

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: A63-02249B
Date Received: 1/18/1990
Receipt No: C014085
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH NEARY
Address: RT. 6, BOX 180
CALDWELL, ID

208-459-7814

83605

2. Date of Priority: AUG 28, 1914

3. Source: GUESS GULCH

Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	04W	16	SW	NW			CANYON

5. Description of diverting works:
HEADGATE, DAM, FLUME, CANALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		

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

A.F.A.

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	04W	16	NW	NW		IRR	40.0

Section Acres 40.0

Total Acres 40.0

A63-02249B

Page

1

Date: 01/31/90

SCANNED

APR 22 2008

MICROFILMED

AUG 18 1992

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

14. Remarks:

LIC. INCORRECTLY DESCRIBES P/D AS SWNW, S16, 4N, R4W.
THIS RIGHT HAS BEEN SPLIT
A63-02249A = .94 CFS FOR COLEMAN/MILLS B.A.S. 12/26/89
A63-02249B = .80 CFS FOR NEARY, JOSEPH, HHT, 1/16/90
A63-02249C = .44 CFS FOR REDMON, 03/15/90
SOURCE HAD BEEN KNOWN AS GUESS GULCH, BUT WAS CHANGED TO DIXIE
GULCH AT UNKNOWN DATE. SEE ATTACHMENT FROM ORIGINAL LICENCE
WHICH SHOWS DRAWING LOCATING POINT OF DIVERSION CLEARLEY IN
SECTION 16 IN WHICH SOURCE NAME IS DIXIE GULCH.

15. Basis of Claim: LICENSE
Water Right Number: 10681

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AUG 10 1992

FILE COPY R2h

A63-02249B

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

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

RECEIVED

JAN 18 1990

Ident. Number: A63-02249B
Date Received: ~~1/16/1990~~ 1/18/90
Receipt No: 0014085
Received By: C. Wong

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: JOSEPH NEARY 208-459-7814
Address: RT. 6, BOX 180
CALDWELL, ID 83605

2. Date of Priority: AUG 28, 1914

3. Source: GUESS GULCH Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04W	16	SW	NW			CANYON

5. Description of diverting works:
HEADGATE, DAM, FLUME, CANALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		

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

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	16	NW	NW		IRR	40.0

Section Acres 40.0

Total Acres 40.0

A63-02249B

Page 1

Date: 01/16/90

MICROFILMED

AUG 18 1992

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

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): Joseph Mearns Date: January 17, 1990
Date: _____

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 17th day

of January 19 90

Robert Alexander
Notary Public

Seal

Residing at Caldwell, Idaho

My Commission Expires Life

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Alexanderson will be
Print Name

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 Robert L. Alexanderson

Address P.O. Box 26, Caldwell, Idaho

Date January 17, 1990

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME NearyCLAIM IDENT. NO. AG3-02249BDATE RECEIVED 1/18/90CK # CO14085AMOUNT \$ 90⁰⁰

- | | YES | NO | Required Info? |
|--|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| | | N/A | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| | | N/A | |
| Is the consumptive use correct? | ☒ | ☐ | |
| | | N/A | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| | | N/A | |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| | | N/A | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| | | N/A | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| | | Exempt | |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| | | N/A | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: altDate: 1/31/90

Claim must be returned to claimant:

(Yes)

(No)

Claimant must be notified of modifications:

(Yes)

(No)

Receipt Prepared by: _____
 Claim data entered by: _____
 Sent to claimant by: _____

Date: _____
 Date: _____
 Date: _____

Checked by: altDate: 1/31/90

Comments: _____

MICROFILMED

AUG 18 1992

ALEXANDERSON, DAVIS, RAINEY, WHITNEY & KERRICK
LAWYERS

ROBERT L. ALEXANDERSON, P.A.
WAYNE E. DAVIS (1919-1986)
RONALD P. RAINEY, P.A.
DAVID L. WHITNEY, P.A.
DAVID E. KERRICK

110 NORTH NINTH AVENUE
POST OFFICE BOX 26
CALDWELL, IDAHO 83606-0026

AREA CODE 208
TELEPHONE 459-3659

January 17, 1990

RECEIVED
JAN 18 1990

Ms. Helen Harrington
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Department of Water Resources

Re: Joseph Neary
Identification #A63-02249B

Dear Helen:

Pursuant to your instructions, we have completed Mr. Neary's Notice of Claim and enclose the same with his check made payable to the Department in the sum of \$90.00.

I am directing this letter to you specifically inasmuch as I want to thank you again for your excellent help in this matter. Rest assured that I will need your assistance in the future on other matters.

Very truly yours,

ALEXANDERSON, DAVIS, RAINEY, WHITNEY & KERRICK



Robert L. Alexanderson

RLA/dw

Enclosures - 2.

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AUG 18 1992

SEC

SEC

SEC

SEC
17

SEC
16

SEC

SEC

SEC

SEC

River
Culvert

Ungrazed Land

40

39

Grass
Growth

T4N R4W B.M.

MICROFILMED

AUG 10 1992

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



In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-02249B

NAME AND ADDRESS: HILLVIEW FARMS TRUST
21988 TUCKER RD
GREENLEAF, ID 83626

SOURCE: DIXIE GULCH CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.80 CFS

PRIORITY DATE: 08/28/1914

POINT OF DIVERSION: T04N R04W S16 SWNW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.80 CFS

PLACE OF USE: Irrigation Within Canyon County
T04N R04W S16 NWNW 40.0
40.0 Acres Total

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

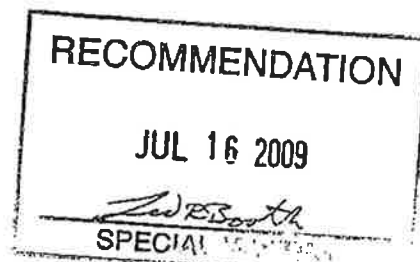
The source of this water right includes waste water. The right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or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

