 NENW Within Ada County
NENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.34 CFS

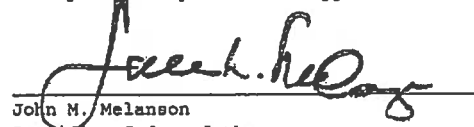
PLACE OF USE: Irrigation Within Ada County
T03N R01E S32 NENW 17.0
17.0 Acres Total

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

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE TO CORRECT CLERICAL ERROR; I.R.C.P. 60(A) was mailed on May 07, 2008, with sufficient first-class postage to the following:

NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

NEW YORK IRRIGATION DISTRICT

Represented by:
KENDAL A. MC DEVITT
405 S 8TH ST, STE 202
BOISE, ID 83702
Phone: 208-246-8650

USDI BUREAU OF RECLAMATION

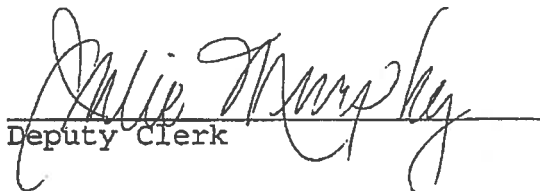
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

HELEN L HUFFMAN

JOHN & HELEN HUFFMAN
JOHN HUFFMAN
2045 E AMITY RD
MERIDIAN, ID 83642
Phone: 208-888-0099





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 6, 2008

DIANA DELANEY
CLERK OF THE DISTRICT COURT
PO BOX 2707
TWIN FALLS ID 83303-2707

COPY RECEIVED
MAY 07 2008
WATER RESOURCES
WESTERN REGION

Re: Snake River Basin Adjudication (SRBA)
Recommended Water Right No. 63-15603

Dear Diana,

A probable error was discovered recently on the partial decree for 63-15603. The Court record seems to indicate no exception was filed or made to the Amended Director's Report filed 11/3/07. The subsequent records did follow likewise. One of the Points of Diversion has T03N R01E S32 NWNW rather than T03N R01E S32 NENW shown in the Amended Director's Report. Both Points in the Amended Director's Report were T03N R001E S32 NENW.

I have enclosed a recommendation the Court may use to consider issuing an amended partial decree, after notice and hearing of course.

IDWR stands ready to respond to any questions the Court may have. I extend my thanks for considering this request.

Sincerely,

Donald V. Shaff, MPA
Adjudication Bureau Chief

DVS:ss:region

Enclosure

C: G. Baxter
Nick Spencer
A. Courtney
R. Williams
Western Region Office
Claimants John and Helen L. Huffman

04/30/2008

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

RIGHT NUMBER: 63-15603

NAME AND ADDRESS: HELEN L HUFFMAN
2045 E AMITY RD
MERIDIAN ID 83642

JOHN HUFFMAN
2045 E AMITY RD
MERIDIAN ID 83642

SOURCE: TENMILE CREEK
WASTEWATER

TRIBUTARY: FIFTEENMILE CREEK
TRIBUTARY: PIERCE LATERAL

QUANTITY: 0.340 CFS

PRIORITY DATE: 03/01/1885

POINT OF
DIVERSION:

T03N R01E S32 NENW Within ADA County
T03N R01E S32 NENW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.340 CFS

PLACE OF USE: IRRIGATION in ADA County

T03N R01E S32 NENW 17.00

17 ACRES TOTAL

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

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

A source of this water right is waste water. the wasting of water may be discontinued at any time.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

AMENDED DIRECTOR'S REPORT

Subcase No. 63-15603

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
David R. Tuthill, Jr., Director
Donald V. Shaff, Adjudication Bureau Chief

November 29, 2007

DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the *Order Setting Deadlines* issued by Special Master Booth on November 1, 2007, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase (see attached print-out).


DONALD V. SHAFF
Adjudication Bureau Chief

11/26/2007

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

RIGHT NUMBER: 63-15603
NAME AND ADDRESS: HELEN L HUFFMAN
2045 E AMITY RD
MERIDIAN ID 83642
JOHN HUFFMAN
2045 E AMITY RD
MERIDIAN ID 83642

SOURCE: TENMILE CREEK
WASTEWATER
TRIBUTARY: FIFTEENMILE CREEK
TRIBUTARY: PIERCE LATERAL

A SOURCE OF THIS WATER RIGHT IS WASTE WATER. THE WASTING OF WATER MAY BE DISCONTINUED AT ANY TIME.

QUANTITY: 0.340 CFS
PRIORITY DATE: 03/01/1885

POINT OF
DIVERSION: T03N R01E S32 NENW Within ADA County
T03N R01E S32 NENW 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	0.340 CFS
PLACE OF USE:	<u>IRRIGATION in ADA County</u>		
	T03N R01E S32	NENW 17.00	

17 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF SERVICE

I certify that on November 30, 2007, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☒ Facsimile

2. Copies to:

NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701

NEW YORK IRRIGATION DISTRICT

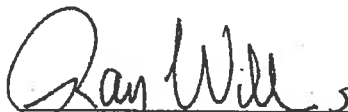
Represented by:
KENDAL A. MC DEVITT
405 S 8TH ST, STE 202
BOISE, ID 83702

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

HELEN L HUFFMAN
JOHN & HELEN HUFFMAN
JOHN HUFFMAN
2045 E AMITY RD
MERIDIAN, ID 83642



Signature of person delivering form

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 NOV 1 PM 12 59

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

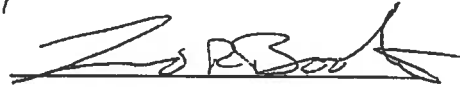
In Re SRBA	)	Subcase 63-15603
	)	
Case No. 39576	)	ORDER SETTING DEADLINES
	)	
_____	)	

A status conference was held in the above-captioned subcase on October 30, 2007. Pursuant to the comments of the participants at the hearing, the following deadlines are hereby ordered:

November 15, 2007	Deadline for claimants to file an amended notice of claim with IDWR. This shall also be the deadline for the claimants to provide IDWR with any documents or other evidence to support their claim.
November 30, 2007	Deadline for IDWR to file an amended director's report with the SRBA Court.
December 28, 2007	Objection Deadline. All objections to the amended director's report shall be filed by this deadline. Parties who have previously filed objections are required to file new objections in the event they disagree with the amended director's report.
January 11, 2008	Response Deadline Responses to objections must be filed by this deadline.
January 22, 2008, 10:00 AM	Scheduling Conference. A scheduling conference will be held at the Snake River Basin Adjudication Courthouse, 253 3 rd Avenue North, Twin Falls, Idaho. Parties may

participate by telephone by dialing 225-383-1099 and
when prompted entering the code 675342.

Dated November 1, 2007

A handwritten signature in dark ink, appearing to read 'T. R. Booth', written over a horizontal line.

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING DEADLINES was mailed on November 01, 2007, with sufficient first-class postage to the following:

NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

NEW YORK IRRIGATION DISTRICT

Represented by:
KENDAL A. MC DEVITT
405 S 8TH ST, STE 202
BOISE, ID 83702
Phone: 208-246-8650

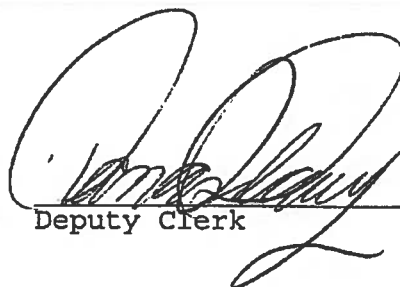
USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

HELEN L HUFFMAN
JOHN & HELEN HUFFMAN
JOHN HUFFMAN
2045 E AMITY RD
MERIDIAN, ID 83642
Phone: 208-888-0099



Fax:
November 15, 2007

From:
John & Helen Huffman
2045 E. Amity Road
Meridian, Idaho 83642
Subcase 63-15603
Phone (208) 888-0099
Fax: (208) 888-7372

To:

Vicki Music
IDWR
(208) 334-2348

Pages including cover page (2)

Dear Vicki Music,

Please find page two showing Alta Hochstetler's statement regarding our priority date for water rights.

I was able to visit with Alta Hochstetler today, she is 101 years old! She is quite spry, alert and has very good memory. We visited about the property that she sold us in 1974 and about her history and what she was told when she and her husband bought the same property.

Her two daughters were also present; Betty Good and Elvira Hochstetler and they were witnesses to her statements as well as her signature.

I called your office earlier today as I wasn't able to visit with Alta until the evening. I left the information Alta had conveyed over the phone with, I believe, Travis.

Please enter our date of priority to 1885 which also coincides with the coins that we found in the old porch (shed) wall area.

Please call me if you have a question, or if we need to fax a different form.

Sincerely,

Helen Huffman for John and Helen Huffman

I, Alta Hochstetler along with my husband purchased the property and home located at 2045 E. Amity Road in the 1950's. We raised crops, pastured cows and farmed with irrigation water until we sold the property to Helen & Roger Adams in 1974.

When I sold the property to the Adams, I showed them how the irrigation worked from a ditch that came from the East through the property and by the house that was used for the pasture, garden and fruit trees. The Southern acres were irrigated from the ditch that came along the back of the property and ran nearly constantly from water that came from the Ten Mile Creek and also some waste water from Fulchers, Grimmer, Warrick, etc.

I told the Adams the information that I was told and was privy to that the land had been irrigated before the Stevens and during their time since 1894 and thought to be since 1885.

I was told that the Stevens had irrigated with water that came from Blacks Creek through Ten mile creek since 1894. There was a small building and root cellar that was used by the first people to farm the land prior to the present house being built. I know that the water coming through the ditch from the East from Ten Mile Creek was not just waste water, even though we also got waste from the natural run off from the South ridge.

I helped my husband irrigate, so I was familiar with the way the water was used and took care of a lot of irrigation after my husband passed away.

It is my firm belief that the information I gave Roger and Helen Adams in 1974 was correct and that that property had been irrigated and farmed since 1885.

Signed

Alta Hochstetler Date: 11-15-07
Alta Hochstetler

Witnesses to this signature placed above, that we know the person to be Alta Hochstetler and have witnessed her signing this letter.

Betty Good Betty Good Date: 11-15-07

Elvira Hochstetler Elvira Hochstetler Date: 11-15-07

To Whom It May Concern

In 1973 we were looking for a home in the Treasuro Valley to be closer to St Lukes where my husband Roger Adams was taking cancer treatments. After failing to find a newer home for a family with five children, and with some acreage for our horse breeding, training program close to Boise, we looked at the home located at 2045 East Amity Road, Meridian, Idaho.

Alta Hochstetter was very gracious and showed us the farm land, walked the perimeter, and showed us the older home located on the property. Alta informed us that the house was over 100 years old and that it had the old floating floor construction with some hand hewn beams, (which we later confirmed during remodeling)

Alta explained the irrigations system and showed us the ditch that came across the property from the East running West that came from Ten Mile Creek and irrigated the Northern part of the property including the pasture, hay ground, fruit trees and the vegetable garden.

Alta explained how this water right was the best in the area because it had been used since the beginning of homesteading and water from Ten mile and source from Black Creek Reservoir and water collected as it came to us to create a steady ditch source. In remodeling beginning with an old back, what we thought was a porch, we found coins in an antique fruit jar dating back to 1800's, old newspapers stuffed in the wall for insulation and what appeared to be a one ancient wire source for electricity that had been added with one antique insulator and socket that appeared to be the only electric source at that early date for the home. There was also an old antique root cellar that was obviously over 75 years old.

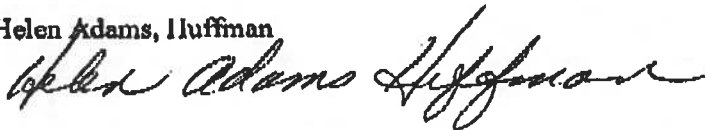
In the East yard, Alta showed us an old Tamarisk tree that she said was over 75 years old and was at the property when they purchased it. It still exists on the property today, however, it is so old that it will need to be removed due to splitting. These are very slow growing trees and this one is obviously quite old.

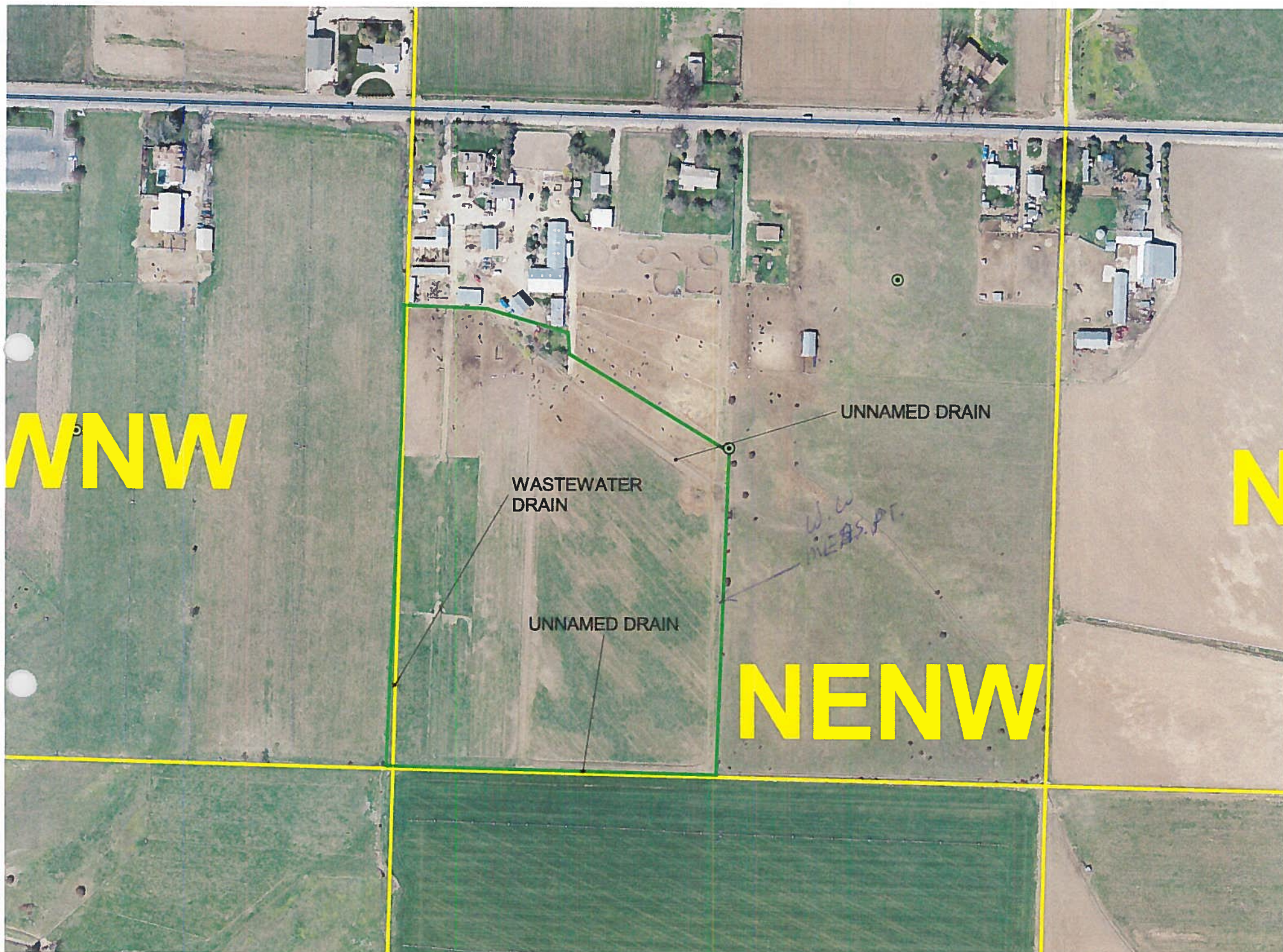
It is our understanding that irrigation from the unnamed ditch coming off Ten Mile Creek source has been used since the 1800's and was also used by the Moody's, Warrick's, Hochstetter's, the prior owners of 2045 East Amity, and by us when we purchased this home in 1974.

