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SCANNED
MAR 05 2008

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

TRANSFER NO. 69538

This is to certify that: CHAPMAN RANCH LLC

737 N 7TH ST
BOISE ID 83702
(208)342-2563

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
63-5332	AJC/Beneficial Use	07/23/1900	0.2 cfs	N/A		10.0	CORRAL CREEK
63-5334	AJC/Beneficial Use	08/15/1889	1.94 cfs	N/A		46.0	MINNEHA CREEK

Purpose of Transfer (Changes Proposed)

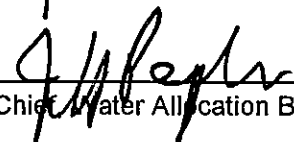
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-5332	NO	NO	YES	YES	NO	NO
63-5334	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-5332	63-5332	0.2 cfs	59.6 af	10.0	60.0		N/A	N/A	N/A	N/A
63-5334	63-5334	1.94 cfs	221.6 af	46.0	60.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		2.14 cfs	266.6 af	56	60		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 2nd day of May, 20 05


For Chief, Water Allocation Bureau

MICROFILMED

SEP 09 2003

SCANNED

MAY 02 2003

WATER RIGHT NO. 63-5332
As Modified by Transfer No. 69538

In accordance with the approval of Transfer No. 69538, Water Right No. 63-5332 is now described as follows.

Right Holder: CHAPMAN RANCH LLC
 737 N 7TH ST
 BOISE ID 83702

Priority Date: July 23, 1900

Source: CORRAL CREEK
 MORES CREEK

Tributary: MORES CREEK
 BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.10 CFS	14.6 AF
IRRIGATION	04/01 to	11/01	0.10 CFS	45.0 AF
			0.20 CFS	59.6 AF

LOCATION OF POINT(S) OF DIVERSION:

CORRAL CREEK	SENE	Sec. 2 Twp 04N Rge 04E	BOISE County
MORES CREEK	NWNESW	Sec. 35 Twp 05N Rge 04E	BOISE County

PLACE OF USE: STOCKWATER, same as Irrigation

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	04E	2		10.0	10.0	4.0	10.0												34.0
				L 2			L 3												
05N	04E	35								5.0	15.0	5.0				1.0			26.0

Total Acres: 60

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion. Measuring devices shall also be installed and maintained at a) the mouth of Corral Creek where it discharges into Mores Creek and b) the mouth of Minneha Creek where it discharges into Mores Creek.

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WATER RIGHT NO. 63-5332
As Modified by Transfer No. 69538

CONDITIONS OF APPROVAL

5. The total instantaneous diversion of water from all points of diversion under Rights 63-5332 and 63-5334 shall not exceed 2.14 cfs, nor total combined annual volume of 266.6 af and the irrigation of 56 acres within the place of use described above in a single irrigation season.
6. Diversion from Mores Creek under this right is limited to those times water is available for diversion under this right and priority from Corral Creek. Availability of water from Corral Creek shall be determined based on the lesser of the flow in Corral Creek at the authorized point of diversion or at the mouth of Corral Creek. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 0.20 cfs.
7. The total diversion of water from Mores Creek under Rights 63-5332 and 65-5334 shall not exceed 1.12 cfs.
8. The right holder shall designate one person who is responsible for monitoring and recording the flow rates measured and diverted from the various sources and points of diversion from the sources described by these water rights. Every year the main address and telephone number of the person responsible for monitoring and recording shall be sent to the Department of Water Resources prior to the irrigation season. Any change in the responsible person must be sent to the department within one week following the change. The notice of the responsible person must also reference the water rights that are being monitored and recorded.
9. The person in charge of monitoring and recording the diversion of water must submit measurement records for the first two (2) years of water use. Following the first two years of water use, reports need not be submitted to the department unless specifically required by subsequent written request by the department.
10. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
11. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
13. This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.
14. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
15. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 2nd day of May, 20 03

For *[Signature]*
Chief, Water Allocation Bureau

MICROFILMED

SEP 09 2003
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MAY 02 2003

WATER RIGHT NO. 63-5334
As Modified by Transfer No. 69538

In accordance with the approval of Transfer No. 69538, Water Right No. 63-5334 is now described as follows.

Right Holder: CHAPMAN RANCH LLC
 737 N 7TH ST
 BOISE ID 83702

Priority Date: August 15, 1889

Source: MINNEHA CREEK
 MORES CREEK

Tributary: MORES CREEK
 BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.94 CFS	207.0 AF
STOCKWATER	01/01	12/31	0.03 CFS	14.6 AF
			1.94 CFS	221.6 AF

LOCATION OF POINT(S) OF DIVERSION:

MORES CREEK	NWNESW	Sec. 35 Twp 05N	Rge 04E	BOISE County
MINNEHA CREEK	NWSE	Sec. 36 Twp 05N	Rge 04E	BOISE County

PLACE OF USE: STOCKWATER, same as Irrigation

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	04E	2		10.0	10.0	4.0	10.0												34.0
				L2			L3												
05N	04E	35									5.0	15.0	5.0				1.0		26.0

Total Acres: 60

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion. Measuring devices shall also be installed and maintained at a) the mouth of Corral Creek where it discharges into Mores Creek and b) the mouth of Minneha Creek where it discharges into Mores Creek.
5. The total instantaneous diversion of water from all points of diversion under Rights 63-5332 and 63-5334 shall not exceed 2.14 cfs, nor total combined annual volume of 266.6 af and the irrigation of 56 acres within the place of use described above in a single irrigation season.

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 MAY 01 2003

WATER RIGHT NO. 63-5334
As Modified by Transfer No. 69538

CONDITIONS OF APPROVAL

6. Diversion from Mores Creek under this right is limited to those times water is available for diversion under this right and priority from Minneha Creek. Availability of water from Minneha Creek shall be determined based on the lesser of the flow in Minneha Creek at the authorized point of diversion or at the mouth of Minneha Creek. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 1.94 cfs.
7. The total diversion of water from Mores Creek under Rights 63-5332 and 65-5334 shall not exceed 1.12 cfs.
8. The right holder shall designate one person who is responsible for monitoring and recording the flow rates measured and diverted from the various sources and points of diversion from the sources described by these water rights. Every year the main address and telephone number of the person responsible for monitoring and recording shall be sent to the Department of Water Resources prior to the irrigation season. Any change in the responsible person must be sent to the department within one week following the change. The notice of the responsible person must also reference the water rights that are being monitored and recorded.
9. The person in charge of monitoring and recording the diversion of water must submit measurement records for the first two (2) years of water use. Following the first two years of water use, reports need not be submitted to the department unless specifically required by subsequent written request by the department.
10. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
11. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
13. This right is limited to the irrigation of 46 acres within the place of use described above in a single irrigation season.
14. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
15. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
16. The portion of Right 63-5334 used for conveyance losses limited to diversion from Minneha Creek is 1.02 cfs.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 2nd day of May, 2003 MICROFILMED SCANNED

For [Signature] SEP 09 2003 MAY 01 2003
Chief, Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER NO.)
69538 IN THE NAME OF CHAPMAN)
RANCH LLC)
_____)

**ORDER GRANTING PETITION
FOR RECONSIDERATION**

On March 19, 2003, the Department of Water Resources ("Department") issued a Preliminary Order approving the transfer captioned above ("transfer").