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



United States on behalf of
Bureau of Reclamation

IDWR Concurrence:

Jan Thunte 4-14-09
IDWR Agent Date

Date _____

Nicholas Spencer
Deputy Attorney General

Date _____

CERTIFICATE OF MAILING

I certify that on _____, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

RIVERSIDE IRRIGATION DISTRICT
WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

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

JOHN REDMON
21988 TUCKER RD.
GREENLEAF, ID 83626

Signature of person or attorney mailing the form

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

RIGHT NUMBER: 63-2249B

NAME AND ADDRESS: HILLVIEW FARMS TRUST
21988 TUCKER RD
GREENLEAF ID 83626JOSEPH NEARY
RT 6 BOX 188
CALDWELL ID 83605

SOURCE: DIXIE GULCH CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 06/28/1914

POINT OF DIVERSION:

T04N R04W S16 SWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.800 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S16 NWNW 40.00

40 ACRES TOTAL

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

The source of this water right includes waste water. The 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right Nos. 63-2249A and 63-2249C are also diverted through point of diversion described above.

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

RIGHT NUMBER: 63-2249B

NAME AND ADDRESS: HILLVIEW FARMS TRUST
21988 TUCKER RD
GREENLEAF ID 83626JOSEPH NEARY
RT 6 BOX 180
CALDWELL ID 83605

SOURCE: DIXIE GULCH CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 08/28/1914

POINT OF DIVERSION:

T04N R04W S16 SWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.800 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S16 NWNW 40.00

40 ACRES TOTAL

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

The source of this water right includes waste water. The 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right Nos. 63-2249A and 63-2249C are also diverted through point of diversion described above.

RECEIVED

APR 02 2009

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

WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
63-2249A					
63-3080					
63-2249B					

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Coleman-Mills / Neary

4. New Owner/Claimant(s)

Hillview Trust

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

21988 Tucker Road

City, State and ZIP Code

Greenleaf, Idaho 83626

New Telephone Number

(208) 459-6067 / 573-1881

5. Date you acquired the property

1990 63-2249A / 63-2249B
Coleman-Mills / Neary 1998

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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

7. Signature(s) of New Owner(s) or Claimant(s)

John Rechner

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:Received by JanDate 4-2-09Receipt Amt. N/AReceived by AJDate 4-8-09

Receipt No. _____

Processed by AJDate 4-8-09

WR _____

Date _____

2008008675

RECORDED

2009 FEB 24 PM 2 41

WILLIAM H. HURST
CANYON COUNTY RECORDER
BY: [Signature]
REQUEST FOR RECORD
TYPE: [Signature] FEE: [Signature]WARRANTY DEED

MICHAEL E. NEARY; THOMAS H. NEARY; and NANCY ANNE WHITE,,
GRANTORS, hereby CONVEY, GRANT and WARRANT to HILL VIEW FARM TRUST,
GRANTEE, for the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable
considerations, the following described tract(s) of land in Canyon County, Idaho:

Northwest Quarter of the Northwest Quarter, Section 16, Township 4 North,
Range 4 West of the Boise Meridian in Canyon County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee, its heirs and assigns forever. The said Grantors do hereby covenant to and with the said
Grantee, that they are the owners in fee simple of said premises; that said premises are free from
all encumbrances; except for general taxes and assessments for the year 1998 and subsequent
years, covenants, conditions, restrictions and easements of record; and that they will warrant and
defend the same from all lawful claims whatsoever.

WITNESS the hand of said Grantors this 24th day of Sept, 1998.

[Signature]
MICHAEL E. NEARY

[Signature]
THOMAS H. NEARY

[Signature] 9/29/9
NANCY ANNE WHITE

--Grantors--

STATE OF Idaho)
) ss:
 County of Canyon)

On this 24th day of September, 1998, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared MICHAEL E. NEARY, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 24th day of September, 1998.

RESIDING AT BOISE, IDAHO
 COMMISSION EXPIRES: 01-27-2003

(Seal)

NOTARY PUBLIC FOR Idaho
 Residing at Boise
 My Commission Expires: 1-27-2003

STATE OF Wyoming)
) ss:
 County of Laramie)

On this 25th day of September, 1998, before me, the undersigned, a Notary Public in and for the State of Wyoming, personally appeared THOMAS H. NEARY, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 25th day of September, 1998.

(Seal)

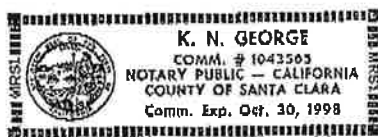
NOTARY PUBLIC FOR PATTI S. MCGHEE, SSgt. USAF
 Residing at: Cheyenne, Wyoming
 My Commission Expires: August 2001

STATE OF California)
County of Santa Clara) ss:

On this 29th day of September, 1998, before me, the undersigned, a Notary Public in and for the State of ~~Idaho~~ CA, personally appeared NANCY ANNE WHITE, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that she executed the same.

29th IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day of September, 1998.

(Seal)



K. N. George
NOTARY PUBLIC FOR California
Residing at: San Jose CA 95129
My Commission Expires: Oct. 30th 1998

1



A Pioneer Company
PIONEER TITLE COMPANY
OF ADA COUNTY
8151 W. Rifleman Ave. / Boise, Idaho 83704
(208) 377-2700

REQUEST STEWART TITLE COMPANY
TYPED *[Signature]* FEE \$3.00

NOEL HALE
CANYON COUNTY RECORDER
BY *[Signature]*

2003 SEP 17 PM 4 50

RECORDED

200357886

QUITCLAIM DEED

Pn 76343

For Value Received

JOHN G. REDMON AND IRENE S. REDMON, HUSBAND AND WIFE

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

HILLVIEW FARMS TRUST

whose address is P.O. BOX 202, GREENLEAF, ID, 83626 .

the following described premises, to-wit:

THE NORTH ONE-HALF OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF
THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 4 NORTH, RANGE 4 WEST, BOISE
MERIDIAN, CANYON COUNTY, IDAHO

It is the purpose of this Deed to comply with lender's instructions as to names of grantors on security instrument
together with their appurtenances.