It is our request that you recognize that date as our priority date for irrigation for 2045 East Amity, Meridian, Idaho.

Attested to on this 1st day of October, 2007 by the signature placed below.

Helen Adams, Huffman





63-15603 - 2003 AERIAL. HUFFMANS OWN THE 20 ACRES [3 PARCELS] IN THE W/2NENW. THE 13 ACRES PROPOSED FOR MORMON

11/26/2007

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

RIGHT NUMBER: 63-15603
NAME AND ADDRESS: HELEN L HUFFMAN
2045 E AMITY RD
MERIDIAN ID 83642

JOHN HUFFMAN
2045 E AMITY RD
MERIDIAN ID 83642

SOURCE: TENMILE CREEK
WASTEWATER
TRIBUTARY: FIFTEENMILE CREEK
TRIBUTARY: PIERCE LATERAL

A SOURCE OF THIS WATER RIGHT IS WASTE WATER. THE WASTING OF WATER MAY BE DISCONTINUED AT ANY TIME.

QUANTITY: 0.340 CFS
PRIORITY DATE: 03/01/1885

POINT OF
DIVERSION: T03N R01E S32 NENW Within ADA County
T03N R01E S32 NENW 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	0.340 CFS
PLACE OF USE:	<u>IRRIGATION in ADA County</u>		
	T03N R01E S32	NENW 17.00	
	17 ACRES TOTAL		

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



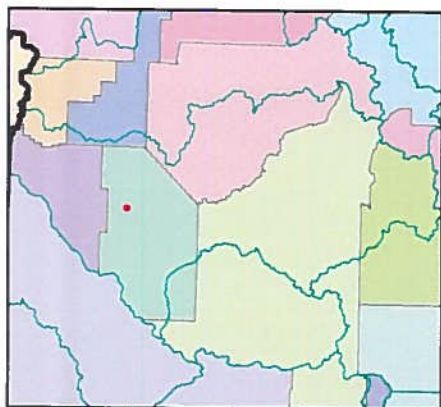
SRBA Recommendation

63-15603

(IRRIGATION)

Legend

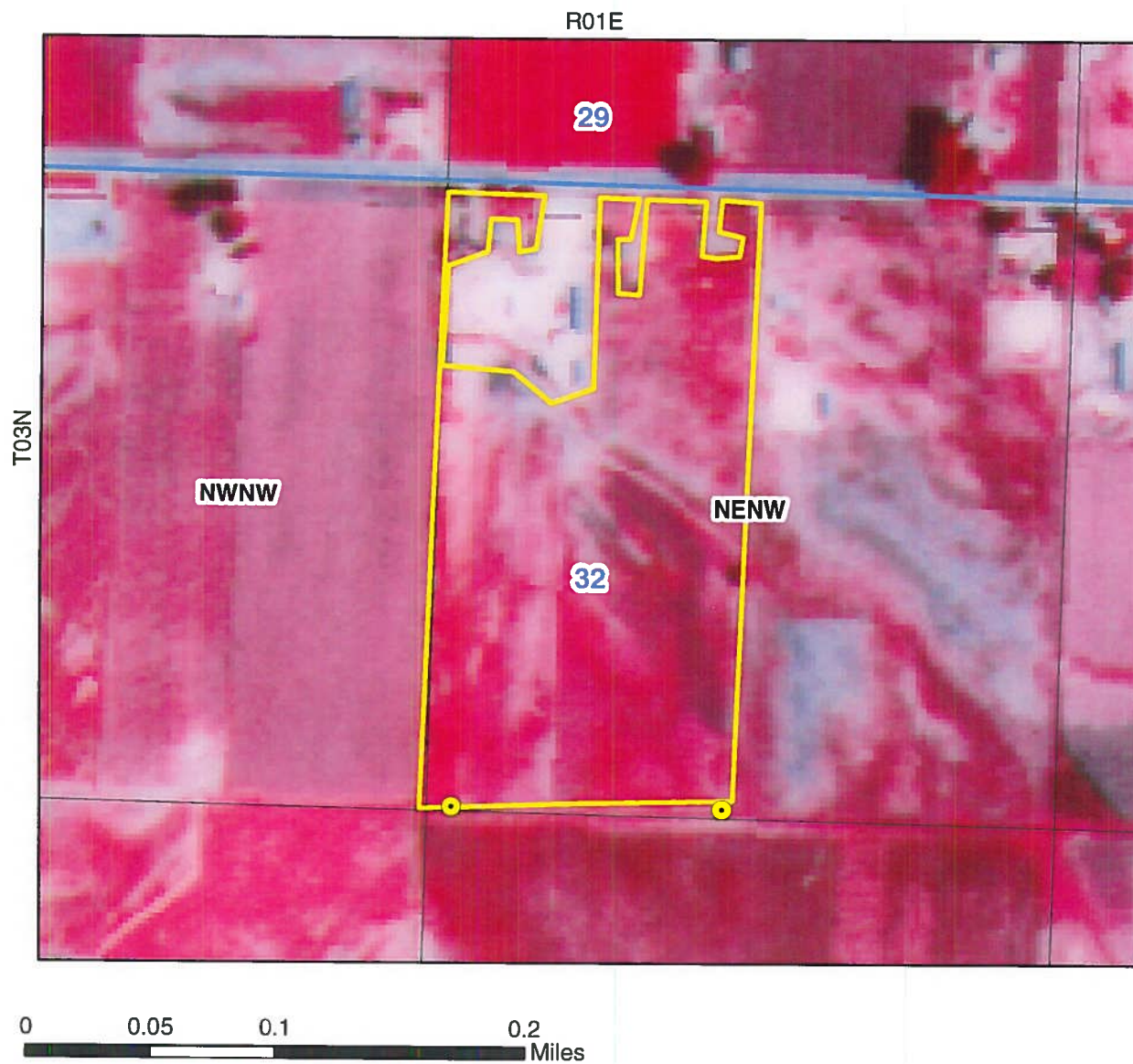
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



**Ada County
IDWR Basin 63**

Prepared by Vicky Music
On Thursday, May 01, 2008
1987/88 Aerial Photography

Idaho Department of Water Resources



RECEIVED

SEP 17 2007

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

DEPARTMENT OF
WATER RESOURCES

In Re SRBA) A. Subcase 63-15603
(Insert water right number)
Case No. 39576)
STANDARD FORM 2
RESPONSE TO OBJECTION

NAME AND ADDRESS OF PERSON OBJECTING

Name: New York Irrigation District
Address: 6616 Overland Road
Boise, ID 83709
Daytime Phone: 208-378-1023

Name & Address of Attorney, if any:

Chas F. McDevitt
McDevitt & Miller LLP
420 W. Bannock
P.O. Box 2564-83701
Boise, ID 83702

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

Name: John and Helen Huffman
2045 E. Amity Road
Meridian, ID 83642

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

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

8. ☐ Period of Year

9. ☐ Place of Use

11. Recommendation

☐ This water right should not exist.

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

☒ This water right, if recommended should contain the remarks:

"The source of this right is waste water. The wasting of water may be discontinued at any time."

VERIFICATION

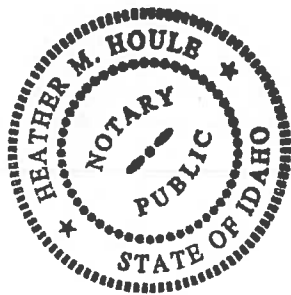
State of Idaho)
)ss.
County of Ada)

Chas F. McDevitt, duly sworn, upon oath, deposes and says:

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.

Chas F. McDevitt
Chas F. McDevitt
McDEVITT & MILLER LLP

Subscribed and sworn to before me on: 9.14.07



Notary Public for Heather Houle
Residing at: Boise, ID
My Commission Expires: 6/20/2012

CERTIFICATE OF MAILING

I certify that on September 14th, 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: John and Helen Huffman
2045 E. Amity Road
Meridian, ID 83642

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


McDEVITT & MILLER LLP

RECEIVED
AUG 30 2011
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)

A.

Subcase 63-15603
(Insert water right number)

Case No. 39576)
_____)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: John & Helen Huffman

Address: 2045 E. Amity Rd.

Meridian, ID 83642

Daytime Phone: 888-0099

Name & Address of Attorney, if any:

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

Name: John & Helen Huffman

Address: 2045 E. Amity Rd.

Meridian, ID 83642

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

1. ☒ **Name and Address** John & Helen Huffman
Should be: 2045 E. Amity Rd., Meridian, ID
2. ☒ **Source** unnamed drain trib to Boise River
Should be: wastewater
3. ☒ **Quantity**
Should be: 0.260 C.F.S.
4. ☒ **Priority Date**
Should be: May 01, 1905
5. ☒ **Point of Diversion** Township 03N Range 01E Section 32
Should be: 1/4 of 1/4 NE of 1/4 NW lot ADA county
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: irrigation
8. ☒ **Period of Year**
Should be: 03/15 to 11/15
9. ☒ **Place of Use**
Should be: 2045 E. Amity, Meridian, ID 83642
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. - see original Notice of Claim to A Water Right... " 6/7/1989

E. **REASONS SUPPORTING OBJECTIONS(S):** Additional supporting documents attached: Warrick letter, Moody affidavit, deeds, etc.

Other supporting documents are still in preparation to be submitted at a later date.

F.

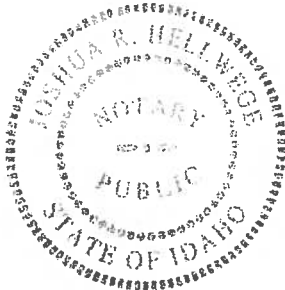
VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Ada)

[Signature] [Signature], duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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



[Signature] [Signature]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 29 August, 2007

[Signature]
Notary Public for Boise, ID
Residing at: Boise, ID
My Commission Expires: 1-12-2012

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 29th of August, 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:

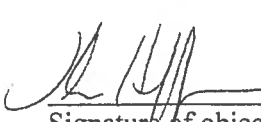
Name: _____
Address: _____

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

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: A63-15603

Date Received: 6/07/1989

Receipt No: 6003137 (A63)

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

208-888-0099 AUG 30 2007

DEPARTMENT OF
WATER RESOURCES

208-888-0099

1. Name: JOHN HUFFMAN
Address: 2045 E. AMITY RD.
MERIDIAN, ID

83642

OR

Name: HELEN L. HUFFMAN
Address: 2045 E. AMITY RD.
MERIDIAN, ID

83642

2. Date of Priority: MAY 01, 1905

3. Source: UNNAMED DRAIN
WASTEWATER

Trib. to: BOISE RIVER
BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01E	32	NE		NW		ADA

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.260		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A63-15603

Page

1

Date: 06/07/89

MICROFILMED

AUG 25 1992

To Whom It May Concern:

I am writing on this first day of December, 2006 my recollections of the water usage from Blacks Creed Reservoir and Ten Mile Creek and particularly for the property located at 2125 and 2045 East Amity Road, Meridian, Idaho, presently owned by John & Helen Huffman.

To set the history the oldest pioneers in the area are Earl Hill, Gayle Fulcher, and I, Paul Warrick.

My mother, Cora Dick Warrick was a sister to Catherine Dick Fulcher and Lena Dick Moody, who married Robert Moody 1920 in Boise. Robert & Lena Moody owned the property farmed now by John & Helen Huffman. Lena's father, Wilmer Dick owned property East of what is now the gravel pit on Amity Rd East of Meridian Road.

Moody's lived at 2045 E. Amity prior to Dec, 1921 when the twins were born, Norman & Noreen Moody. In the 1920's when I, Paul Warrick, was growing up, my Uncle Robert Moody farmed the 2045, 2125 East Amity property and the adjacent land East (Seewald's now called Frisch's) until it was divided into two parcels and sold after his death many years later.

Most of the time there was a larger head of water coming in from George Atkinson farm above 2045 and 2125 and Frisch's which he used for farming.

The George Atkinson farm was farmed for many years by another Uncle of mine, Ben Fulcher. ^{P.W. 7-23-07}
~~THE FORMER GRIMMET PLACE AND PROPERTY~~

The properties discussed here were getting water out of Ten Mile Creek just before it dropped into the start of Ten Mile Drain Ditch on the Angus Hill farm in addition to their regular Project water they had a lot to irrigate with and they made the most of it.

The creek on the old map traveled right through the properties Fulcher's, mine, Seewald's, (now Frisch) through what was later Brent Patrick's, (now also Huffman's 2125 E. Amity property) and on to Moody's, (now Huffman's 2045 E. Amity property) and on West past Huffman's then West past what is now Brown's property. ^{P.W. 7-23-07}

After Mr. McKay bought ^{THE ORIGINAL} Grimmet's place South of me, Fulcher's, Huffman's, 2045 E. Amity, there seemed to be even more water received that 2045, 2125, Frisch's and Warrick's to the East, had to contend with and control. Most of the time there was more water than we could use and the ditches could handle and we were forced to control it.

In fact the Board of Control had to finally put in an overflow drain from the Beasley lateral through Gayle Fulcher's field, West off of South Eagle Rd, Page one Warrick letter

^{P.W. 9-12-07} THERE WAS ENOUGH WATER COMING FROM THE TEN MILE CREEK TO FLOOD MY ^{S.W.} CORNER AND GO STRAIGHT THRU THE FRISCH PLACE AND THRU THE HUFFMAN'S (ALL FORMERLY THE MOODY PLACE) AND WATERED MOST OF WHAT IS NOW THE HUFFMAN PLACE, PASTURES, LAWNS AND GARDENS, THEN ON TO HOFFMANN'S.

Page two Warrick letter

to the Ten Mile Drain to handle the waste water from the McKay land that was next to Eagle Rd to keep from flooding our properties, mine on the ground at the end of the Beasley, had been flooded many times before. However, at that time the water coming into 2045 East Amity from McKay's farm was not diverted as there was no other place for it to go except down the ditch going west.

I think that that water should be available in the same fashion that it was delivered through "Seewalds", now Frisch, to 2125 E. Amity Rd.