On March 28, 2003, Wilderness Ranch Owners Association, Inc., protestant, filed a Petition for Reconsideration ("petition") with the Department asking for reconsideration of the transfer and/or postponement of further action until the parties can propose alternate language for conditions of approval of the transfer.

ORDER

The Department has reviewed the petition and HEREBY ORDERS that the petition is **GRANTED** under the following terms:

1. Granting of the petition does not represent Department agreement with any provision of the petition.
2. The parties shall propose alternate language for conditions of approval of the transfer on or before April 30, 2003.
3. The Department retains jurisdiction of the matter in order to review and consider any additional information submitted by the parties.

Dated this 31st day of March, 2003.


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

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SEP 09 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69538

This is to certify that: CHAPMAN RANCH LLC
737 N 7TH ST
BOISE ID 83702
(208)342-2563

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-5332	AJC/Beneficial Use	07/23/1900	0.2 cfs	N/A		10.0	CORRAL CREEK
63-5334	AJC/Beneficial Use	08/15/1889	1.94 cfs	N/A		46.0	MINNEHA CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-5332	NO	NO	YES	YES	NO	NO
63-5334	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-5332	63-5332	0.2 cfs	59.6 af	10.0	60.0		N/A	N/A	N/A	N/A
63-5334	63-5334	1.94 cfs	221.6 af	46.0	60.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.14 cfs	266.6 af	56	60		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 18 day of March, 2003

For 
Chief, Water Allocation Bureau

MICROFILMED

SEP 09 2003

SUPERSEDED

SCANNED
MAR 19 2003

WATER RIGHT NO. 63-5332
As Modified by Transfer No. 69538

In accordance with the approval of Transfer No. 69538, Water Right No. 63-5332 is now described as follows.

Right Holder: CHAPMAN RANCH LLC
 737 N 7TH ST
 BOISE ID 83702

Priority Date: July 23, 1900

Source: CORRAL CREEK
 MORES CREEK

Tributary: MORES CREEK
 BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.10 CFS	14.6 AF
IRRIGATION	04/01	to 11/01	0.10 CFS	45.0 AF
			0.20 CFS	59.6 AF

LOCATION OF POINT(S) OF DIVERSION:

CORRAL CREEK	SENE	Sec. 2 Twp 04N Rge 04E	BOISE County
MORES CREEK	NWNESW	Sec. 35 Twp 05N Rge 04E	BOISE County

PLACE OF USE: STOCKWATER, same as Irrigation

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
04N	04E	2		10.0	10.0	4.0	10.0											34.0	
				L2			L3												
05N	04E	35								5.0	15.0	5.0			1.0			26.0	

Total Acres: 60

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion. Measuring devices shall also be installed and maintained at a) the mouth of Corral Creek where it discharges into Mores Creek and b) the mouth of Minneha Creek where it discharges into Mores Creek.

SEP 09 2003
SUPERSEDED

SCANNED
 MAR 19 2003

WATER RIGHT NO. 63-5332
As Modified by Transfer No. 69538

CONDITIONS OF APPROVAL

5. The total instantaneous diversion of water from all points of diversion under Rights 63-5332 and 63-5334 shall not exceed 2.14 cfs, nor total combined annual volume of 266.6 af and the irrigation of 56 acres within the place of use described above in a single irrigation season.
6. Diversion from Mores Creek under this right is limited to those times water is available for diversion under this right and priority from Corral Creek. Availability of water from Corral Creek shall be determined based on the lesser of the flow in Corral Creek at the authorized point of diversion or at the mouth of Corral Creek. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 0.20 cfs.
7. The right holder shall designate one person who is responsible for monitoring and recording the flow rates measured and diverted from the various sources and points of diversion from the sources described by these water rights. Every year the main address and telephone number of the person responsible for monitoring and recording shall be sent to the Department of Water Resources prior to the irrigation season. Any change in the responsible person must be sent to the department within one week following the change. The notice of the responsible person must also reference the water rights that are being monitored and recorded.
8. The person in charge of monitoring and recording the diversion of water must submit measurement records for the first two (2) years of water use. Following the first two years of water use, reports need not be submitted to the department unless specifically required by subsequent written request by the department.
9. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
10. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
12. This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.
13. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
14. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18 day of March, 20 03

SUPERSEDED

For

Chief, Water Allocation Bureau

MICROFILMED
SEP 09 2003

SCANNED
MAR 19 2003

WATER RIGHT NO. 63-5334
As Modified by Transfer No. 69538

In accordance with the approval of Transfer No. 69538, Water Right No. 63-5334 is now described as follows.

Right Holder: CHAPMAN RANCH LLC
 737 N 7TH ST
 BOISE ID 83702

Priority Date: August 15, 1889

Source: MINNEHA CREEK
 MORES CREEK

Tributary: MORES CREEK
 BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.94 CFS	207.0 AF
STOCKWATER	01/01	to 12/31	0.03 CFS	14.6 AF
			1.94 CFS	221.6 AF

LOCATION OF POINT(S) OF DIVERSION:

MORES CREEK	NWNESW	Sec. 35 Twp 05N	Rge 04E	BOISE County
MINNEHA CREEK	NWSE	Sec. 36 Twp 05N	Rge 04E	BOISE County

PLACE OF USE: STOCKWATER, same as Irrigation

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	04E	2		10.0	10.0	4.0	10.0												34.0
				L 2			L 3												
05N	04E	35								5.0	15.0	5.0				1.0			26.0

Total Acres: 60

CONDITIONS OF APPROVAL

- The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
- Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion. Measuring devices shall also be installed and maintained at a) the mouth of Corral Creek where it discharges into Mores Creek and b) the mouth of Minneha Creek where it discharges into Mores Creek.
- The total instantaneous diversion of water from all points of diversion under Rights 63-5334 and 63-5334 shall not exceed 2.14 cfs, nor total combined annual volume of 266.6 af and the irrigation of 56 acres within the place of use described above in a single irrigation season.