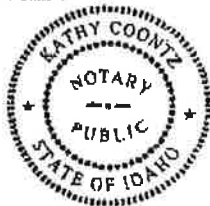
Dated: September 15, 2003

[Signature]
JOHN G. REDMON

[Signature]
IRENE D. REDMON

STATE OF ID. County of ADA, ss.

On this 16TH day of SEPTEMBER, in the year of 2003, before me THE UNDERSIGNED, notary public
personally appeared JOHN G. REDMON AND IRENE S. REDMON known or identified to me to be the
person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they
executed the same.



[Signature]
KATHY COONTZ
Notary Public of ID
Residing at ADA
Commission expires: August 15, 2009

INSTRUMENT NO. 9309757

QUITCLAIM DEED

THE GRANTOR is JOHN G. REDMON and BRENDA C. REDMON, husband and wife, (herein called grantor).

THE GRANTEE is John G. Redmon, and Irene S. Redmon, husband and wife whose current address is 21988 Tucker Road, Caldwell, Idaho 83605.

FOR VALUE RECEIVED, the grantor hereby releases, remises and forever quitclaims unto the grantee those premises situated in Canyon County, Idaho and described as follows:

SEE EXHIBIT "A" ATTACHED HERETO.

Together with all and singular the tenements, hereditaments, appurtenances and easements of record thereunto belonging or in anywise appertaining.

DATED: August 21, 1992

John G. Redmon
JOHN G. REDMON,

Brenda C. Redmon
BRENDA C. REDMON, GRANTOR

STATE OF IDAHO)
 : ss.
County of Canyon)

On this date, before me, the undersigned notary public for said state, personally appeared JOHN G. REDMON and BRENDA C. REDMON, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

WITNESS my hand and seal in 21 day of August 21 1992.

Maura L. H. H. H.
Notary Public for Idaho
Residing at: Caldwell, Idaho

EXHIBIT "A"

THE NORTH HALF OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER
OF THE NORTHWEST QUARTER, SECTION 16, TOWNSHIP 4 NORTH, RANGE 4
WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO.

9309759

RECORDED

93 APR 6 PM 4 42

RECORDED

CANYON COUNTY RECORDER
BY *[Signature]*

REQUESTED
TYPE *[Signature]* FEE 4.00

[Signature] Nelson Sr.

NOTICE OF ESCROW SALE

TO: Canyon County Treasurer
Canyon County Courthouse
Post Office Box 1010
Caldwell, Idaho 83605

This is to inform you that the following named Vendors to wit:
BRYAN KURT MILLS, a married man dealing with his sole and separate
property, DELYNN M. COLEMAN, a married woman dealing with her sole
and separate property, are selling the hereinafter described real
property to JOHN G. REDMON, JR., and BRENDA C. REDMON, and it is
with the consent of the vendors that the Purchasers have this
property assessed to them on the real estate rolls in their name
as long as the contract continues. Also, it is with the Vendors'
consent that the Purchasers have their personal property assessed
to this property described herein. The real property is more
particularly described as follows:

The North Half of the Northeast Quarter and the Northeast
Quarter of the Northwest Quarter, Section 16, Township
4 North, Range 4 West, Boise Meridian, Canyon County,
Idaho.

DATED This 15th day of June, 1990.

Bryan Kurt Mills
VENDOR

Delynn M. Coleman
VENDOR

John G. Redmon, Jr.
PURCHASER

Brenda C. Redmon
PURCHASER

21988 Tucker Road
Caldwell, Idaho 83605
Purchasers' Mailing Address

9012776

URGENT

'90 JUL 11 PM 11 29

CANYON COUNTY RECORDER
or Caldwell

PIONEER - CALDWELL

REQUEST
w/price in 6-90

RECEPTION

STATE OF IDAHO)
) ss.
 County of Canyon)

On this 15th day of June, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared DELYNN M. COLEMAN, a married woman dealing with her sole and separate property, known to me to be the person who executed the foregoing document and acknowledged to me that she 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.

[Signature]
 Notary Public for Idaho
 Residing at: Caldwell

STATE OF OREGON)
) ss.
 County of Marion)

On this 23rd day of June, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared BRYAN KURT MILLS, a married man dealing with his sole and separate property, known to me to be the person who executed the foregoing document 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.

[Signature]
 Notary Public for Oregon
 Residing at: *[Signature]*

STATE OF IDAHO)
) ss.
 County of Canyon)

On this 18th day of June, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared JOHN G. REDMON, JR., and BRENDA C. REDMON, husband and wife, known to me to be the persons who executed the foregoing document 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.

[Signature]
 Notary Public for Idaho
 Residing at: Caldwell

RECEPTION

9-23-08 Status Conference – 63-2249A, B, C, 3080, 3088, 21520 & 21

Jan Shurte

Wilder and Riverside both objected to these claims. Settled the objections and now waiting for an NCAP to be filed after change of ownership submitted. Paul Arrington and Mr. Redmon will be discussing the settlement. Next Status Conference set for 10:30 am on 11-7-08.

11-5-08 – Status Conference

Change of ownership has been hard to do. Neary's land paid off, but others in the name of Mills or Coleman is under contract (carrying papers) so my question is do we wait to do the SF5s until after a change of ownership comes in or can we do them now and then change the ownership when it does come in. Special Master Booth decided to give them more time and sent the next status conference on 2-3-09 at 2P:30. Renea assigned to get in touch with the claimants and have them file a change of ownership.

See 63-2249A
for further status
conf. notes. JS

MEMORANDUM

TO: Files 63-2249C, 63-2249B, 63-2249A, 63-3080, 63-3088, 63-21521 and 63-21520

FROM: KAY WALKER

RE: Address and Ownership

Date: June 17, 2008

.....