I would think that over 70 years that I know of using that water and having it to take care of including the extra so it didn't damage any one should have created a right by beneficial use not only for the water expected to run in the East West ditch but also the drainage North from farms above 2045 and 2125 East Amity.

Written first by hand and herein typed and attested to again by the signature and date written below.

Signed Paul Warrick

Date: 7-23-07

Paul Warrick

2045 E. Amity Rd
Meridian, Idaho

IN WITNESS WHEREOF, The said party of the first part has hereunto set their hand and seal the day and year first above written

Signed, sealed and delivered in the presence of:

STATE OF IDAHO,

Count of Ada

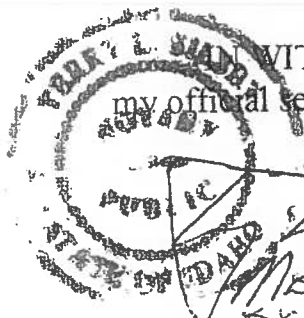
One this 23RD day of

JULY

In the year 2007, before me VERRY L. SIMSBY, a Notary Public in and for said county, personally appeared Paul Warrick,

Known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date and year in this certificate first above written.



2 Simsbey
Meridian ID
EXPIRES 1-22-08

I, Norman Moody, son of Robert Moody was born and raised at 2045 East Amity Rd, Meridian, Idaho.

I know that my Grandfather, Charles Moody, owned this property located on the South side of Amity Road, between South Locust Grove Road and Eagle Road, Meridian Idaho, and also the land adjacent on the East side, 2125 E. Amity, Meridian, Idaho, since approximately 1908, now owned by John and Helen Huffman.

My Grandfather, Charles Moody irrigated this land, farmed and grew hay. His son Robert helped, and I, his grandson Norman, also helped farm and harvest hay. It was my understanding and belief that my grandfather bought this land that had been previously irrigated from the same 10 mile source and farmed in the same manner my Grandfather used after his purchase.

I know that it was farmed and irrigated with water from 10 Mile Creek through a ditch that ran from approximately the East side of Finnley Fulcher's land, (now McKay's) North through Fulchers' and through the Moody Family Property. I personally have helped farm, raise and harvest hay and irrigate with that water. This water from 10 mile creek flowed through (Moody's, later Seewald's) what is now the Frisch and Huffman property, dividing it as it traveled through. The land was higher along the creek, and the ground was watered both north and south from it as it traveled west, Northwest.

It ran through that ditch across the back of the home I was raised in, watering the fruit trees and garden. That ditch ended to the best of my knowledge at Joe Huwyler's, ^{Main} ~~the~~ ³⁻²³⁻⁰⁷

It is obvious, looking at a map, that when my Grandfather Charles Moody was farming these properties beginning at least in 1908, that the 10 Mile Creek was a main source of irrigation water for land North of the South property line lateral ditch, all the way running West through the property of Charles Moody, 2125 and the top North half of 2045 East Amity, now owned by John and Helen Huffman.

To my recollection, the ditch that ran through these properties, ended at Joe Huwyler's place just west of the old Moody home place. ^{AT ONE TIME, IT WENT ALL THE WAY TO LOCUST GROVE} In short it is my belief that water from the Ten Mile source was used on these properties and should be recognized as a primary source of irrigation.

Written first by hand and herein typed and attested to again by the signature and date written below. ^{The lower south fields could get irrigation from the 10 mile source, however it wouldn't go North far enough to irrigate above the waste ditch where the 10 mile water came across to irrigate. That ditch came through Ben Fulcher's on the South side and North to car SA corner to irrigate fields from Southwater Bob Moody and}

Signed

Norman Moody

Date:

7/23/07

236 Holland Dr (236 HOLLAND DR.)
71000, Idaho (Nampa ID)

IN WITNESS WHEREOF, The said party of the first part has hereunto set their hand and seal the day and year first above written

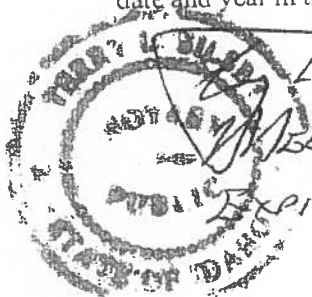
Signed, sealed and delivered in the presence of:

STATE OF IDAHO.

Count of Ada

One this 23RD day of JULY
In the year 2007, before me JERRY L. SISKY, a Notary Public in and for
said county, personally appeared Norman Moody,
Known to me to be the person whose name is subscribed to the within instrument, and
acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date and year in this certificate first above written.



JERRY L. SISKY
IDAHO COUNTY OF ADA

Instrument Numbered 7710

This Indenture, Made this 22nd day of June in the year of our Lord one thousand nine hundred and five between

William H. Stevens and Emma M. Stevens, husband and wife
of Boise County of Ada State of Idaho
the parties of the first part and William M. Lirvillia, a widower

of Boise County of Ada State of Idaho
the part y of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of thirty six hundred (\$3600) DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever, all the following described real estate, situated in Ada County State of Idaho, to-wit:

The North half (N 1/2) of Northwest quarter (NW 1/4) and Southwest quarter (SW 1/4) of Northwest quarter (NW 1/4) of section thirty two (32) Township three (3) North, Range one (1) East Boise Meridian, containing 120 acres more or less. Together with any and all water rights and rights in ditches and laterals thereunto belonging or in anywise appertaining.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part:

TO HAVE AND TO HOLD all and singular, the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part his heirs and assigns, against the said parties of the first part and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

1605

OK

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

W.J. Abbs

William D. Stevens (SEAL)

Emma M. Stevens (SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,

County of Ada

ss.

On this 22nd day of June in the year 1905.

before me W.J. Abbs

Notary Public

in and for said

County, personally appeared William D. Stevens

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same, and on this 22nd day of June in the year 1905 before me, the officer above described, personally appeared Emma M. Stevens

known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

W.J. Abbs

(Seal)

Notary Public

STATE OF IDAHO,

County of Ada, ss.

I hereby certify that this Deed was filed for record at the request of

Madrew & Abbs

at 4.02 o'clock P M, this 22 day

of June A. D. 1905. Fees \$1.20

By Deputy,

W. L. Buddy
Recorder

Instrument Numbered 21723

This Indenture, Made this 20th day of November in the year of our Lord one thousand, nine hundred and eight between

William H. Idnville, a widower
of Meridian County of Ada State of Idaho
the party of the first part, and Charles E. Moody

of Meridian County of Ada State of Idaho
the party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Thirty four hundred (\$3400) DOLLARS, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, he has granted, bargained and sold, and by these presents do sell, grant, bargain, sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever, all the following described real estate, situated in Ada County, State of Idaho, to-wit:

The Northeast quarter (NE $\frac{1}{4}$) of Northwest quarter (NW $\frac{1}{4}$) of Section thirty two (32) Township three (3) North, Range one (1) East Boise Meridian, together with any and all water rights and rights in laterals and ditches thereunto belonging or used in connection therewith, consisting principally of that certain water right represented by twenty five shares of the Capital Stock of the New York Canal Company, Limited and twenty five shares of the Capital Stock of the Idaho Towa Lateral & Reservoir Company, Ltd.

together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the revenues and reversions, remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said party of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part V. of the first part ha. B. hereunto set his hand.....and seal.....the day and year first above written.

Signed, Sealed and Delivered in the Presence of

William M. Linville



W. J. Abba



STATE OF IDAHO,

County of Ada

ss.

On this 20th day of November in

the year 1908, before me W. J. Abba, a Notary Public

in and for said County, personally appeared William M. Linville

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same; and on this day of in the year 1908, before me, the officer above described, personally appeared

known to me to be the person whose name is subscribed to the within instrument, described as a married woman, and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

W. J. Abba

(Seal)

Notary Public

STATE OF IDAHO,

County of Ada, ss.

I hereby certify that this Deed was filed for record at the request

of R. H. T. & T. Co. at 4:34 o'clock P. M., this 21

day of Nov. A. D. 1908 Fees \$1.20

By M. L. Ruddy Recorder.

Deputy.

JAN - 5 1909 O. K.

Instrument Numbered 102776

160/254

This Indenture, Made this Twenty-third day of November in the year of our Lord one thousand nine hundred and Twenty-two , between Charles E. Moody and Laura A. Moody, husband and wife, of Nampa County of Canyon State of Idaho the parties of the first part, and Robert C. Moody of Meridian County of Ada State of Idaho the part y of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Fifteen Hundred - - - - - (\$1500.00) DOLLARS, lawful money of the United States of America, to them in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, ha ve granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said part y of the second part and to his heirs and assigns forever, all the following described real estate, situated in _____ County of Ada , State of Idaho, to-wit:

The west half of the west half of the northeast quarter of the northwest quarter ($W\frac{1}{2}$ of $W\frac{1}{2}$ of $NE\frac{1}{4}$ of $NW\frac{1}{4}$) of section thirty-two (32) township three (3) north range one (1) east of Boise Meridian. Area ten acres.

Together with all irrigation ditches or laterals or water rights therein appertaining or in any wise belonging thereto-including six and one fourths shares of the Capital Stock of The New York Canal Company, Limited,

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part y of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part ha ve hereunto set their hands and seal s
the day and year first above written.

Signed, sealed and delivered in the presence of:

W. Scott Neal

Charles E. Moody

[Seal]

Laura A. Moody

[Seal]

[Seal]

[Seal]

\$1.50 U.S.I.B. stamps cancelled

W.S.N. Nov.23,1922

STATE OF IDAHO, }
COUNTY OF Ada } ss.

On this Twenty-third day of November
in the year 1922, before me W. Scott Neal, a Notary Public in and for
said State, personally appeared
Charles E. Moody and Laura A. Moody, husband and wife,
known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that
they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above
written.

(Seal)

W. Scott Neal, Notary Public
Residing at Boise, Idaho

STATE OF IDAHO, }
COUNTY OF ADA, } ss.

of Robert C. Moody
day of November

, A. D. 1922 . Fees, \$1.20

I hereby certify that this deed was filed for record at the request

at 3:16 o'clock P.M., this 23rd

By... Deputy.

Stephen Mitter
Recorder.

150/171

Sidney Pitman et al

to

Instrument Number 98004.

Charles E. Moody

Dated Feb. 7th, 1922.

QUITCLAIM DEED.

THIS INDENTURE, Made this 7th day of February, in the year of our Lord one thousand nine hundred and twenty two between Sidney Pitman a widower, and Robert Pitman a single man, of Meridian County of Ada State of Idaho the parties of the first part, and Charles E. Moody of Meridian County of Ada State of Idaho, the party of the second part,

1922

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Five hundred and no/100 DOLLARS lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to his heirs and assign, all that certain lot, piece, or parcel of land, situate, lying and being in county of Ada, State of Idaho, bounded and particularly described as follows, to wit:

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ of the NW $\frac{1}{4}$) of Section Thirty-Two (32), Township Three North of Range One (1) East of the Boise Meridian, containing 40 acres more or less, together with 25 shares in the New York Canal Company, together with any and all ditch and water rights thereunto belonging or in anywise appertaining.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in

Sidney Pitman (Seal)

the Presence of - - - - -

Robert Pitman (Seal)

State of Idaho

County of Ada.

} ss.

On this 7th day of February, in the year 1922, before me J. A. Fenton, a Notary Public in and for said State, personally appeared Sidney Pitman and Robert Pitman, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

J. A. Fenton,

Notary Public Residing at Meridian, Idaho.

Recorded at request of First National Bank of Meridian, at 14 minutes past 9 o'clock A.M., this 8th day of February, 1922.

Fees \$1.20.

Stephen Utter

Recorder.

STATE OF IDAHO }
County of Ada } ss.

I heroby certify that the foregoing instrument is a true and correct copy of the original on file in this office.

Dated Apr 16, 1954.

(COURT SEAL)

John Jackson
Probate Judge and Ex-Officio Clerk

Recorded at request of Security Abstract and Title Co at 24 minutes past 3 o'clock P. M., this 16 day of April, 1954.

Fees, \$2.00

Wm. G. Brown
Recorder.

Charles E. Moody, et ux
to

Instrument No. 358678

387/284

Robert C. Moody, et ux
Dated: July 15th, 1953

THIS INDENTURE, Made the 15th day of July in the year of our Lord one thousand nine hundred and fifty-three between Charles E. Moody and Laura A. Moody, husband and wife, of the County of __, State of Idaho, the parties of the first part, and Robert C. Moody and Lena L. Moody, husband and wife, of the county of Ada, State of Idaho, the parties of the second part, WITNESSETH:

That the said parties of the first part, for and in consideration of the parental duty which the said parties of the first part has and bears unto the said parties of the second part, and also for the better maintenance, support, protection and livelihood of the said parties of the second part, do by these presents give, grant, alien, and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in __, County of Ada, State of Idaho, to-wit:

The East half (E½) of the West half (W½) of the North east Quarter (NE¼) of the North west Quarter (NW¼) of Section Thirty-two (32) Township Three North (3N) of Range One East (1E) of the Boise Meridian in said Ada County, Idaho, together with any and all water and ditch rights thereto belonging or in any way appertaining thereto.

TOGETHER, With all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and the rents and profits thereof shall be applied to their sole and separate use.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the said parties of the second part, hve heirs and assigns forever, as the separate property of the said second parties and not in anywise community property.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in
Presence of ----

Charles E. Moody (Seal)
Laura A. Moody (Seal)

INSTRUMENT NO. 452480

IN THE PROBATE COURT OF ADA COUNTY, STATE OF IDAHO

* * *

IN THE MATTER OF THE ESTATE OF

ROBERT C. MOODY, also known
as R. C. MOODY,
Deceased.

DEGREE OF SETTLEMENT OF FINAL
ACCOUNT AND FINAL DISTRIBUTION

* * *

LENA L. MOODY, the administratrix of the estate of ROBERT C. MOODY, also known as R. C. MOODY, deceased, having on the 24 day of April, 1959, filed, rendered and presented for settlement her Final Account and Report of her administration of said estate, which account was for final distribution and settlement, and having with said account filed a petition for final distribution of the estate,

And the said account and petition this day coming on regularly to be heard, and proof having been made to the satisfaction of the Court that notice of the day appointed for the settlement of said account and hearing of said petition had been duly given as required by law and the order of the Court, and no exception or objection in writing to said account or petition having been filed or made; that said administratrix appearing by her attorney, Grant L. Ambrose;

And it appearing to the Court, after having fully examined the said account and the vouchers filed herein and heard the testimony in support thereof, that said account is in all respects true and correct; that the sum of \$ None has been expended by the administratrix as necessary charges, debts, claims and expenses of administration; and that said account in all respects is true and correct and entitled to be settled, allowed and approved, and the Court having duly considered all matters aforesaid;

IT IS ORDERED, ADJUDGED AND DECREED that the said final account be and the same is hereby in all respects as the same was rendered and presented for settlement, approved, allowed and settled;

And it further appearing that since the rendition of said final account, no further money or property has been received by said administratrix, and no further disbursements have been made by her, and that there will be no further expenses connected with the closing of said estate, and it appearing that all claims and debts against the decedent, and all state, county and municipal taxes, and all debts, expenses and charges of administration have been fully paid and discharged, all inheritance tax due on said estate has been paid and that said estate is ready for distribution and is in condition to be closed.