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 SUPERSEDED

WATER RIGHT NO. 63-5334
As Modified by Transfer No. 69538

CONDITIONS OF APPROVAL

6. Diversion from Mores Creek under this right is limited to those times water is available for diversion under this right and priority from Minneha Creek. Availability of water from Minneha Creek shall be determined based on the lesser of the flow in Minneha Creek at the authorized point of diversion or at the mouth of Minneha Creek. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 1.94 cfs.
7. The right holder shall designate one person who is responsible for monitoring and recording the flow rates measured and diverted from the various sources and points of diversion from the sources described by these water rights. Every year the main address and telephone number of the person responsible for monitoring and recording shall be sent to the Department of Water Resources prior to the irrigation season. Any change in the responsible person must be sent to the department within one week following the change. The notice of the responsible person must also reference the water rights that are being monitored and recorded.
8. The person in charge of monitoring and recording the diversion of water must submit measurement records for the first two (2) years of water use. Following the first two years of water use, reports need not be submitted to the department unless specifically required by subsequent written request by the department.
9. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
10. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
12. This right is limited to the irrigation of 46 acres within the place of use described above in a single irrigation season.
13. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
14. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
15. The portion of Right 63-5334 used for conveyance losses limited to diversion from Minneha Creek is 1.02 cfs.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18 day of March, 2003

[Signature]
Chief, Water Allocation Bureau

For
MICROFILMED

SUPERSEDED

SCANNED
MAR 19 2003

SEP 2 2003

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 - ORIGINAL

Name of Applicant Chapman Ranch LLC Phone 208-342-2563
Post Office address 737 North 7th Street, Boise, ID 83702-5595

1. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other

RECEIVED
APR 10 2002
RECEIVED
MAY 15 2001
WATER RESOURCES
WESTERN REGION

2. Describe the reason for the proposed changes. Applicant proposes constructing a pump station on Mores Creek to supply a residential subdivision with pressurized irrigation and stockwater. Place of use will be scattered among lots within the subdivision. The pump station will divert Corral Creek and Minneha Creek water rights out of Mores Creek. The pump station may also divert rented storage water (Boise River Rental Pool) when available. Gravity diversion points and ditches from Minneha and Corral Creeks will be maintained.

2. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
63-5332	07/23/1900	0.10 cfs	irrigation	4/01	11/01
		0.10 cfs	stockwater	1/01	12/31
63-5334	08/15/1889	3.20 cfs	irrigation	5/01	10/01
		0.03 cfs	stockwater	5/01	10/01

2. Total amount of water being transferred 3.40 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Minneha Creek & Corral Creek tributary to Mores Creek
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NW	NE	SW	35	5N	4E	Boise	new pump station @ Mores Cr.
		SE	NE	2	4N	4E	Boise	existing Corral Cr. diversion
		NW	SE	36	5N	4E	Boise	existing Minneha Cr. diversion

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	4E	35										5	15	5			1		26
4N	4E	2		12	10	4	13												34

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6. General Information:

a. Description of diversion system Proposed pump station on Mores Creek with one or more
pumps with electric motors totaling approximately 75 hp. Buried pipeline
(8-inch diameter) to subdivision, with smaller branch pipelines to lots.
Existing gravity diversion points and ditches.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes x No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or
 contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Some of the lands currently irrigated will be removed from irrigation by
subdivision development. Total number of acres irrigated will be unchanged
following transfer.

d. Remarks:

The proposed water right transfer will provide irrigation to lots within
Osprey Subdivision. Pumped diversion rate will be limited to 0.02 cfs/ac.
Water will not be pumped from Mores Creek under these rights at rates in
excess of the flows passing existing diversion points on Minneha and Corral
Creeks and flowing into Mores Creek.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

 For the Director

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 SEP 09 2003

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 DEC 03 2002

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-5334 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Minneha Creek tributary to Mores Creek

4. Date or priority 8/15/1889

5. Water is used for the following purposes:

amount 3.20 cfs for irrigation purposes from 5/1 to 10/01
(cfs/ac-ft)
amount 0.03 cfs for stockwater purposes from 5/1 to 10/01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.20 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	SE	36	5N	4E	Boise	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	4E	35										20	30						50

Place of use for stockwater same as irrigation

Total Acreage 50
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9. Describe any other water rights used for the same purpose as described above _____

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no If yes, describe

(If the entire right is to be changed by the applicant, omit part B and C.)

2. Point(s) of Diversion:

3. Lands irrigated or place of use:Total Acres _____

2. Point(s) of Diversion:

3. Lands irrigated or place of use:DEC 03 2002

Total Acres _____

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-5332 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Corral Creek tributary to Mores Creek

4. Date or priority 7/23/1900

5. Water is used for the following purposes:

amount 0.10 cfs for irrigation purposes from 4/01 to 11/01
(cfs/ac-ft)
amount 0.10 cfs for stockwater purposes from 1/01 to 12/01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.20 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	NE	2	4N	4E	Boise	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	4E	2			10														10
		2			S														

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Total 10

9. Describe any other water rights used for the same purpose as described above _____

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PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

no

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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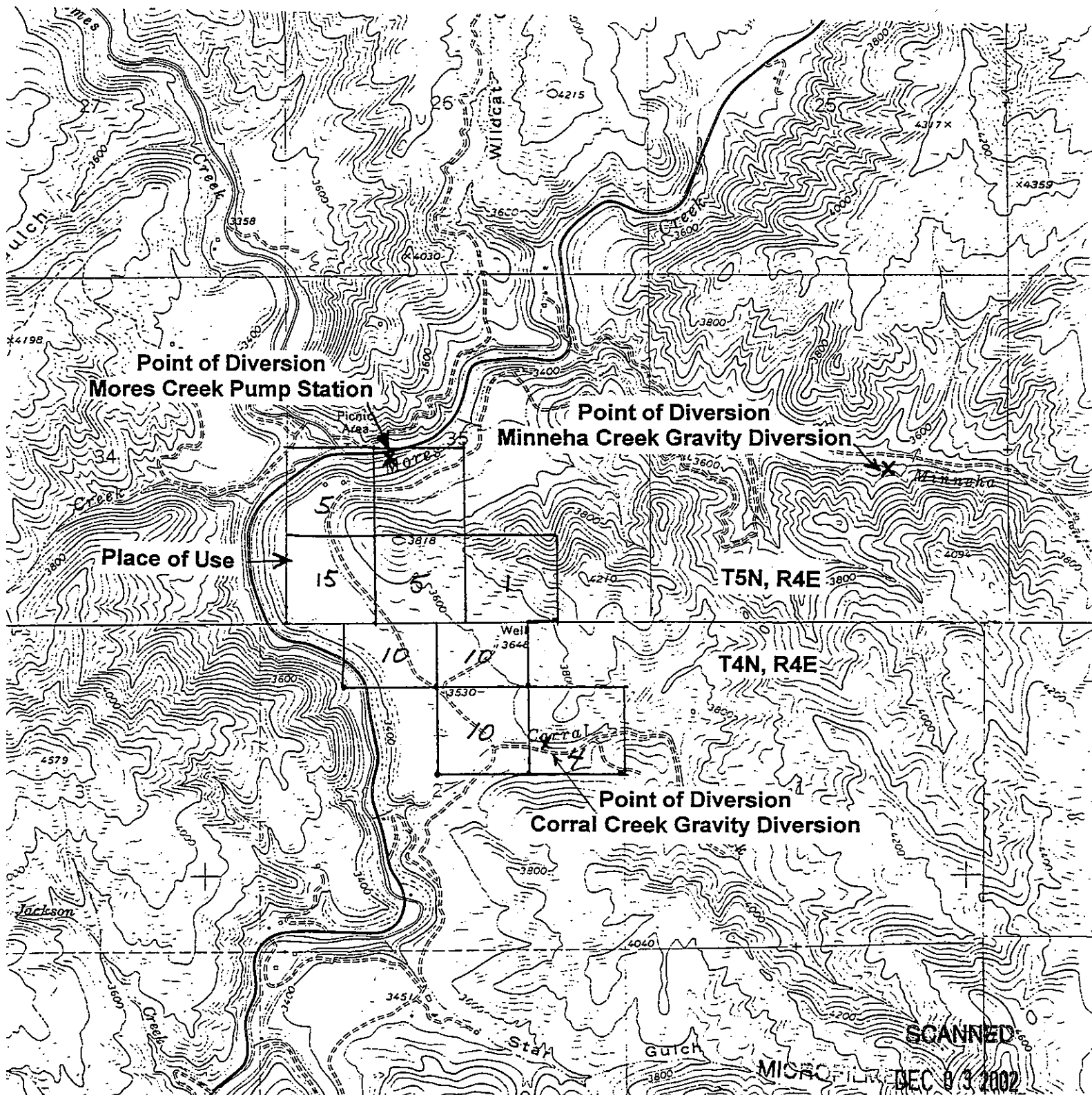
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Total Acres _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