While preparing for initial hearings on these recommendations it was noted that none of our correspondence had been received by the claimants. In review of Canyon County tax lot information in arc view we found the current owner to be: Hillview Farms Trust, P.O. Box 202, Greenleaf, ID 83626. I discussed this with our attorneys and asked if I should try to contact the owners and notify them of the initial hearings coming up this week and they agreed that I should try to contact if I could.

deceased → I searched "Dex" and could not find anything for Bryan Mills or Delynn Coleman or Joseph Neary in the area. I searched for John Redmon and found a John Redmon at 21988 Tucker Road in Greenleaf. It happened to have the same phone number as shown on Mr. Redmon's claims so I called 459-6067 and happened to catch him at home.

Mr. Redmon stated he was "Hillview Farms Trust" and we discussed the recommendations and objections and initial hearings for the above claim files. I scanned and e-mailed copies of these documents to Mr. Redmon at: jgrsr@msn.com He also gave me his cell number (573-1881) and his fax (454-8362) in case I could not reach him at his home phone number. Mr. Redmon stated he would attend the initial hearings to be held on Thursday, June 19th.

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 12:24
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA	)	ORDER SETTING SUBCASE(S)	
	)	FOR INITIAL HEARING	
Case No. 39576	)		
		SUBCASE NOS: 63-02249A	63-02249B
		63-02249C	63-03080 63-03088

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

THURSDAY, JUNE 19, 2008 at 10:45 AM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

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

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

Settlement documents must be filed with the court by
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

Page 1 5/22/08

(continued)

Dated: MAY 23, 2008

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

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008 _____,
with sufficient first-class postage to the following:

RIVERSIDE IRRIGATION DISTRICT
WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

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

JOSEPH NEARY
RT 6 BOX 180
CALDWELL, ID 83605
Phone: 208-459-7814

BRYAN MILLS
DELYNN COLEMAN
10202 CALICO
BOISE, ID 83709
Phone: 208-375-1259

IRENE REDMON
JOHN REDMON
21988 TUCKER RD
CALDWELL, ID 83605
Phone: 208-459-6067

RECEIVED

JUN 19 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA) A. Subcase 63-2249B
(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: Riverside Irrigation District
Address: PO Box 1080
Parma, ID 83660
Daytime Phone: 208-880-3449

Name & Address of Attorney, if any:

Albert P. Barker
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102, Boise ID 83702

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

Name: Joseph Neary
Address: RT 6 Box 180
Caldwell, ID 83605

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

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: The source should be described as waste waters, and waste waters belong to the Riverside Irrigation District.

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **I object because:**

☐ This water right Should not exist.

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

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Riverside 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 Riverside Irrigation District.

F. VERIFICATION (must be completed)

State of IDAHO)
County of ADA)ss.

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

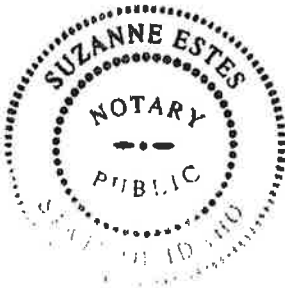
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Alvin P. Barler

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 18, 2007



Suzanne Estes
Notary Public for Idaho

Residing at: Boise

My Commission Expires: June 1, 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 JUN 18 2007, 200__, 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: Joseph Neary
Address: RT 6 Box 180
Caldwell, ID 83605

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 SRBA)

A. Subcase 63-2249B

(Insert water right number)

Case No. 39576)
_____)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

RECEIVED

JUN 19 2007

DEPARTMENT OF
WATER RESOURCES

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wilder Irrigation District

Address: 709 Cleveland Blvd

Caldwell, ID 83605

Daytime Phone: 208-459-3421

Name & Address of Attorney, if any:

Albert P. Barker

Barker Rosholt & Simpson, LLP

1010 W. Jefferson, Ste. 102, Boise ID 83702

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

Name: Joseph Neary

Address: RT 6 Box 180

Caldwell, ID 83605

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

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: The source should be described as waste waters, and waste waters belong to the Wilder Irrigation District. Should be Dixie Gulch waste way Tributary to Riverside Canal

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **I object because:**

☒ This water right Should not exist.

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

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Wilder 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 Wilder Irrigation District.

F. VERIFICATION (must be completed)

State of Idaho)
County of Ada)ss.

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

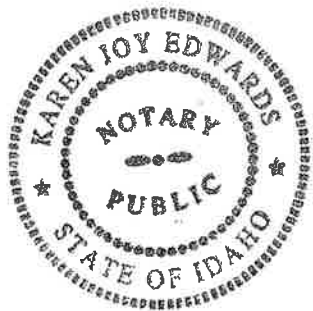
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Albert P. Barker

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 8/2/2012

Karen Joy Edwards

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

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

Name: Joseph Neary
Address: RT 6 Box 180
Caldwell, ID 83605

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

FIRST CLASS



ADDRESS SERVICE
REQUESTED

 NO SUCH
ADDRESS

RECEIVED

FEB 08 2007

WATER RESOURCES
WESTERN REGION


JOSEPH NEARY
RT 6 BOX 180
CALDWELL ID 83605


63-2249B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
1735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES
FIFTY BOWLS
02 1A
0004310839
\$ 00.87⁰
OCT 06 2006
MAILED FROM ZIP CODE 83702

NO SUCH
ADDRESS

JOSEPH NEALY
RT 6 BOX 180
CALDWELL ID 83605

USA

PO Box 202
Greenleaf 83626

RECEIVED

OCT 11 2006

WATER RESOURCES
WESTERN REGION

63-2249B

Resent 10-12-06

05/09/2006

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

RIGHT NUMBER: 63-2249B

NAME AND ADDRESS: JOSEPH NEARY
RT 6 BOX 180
CALDWELL ID 83605

SOURCE: DIXIE GULCH CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 08/28/1914

POINT OF DIVERSION:

T04N R04W S16 SWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.800 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R04W S16 NWNW 40.00

40 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right Nos. 63-2249A and 63-2249C are also diverted through point of diversion described above.