And it further appearing to the Court that the said Robert C. Moody died intestate in the County of Ada, State of Idaho, on the 8th day of May, 1958 and that said decedent was a bona fide resident of Ada County, Idaho, at the time of his death, leaving surviving the following heir at law, namely: Lena L. Moody, wife.

That all of the property of said deceased, Robert O. Moody, also known as R. O. Moody, at the time of his death, was the community property of said deceased and Lena L. Moody, his surviving wife.

That the said Lena L. Moody is entitled to all of the said estate as the sole heir at law.

THAT IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the residue of the estate of ROBERT O. MOODY, also known as R. O. MOODY, deceased, hereinafter particularly described and now remaining in the hands of the administratrix as follows, to-wit:

REAL PROPERTY

SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 32, Township 3 North, Range 1 East, Boise Meridian, in Ada County, Idaho.

E $\frac{1}{2}$ of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 32, Township 3 North, Range 1 East, Boise Meridian, in Ada County, Idaho.

W $\frac{1}{2}$ of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 32, Township 3 North, Range 1 East, Boise Meridian, in Ada County, Idaho.

PERSONAL PROPERTY

Checking account, First Security Bank, Boise, Idaho.
1958 two ton Chevrolet truck
1948 Chrysler automobile
6 Head milk cows
3 Head young heifers
1 John Deere tractor
Household furniture and fixtures

and any and all other property not now known or discovered, which may belong to the said estate or to which the said estate may have any interest, be and the same is hereby distributed as follows, to-wit: Lena L. Moody, wife.

DONE IN OPEN COURT This 22nd day of April, 1959.

State of Idaho
County of Ada
I hereby certify that the foregoing
instrument is a true and correct copy
of the original on file in this office.

W. E. SMITH
By W. E. Smith
Deputy Clerk



W. E. Smith
Probate Judge

IN THE COUNTY OF ADA

I, the undersigned, at the request of Deputy L. Ambrose

do hereby certify that the foregoing instrument is a true and correct copy of the original on file in this office.

As Witness my hand and the seal of the County of Ada, Idaho, this 22nd day of April, 1959.

W. E. SMITH
Deputy Clerk

929 East First
Meridian, Idaho.

#472345

3

WARRANTY DEED

PRINTED AND FOR SALE BY SCHWARTZ PRINTING CO. NAME

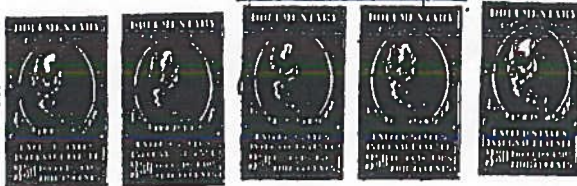
BOOK 405 PAGE 155

THIS INDENTURE, Made this 8th day of January
in the year of our Lord one thousand nine hundred and Sixty, between
LENA L. MOODY, a widow
of Meridian, County of Ada, State of Idaho,
the part y of the first part, and
FRANK HOCHSTETLER AND ALTA HOCHSTETLER, husband and wife
of the County of Ada, State of Idaho,
the part 1es of the second part.

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of
Fifteen Thousand and no/100-----DOLLARS,

lawful money of the United States of America, to her in hand paid by the said
parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained
and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said part 1es
of the second part, and to their heirs and assigns forever, all of the following described real estate,
situated in the County of Ada, State of Idaho, to-wit:

The West half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest
Quarter (NW $\frac{1}{4}$) of Section 32 Twp 3 North Range 1 East Boise Meridian
EXCEPT an irregular shaped plot described by notes and bounds as
follows: Commencing at the Quarter Corner common to Sections 28 and
32 Twp 3 North Range 1 East Boise Meridian; thence South 88°45' West
881.07 feet to real point of beginning; thence South 0°15' East 752.55
feet to a point; thence North 58°16'30" West 388.57 feet to a point;
thence North 0°15' West 529.82 feet to a point; thence North 89°45'
East 330.53 feet to the point of beginning. Excepting all road rights
of way and containing 4.79 acres more or less.
Together with any and all water rights and ditch rights appertaining
thereto.



TOGETHER, With all and singular the tenements, hereditaments and appurtenances, thereunto
belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in
law as in equity, of the said part y of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together
with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever,
and the said part y of the first part, and her heirs, the said premises in the quiet and peaceable
possession of the said parties of the second part, their heirs and assigns, against the said part y
of the first part, and her heirs, and against all and every person and persons whomsoever, lawfully
claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

[illegible]

#494-44

246 355

WARRANTY DEED

BOOK 477 PAGE 255

For Value Received NORMAN C. MOODY and COLLEEN MOODY, husband and wife,

the grantor, do hereby grant, bargain, sell and convey unto

HALSEY KUDESEN and VICIE KUDESEN, husband and wife,
the grantees, the following described premises, in Ada County Idaho, to wit:

Commencing at the quarter corner common to
Sections 29 and 32, T. 3 N., R. 1 E., B.M.,
thence

South 89°45' West 661.07 feet to the real
point of beginning; thence

South 0°15' East 752.55 feet to a point;
thence

North 56°18'30" West 398.57 feet to a point;
thence

North 0°15' West 529.82 feet to a point;
thence

North 89°45' East 330.53 feet to the point
of beginning.

EXCEPTING all road rights of way, and
containing 4.79 acres, more or less.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
heirs and assigns forever. And the said Grantor do hereby covenant to and
with the said Grantee, that he the owner in fee simple of said premises; that they are free
from all incumbrances.

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: March 20, 1961.

Norman C. Moody
Colleen Moody

STATE OF IDAHO, COUNTY OF Ada
On this 20th day of March, 1961,
before me, a notary public in and for said State, personally
appeared NORMAN C. MOODY and COLLEEN
MOODY, husband and wife,

known to me to be the persons whose names are
subscribed in the within instrument, and acknowledged to
me that they executed the same.

How H. Bolivar
Notary Public
Boise, Idaho

Residing at
Comm. Expires

STATE OF IDAHO, COUNTY OF Ada
I hereby certify that this instrument was filed for record at
the request of SECURITY TITLE INSURANCE CO.
at — minutes past 8 o'clock A.M.,
this 31 day of March,
1961, in my office, and duly recorded in Book
of Deeds at page

VERN THOMAS
Ex-Officio Recorder

By *Richard Francis*
Deputy.

Fees \$.90
Mail to *First Federal Savings & Loan
Banc.*

Box 2268

INSTRUMENT NO. 439744

#515551

BOOK 483 PAGE 590 WARRANTY DEED

For Value Received **HALSEY KUDEBEH and VICIE KUDEBEH, husband and wife,**

the grantors, do hereby grant, bargain, sell and convey unto **FRED H. HEDDON**

and **ERMA MARIE HEDDON, husband and wife,**

the grantees, the following described premises, in ADA County Idaho, to wit:

A portion of the E $\frac{1}{4}$ of the W $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 32, T. 3 N., R. 1 E., B.M., in Ada County, State of Idaho, more particularly described as follows:

Commencing at the quarter corner common to Sections 29 and 32, T. 3 N., R. 1 E., B.M.; thence South 89°45' West, 661.07 feet to the real point of beginning; thence South 0°15' East, 752.55 feet to a point; thence North 56°16'30" West, 398.57 feet to a point; thence North 0°15' West, 529.82 feet to a point; thence North 89°45' East, 330.53 feet to the point of beginning;

EXCEPTING all road right-of-way.

Subject to that certain mortgage in favor of FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF BOISE, recorded March 30, 1961 under Instrument No. 499600, records of Ada County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances, except general taxes for the year 1961,

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: July 6, 1961

Halsey Kudabeh
Mrs. Vicie Kudabeh

STATE OF Idaho, COUNTY OF Ada
On this 10th day of July, 1961,
before me, a notary public in and for said State, personally appeared

HALSEY KUDEBEH and VICIE

KUDEBEH, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Residing at
Comm. Expires

STATE OF IDAHO, COUNTY OF Ada.
I hereby certify that this instrument was filed for record at the request of SECURITY TITLE INSURANCE Co.

at 17th minutes past 8 o'clock Pm.,
this 10th day of July,
19 61, in my office, and duly recorded in Book
of Deeds at page

VMIRN THOMAS
Ex-Officio Recorder

By Roy Gilmer Deputy.

Fees \$ 1.20
Mail to:

INSTRUMENT NO.

515551

A-9998

7750478

WARRANTY DEED

345 257

FOR VALUE RECEIVED

ALTA HOCHSTETLER, a widow

the Grantor, does hereby grant, bargain, sell and convey unto

ROGER A. ADAMS and HELEN L. ADAMS, husband and wife

the Grantee s, whose address is

the following described premises, to-wit:

The West half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 32, Township 3 North, Range 1 East, Boise Meridian, EXCEPT an irregular shaped plot described by metes and bounds as follows:

Commencing at the Quarter corner common to Section 29 and 32, T. 3 N., R. 1 E., Boise Meridian; thence South 89°45' West 661.07 feet to the real point of beginning;
 thence South 0°15' East 752.55 feet to a point;
 thence North 56°16'30" West 389.59 feet to a point;
 thence North 0°15' West 529.82 feet to a point;
 thence North 89°45' East 330.53 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantor do es hereby covenant to and with the said Grantee s, that she is the owner in fee simple of said premises; that said premises are free from all encumbrances

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: 10 - 19, 1977.

Alta Hochstetler
487 E. 1st St.
Boise, Idaho

STATE OF IDAHO, COUNTY OF ADA

On this 19 day of October, 1977, before me, a notary public in and for said State, personally appeared

Alta Hochstetler

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

[Signature]
 Notary Public

Residing at *Non Expiring*, Idaho
 Comm. Expires

STATE OF IDAHO, COUNTY OF Ada

I hereby certify that this instrument was filed for record at the request of *Helen L. Adams*

at 29 minutes past 1 o'clock p.m., this 19th day of Oct. 1977, in my office, and duly recorded in Book of Deeds at page

CLARENCE A. PLANTING

Ex-Officio Recorder

By *[Signature]* Deputy.

Fee \$ *1.00*
 Mail to:



PIONEER TITLE COMPANY
 OF ADA COUNTY
 1110 W. Jefferson St.
 Boise, Idaho 83702 • 208 344-6515
 Representing Pioneer National Title Insurance

7848016

FA-44648

(Optional)
Recorded ☐
Microfilmed ☐
Indexed ☐Platted ☐
Deed Card ☐
Compared ☐Key Punched ☐
Master File ☐
Abstracted ☐To Treasurer ☐

(DO NOT WRITE ABOVE THIS LINE)

WARRANTY DEED 402 505

FRED H. HEDDON and ERMA M. HEDDON, Husband and Wife,
of Meridian County of Ada
hereby CONVEYS, GRANTS and WARRANTS TOGRANTOR(S)
State of IdahoBRENT OWEN PATRICK and CHERYL CAY PATRICK, Husband and Wife,
of Meridian County of Ada 1000 Amity RdGRANTEE(S)
State of Idaho

for the sum of TEN (\$10.00)-----Dollars (\$10.00)

the following described tract(s) of land in Ada County, State of Idaho:

A portion of the E1/2 of the W1/2 of the NE1/4 of the
NW1/4 of Section 32, T. 3 N., R. 1 E., B.M., in Ada
County, State of Idaho, more particularly described as
follows:Commencing at the quarter corner common to Sections 29
and 32, T. 3 N., R. 1 E., B.M., thence
South 89°45' West, 661.07 feet to the real point of beginning,
thence
South 0°15' East, 752.55 feet to a point; thence
North 56°16'30" West, 398.57 feet to a point; thence
North 0°15' West, 529.82 feet to a point; thence
North 89°45' East, 830.53 feet to the point of beginning.

EXCEPTING all road right-of-way.

STATE OF IDAHO, COUNTY OF ADA, ss.

FIRST AMERICAN TITLE CO.

Filed for record at the rec. st. of Ada, this 10th day of June 1977

10th day of June 1977

By: Brent Owen Patrick Recorder

Location of above described property

House No.

Street

WITNESS the hand of said Grantors this

10th day of June A.D. 1977

Fred H. HeddonErma M. Heddon

(NOTARY SEAL)

Utah
State of Kieker
County of Davis

ss. On the 10th day of June A.D. 1977

personally appeared before me Fred H. Heddon and Erma M. Heddon,
Husband and wifethe signer(s) of the within instrument, who duly acknowledged to me that they
executed the same.B. D. Samuelsen
(NOTARY PUBLIC)

Residing at: West Bountiful, Utah My Commission expires: February 1, 1977

MAIL DEED TO:

MAIL TAX NOTICE TO:

Name

Address

City & State

Zip

22490-30024

94080133
FIRST AMERICAN TITLE CO.

WARRANTY DEED

RECORDED
J. DAVID NAVARRO
BOISE ID

1777001306

For Value Received

'94 AUG 31 PM 4:55

BRENT OWEN PATRICK AND CHERYL CAY PATRICK, ALSO KNOWN AS CHERYL C. PATRICK, HUSBAND AND WIFE

6.00
RECORDED AT THE REQUEST OF

the grantors, do hereby grant, bargain, sell and convey unto

JOHN W. HUFFMAN and HELEN L. HUFFMAN, husband and wife
the grantees; whose current address is

2125 East Ashty Road - Meridian, ID 83642

the following described premises, to-wit:

AS ATTACHED HERETO ON EXHIBIT "A" AND BY THIS REFERENCE
INCORPORATED HEREIN.

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto the said Grantees, their heirs and assigns
forever. And the said Grantors do hereby covenant to and with the
said Grantees, that they are the owners 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 they will warrant and
defend the same from all claims whatsoever.

Dated:

Brent Owen Patrick
BRENT OWEN PATRICK

Cheryl Cay Patrick
CHERYL CAY PATRICK

STATE OF IDAHO)
COUNTY OF VALLEY) SS

On this 14TH day of JULY, in the year 1994,
before me, a Notary Public in and for said State, personally
appeared Brent Owen Patrick AND Cheryl Cay Patrick known or
identified to me to be the person(s) whose names(s) are subscribed
to the within Instrument, and acknowledged to me that they executed
the same.

Michael E. D.
Notary Public of Idaho
Residing at McCall, ID
Commission Expires: FEB 7TH 1997

1777001307

EXHIBIT "A"

A part of the East half of the West half of the Northeast quarter of the Northwest quarter of Section 32, Township 3 North, Range 1 East, Boise-Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the quarter corner common to Sections 29 and 32, Township 3 North, Range 1 East, Boise-Meridian; thence South $89^{\circ}45'$ West 661.07 feet to the REAL POINT OF BEGINNING; thence

South $0^{\circ}15'$ East 752.55 feet to a point; thence North $56^{\circ}16'30''$ West 398.57 feet to a point; thence North $0^{\circ}15'$ West 529.82 feet to a point; thence North $89^{\circ}45'$ East 330.53 feet to the POINT OF BEGINNING.