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3. CHANGES IN NATURE OF USE

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
 _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Chapman Ranch LLC

By Barry Marcus, Managing Member
 (Signature of Applicant)

Subscribed and sworn to before me this 15th day of May, 2001.

Diane L. Deschbacher
 (Notary Public)

My commission expires 5/7/03

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 5 attachments (A-E)
 Received by LM Date 5-15-01 Protest filed by _____
 Prelim. Check by g Fee _____
 Receipted by LM Date 5-15-01 W027760
 Published in IDAHO WORLD Copies of protest forwarded by _____
 Pub. Dates 4-21 + 28-01 1-16 + 23-2002 Hearing held by _____ Date _____
 Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial
 _____ received _____ by _____

Copy of transfer sent to lien holder _____

SCANNED

MICROFILMED

DEC 03 2002

SEP 09 2003

163091

ST# 163091
REQUEST Marcus, Merick & Montgomery
96 DEC 16 AM 10:02
BOISE COUNTY RECORDER
BY Shirley George
TYPE Deed FEE \$21.00 lt

QUITCLAIM DEED

FOR VALUE RECEIVED, Horace Chapman, a single man; Earl Chapman, a single man; Craig Marcus and Lynne Marcus, husband and wife; and Barry Marcus, a married man dealing with his sole and separate property, do hereby convey, release, remise and forever quitclaim unto CHAPMAN RANCH L.L.C., whose current address is: 737 North 7th Street, Boise, Idaho 83702, the following described premises, located in Boise County, Idaho, more particularly described as follows, to-wit:

SEE ATTACHED EXHIBIT A FOR COMPLETE LEGAL DESCRIPTION

together with their appurtenances.

DATED this 6th day of ^{December}~~November~~, 1996.

Horace Chapman
Horace Chapman, a single man

Earl Chapman
Earl Chapman, a single man

Craig Marcus
Craig Marcus, a married man

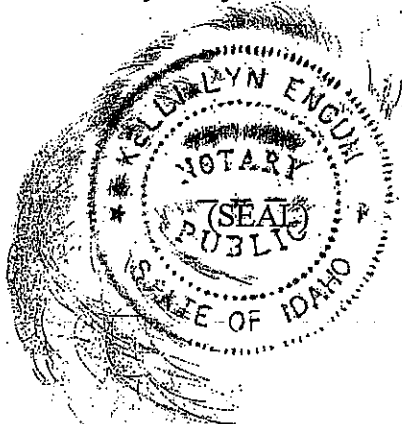
Lynne Marcus
Lynne Marcus, a married woman

Barry Marcus
Barry Marcus, a married man dealing with his sole and separate property

STATE OF IDAHO)
: ss.
County of Ada)

On this 6th day of ~~November~~ December, 1996, before me, the undersigned, a Notary Public in and for said state, personally appeared Horace Chapman and Earl Chapman, known or identified 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 first above written.

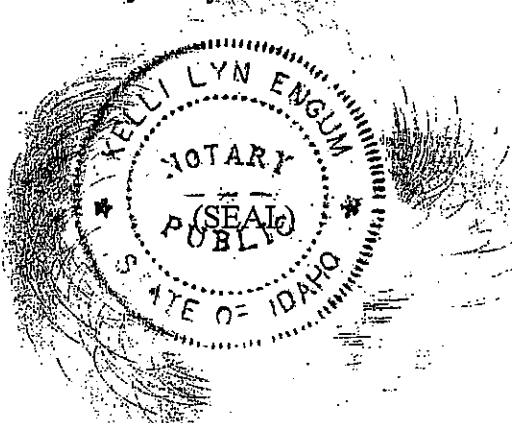


Kelli Lyn Engum
Notary Public for Idaho
Residing at Caldwell, Idaho
My Commission Expires: 10/14/98

STATE OF IDAHO)
: ss.
County of Ada)

On this 11th day of ~~November~~ December, 1996, before me, the undersigned, a Notary Public in and for said state, personally appeared Craig Marcus and Lynne Marcus, husband and wife, known or identified 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 first above written.



Kelli Lyn Engum
Notary Public for Idaho
Residing at Caldwell, Idaho
My Commission Expires: 10/14/98

STATE OF IDAHO)

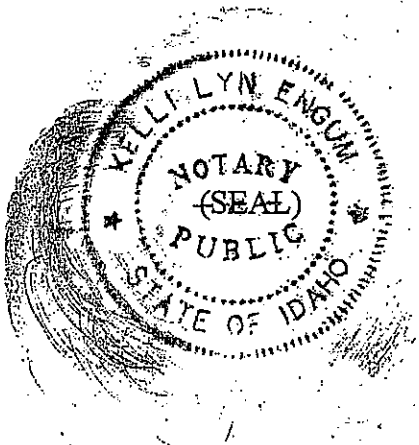
: ss.

County of Ada)

December

On this 6th day of ~~November~~, 1996, before me, the undersigned, a Notary Public in and for said state, personally appeared Barry Marcus, known or identified 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 first above written.



Kelli Lyn Engum
Notary Public for Idaho
Residing at Caldwell, Idaho
My Commission Expires: 10/14/98

EXHIBIT A

1. The following described land in Township 4 North, Range 3 East B.M.:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11.

2. The following described land in Township 4 North, Range 4 East B.M.:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Lots 3 and 4, all in Section 1 but excepting therefrom the area of the High Corral subdivision as shown on the plat thereof on file in the office of the County Recorder of Boise County, Idaho which lies within said Section 1.

Lots 1, 2, and 3, that portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ lying South and East of Mores Creek, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2 excepting therefrom the area of the High Corral Subdivision as shown on the plat thereof on file in the office of the County Recorder of Boise County, Idaho lying within said Section 2.