Idaho Department of Water Resources

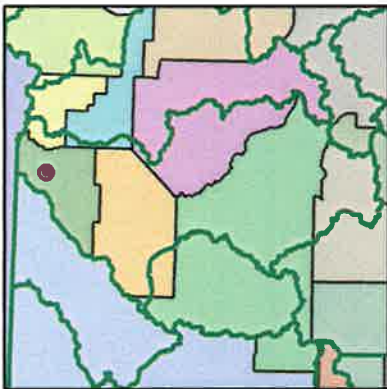
SRBA Recommendation:

63-2249B

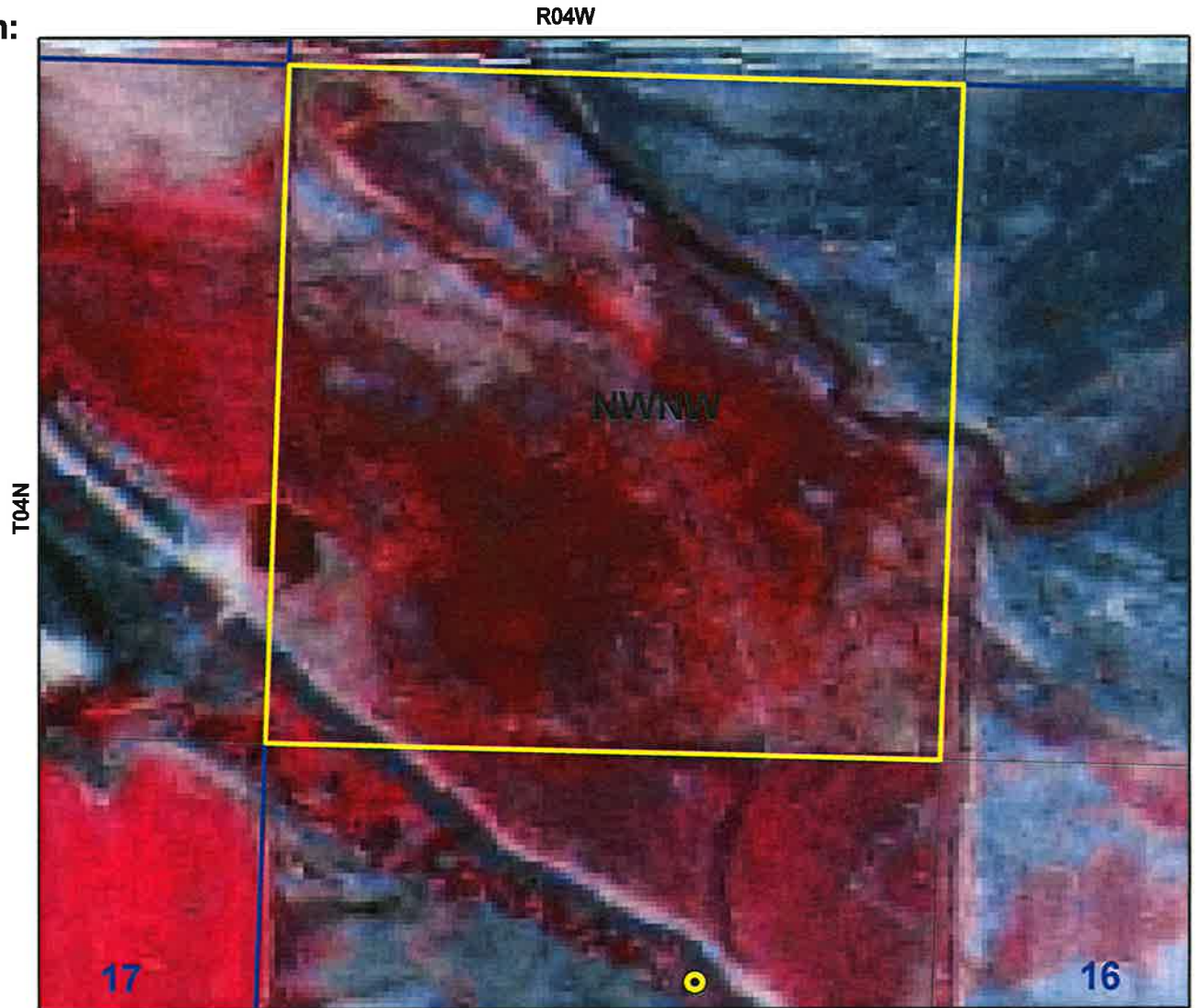
Acres = 40

Legend

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



Canyon County
IDWR Basin 63



0 0.1 0.2 Miles

Prepared by K. Walker
On Tuesday, May 9, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2249B

WATER RIGHT NUMBER: 63-2249B

*in-office verification -
pw 5/9/06*

Owner Type

Current Owner

Name and Address

JOSEPH NEARY
RT 6 BOX 180
CALDWELL, ID 83605
(208)459-7814

Attorney

ROBERT L ALEXANDERSON
PO BOX 26
CALDWELL, ID 83606-0026
(208)459-3659

Priority Date: 08/28/1914

Basis: License

Status: Active

Source

~~GUESS GULCH CREEK~~

Tributary

BOISE RIVER

Beneficial Use

IRRIGATION

From 3/15 To 11/15

Diversion Rate

0.800 CFS

Annual Volume

Total Diversion:

0.800 CFS

Location of Point(s) of Diversion

~~GUESS GULCH CREEK~~
CANYON County

SW1/4NW1/4

Sec. 16, Twp 04N, Rge 04W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	04W	16																	40.0

Total Acres: 40

Conditions of Approval:

Remarks:

Comments:

*pld OL
add F05-
63-2249A
63-2249C*

*see comments
Dixie*

Dixie

use standard season - on license

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2249B V1

Comments:

1. kwalker 5/9/2006 Source

Comment: Point of diversion shown on license is actually on Dixie Gulch Creek rather than Guess Gulch. Recommend source clarification rather than source change.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