778 647 110014

QUITCLAIM DEED 8508335

For Value Received

HELEN L. HUFFMAN, who acquired title as Helen L. Sjaastad,
formerly known as Helen L. Adams, as separate property

do hereby convey, release, remise and forever quitclaim unto HELEN L. HUFFMAN, a married woman,
as her sole and separate property

whose current address is 2045 E. Amity Rd. Meridian, Idaho 83642

the following described premises, to-wit:

SEE EXHIBIT I ATTACHED HERETO AND MADE A PART HEREOF

together with their appurtenances.

Dated: January 16, 1985

Helen L. Huffman
HELEN L. HUFFMAN

STATE OF IDAHO, COUNTY OF

On this 12 day of February, 1985,
before me, a notary public in and for the said State, per-
sonally appeared Helen L. Huffman

known to me to be the person whose name
subscribed to the within instrument, and acknowledged to
me that she executed the same.

Michael E. Worley
Notary Public
Residing at Boise, Idaho
Comm. Expires 19 July 1987

STATE OF IDAHO, COUNTY OF *Blaine*

I hereby certify that this instrument was filed for record at
the request of SAFECO TITLE

at 00 minutes past 12 o'clock P.M.,
this 14 day of Feb. 1985, in my office, and duly recorded in Book
of Deeds at Page

John Bastina

Notary Public

By *John Bastina*

Fees \$ 100
Mail to:

Deputy.

INSTRUMENT NO.



SAFECO

300 NORTH SIXTH STREET
P.O. BOX 2620
BOISE, IDAHO 83701
(208) 343-3667

LINDA VISTA PLAZA OFFICE
6401 FAIRVIEW AVENUE
BOISE, IDAHO 83704
(208) 378-8300

No. 110014

EXHIBIT I

The West half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, EXCEPT, an irregular shaped plot described by mates and bounds as follows:

Commencing at the Quarter corner common to Sections 29 and 32, Township 3 North, Range 1 East, Boise Meridian; thence
South 89°45' West 661.07 feet to the REAL POINT OF BEGINNING;
thence
South 0°15' East 752.55 feet to a point; thence
North 56°16'30" West 389.57 feet to a point;
thence
North 01°15' West 529.82 feet to a point; thence
North 89°45' East 330.53 feet to the POINT OF BEGINNING.



641-4714

13140C0021

QUITCLAIM DEED

For Value Received

Helen L. Huffman, a married woman

do hereby convey, release, remise and forever quit claim unto

John W. Huffman and Helen L. Huffman, husband and wife

the following described premises, to-wit:

The West half of the Northeast 1/4 of the Northwest 1/4 of Section 32, Township 3 North, Range 1 East, Boise Meridian;
EXCEPT an irregular shaped plat described by metes and bounds as follows:

Commencing at the Quarter corner common to Section 29 and 32, T. 3N., R. 1 E., Boise Meridian; thence
South 89°45' West 661.07 feet to the REAL POINT OF BEGINNING; thence
South 0°15' East 752.55 feet to a point; thence
North 56°16'30" West 389.57 feet to a point; thence
North 0°15' West 529.82 feet to a point; thence
North 89°45' East 330.53 feet to the POINT OF BEGINNING.

EXCEPT ditch and road rights-of-way.

9135059

ADA COUNTY, ID. FOR BOISE TITLE & ESCROW
J. DAVID HAVAS
RECORDER BY *[Signature]*

'91 JUN 28 PM 2 22

together with their appurtenances.

Dated:

[Signature]
Helen L. Huffman, a married woman

STATE OF IDAHO, COUNTY OF

On this 21st day of JUNE, 1991,
before me, a notary public in and for said State, personally
appeared

HELEN L. HUFFMAN

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that *[Signature]* executed the same.

[Signature]
Notary Public
Residing at BOISE, Idaho
Comm. Expires 4-95

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____
19____, in my office, and duly recorded in Book
of Deeds at page _____

[Signature]
Ex-Officio Recorder

By

Fees \$
Mail to:

Deputy

INSTRUMENT NO.

22490-30024

94000130
FIRST AMERICAN TITLE CO.
RECORDER
J. DAVID NAVARRO
BOISE ID
1777001306

WARRANTY DEED

For Value Received

'94 AUG 31 PM 4:55

BRENT OWEN PATRICK AND CHERYL CAY PATRICK, ALSO KNOWN AS CHERYL C. PATRICK, HUSBAND AND WIFE

6.00
RECORDED AT THE REQUEST OF

the grantors, do hereby grant, bargain, sell and convey unto

JOHN W. HUFFMAN and HELEN L. HUFFMAN, husband and wife

the grantees, whose current address is

2125 East Amity Road - Meridian, ID 83642

the following described premises, to-wit:

AS ATTACHED HERETO ON EXHIBIT "A" AND BY THIS REFERENCE INCORPORATED HEREIN.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners 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 they will warrant and defend the same from all claims whatsoever.

Dated:

Brent Owen Patrick
BRENT OWEN PATRICK

Cheryl Cay Patrick
CHERYL CAY PATRICK

STATE OF IDAHO)

COUNTY OF VALLEY) ss

On this 14TH day of JULY, in the year 1994, before me, a Notary Public in and for said State, personally appeared Brent Owen Patrick AND Cheryl Cay Patrick known or identified to me to be the person(s) whose names(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.

Notary Public of Idaho
Residing at McCall, ID
Commission Expires: FEB 7TH 1997

EXHIBIT "A"

A part of the East half of the West half of the Northeast quarter of the Northwest quarter of Section 32, Township 3 North, Range 1 East, Boise-Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the quarter corner common to Sections 29 and 32, Township 3 North, Range 1 East, Boise-Meridian; thence South 89°45' West 661.07 feet to the REAL POINT OF BEGINNING; thence

South 0°15' East 752.55 feet to a point; thence

North 56°16'30" West 398.57 feet to a point; thence

North 0°15' West 529.82 feet to a point; thence

North 89°45' East 330.53 feet to the POINT OF BEGINNING.

STATE OF IDAHO)
 (ss.
County of)

_____ being first duly sworn depose and say that he
of lawful age and _____ claimant of the Water Right mentioned in the fore-
going notice and whose name _____ subscribed thereto. That the statements in
said notice are true, and that the original notice, of which the foregoing is
a true copy, was posted in a conspicuous place at or near the place of intended
diversion (as provided by law) on the _____ day of _____ 19____, at _____
minutes past _____ o'clock _____ M.

Subscribed and sworn to before me this _____ day of _____ 190_____

And I further certify that on the date last above given personally
appeared before me the affiant above named, known to me to be the person whose
name is subscribed to the within instrument, and acknowledged to me that he
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year in this certificate first above written.

NOTE: (The above Certificate may, where there are several claimants, be made and
sworn to be one of them)

File No. 191

State of Idaho

Office of State Engineer

This instrument was received by mail and filed in the office of the
State Engineer at _____ minutes past 10 o'clock A.M., this 18th day of May, A.D. 1901
and abstract of same duly entered in Book No. 1 of Water Locations, at Page _____

/s/ D. W. Ross

State Engineer

No....

NOTICE OF WATER RIGHT
OF _____

County, Idaho

Dated _____ I _____

STATE OF IDAHO)
County of _____) ss.

I hereby certify that this instrument was filed for record at request
of _____ at _____ minutes past _____ o'clock _____ M., this _____ day of
_____ A. D. 190____, in my office, and duly recorded in Book _____ of _____
at page _____

Ex-officio Recorder

NOTICE OF WATER RIGHT

STATE OF IDAHO)
 (ss.
County of Ada)

TO ALL CONCERNED

NOTICE IS HEREBY GIVEN:

1st. That I, JAMES H. GRIMMETT, a citizen of the United States of America, hereby claim the use of 10 Ten Mile Creek to the extent of 4 Four cubic feet per second.

It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows: taken out at the Lower end of a place known as Slide Bluff on the West Side of the Creek about one mile West of the Silver City road.
(In above description give legal subdivision of land or describe the place with reference to some prominent landmark.)

2d. The purpose for which said water is intended to be used is Irrigation.

The place of intended use is about 3/4 three fourths of a mile In a Westernly direction from Slide Bluff

3d. It is intended to divert said water by means of ditch and Flume. The general course of the proposed conduit is a Westernly direction. The length of the proposed conduit is about 3/4 three fourths of a mile. The destination of the proposed conduit is discribed in the following.

It is intended to use said waters for irrigating the following described lands: S.E.4.N.W.4.N.E. 4. S.W.4 N.W.4.S.E.4.N.E.4.S.E.4. All In Sec.32, 3 N. R.1.E.

The area of lands proposed to be irrigated by said conduit is 160 acers.

WITNESS My hand at Boise, Ada Co. Idaho this 4 Fourth day of May, 1901

/s/ JAMES H. GRIMMETT)
_____) Claimants
_____)
_____)

STATE OF IDAHO)
(ss.
COUNTY OF ADA)

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, do hereby certify that the annexed and foregoing is a full, true and correct copy of Notice of Water Right No. 191, dated May 4, 1901, as same appears on file in the office of the Department of Reclamation of the State of Idaho, at Boise, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the State Department of Reclamation, at Boise, Idaho, this 2nd day of June, A. D. 1944.

Mark R. Kulp.

State Reclamation Engineer

By *Jeannie L. Anderson*
Chief Clerk

WILLIAM WYMER
CHAIRMAN OF THE BOARD
ALOYS SCHULER
VICE CHAIRMAN OF THE BOARD
FORREST SOWER
PROJECT MANAGER
W. J. FARRELL
SECRETARY-TREASURER

REFERENCES—FIRST SECURITY BANK OF IDAHO, BOISE
BUREAU OF RECLAMATION—BOISE, IDAHO; WASHINGTON, D.C.

OPERATING AGENCY FOR 157,000
ACRES FOR THE FOLLOWING
IRRIGATION DISTRICTS:
Nampa & Meridian District
Boise-Kuna District
Wilder District
New York District
Big Bend District

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

214 BROADWAY

BOX 2298

BOISE, IDAHO

NY-315
NM-1137

May 5, 1949

Sec 4-72 N

Mrs. Julia Reeves,
Meridian, Idaho

Dear Mrs. Reeves:

The following are the terms agreed upon, at the regular meeting of the Board of Control yesterday, for providing water from Ten Mile Drain to the land presently owned by D. Junier McKay.

The diversion point is to be from the above drain at a point about 1000 feet south of the north line of Sec. 9, T. 2N., R. 1E. The water level at this diversion is not to be checked more than two feet above the present bottom of drain ditch. Water from this diversion to a point 50 feet north of the north line of said Section 9 is to be carried in a 15 inch concrete pipe with cemented joints along the west side of the Ten Mile Drain. Top soil is to be piled separately in the excavation for the pipe so that it may be placed in its original position when the pipe is backfilled.

From the lower end of the pipeline, water will be carried through an open ditch constructed along the west edge of the present spoil banks on the west side of the drain to north line of your property.

The Board of Control will assume the maintenance of the above diversion, pipeline and ditch.

Mr. McKay agrees to abandon his present ditch through your property and construct a new one along the north side of his property from the drain ditch west to the northwest corner. Mr. McKay is to be responsible for the operation and maintenance of this property line ditch.

The amount of damage caused by the excavation for the pipeline is to be determined by a three-man committee consisting of Mr. Cecil L. Weeks, myself and a third member chosen by us. The amount so appraised will be paid to you by the Board of Control.

Very truly yours,

Forrest Sower

Forrest Sower
Project Manager

FS:vh

Idaho Water Resources
2735 Airport Way
Boise, Idaho 83705

September 2, 1995

Dear Sirs:

My name is Paul Warrick. I have lived and farmed at 2445 East Amity Road, Meridian since buying the land in 1941. I was born in February of 1918 on my parents farm across the road on Amity.

I am now, and have been on the board of directors of the New York Irrigation District for the last thirteen years, also on the board of Central of the five irrigation districts served by the New York Canal for four terms.

Mr. D.J. McKay has asked me about the waste water from the Ten Mile Creek drain.

The first time that I was aware of this was back in 1925. Early in July, there wasn't enough water to make deliveries. My father had a nice little orchard of forty to fifty fruit trees. He checked into the possibility of pumping enough water out of the Ten Mile Drain to save the trees. He found that George Atkinson had a water right and would be taking what he wanted. Mr. Linville who lived just below us had a water right but he was not going to use it then.

My father bought an old Maxwell car and a pump. He built a heavy platform just above the water and set the motor and the pump on this. As I had to make about four trips a day up to the pump to see that the master had water and gas, it is firmly in my memory.

A few years later, my Uncle Ben Fulcher, rented George Atkinson's place and farmed it for many years until Mr. McKay bought it.

My Uncle Lloyd Goddie worked there and irrigated during the summer. During all this time, it was common knowledge that they were picking up the waste water from the Ten Mile Drain and using it to supplement in order to keep up with crop demands.

After Mr. McKay purchased this farm, he continued to use this water as long as it was available to him.

Sincerely,

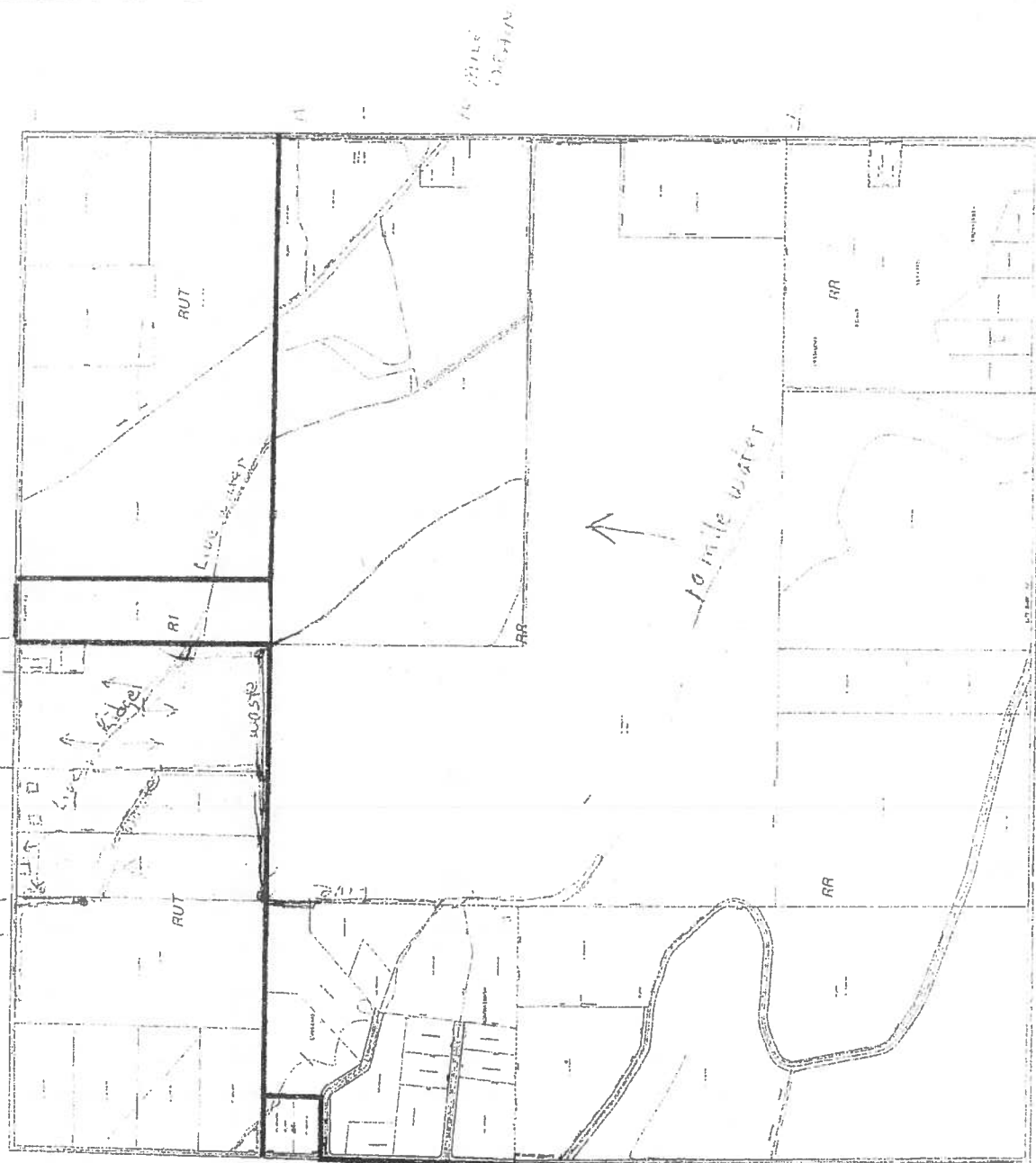


Paul Warrick

1901-2005

Seewald/
Frisch

warwick



Comes now, Helen L. Huffman, of 2045 East Amity Road, Meridian, County of Ada, State of Idaho and who makes this her statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of her knowledge.