That part and parcel of the S $\frac{1}{2}$ NE $\frac{1}{4}$ which lies East of the Idaho State Highway #21 containing approximately 15 acres, that portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$ lying to the East of the easternmost bank of Mores Creek, that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ that lies on the East side of Mores Creek beginning at the North 1/16th corner common to Sections 10 and 11 thence North 0°12'30" West along the Section line between Sections 10 and 11 to the intersection with the left bank of Mores Creek (facing downstream) thence Southerly along the left bank of Mores Creek to the South boundary of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ thence Easterly along the South boundary of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ containing one acre more or less, all in Section 10.

NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, all in Section 11.

NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, all in Section 12.

NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, all in Section 14 excepting therefrom the area of Rimview Subdivision No. 2 according to the plat thereof on file in the office of the County Recorder of Boise County, Idaho which lies within said Section 14.

That portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying Easterly of the Easternmost bank of Mores Creek, that portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying South and East of the Southern and Eastern bank of Mores Creek, that portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying to the East of the Eastern bank of Mores Creek, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 3 all in Section 15 excepting the areas of

Rimview Subdivision #1 and the areas of Rimview Subdivision #2 as shown on the plats thereof on file in the office of the County Recorder of Boise County, Idaho lying within said Section 15.

EXCEPTING THEREFROM Those parcels of property which have previously been conveyed to Barry Marcus by Deeds of Gift dated May 14, 1996 and October 10, 1996, which parcels are more particularly described on Exhibit A-1 attached hereto and by reference made a part hereof.

3. The following described land in Township 5 North, Range 4 East B.M.:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ in Section 35 subject to an existing contract of sale to Cumer Green.

SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35 subject to an existing contract of sale for approximately 3 acres to Lee Denton.

NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35 subject to an existing contract of sale to John Fisher.

SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35.

4. All water rights, mineral rights, improvements, and other appurtenances appurtenant to the above described real property.

5. All lots owned in High Corral Subdivision as shown on the plat thereof on file in the office of the County Recorder of Boise County, Idaho.

EXHIBIT A-1

Parcel No. 1:

A part of the NW $\frac{1}{4}$, Section 11, T. 4 N., R. 4 E., B.M., Boise County, Idaho, described more particularly as follows:

Beginning at the section corner common to Sections 2, 3, 10 and 11, T. 4 N., R. 4 E., B.M.;

Thence N. 88°41'51" E., along the section line common to Section 2 and 11, T. 4 N., R. 4 E., B.M. a distance of 2,089.73 feet;

Thence S. 64°05'53" W., a distance of 401.46 feet;

Thence S. 87°45'30" W., a distance of 868.97 feet;

Thence S. 47°59'12" W., a distance of 592.42 feet;

Thence S. 31°04'09" W., a distance of 403.43 feet;

Thence S. 31°10'33" W., a distance of 193.40 feet;

Thence S. 23°16'48" W., a distance of 269.37 feet

to the N. 1/16 corner common to Sections 10 and 11, T. 4 N., R. 4 E., B.M.;

Thence N. 0°12'30" W. along the section line common to Sections 10 and 11, T. 4 N., R. 4 E., B.M. a distance of 1,316.86 feet to the point of beginning, containing 16.75 acres more or less.

Parcel No. 2:

A part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T. 4 N., R. 4 E., B.M., described more particularly as follows:

Beginning at the $\frac{1}{4}$ corner common to Sections 2 and 11, T. 4 N., R. 4 E., B.M.;

Thence S. 88°41'51" W. 490.00 feet along the section line common to Sections 2 and 11, T. 4 N., R. 4 E., B.M., Thence S. 64°05'53" W. 401.46 feet; Thence S.

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74°02'30" E. 357.48 feet; Thence S. 39°56' E. 465.14 feet; Thence N. 18°01'30" E. 674.58 feet to the point of beginning, containing 5.689 acres more or less.

Parcel 3:

That part of the NE~~1~~/~~4~~NE~~1~~/~~4~~ Section 10, T. 4 N., R. 4 E., B.M., that lies on the East side of Mores Creek, Boise County, Idaho and described more particularly as follows:

Beginning at the N. 1/16 corner common to Sections 10 and 11, T. 4 N., R. 4 E., B.M.;

Thence N. 0°12'30" W. along the section line between Sections 10 and 11 to the intersection with the left bank of Mores Creek; Thence Southerly along the left bank of Mores Creek to the South boundary of the NE~~1~~/~~4~~NE~~1~~/~~4~~ Section 10, T. 4 N., R. 4 E., B.M.; Thence easterly along the South boundary of said NE~~1~~/~~4~~NE~~1~~/~~4~~ Section 10 to the point of beginning, containing one acre, more or less.

Parcel No. 4:

That part of the SW~~1~~/~~4~~SW~~1~~/~~4~~ Section 2, T. 4 N., R. 4 E., B.M., that lies on the South and East side of Mores Creek, Boise County, Idaho, containing 10 acres more or less.

Parcel No. 5:

Lot 1 of Mores Creek Heights Subdivision, according to the official plat thereof, recorded as Instrument No. 95549, records of Boise County, Idaho.

ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

To the Secretary of State of Idaho
Corporations Division
700 West Jefferson Room 203
P.O. Box 83720 • Boise, ID 83720-0080

Dec 12 4 22



SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is: CHAPMAN RANCH L.L.C.
2. The address of the initial registered office is: 737 North 7th Street, Boise,
Idaho, 83702 (not a PO Box) and the name of the initial registered agent at that address is: Barry Marcus

Signature of registered agent: Barry Marcus

3. The latest date certain on which the limited liability company will dissolve: 12/31/2050
4. Is management of the limited liability company vested in a manager or managers?
☐ Yes ☒ No (check appropriate box)
5. If management is vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is vested in the members, list the name(s) and address(es) of at least one initial member.

Name:

Address:

Horace Chapman

HC 33, Box 1490, Boise, ID 83706

Earl Chapman

HC 33, Box 1490, Boise, ID 83706

Craig Marcus

737 N. 7th Street, Boise, ID 83702

Barry Marcus

737 N. 7th Street, Boise, ID 83702

6. Signature of at least one person listed in #5 above:

Horace Chapman

Earl Chapman

Barry Marcus

Secretary of State use only.