Note
→

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2249

WATER RIGHT NUMBER: 63-2249

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEORGE DINES RT 1 BOX 184 MARSING, ID 83639 (208) 896-4259
Current Owner	J J NEARY , ZZ

Priority Date: 08/28/1914

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GUESS GULCH CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	2.180 CFS	
DOMESTIC	/ to /		
<u>Total Diversion:</u>		2.180 CFS	

Location of Point(s) of Diversion

GUESS GULCH CREEK	SW1/4NW1/4	Sec. 17, Twp 04N, Rge 04W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04W	16		8.0			39.0	40.0											87.0
04N	04W	17	22.0																22.0

Total Acres: 109

DOMESTIC same as IRRIGATIONConditions of Approval:

1. LIC. INCORRECTLY DESCRIBES P/D AS SWNW, S16, 4N, R4W.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2249B

01/30/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2249B	Claim	04N	04W	16	NW	NW		IRRIGATION	40/40	JOSEPH NEARY
2249	Water Right	04N	04W	16	NW	NW		IRRIGATION	40/109	GEORGE DINES

Ø OK

County: Canyon.
Stream: Guess Gulch.
Amount: 2.18 sec. ft.
Use: Irrigation.
Priority: 8-28-14.
District No. 12 A.

STATE OF IDAHO

Water License No. 10681.
Water District No. 12 A.

WHEREAS, On the 28th day of August, A. D. 1914, F. M. Dines and J. J. Neary,

of Greenleaf, County of Canyon, State of Idaho, duly made application (No. 15621) to me for a permit to use 3.2 cubic feet per second of the waters of Guess Gulch, in Water District No. 12 A., County of Canyon, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 20th day of October, A. D. 1914, Permit No. 10681 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 20th day of October, A. D. 1916, and for the application to beneficial use of said water on or before the 20th day of October, A. D. 1917, and,

WHEREAS, On the 23d day of October, A. D. 1916, F. M. Dines and J. J. Neary,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 10681 dated November 10, 1916, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of said water, with date of priority of August 28, 1914, and

WHEREAS, On the 17th day of October, A. D. 1917, F. M. Dines and J. J. Neary,

the holder of said permit, duly made proof of the application to beneficial use of 2.18 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to

F. M. Dines and J. J. Neary,

of Greenleaf, County of Canyon, State of Idaho, the holder and owner of said Permit No. 10681, a perpetual right, dating from August 28, 1914 to the use of 2.18 cubic feet per second of the waters of Guess Gulch,

in the County of Canyon and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 4 N., R. 4 W., B.M.,

and conducted to and upon 109 acres of land, divided as follows: 22 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17, 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 39 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 16, T. 4 N., R. 4 W., B. M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS My hand and the seal of my office at Boise, Idaho, this 29th day of December, A. D. nineteen hundred and seventeen.

J. H. SMITH,

(Seal)

State Engineer.

REPORT OF ENGINEER

Permit 10681.

1. State name of applicant and number of permit: F. M. Dines and James J. Neary
2. State source of water supply: Gress Gulch
3. Location of point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16, T. 4 N., R. 4 W. B.M.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: _____

5. Describe works as they exist, giving dimensions and capacities of same: _____

Water from Gress Gulch flows directly into a flume 3' x 2' 6" long with ext. any diversion dam. At the lower end of the flume is a headgate 2' x 2' which separates the water into two canals. Each about $\frac{1}{2}$ mile in length 2' on bottom 2.5' at water line grade 7' per mile. 1' deep. Capacity 6 c.u.ft. each. Capacity flume 9 sec. ft. or 950 miners inches.

6. State whether or not water has been turned into works of diversion: yes

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): _____

NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17; NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16, T. 4 N., R. 4 W. B.M.

<u>NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17</u>	<u>T. 4 N. R. 4 W. B.M.</u>	<u>22 Acres.</u>
<u>NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16</u>	<u>" " "</u>	<u>40 "</u>
<u>NE $\frac{1}{4}$ NW $\frac{1}{4}$ " "</u>	<u>" " "</u>	<u>39 "</u>
<u>NW $\frac{1}{4}$ NE $\frac{1}{4}$ " "</u>	<u>" " "</u>	<u>8 "</u>
<u>Total ~</u>		<u>109 "</u>