July 16, 1974, Roger Adams and I, Helen Huffman, husband and wife, purchased approximately 15 acres from Alta Hochstetler, widow, the property legal as Parcel#2730 of NE4 NW4 Sec 32 3N 1E, what is now known as 2045 E. Amity Road, Meridian, Idaho 83642 and the five acres sitting adjacent South of the Patrick property, Parcel#2710 of NE4 NW4 Sec 32 3N 1E,

Alta Hochstetler walked the property lines with us and explained the irrigation practice that she and her husband had used as they were instructed by the Moody's that used to own their property and the Seller that they bought it from. Alta told me that we could rely on the water that flowed continuously from the ditch that came across from the East through that property East of us. She told me that sometimes we would have too much water as others ordered water to run in that live ditch for their irrigation and waste water added to it also.

Alta explained to me that water from 10 mile ditch also came through from Fulcher's and McKay's, that used to be Grimmit's property, and had been used for our property since our place was homesteaded. Alta told me that we would be able to irrigate on a continuous basis using that water since it was the only one that watered the North side and central area of the property. Alta also explained that we would also get waste water in that ditch that came from Fulcher, Warrick, and McKay. She told me that we also would get the run off from the South West ridge above us and we could order with our Lucky Peak and Andersen water rights from the New York Irrigation canal that could be delivered from the Pierce Lateral that came down the hill South of our property and was delivered into that South West corner of our property.

We were told that delivery ditch from Pierce was an easement beginning through McKay's property and jumping across the property line West halfway down, then back East to our SW corner and that it also was used to deliver water to Huwyler's, now Brown's and could not be interrupted by someone else.

I would visit frequently with Junior McKay and he assured us that he would not interrupt the ditch bringing water to us through his property and that we would also always have his waste water to irrigate with. In fact sometimes we had more water than we could handle and were forced to take care of it and make provisions for it and became dependent on it.

In 1976 my husband, Roger Adams passed away with cancer.

In 1994, John Huffman and I, Helen Huffman, husband and wife purchased the five acres east of us from Brent and Cheri Patrick.

Brent Patrick showed us how to irrigate both North and South from the live ditch that ran through the center of that property from the East through the Seewald/Frisch's property.

Page two of Helen L. Huffman Affidavit

The Frisch's have interrupted that ditch carrying water across their property into our Patrick property, (previously Brent Patrick's), and re-routed it to the South end of their property bringing it into our property at our South East corner and the East side where they attempted to bring it back up the original delivery point. Falling short of bringing it back into the Patrick property, we were left with pumping and ordering through the Beasley lateral to try to irrigate the upper portion of the Patrick property

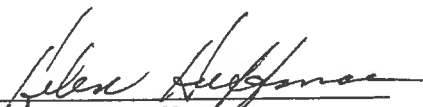
It is my understanding from talking with the Moody's, Alta Hochstetler, Paul Warrick, Brent Patrick, Junior McKay, that 10 mile water has been used for irrigation and in some cases stock water since anyone's memory, long before 1901.

We have used water that came from 10 mile creek for 33 years now and believe that our usage should constitute a water right to maintain our property.

We object to having that water cut off and have to proceed now to address that with the persons that are responsible for interrupting our source, leaving part of our property dry without irrigation at all. This may appear at an inspection at this time that we are not irrigating this portion as which is not true, even though it has been temporarily dry to inability to reach with the water as explained herein.

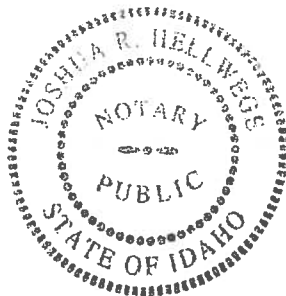
The Grimmet 10 mile water rights directly affect us since part of that original Grimmet property that held those water rights housed the ditch that delivered water to our property

WITNESS my signature this 29 day of August, 2007


Signature of Affiant

SUBSCRIBED AND SWORN to before me this 29 day of August, 2007.


Boise, Idaho
1-12-2012



Notary Public for Idaho,

Residing at

My commission expires:

Comes now, Terry L. Silsby, of 2674 N. Old Stone Way, Meridian, County of Ada, State of Idaho and who makes this his statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of his knowledge.

I, Terry L. Silsby, hereby assert several facts for the record regarding usage of water on the properties of 2045 E Amity Road and 2125 E Amity Road, from the source commonly known as 10-mile Creek.

In 1974, one Mrs. Alta Hochstetler, widow, sold the location common known as 2045 E. Amity Rd to my parents, Roger and Helen Adams with a contract. Roger passed away in 1976, my mother, as Helen Adams, (now remarried and known as Helen Huffman), paid off that contract and received a transfer of deed in 1977. My mother has since been married to John Huffman for over 23 years.

Adjacent to our east border are five acres that were owned by Brent and Cheri Patrick, who then sold to my parents, John & Helen Huffman. Adjacent to Patrick's on the East side, was an approximate 20 acre piece owned by Mr. Seewald, who passed away and the land was sold or deeded to Marvin and Donna Frisch.

I lived on the farm from 1974 (the recorded ownership from Mrs. Hochstetler was in 1977, but the contract started when we moved there in 1974), through my high school and college years, returned to finish college, and lived on the farm through June of 1991, and have actively participated in the farming and irrigation of the property for the entire time since then as well.

I was one of the main "irrigators" of the family, because it was something I truly enjoyed doing, and still do.

We received water from five directions, and watered the entire property from these.

Two of the ditches that came from the East, originating from live water from 10-mile creek, splitting, then coming to us at two locations, (#1 - through the Seewald/Frisch property to the 2125 E Amity Patrick's Property, (now Huffman property purchased from the Patricks) and to us, and #2- across the south end of the Seewald/Frisch property, to our SE corner) #3 came from the hill to the south from the lateral on the ridge above and south of us, and #4 came from the waste water from the McKay property south and east of us which was from McKay's two sources, one of which was 10 Mile Creek. #5 came to the Patrick/Huffman property along Amity Rd from the 10 Mile Creek. So, we got water from 10 Mile Creek that went past the Fulcher's, along and through Paul Warrick's property, divided and went three directions, and divided three different directions, and from waste water originating from 10 mile creek after it went over the McKay property.

The map shown by the Department of Water Resources shows only a part of the Patrick/Huffman property being watered by the 10 Mile Water. This is not correct.

I question the motive that lies behind the attempt to limit the perception of how much area was watered from the 10 Mile Creek. Our entire property at 2045 E. Amity could be watered from 10 Mile Creek, and all of the 2125 E Amity Property could be watered from 10 Mile Creek.

Furthermore, I question the relationship and motive behind the legal counsel and the irrigation entities, with "Father - Son" relationships involved, and with motives to profit between irrigation entities and individuals involved.

At a certain point, Patrick's property was forced to try to irrigate from the North as the ditch providing water straight into the property from the East was changed by the owners of the property's diagonal line that had come from the Seewald/Frisch property. The Patrick ground was then graded to slope to the south from a raised area South of Amity Rd behind the homes there.. We watered from there, but, we also got the 10 Mile Creek water from the South, after it had come across the south portion of the Seewald/Frisch Property, reaching our SE corner, and then North again to the "Patrick" now Huffman/Huffman line.

We continued to receive 10 Mile Creek water, even after they changed the ditch through those respective properties, because it was diverted south at Frisch's property line and came to us, Huffman's property, along the

south line between Frisch and McKay. Additionally, Mr. Warrick and Mr. Fulcher continued to redirect 10 Mile Creek water west to our property, past the Seewald/Frisch southern-most property line, which We had been using since 1974 to water, and all the previous owners of our property had been using this water all these years since the property was first homesteaded and irrigated from the 10 Mile Creek.

I personally watered the majority of our entire property from that flow, and we pumped from our own ditch that this water contributed to and our waste water ditch from the South/West of our property, back up onto our North side of the property to irrigate pasture, garden, fruit trees and grapes that had previously been flood irrigated from the ditch running through our property.

We have had the best property in the whole area for water rights. In fact, there were long parts of the summer where We didn't have to order water from the lateral of the New York Canal, because the 10 Mile Creek water flow was over flowing our banks, and I was able to get the water all the way along the East West Ditch along our
Page Two Terry Silsby Affidavit

Southern Property line, to the South West corner of our property, then gravity flow took it North and irrigated most all the lower $\frac{3}{4}$ our land.

Our South East portion of our property flows water diagonally North and West, so, water coming in at our SE corner where the McKay/Sewald-Frisch/Huffman lines meet, the water flows diagonally to the North West and center of our property, and so water that makes it to the center of our back line, flows West where it was pumped to the North for upper irrigation.

Our property is the "bottom" from two different elevations, and all the water from Eagle, the south ridge behind us, and from Locust Grove, naturally flowed to us.

There is a slight increase in grade from the center of our property going each way, east and west.

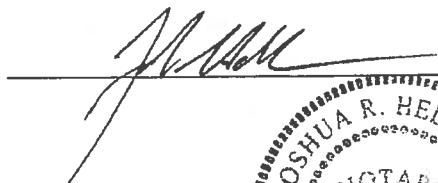
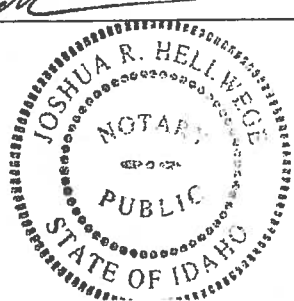
It is a strong indication of how strong the flow of water has been from the 10 Mile Creek flow, including water from McKay dropping North, that pushed a full head of water (it took a over a 40 inch head of water to overflow our ditches), all the way to the middle of our south end, and most of it all the way to the South West corner.

We used that water on all of our property, watered our alfalfa, corn, grass pastures, vegetable gardens, Windbreak trees, grapes, and fruit trees, and our horses and cattle drank from it.

WITNESS my signature this 29 day of August, 2007


Signature of Affiant

SUBSCRIBED AND SWORN to before me this 29 day of August, 2007.

Notary Public for Idaho,

Residing at Boise, Idaho
My commission expires: 1-12-2012

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 JUL 26 PM 3 57

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	) Subcase 63-15603
	)
Case No. 39576	) ORDER GRANTING MOTION TO FILE
	) LATE OBJECTION AND SETTING
	) DEADLINES;
	)
	) ORDER SETTING STATUS
	) CONFERENCE

A status conference was held in the above-captioned subcase on July 24, 2007. At the status conference, the claimant of the water right, Helen L. Huffman, *pro se*, moved for leave of court to file a late objection to the *Amended Director's Report* filed May 31, 2007. Based upon the comments of the claimant at the status conference, and good cause appearing, the motion is hereby **granted**.

The objection (Standard Form 1) shall be filed with the Court and served upon the parties to the subcase and IDWR, no later than **August 31, 2007**. The claimant shall also serve upon the parties to the subcase and IDWR (but **not** file with the court), no later than **August 31, 2007**, the following:

- a) the name, address, and telephone number of each individual likely to have discoverable information that the claimant may use to support its claim, unless solely for impeachment, identifying the subjects of the information; and
- b) a copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody or control of the claimant and that support its claim, unless solely for impeachment.

Any party desiring to file a response to the claimant's objection shall do so no later than **September 14, 2007**.

A status conference will be held on **October 30, 2007 at 11:00 AM Mountain Time** at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.

Dated July 25, 2007



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE OBJECTION AND SETTING DEADLINES; ORDER SETTING STATUS CONFERENCE was mailed on July 26, 2007, with sufficient first-class postage to the following:

NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

NEW YORK IRRIGATION DISTRICT

Represented by:
KENDAL A. MC DEVITT
405 S 8TH ST, STE 202
BOISE, ID 83702
Phone: 208-246-8650

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

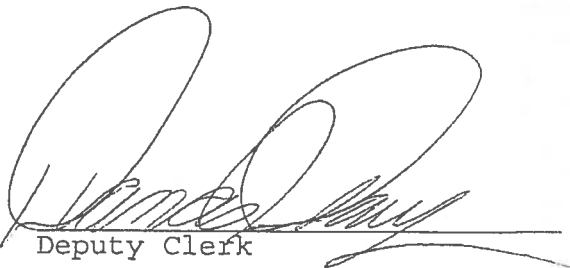
HELEN L HUFFMAN

JOHN HUFFMAN
2045 E AMITY RD
MERIDIAN, ID 83642
Phone: 208-888-0099

ORDER

Page 1 7/26/07

FILE COPY FOR 01321 Deputy Clerk



COPY

RECEIVED

MAY 03 2007

DEPARTMENT OF
WATER RESOURCES

AMENDED DIRECTOR'S REPORT

Disallowed

Subcase No. 63-15603

In Re SRBA

Twin Falls County Civil Case No. 39576

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY 31 2007	
By _____	Clerk _____
	Deputy Clerk _____

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
David R. Tuthill, Jr, Director
Donald V. Shaff, Adjudication Bureau Chief

May 30, 2007

AMENDED DIRECTOR'S REPORT - 63-15603

DESCRIPTIVE SUMMARY

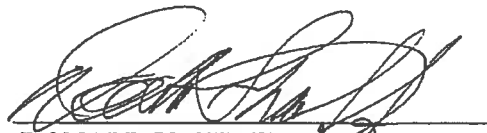
This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the *Order Setting Deadlines* issued by Special Master Booth on or about December 12, 2006, the *Amended Notice of Claim* filed by the claimants on or about December 29, 2006, the Director submits the following information to the SRBA Court:

After reviewing the amended claim, it is noted that the claimants amended the source element to *Unnamed Ditch tributary to Tenmile Creek; Waste Water tributary to Pierce Lateral*. IDWR contacted the claimants to solicit evidence of priority and to schedule a field examination for this amended claim. The claimants have not responded to IDWR's requests. Therefore, this water right will remain **disallowed** as originally recommended in the Director's Report due to lack of proof of beneficial use.