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**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES**

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 63-5332, 63-5334
 Adjudication Claim No(s).: _____

2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant: Horace Chapman, Earl Chapman
26 Adams Ranch Rd. Boise Id. 83716

4. New Owner/Claimant(s): Chapman Ranch L.L.C.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address: 737 N. 7th Boise Id. 83702
 City, State and ZIP Code: _____
 New Telephone Number: (208) 342 3563

5. Date you acquired the property: 12/6/96

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s): Chapman Ranch L.L.C.
By Barry Marcus, Managing Member
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

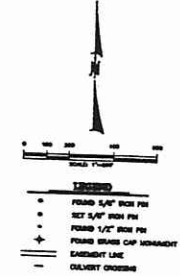
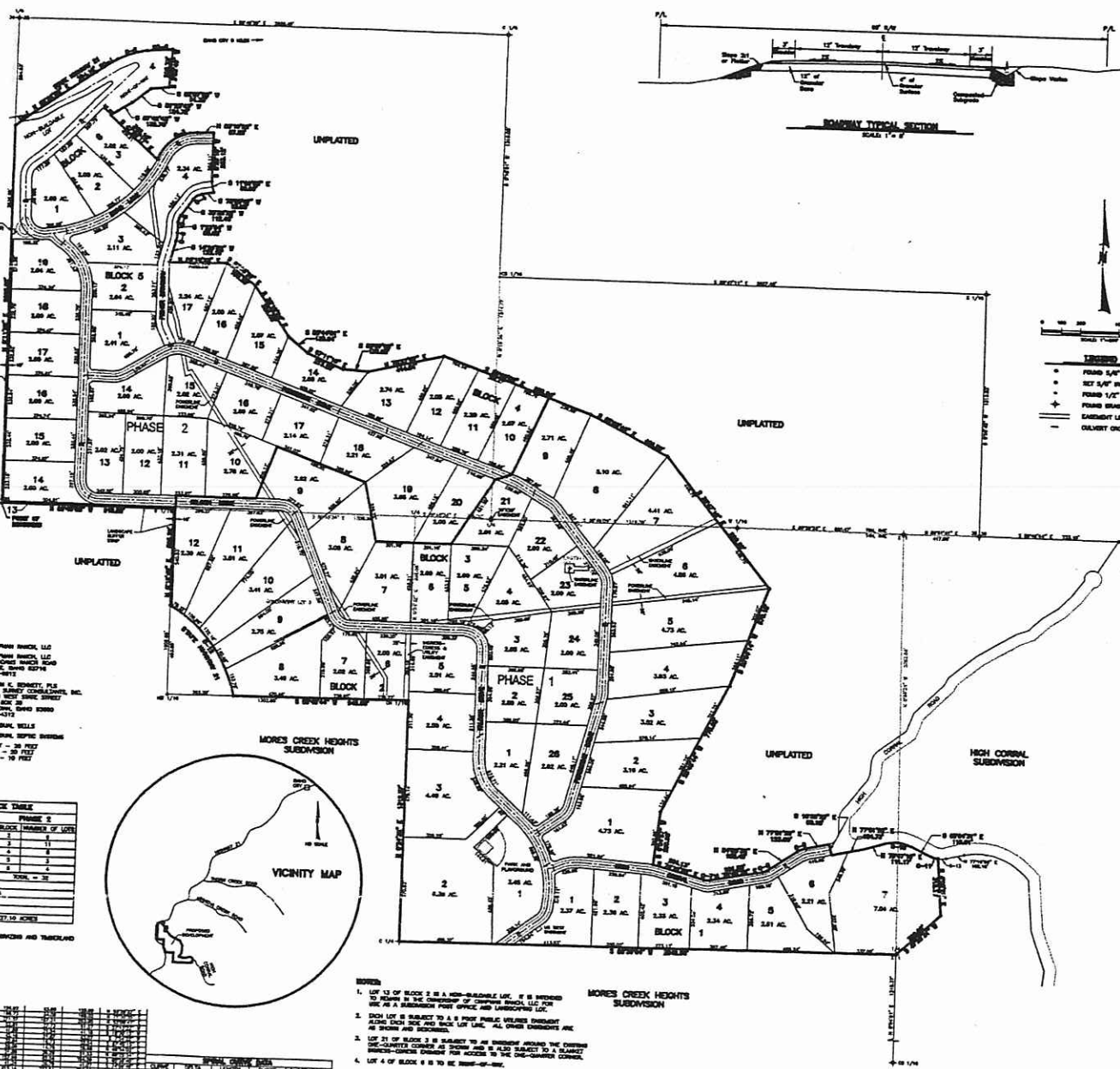
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

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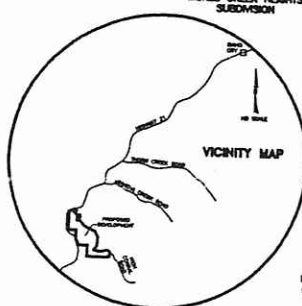
DEC 03 2002

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OWNER: CHRYSLER FINANCIAL LLC
 DEVELOPER: CHRYSLER FINANCIAL LLC
 SURVEYOR: CIVIL SURVEY CONSULTANTS, INC.
 PORTABLE TOOLS: SURVEYOR'S COMPASS, TRANSIT, LEVEL, DISTANCE MEASUREMENT
 BUILDING SCHEDULE: 100% - 30 FEET
 100% - 30 FEET
 100% - 30 FEET

PHASE 1	PHASE 2
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
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- NOTES:
1. LOT 12 OF BLOCK 2 IS A NON-REDEVELOPABLE LOT. IT IS INTENDED TO REMAIN IN THE POSSESSION OF CHRYSLER FINANCIAL LLC FOR USE AS A RESEARCH AND DEVELOPMENT OFFICE.
 2. BLOCK 10 IS SUBJECT TO A 10 YEAR PUBLIC UTILITIES EASEMENT AS SHOWN ON THE PLAT. ALL OTHER EASEMENTS ARE AS SHOWN ON THE PLAT.
 3. LOT 31 OF BLOCK 2 IS SUBJECT TO AN EASEMENT AS SHOWN ON THE PLAT. THE EASEMENT IS FOR THE USE OF THE CHRYSLER FINANCIAL LLC.
 4. LOT 4 OF BLOCK 6 IS TO BE DEED-UP.

**PRELIMINARY PLAT OF
OSPREY SUBDIVISION**

LOCATED IN SECTIONS 1 AND 2, TOWNSHIP 4 NORTH, RANGE 4 EAST, SOME MICHIGAN AND SECTION 34, TOWNSHIP 5 NORTH, RANGE 4 EAST, SOME MICHIGAN, SOME COUNTY, SOME.

CIVIL SURVEY CONSULTANTS, INC.
 CONSULTING ENGINEERS AND LAND SURVEYORS

100 SOUTH MAIN STREET
 SUITE 100
 LANSING, MICHIGAN 48202

NO.	REVISION	DATE	BY	FOR
1	PRELIMINARY PLAT	11/15/01	JMS	CHRYSLER FINANCIAL LLC
2	REVISION	11/15/01	JMS	CHRYSLER FINANCIAL LLC
3	REVISION	11/15/01	JMS	CHRYSLER FINANCIAL LLC
4	REVISION	11/15/01	JMS	CHRYSLER FINANCIAL LLC
5	REVISION	11/15/01	JMS	CHRYSLER FINANCIAL LLC
6	REVISION	11/15/01	JMS	CHRYSLER FINANCIAL LLC
7	REVISION	11/15/01	JMS	CHRYSLER FINANCIAL LLC
8	REVISION	11/15/01	JMS	CHRYSLER FINANCIAL LLC
9	REVISION	11/15/01	JMS	CHRYSLER FINANCIAL LLC
10	REVISION	11/15/01	JMS	CHRYSLER FINANCIAL LLC

SCANNED
 DEC 03 2002

MICROFILMED
 SEP 09 2003

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED
AUG 13 2001
WATER RESOURCES
WESTERN REGION

August 9, 2001

Lori Graves
Senior Water Right Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: Proposed Diverting Works for Water Right Transfer – Chapman Ranch LLC

Dear Lori:

This letter provides a description of the proposed diversion works and irrigation system for Osprey Subdivision, as requested under item No. 4 of your letter sent to Chapman Ranch in mid June of this year.