8. Submit map on enclosed plat, showing location and details of above description.

Remarks: _____

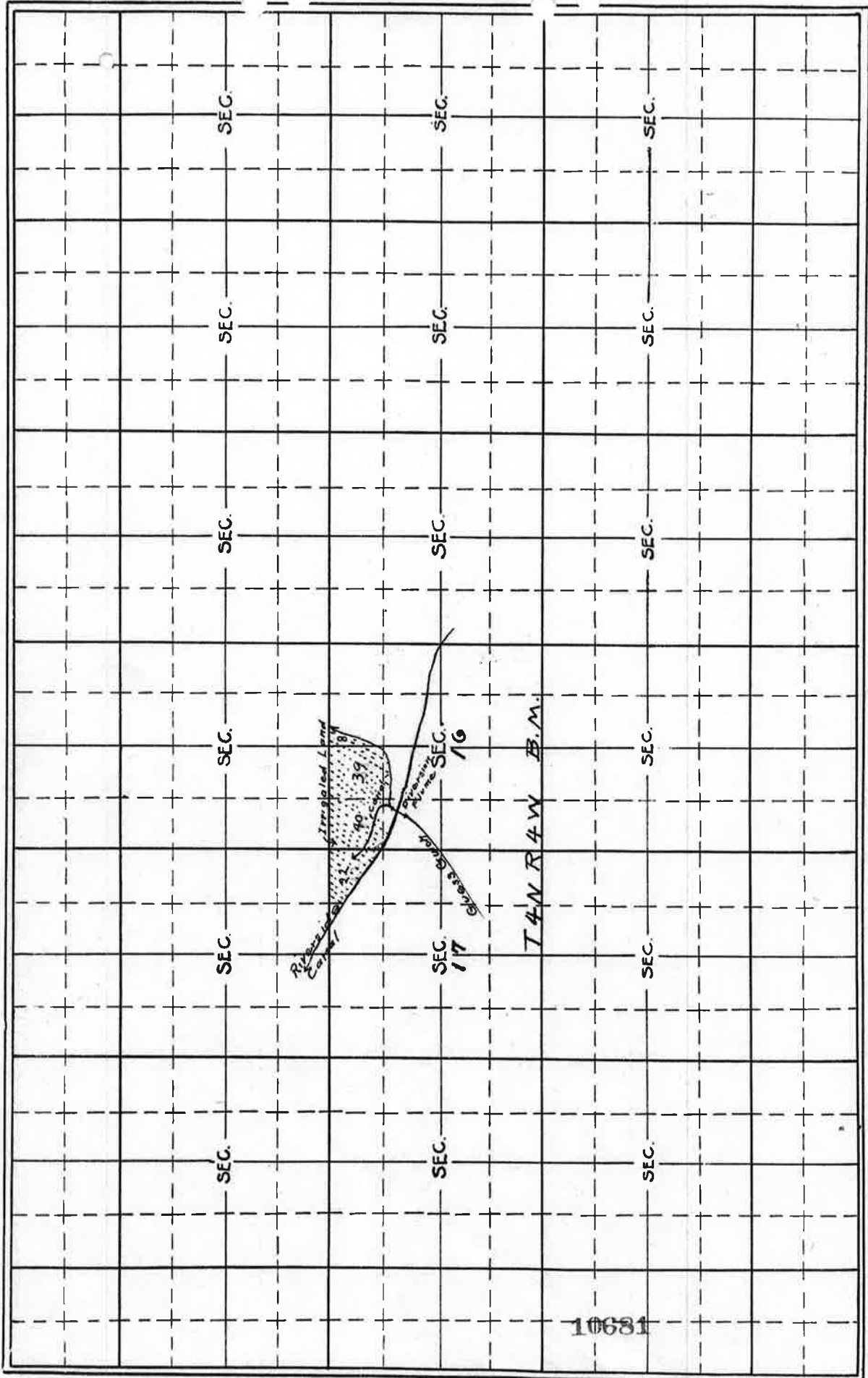
The land is of poor quality and several large deposits of alkali were noted. The land is watered and used for pasture.

The source of water supply is seepage and drainage from the Golden Gate Canal of the U.S.R.S. system.

This examination was made on the 14th day of November 1917.

(Signed) H. H. Palmer Examiner.

Name of Applicant... F. M. Dimes and James B. Neary...



10681

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK

No. 15621

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho

1. Name of applicant: F. M. Dines & J. J. Neary

Postoffice address: Greenleaf

County: Canyon

State: Idaho

I. If applicant is a corporation, give

(a) Date and place of incorporation:

(b) The amount of capital stock:

(c) The amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. The quantity of water claimed is 3 2/10 cubic feet per second.

3. Source of water supply: Gue's Gulch

4. Location of point of diversion: SW 1/4 NW 1/4 Sec. 16, T. 4 N. 4 W.

County of Canyon

5. To be used for: Irrigation & Domestic Use.

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 160 acres.

(b) In the following legal subdivisions: NE 1/4 NE 1/4 Sec. 17, NW 1/4 NW 1/4 and NE 1/4 NW 1/4 and NW 1/4 NE 1/4 Sec. 16, T. 4 N. R. 4 W.B.M.

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

H. P. under

ft. head

(c) Is water to be returned to any stream?
return:

(d) If so, name stream and locate point of

6. Estimated cost of works: \$100.00

7. Description of works for diversion: Ditch

I. Kind of works: Ditch

II. Dimensions of works: A Ditch Two ft. deep by 4 ft. wide

(a) Height of dam feet, length of dam at top feet,

length of dam at bottom feet. Material used in construction:

(b) Capacity of reservoir acre feet. (c) Size of headgate, width 3 feet,

Height 2 feet. (d) Conduit Ditch width at bottom two feet,

width at water line four feet, depth of water two feet; diameter of pipe

inches; average grade per mile is feet. Length of conduit is miles,
and it crosses the following quarter sections: NW 1/4 and NE 1/4 Sec. 16 and NE 1/4 Sec. 17,
T. 4 N. R. 4 W.

8. The time required for the completion of the construction of such work is Two years.

9. Time required for the complete application of the water to the proposed use is One additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

F. M. Dines
James J. Neary

Applicant.

By

Agent.

Date of first receipt at office of State Engineer 3.40 P.M. August 28, 1914.

Returned to applicant for correction September 3, 1914.

Corrected application received September 26, 1914.

APPROVAL OF STATE ENGINEER

The number of this permit is 10681

Recorded in Book 56 Page 10681 Approved October 20, 1914.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions.

Bond in the sum of to be filed on or before

Work to begin on or before December 19, 1914 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before October 20, 1916.

The whole of said work to be completed on or before October 20, 1916.

Beneficial use of water appropriated in accordance herewith, to be made on or before October 20, 1917.

Witness my hand this 20th day of October, 1914.

Herbert Wing,
Acting State Engineer.

Remarks:

Proof of completion of works made Oct. 23, 1916.

Certificate issued Nov. 10, 1916.

PERMIT NO. 10681.

CERTIFICATE OF COMPLETION OF WORKS.

TO ALL WHOM IT MAY CONCERN:

This is to certify that F.M. Dines & J.J. Neary of Greenleaf, County of Canyon, and State of Idaho, the holders of Permit No. 10681, issued upon Application No. 15621, bearing date of priority of August 28, 1914, authorizing the diversion of 3.2 second feet of the waters of Guess Gulch, County of Canyon, State of Idaho, for irrigation and domestic purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.2 second feet of the waters of Guess Gulch; that the point of diversion of said waters is in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 16, T. 4 N., R. 4 W., B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 17, NW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 16, T. 4 N., R. 4 W., B.M.