Respectfully submitted this 30 day of May, 2007.


DONALD V. SHAFF
Adjudication Bureau Chief

CERTIFICATE OF SERVICE

I certify that on May 31, 2007, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

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

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☒ Facsimile

2. Copies to:

U.S. Dept. of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resource Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

Charles F McDevitt
420 W Bannock St
PO Box 2564
Boise, ID 83701

Helen & John Huffman
2045 E Amity Rd
Meridian, ID 83642

Ada County Courthouse
200 W Front St
Boise, ID 83702-7300


Signature of person delivering form



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 30, 2007

HELEN HUFFMAN
JOHN HUFFMAN
2045 E AMITY RD.
MERIDIAN, ID 83642

RE: EVIDENCE OF PRIORITY, FIELD EXAM -
Snake River Basin Adjudication Claim No(s): A63-15603

Dear HELEN AND JOHN HUFFMAN:

Idaho Department of Water Resources (IDWR) has received the Amended Notice of Claim you submitted for the Snake River Basin Adjudication (SRBA) claim referenced above. You indicated, when this claim was filed, that the water right was based a "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date". The priority date you claimed is 5/1/1905. This claim has not been confirmed by a previous filing with the IDWR since there is no decree, license, or permit on file to verify the use of this water. For this reason, IDWR is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water

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. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**" The required evidence supporting the priority date(s) requested needs to be submitted by May 15, 2007.

In addition, since it is our goal to decree the historical water rights within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. After I receive the evidence of priority, I will call you to schedule this field exam.

Please the evidence of priority documentation to my attention at 2735 Airport Way, Boise, ID 83705 and call me at (208) 334-2190 if you have additional questions regarding this matter.

Respectfully Submitted,

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region

Enclosure: "Evidence of Priority" pamphlet

GIVENS PURSLEY LLP

LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

MICHAEL P. LAWRENCE

DIRECT DIAL: 208 388-1294
EMAIL: MichaelLawrence@givenspursley.com

Gary G. Allen
Kristen A. Atwood
Kelly T. Barbour
Peter G. Barton*
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Fereday
Martin C. Hendrickson
Steven J. Hippler
Debora K. Kristensen
Anne C. Kunkel

Jeremy G. Ladle
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson

W. Hugh O'Riordan, LL.M.
Angela M. Reed
H. Barton Thomas, LL.M.
Scott A. Tschirgi, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White
Terri R. Yost

RETIRED

Kenneth L. Pursley
Raymond D. Givens
James A. McClure

December 29, 2006

* Licensed in New York
and Washington DC

Jan Shurte
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: SRBA Subcase No. 63-15603

Dear Jan:

This letter is in regard to the SRBA Subcase for Water Right No. 63-15603. At the initial hearing on objections to the Director's recommendation for this water right, the parties agreed to allow the claimant additional time to amend this water right claim, and the SRBA Court set a December 29, 2006, deadline for filing an amended claim. Accordingly, an amended Notice of Claim to a Water Right form is attached. I am enclosing an additional copy to be conformed and returned to our office in the self-addressed stamped envelope. Per conversations with Department representatives, no filing fee is required or included.

Please take note that the SRBA Court set a May 31, 2007, deadline for the Department to issue an Amended Director's Report for this water right claim. Please contact me if you have any questions.

Sincerely,

Michael P. Lawrence

Enclosure

cc: Helen and John Huffman
Nicholas Spencer, IDWR
Charles McDevitt, New York Irrigation District
U.S. Bureau of Reclamation

MPL/lla S:\CLIENTS\8954\1\LTR to IDWR re amended claim.DOC

RECEIVED
DEC 29 2006
WATER RESOURCES
WESTERN REGION

Deborah E. Nelson [ISB No. 5711]
Michael P. Lawrence [ISB No. 7288]
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
Attorneys for Helen & John Huffman

RECEIVED

JAN 05 2007

WATER RESOURCES
WESTERN REGION

**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

Sub Case No.: 63-15603

**NOTICE OF WITHDRAWAL AS COUNSEL
OF RECORD**

COME NOW, Deborah E. Nelson and Michael P. Lawrence, attorneys of record for
Claimants Helen and John Huffman, and give notice of their withdrawal as attorney of record for
Claimants in the captioned action pursuant to Rule 11(b)(2), I.R.C.P.

DATED this 4th day of January 2007.

GIVENS PURSLEY LLP

By



Deborah E. Nelson

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of January 2007, I served a true and correct copy of the foregoing by delivering it to the following individuals by the method indicated below, addressed as stated.

Chas. F. McDevitt, Esq.
McDevitt & Miller, LLP
420 West Bannock Street
P.O. Box 2564
Boise, ID 83702

☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery
☐ E-mail

U.S. Bureau of Reclamation
Represented by
United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery
☐ E-mail

Jan Shurte
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery
☐ E-mail

Nicholas B. Spencer, Esq.
Deputy Attorney General
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

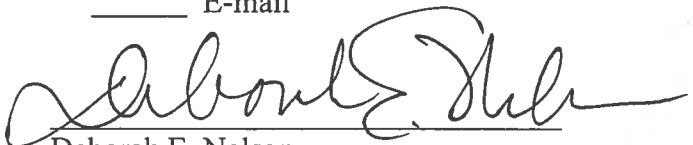
☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery
☐ E-mail

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

☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery
☐ E-mail

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

☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery
☐ E-mail


Deborah E. Nelson

2006 AUG 16 AM 9:07

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	) Subcase 63-15603
	)
Case No. 39576	) ORDER GRANTING MOTION TO
	) AMEND STANDARD FORM 1
_____	) OBJECTION

On May 15, 2006, the New York Irrigation District, by and through their attorneys of record McDevitt & Miller, LLP, filed a *Motion to Amend Standard Form 1 Objection*, together with a proposed *Amended Standard Form 1 Objection*. Pursuant to Idaho Rule of Civil Procedure 15(a), and good cause appearing, the *Motion* is hereby **granted**.

The Clerk of the Court is instructed to file the *Amended Objection*, which shall replace the objection previously filed on April 21, 2006.

Dated August 14, 2006



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

SCANNED
OCT 05 2006

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO AMEND STANDARD FORM 1 OBJECTION was mailed on August 16, 2006, with sufficient first-class postage to the following:

NEW YORK IRRIGATION DISTRICT

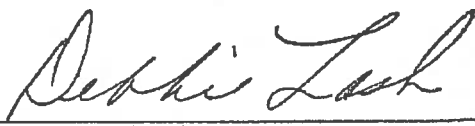
Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

HELEN L HUFFMAN
JOHN HUFFMAN
2045 E AMITY RD
MERIDIAN, ID 83642
Phone: 208-888-0099


Deputy Clerk

**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 63-15603

(Insert water right number
from the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

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

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: E. Gail McGarry

United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd. Suite 100

Boise, ID 83706 -1234

Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:

David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

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

Name: New York Irrigation District

C/O Chas F. McDevitt

McDevitt & Miller LLP

Address: 420 W. Bannock

P.O. Box 2564-83701

Boise, ID 83702

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

1. ☐ Name and Address
2. ☒ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
10. Recommendation
 - ☒ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
County of Ada) ss.

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

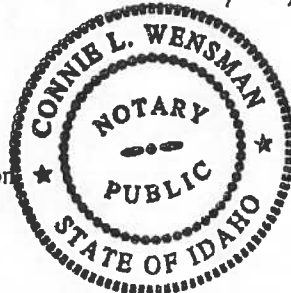
That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing response)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/23/06

Connie L. Wensman
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 10/06/10



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 6-23, 2006, 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: Helen & John Huffman
Address: 2045 E. Amity Road
Meridian, ID 83642

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

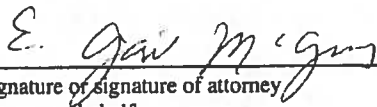
Name: Name: New York Irrigation District
C/O Chas F. McDevitt, McDevitt & Miller LLP
Address: P.O. Box 2564-83701, Boise, ID 83702

4. Copies to:

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

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

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


Your signature of attorney
mailing on your behalf

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

NAME AND ADDRESS OF PERSON OBJECTING

Name & Address of Attorney, if any:
Chas F. McDevitt & Miller LLP
McDevitt & Miller LLP
420 W. Bannock
P.O. Box 2564-83701
Boise, ID 83702

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Helen L. Huffman
John Huffman
Address: 2045 E. Amity Road
Meridian, ID 83642

I object to the following elements as recommended in the Director's Report.

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: The waste waters claimed belong to the Boise-Kuna Irrigation District.
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____

Objection-1

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: _____
- 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.

REASONS SUPPORTING OBJECTIONS(S):

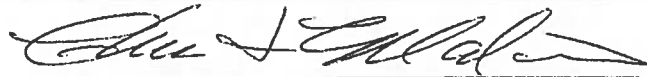
There has been no lawful appropriation of this right. The waste waters belong to the Boise-Kuna Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Boise-Kuna Irrigation District.

VERIFICATION

State of Idaho)
)ss.
County of Ada)

Chas F. McDevitt, duly sworn, upon oath, deposes and says:

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.



Chas F. McDevitt
McDEVITT & MILLER LLP

Subscribed and sworn to before me on: 4-21-06 Tracy A. Higgs



Notary Public for State of ID
Residing at: Boise ID
My Commission Expires: 6/2007

CERTIFICATE OF MAILING

I certify that on April 25th, 2006, 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: Helen L. Huffman
John Huffman
Address: 2045 E. Amity Road
Meridian, ID 83642

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

Heather Hale, legal Assistant
McDEVITT & MILLER LLP

02/01/2005

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

RIGHT NUMBER: 63-15603

NAME AND ADDRESS: HELEN L HUFFMAN
2045 E AMITY RD
MERIDIAN ID 83642

JOHN HUFFMAN
2045 E AMITY RD
MERIDIAN ID 83642

SOURCE: UNNAMED DRAIN
WASTE WATER

TRIBUTARY: BOISE RIVER
TRIBUTARY: BOISE RIVER

QUANTITY: 0.260 CFS

PRIORITY DATE: 05/01/1905

POINT OF DIVERSION:

T03N R01E S32 NENW Within ADA County

T03N R01E S32 NENW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/01 11/15

QUANTITY
0.260 CFS

PLACE OF USE: IRRIGATION Within ADA County

T03N R01E S32 NENW 13.0

13 ACRES TOTAL

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

NO BENEFICIAL USE FOUND: This is included for a claim based on
beneficial use that is PROPOSED to be disallowed because beneficial use
of water was not confirmed by IDWRs field examination or by other
evidence submitted by the claimant.

No beneficial use found.

EXPLANATORY MATERIAL: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-15603 V1

WATER RIGHT NUMBER: 63-15603 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HELEN L HUFFMAN 2045 E AMITY RD MERIDIAN, ID 83642 (208)888-0099
Current Owner	JOHN HUFFMAN 2045 E AMITY RD MERIDIAN, ID 83642 (208)888-0099

Priority Date: 05/01/1905

Basis: Beneficial Use

Status: Disallowed

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	BOISE RIVER
WASTE WATER	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.260 CFS	
	<u>Total Diversion:</u>	0.260 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN ADA County	NE1/4NW1/4	Sec. 32, Twp 03N, Rge 01E, B.M.
WASTE WATER ADA County	NE1/4NW1/4	Sec. 32, Twp 03N, Rge 01E, B.M.

Place of UseIRRIGATION Within ADA County

T03N R01E S32 NENW 13.0

Total Acres: 13

Conditions of Approval:

1. P03 NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

Remarks:

1. General No beneficial use found.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-15603 V1

Comments:

1. vmusic 2/1/2005 1939 AERIAL

Comment: LOOKS CULTIVATED IN 1939 AERIAL

2. vmusic 2/1/2005 EVIDENCE OF PRIORITY

Comment: SEVERAL REQUESTS WERE MADE BY PHONE AND MAIL FOR EVIDENCE OF PRIORITY. NONE SUBMITTED BY CLAIMANT.

3. vmusic 2/1/2005 FIELD EXAM

Comment: CLAIMANT CONTACTED BY MAIL RE NEED FOR FIELD EXAM. NO RESPONSE.

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	2/1/2005 3:43:44 PM	vmusic			Disallowed
Priority Date	2/1/2005 3:51:40 PM	vmusic			Disallowed
POD	2/1/2005 3:52:18 PM	vmusic			Disallowed
Source	2/1/2005 3:52:40 PM	vmusic			Disallowed
POU	2/1/2005 3:53:45 PM	vmusic			Disallowed
Use	2/1/2005 3:54:09 PM	vmusic			Disallowed
Season	2/1/2005 3:55:03 PM	vmusic			Disallowed
Quantity	2/1/2005 3:55:44 PM	vmusic			Disallowed
Summary			02/01/2005	vmusic	Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	2/1/2005 3:43:44 PM	vmusic	(No) 1. Do you want to schedule an appointment?
			Comment for 1: DESKTOP REVIEW
Summary	2/1/2005 4:01:12 PM	vmusic	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-15603 V1

Use	2/1/2005 3:54:09 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (No) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	2/1/2005 3:55:04 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (No) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Priority Date	2/1/2005 3:51:40 PM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 13. Has additional evidence of priority date been submitted? (No) 14. Can any portion of the claim be recommended as a valid water right? Description for Question 12/13 - CLAIMANT HAS NOT RESPONDED TO SEVERAL CORRESPONDENCE AND PHONE CONVERSATIONS REQUESTING EVIDENCE OF PRIORITY.
POD	2/1/2005 3:52:18 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (No) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-15603 V1

Source	2/1/2005 3:52:40 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (No) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required?
POU	2/1/2005 3:53:45 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (No) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required?
Quantity	2/1/2005 3:55:44 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

December 7, 2004

RECEIVED

DEC 10 2004

WATER RESOURCES
WESTERN REGION

HELEN L AND JOHN HUFFMAN
2045 E AMITY RD
MERIDIAN ID 83642

Re: SRBA Claim No. 63-15603

Dear Mr. and Mrs. Huffman:

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources in Basin 63 in the Snake River Basin Adjudication.

The Department of Water Resources has previously contacted you regarding information on the priority date for the above SRBA claim. In order to make positive recommendations of this water right, each element of the water right must be proven.