The proposed diversion system will consist of one or more electric pumps at a proposed pump station site on Mores Creek. The pump station has not been designed yet. It will be located on the south side of Mores Creek, approximately 400 feet upstream from the Highway 21 bridge. The actual number and size of the pumps will depend on the amount of water ultimately transferred to the subdivision. For conceptual purposes, the pump station will likely have one or more pumps totaling approximately 75 hp. The 75 hp capacity should be capable of producing 385 gpm at 462 feet TDH and 60 percent efficiency. The 462 feet of TDH will result in a discharge pressure of 200 psi at the pump (elevation 3310 +/-) and a delivery pressure of approximately 100 psi at low elevation lots (3500 feet). Individual booster pumps will be required to sprinkler irrigate areas above approximately 3650 feet elevation.

The transfer proposes to retain the existing diversion points on Corral Creek and Minneha Creek as additional points of diversion. However, these diversion points may eventually be abandoned as the subdivision is built out.

The pressurized irrigation plans are enclosed. A 6-inch mainline will extend from the pump station to the intersection of Peregrine Drive and Falcon Drive. The mainline splits into 4-inch mainlines at this point. The 4-inch mainlines form a loop through most of the subdivision. A 4-inch dead-end line extends up High Corral Road.

Each lot will have a separate tap (as shown on the plans). The tap will be a minimum 1-inch pipe. Note that there are a total of 72 buildable lots in Osprey Subdivision. Chapman Ranch proposes to provide 70 of these lots with taps into the pressurized irrigation system.

SCANNED

DEC 03 2002

SEP 09 2003

Water will be distributed to the lot owners on a share basis, with 70 water shares proposed. Each share will provide 1/70th of the total available water right. A rotation schedule will be set up among the lot owners. Lot owners not wanting to irrigate will be allowed to sell or lease shares (or portions of shares) to other lot owners who may want to irrigate more area than authorized under a single water share. Chapman Ranch also plans to rent storage water or transfer additional irrigation water rights to the property to supplement the water supply from water rights 63-5332 and 63-5334.

The transfer application proposes 60 acres of irrigation spread within 8 government lots or ¼ ¼ sections. At this time, we cannot identify the exact location of the 60 acres, but have estimated the acres based on topographic considerations. Would Chapman Ranch LLC be better off identifying the place of use as "60 acres within the boundaries of Osprey Subdivision"?

Please contact me with any questions or comments.

Sincerely,



Terry M. Scanlan, P.E.

Cc: Barry Marcus
Sandy Sims
Tim Burgess

SCANNED

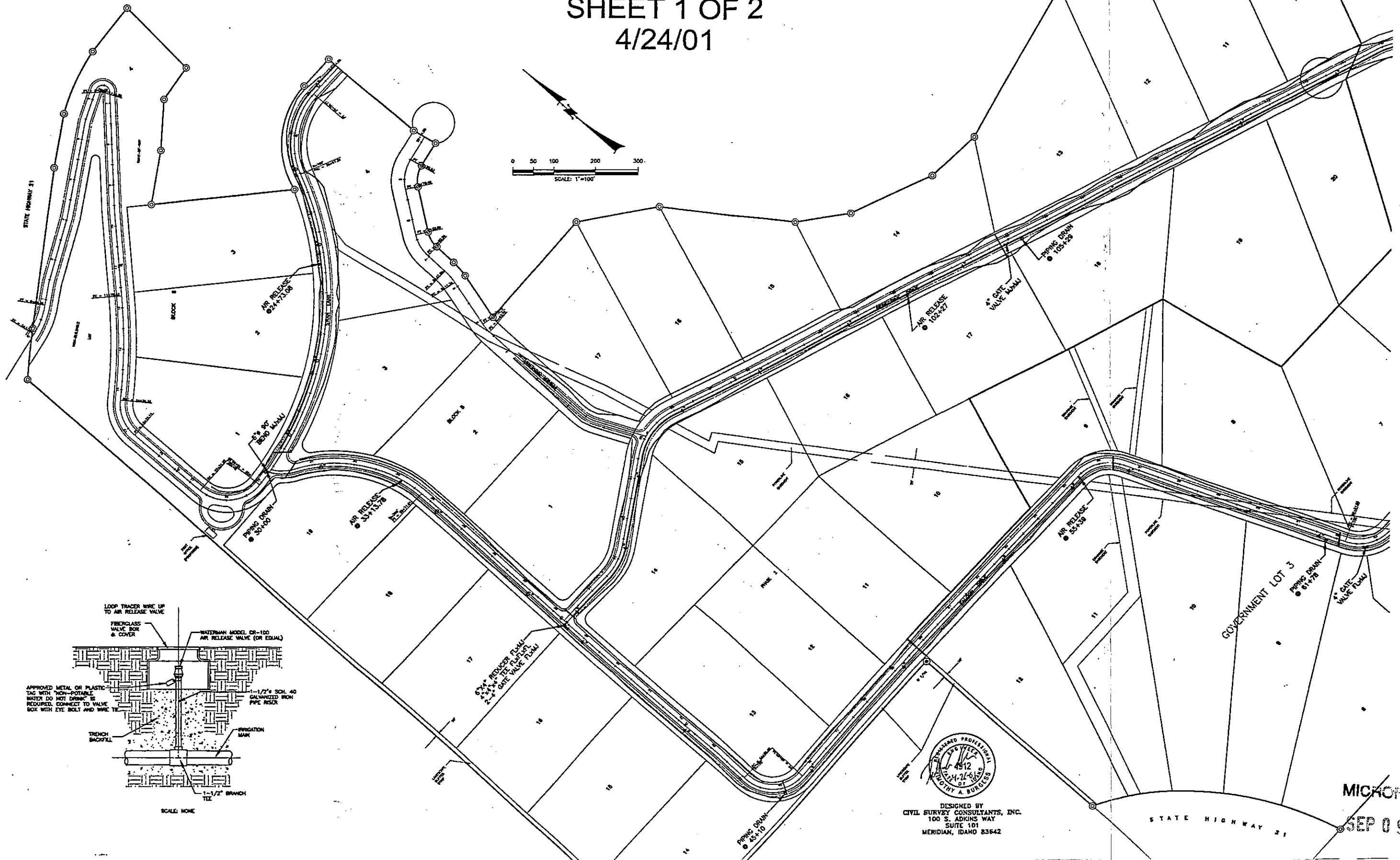
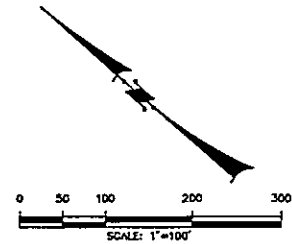
DEC 03 2002