Witness my hand this 10th day of November, A.D. 1916.

J.H. Smith,

State Engineer of the State of Idaho.

License issued for 2.18 second feet
Page 2212

Receipt Details for ID C014085

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
1/18/1990 11:53:39 AM	1/18/1990	State	\$90.00	Check
Payer		NEARY, JOSEPH		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
4998			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$90.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	2249	B	\$90.00	Claim

[Print Report](#)

ALEXANDERSON, DAVIS, RAINEY, WHITNEY & KERRICK

LAWYERS

110 NORTH NINTH AVENUE

POST OFFICE BOX 26

CALDWELL, IDAHO 83606-0026

AREA CODE 208
TELEPHONE 459-3659
FAX 345-6050

ROBERT L. ALEXANDERSON, P.A.
WAYNE E. DAVIS (1919-1986)
RONALD P. RAINEY, P.A.
DAVID L. WHITNEY, P.A.
DAVID E. KERRICK

January 29, 1993

RECEIVED
FEB 4 1993

RECEIVED
FEB 1 1993

Department of Water Resources
Western Regional Office

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237

Re: Estate of **Joseph Neary**
Water Right Identification No. A63-02249B

Gentlemen:

This office represents the above Estate, and I enclose a certified copy of the Order of the Court, the original of which was entered this date.

If more documentation is required, please advise me and furnish any form required to be completed and filed.

Very truly yours,

ALEXANDERSON, DAVIS, RAINEY, WHITNEY & KERRICK


Robert L. Alexanderson

jm

Enclosure

MICROFILMED

JUL 25 1994

RECEIVED

FEB 1 1993

Department of Water Resources

FILED	
2:15	A.M. P.M.
JAN 29 1993	
NED J. KERR, CLERK	
<i>T. No. Hall</i>	
DEPUTY CLERK	

ROBERT L. ALEXANDERSON
ALEXANDERSON, DAVIS, RAINEY,
WHITNEY & KERRICK
Attorneys at Law
110 North Ninth Avenue
Post Office Box 26
Caldwell, ID 83606-0026
Telephone (208) 459-3659

Attorneys for Personal Representative

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

In the Matter of the Estate of	)	CASE NO. SP-92-01087
JOSEPH NEARY,	)	
	)	ORDER APPROVING FINAL ACCOUNT
	)	AND TESTACY DETERMINATION AND
Deceased.	)	DECREE OF DISTRIBUTION
	)	

The Petition of MICHAEL E. NEARY for Determination of Testacy and Settlement and Distribution of the above-named estate having come before the Court for hearing, the Court makes the following findings:

1. MICHAEL E. NEARY is the duly appointed, qualified and acting Personal representative of the above-named estate.
2. The Personal Representative has filed an Inventory and appraisement of all property of the estate known to him.
3. Notice to Creditors has been published, and the time for presenting claims that arose prior to the death of the decedent has expired.

MICROFILMED

JUL 25 1994

4. All debts of the decedent and of the estate and all expenses of administration and all taxes that have attached to or accrued against the estate have been paid.

5. The Personal Representative has filed a Final Account, and the estate is in a condition to be closed.

6. Proof of Service of the notice of time for filing objections to the Final Account and Petition for Determination of Testacy and Settlement and Distribution has been filed herein. No objections have been filed.

7. The decedent, JOSEPH NEARY, died testate on the 1st day of July 1992; and decedent's Will, previously admitted to probate in informal proceedings on the 7th day of July 1992, was validly executed and is the last Will of the decedent.

8. The 1977 Oldsmobile ID No. 362947M129065 was previously transferred to THOMAS H. NEARY.

9. By the terms of the decedent's Will, the following persons are entitled to distribution of the property remaining in the estate in the following manner:

TO MICHAEL E. NEARY, son, 1433 Southwest Belmont, Albany, Oregon 97321, an undivided one-third (1/3) interest therein;

THOMAS H. NEARY, son, No. 2, Aspen, Great Falls, Montana 59405, an undivided one-third (1/3) interest therein;

NANCY ANNE WHITE, daughter, 1724 Cunningham Street, Santa Clara, California 95050, an undivided one-third (1/3) interest therein;

which said remaining property is described in Exhibit "A" attached hereto and made a part hereof.

IT IS HEREBY ORDERED AND DECREED:

1. That the Final Account is allowed and settled.
2. That the decedent died testate, and decedent's Will, previously admitted to probate in informal proceedings on the the 7th day of July 1992, is the last Will of the decedent.
3. That the Personal Representative is directed to make distribution of the remaining estate property, and any other property of the decedent or the estate not now known or discovered, to the persons and in the manner set forth above, and said property is hereby distributed to said persons.

DATED This 29th day of January, 1993.

GORDON W. PETRIE

Magistrate

EXHIBIT "A"

REAL PROPERTY

Northwest Quarter of the Northwest Quarter, Section 16, Township 4 North, Range 4 West of the Boise Meridian in Canyon County, Idaho;

Together with all water, water rights, ditches, and rights of way for ditches appurtenant thereto or in anywise appertaining;

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining;

Together with water right acquired under Idaho State Law, Identification No. A63-02249B

Northwest Quarter of the Northwest Quarter, Section 33, Township 4 North, Range 4 West of the Boise Meridian in Canyon County, Idaho;

Together with all water, water rights, ditches, and rights of way for ditches appurtenant thereto or in anywise appertaining;

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining;

PERSONAL PROPERTY

Pilgrim Group Securities, Account #1630024211

Lord Abbett US Govt. Sec. Fund, Inc., Account #4000500970

Checking Account #03109755, First Interstate Bank

Certificate of Deposit, First Interstate Bank, #9197761

State of Idaho }
County of Canyon } ss.

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in this office.

DATED

MICROFILMED

1-29-93

NED J. KERR, Clerk of the District Court
and Ex-Officio Recorder.

By

[Signature]

Deputy