The Department plans to issue its Preliminary Recommendations on this water right early next year. If the Department does not receive all the necessary evidence for this claim, it will have no option but to recommend to the SRBA Court that this water right be disallowed, meaning that the water right will not be valid.

Please contact Vicky Music at the Western Regional Office for the Idaho Department of Water Resources at (208) 334-2190. **If we do not hear from you by January 7, 2005 then your water right will be recommended as disallowed.**

Very truly yours,

A handwritten signature in black ink, reading "Nick Spencer", is written over a horizontal line.

NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

NBS/pm

cc: Vicky Music

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-15603

02/01/2005

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-15606	Claim	03N	01E	32	NE	NW		GROUND WATER	HELEN L HUFFMAN
63-17668	Claim	03N	01E	32	NE	NW		GROUND WATER	DONNA B FRISCH
63-15603	Claim	03N	01E	32	NE	NW		UNNAMED DRAIN BOISE RIVER	HELEN L HUFFMAN
63-15603	Claim	03N	01E	32	NE	NW		WASTE WATER BOISE RIVER	HELEN L HUFFMAN
63-19789	Claim	03N	01E	32	NE	NW		GROUND WATER	RONA ISHAM
63-15606	Water Right	03N	01E	32	NE	NW		GROUND WATER	JOHN HUFFMAN
63-15672	Water Right	03N	01E	32	NE	NW		GROUND WATER	BRENT O PATRICK
63-17668	Water Right	03N	01E	32	NE	NW		GROUND WATER	DONNA B FRISCH
63-4584	Water Right	03N	01E	32	NE	NW		UNNAMED DRAIN TENMILE CREEK	JUDITH C SEEWALD
63-19789	Water Right	03N	01E	32	NE	NW		GROUND WATER	RONA ISHAM

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-15603

02/01/2005

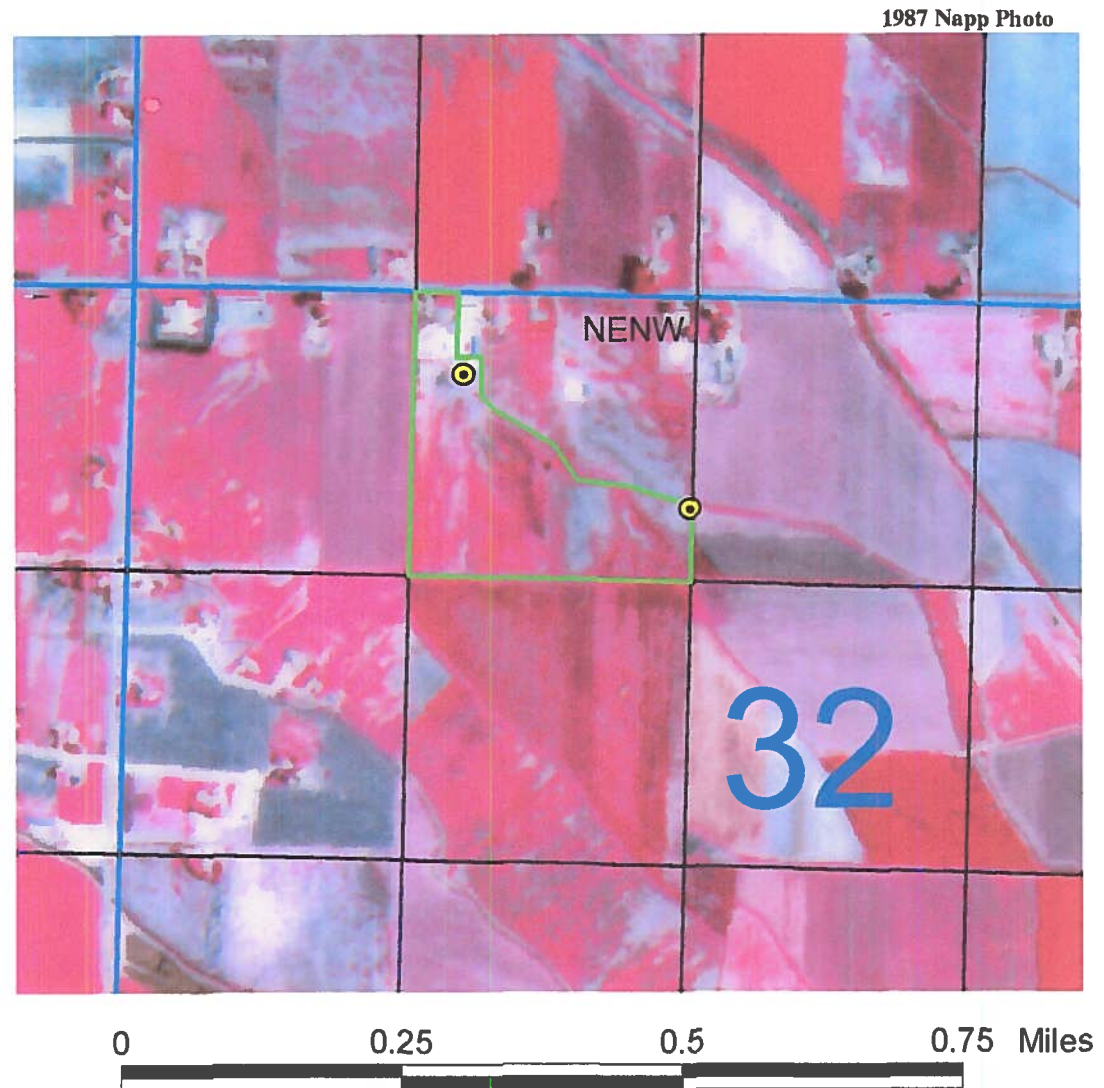
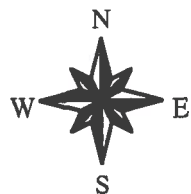
1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
15603	Claim	03N	01E	32	NE	NW		IRRIGATION	13/13	HELEN L HUFFMAN
4584	Water Right	03N	01E	32	NE	NW		IRRIGATION	19/19	JUDITH C SEEWALD
15606	Water Right	03N	01E	32	NE	NW		STOCKWATER		JOHN HUFFMAN
15672	Water Right	03N	01E	32	NE	NW		STOCKWATER		BRENT O PATRICK
17668	Water Right	03N	01E	32	NE	NW		STOCKWATER		DONNA B FRISCH
19789	Water Right	03N	01E	32	NE	NW		STOCKWATER		RONA ISHAM
15606	Water Right	03N	01E	32	NE	NW		DOMESTIC		JOHN HUFFMAN
15672	Water Right	03N	01E	32	NE	NW		DOMESTIC		BRENT O PATRICK
17668	Water Right	03N	01E	32	NE	NW		DOMESTIC		DONNA B FRISCH
19789	Water Right	03N	01E	32	NE	NW		DOMESTIC		RONA ISHAM

Idaho Department of Water Resources

Claim Number: 63-15603
Legal: T03N, R01E, S32
Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



Music, Vicky

From: Harvey, Becky
Sent: Friday, December 03, 2004 2:10 PM
To: Music, Vicky
Subject: RE: B 63 letters

Will do.

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

From: Music, Vicky
Sent: Friday, December 03, 2004 2:08 PM
To: Spencer, Nick; Harvey, Becky
Subject: B 63 letters

Hi - I received a great response from the last batch of letters you sent for me -thanks! I need more ! Below is some information but let me know if it is not enough. Also, will you please ask that they have the info to me sometime in the first week of Jan 2005?

1 - 63-4993 and 63- 4994. EOP/ field exam letter sent 8/24 and have been in touch since but has not given me info.

attn: Lee Hanson

CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
REAL ESTATE DIVISION
12TH FLOOR EAST
50 E NORTH TEMPLE

SALT LAKE CITY, UT 84150-6312

2 - 63-5274. EOP/ filed exam letter sent 8/24. No response - sent to all 3 guys.

J R SIMPLOT CO
C/O RON GRAVES
999 MAIN ST STE 1300
PO BOX 27
BOISE, ID 83707
(208)336-2110

Attorney

J R SIMPLOT CO
ENV AND REGULATORY AFFAIRS
ATTN: GRAY YOUNG OR TERRY UHLING
PO BOX 27
BOISE, ID 83707-0027
(208)389-7318



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 15, 2004

JOHN HUFFMAN
HELEN HUFFMAN
2045 E AMITY RD.
MERIDIAN, ID 83642

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-15603

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. You 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 historical use of the water for a beneficial use 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 required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

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. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**"

If no evidence of your priority date 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 SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by November 1, 2004. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water rights within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. Therefore, either Mr. Burke Scholer or Mr. Gene Gibson will be contacting you within the next few weeks to schedule a field exam.

Respectfully Submitted,



Vicky L. Music
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-15603

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

CONVERSATION MEMORANDUM

Date: 11-19-02

Employee Initials: GP

File #: 63-15603

Name of Party: Helen W. Huffman

I called and left message AT (208) 888-0099. MRS. Huffman returned my call. We discussed their claim and the way it was filed. She stated that she did not have the time to come in today but would as soon as she could. She stated that they did not own the far east parcel shown on the map. IT belongs to Donna Frisch. Will look at maps and Ada County Tax map when she comes in. We also need proof of Bon. use date.

Need to do Field Exam

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: A63-15603

Date Received: 6/07/1989

Receipt No: W003137 (63)

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN HUFFMAN 208-888-0099
Address: 2045 E. AMITY RD.
MERIDIAN, ID 83642

OR

Name: HELEN L. HUFFMAN 208-888-0099
Address: 2045 E. AMITY RD.
MERIDIAN, ID 83642

2. Date of Priority: MAY 01, 1905 *Need Proof*

3. Source: UNNAMED DRAIN Trib. to: BOISE RIVER
WASTEWATER BOISE RIVER

4. Point of Diversion: *Need on-site or office review*

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	01E	32	NE	NE	NW		ADA

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.260		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A63-15603

Page 1

Date: 06/07/89

MICROFILMED
AUG 25 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01E	32	NE NW		IRR	13.0
Section Acres						13.0
Total Acres						13.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

CLAIM NO. A63-15606 - GROUNDWATER.

14. Remarks:

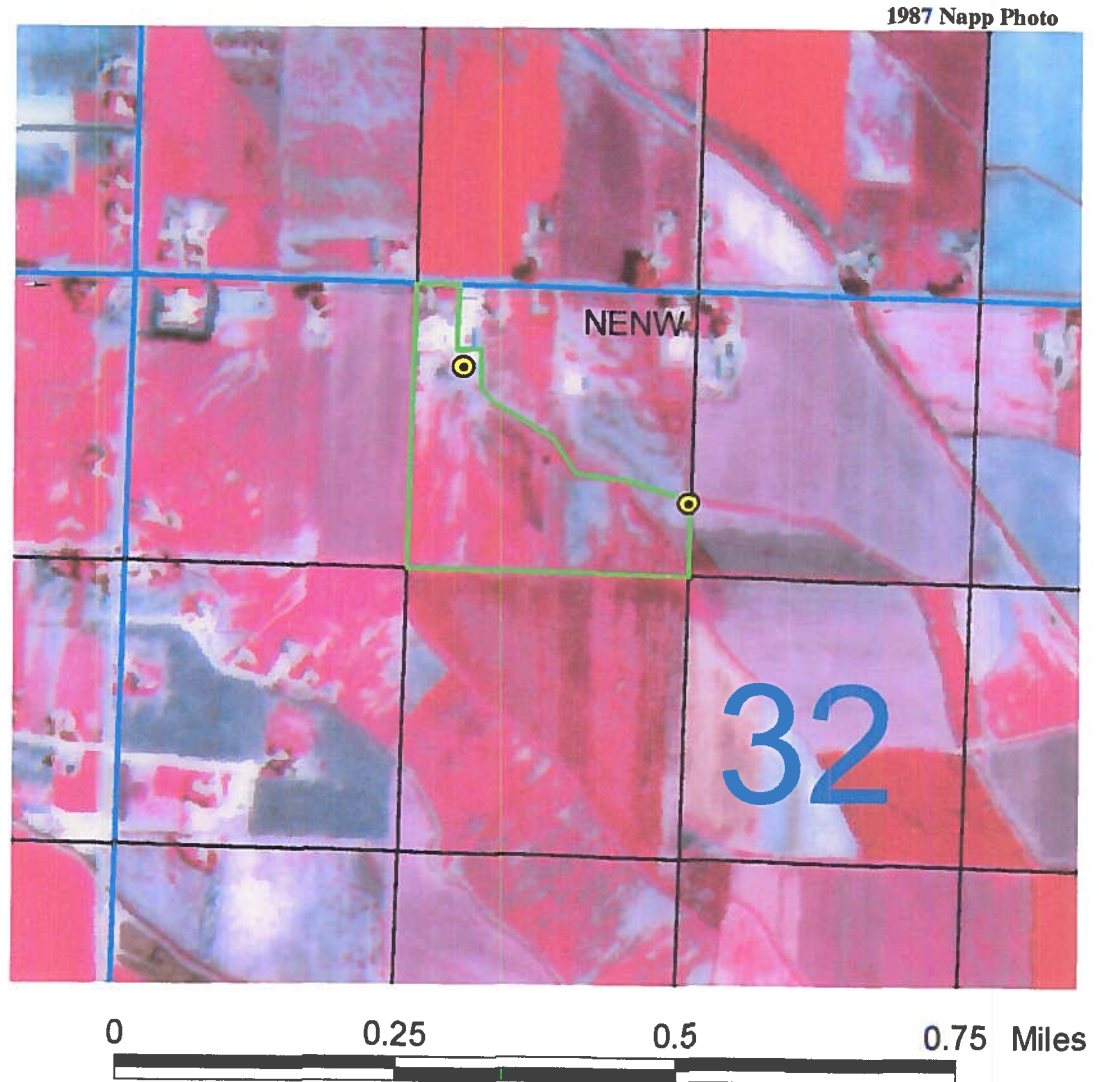
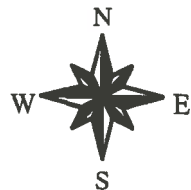
DESC. OF DIVERTING WORKS - THIS SYSTEM CONSISTS OF A 3/4-1 HP PUMP IN THE UNN. DRAIN WITH A PIPELINE FOR FLOOD AND SPRINKLER IRRIGATION. THE WASTEWATER COMES FROM A WASTE DITCH AND IS DIVERTED BY HEADGATES AND CANVAS DAMS FOR FLOOD IRRIGATION. THE POINTS OF DIVERSION ARE IN THE SAME 1/41/4, HOWEVER, THE WASTE DITCH AND UNNAMED DRAIN ARE TWO DIFFERENT STREAMS USED IN THE SAME IRRIGATION SYSTEM.

15. Basis of Claim: BENEFICIAL USE

Idaho Department of Water Resources

Claim Number: 63-15603
Legal: T03N, R01E, S32
Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



WR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: 63-15603 Date: 3-14-01

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	3N	1E	32					13												13
GIS								22												22
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 2

Total Claimed Acres: 13

Total GIS Acres: 22

Overlapping POU Claim #'s:

COMMENTS:

per claim map