MICROFILMED

SEP 09 2003

IDAHO CITY

OSPREY SUBDIVISION PRESSURE IRRIGATION PLAN SHEET 1 OF 2 4/24/01



MICROFILMED
SEP 09 2003



DESIGNED BY
CIVIL SURVEY CONSULTANTS, INC.
100 S. ADKINS WAY
SUITE 101
MERIDIAN, IDAHO 83642

MICROFILMED
SEP 09 2003

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OCT 02 2001

WATER RESOURCES
WESTERN REGION

Barry Marcus, ISB No. 1181
MARCUS, MERRICK, MONTGOMERY,
CHRISTIAN & HARDEE, LLP
Attorneys at Law
737 North 7th Street
Boise, Idaho 83702
Telephone: (208) 342-3563
Telefax: (208) 342-2170

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.

Case No. :39576

Identification No. 63-02472, 63-05108,
63-5332 & 63-5334

(Boise County – Osprey Land Company
and Chapman Ranch L.L.C.)

AFFIDAVIT OF DARRELL FISHER

STATE OF IDAHO

: ss.

County of Ada

Darrell Fisher, being first duly sworn upon oath, deposes and states as follows:

1. I am an adult and have knowledge of the facts stated herein.

SCANNED

MICROFILM DEC 03 2002

SEP 09 2003

2. I have lived on the Chapman Ranch next to Mores Creek in Boise County for the last five years. I was born and raised on Mores Creek near the Chapman Ranch and have been familiar with the use of water from Minneha Creek, Smith Creek, Corral Creek and the Star Gulch all of my life. I am 67 years old.

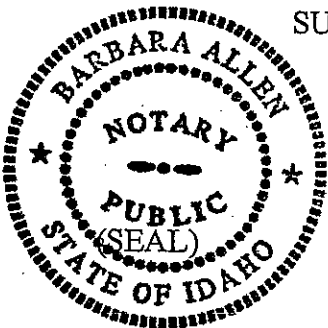
3. During my life the Chapman Ranch was occupied by Bill Adams, Horace Chapman and Earl Chapman. Bill Adams and Earl Chapman are deceased. Horace Chapman still lives on the Ranch. Horace, Bill and Earl diverted all of the water that was available in Minneha Creek, Smith Creek, Corral Creek and Star Gulch for irrigation and stock watering on the Chapman Ranch. This is true for the last five years and for each prior year as far back as I can remember-at least back to the late 1930's. During this entire time no other person diverted water from these sources that I am aware of. The only exception is that no water has been used out of Minneha Creek or Corral Creek during 2000 and 2001 because of construction of the Osprey Subdivision.

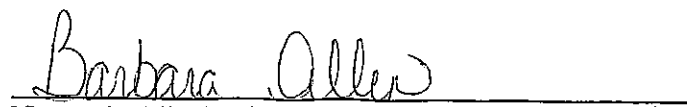
4. The amount of water that Horace, Bill and Earl diverted from these sources varied from year to year, depending on the rainfall. However, they diverted all of the water that was available at their points of diversion each year, less some minor seepage around their dams.

Dated this 2nd day of October, 2001.


Darrell Fisher

SUBSCRIBED AND SWORN TO before me this 2nd day of October, 2001.




Notary Public for State of Idaho
Residing at Caldwell, Idaho
My Commission Expires: 5/1/2002

RECEIVED

OCT 02 2001

WATER RESOURCES
WESTERN REGION

Barry Marcus, ISB No. 1181
MARCUS, MERRICK, MONTGOMERY,
CHRISTIAN & HARDEE, LLP
Attorneys at Law
737 North 7th Street
Boise, Idaho 83702
Telephone: (208) 342-3563
Telefax: (208) 342-2170

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.

Case No. :39576

Identification No. 63-5332 and 63-5334
(Boise County – Osprey Land Company)

AFFIDAVIT OF HORACE CHAPMAN

STATE OF IDAHO,)
: ss.
COUNTY OF ADA)

Horace Chapman, being first duly sworn upon oath, deposes and states as follows:

1. I am an adult and have knowledge of the facts stated herein.

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DEC 03 2002

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SEP 09 2003

2. Our water right in Minneha Creek is identified as A63-5334. Our water right out of Corral Creek is identified as A63-5332.

3. I was one of the owners of the Chapman Ranch prior to its conveyance to Chapman Ranch, LLC in 1997 and subsequent conveyance of a portion of the Chapman Ranch by Chapman Ranch, LLC to Osprey Land Company in 2000 and 2001. The Chapman Ranch consists of approximately 2,000 acres. It adjoins State Highway 21 on the east. That portion conveyed by Chapman Ranch, LLC to Osprey Land Company consists of the High Corral Subdivision No. 2 and Osprey Subdivision Phase 1 and Osprey Subdivision Phase 2. These subdivisions encompass the land which is irrigated by our Minneha Creek and Corral Creek water rights.

4. My direct involvement with the Chapman Ranch began in 1940. I am familiar with the use of water on the Chapman Ranch during every year since 1940. My brother and I and our partner, Bill Adams, did all of the work involved in diverting water from Minneha Creek and Corral Creek each year to irrigate the ranch. I have lived on the Chapman Ranch continuously since 1940. Historically, water was diverted from Minneha Creek and Corral Creek to irrigate the ranch and provide stock water each year up to 2000, when the Osprey Subdivisions were constructed.

5. Historically, we used Corral Creek water to irrigate approximately ten acres located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2, Township 4 N. Range 4 E. and for stock water. The last year that this water was used was 1999 when we leased the Chapman Ranch to Kim Astle for the purpose of grazing 150 cow-calf pairs.

6. Historically, the water that we diverted from Minneha Creek was used for stock water and for irrigating approximately 20 acres in the NW $\frac{1}{4}$ of the SW $\frac{1}{2}$ of Section 35 and approximately 30 acres in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 N., Range 4 E.

BM. The last year that this water was used was 1999 when we leased the Chapman Ranch to Kim Astle.

7. Each year we dammed up Minneha Creek and Corral Creek with dirt and plastic and canvas sheeting, diverting all of the flow into ditches which carried the water to the fields where we grew alfalfa and wild grass. We built a dam, reservoir and headgate in Minneha Creek which replaced the diversion structure maintained by the prior owner of our property. (See the deposition of Minnie Swan.) We diverted substantially all of the flow of these creeks each year since 1940. Water was first diverted from Minneha Creek in 1889 and from Corral Creek in 1900, by the prior owners of the Ranch.

Dated this 2nd day of October, 2001.

Horace Chapman
Horace Chapman

SUBSCRIBED AND SWORN TO before me this 2nd day of October, 2001.

Barbara Allen
Notary Public for State of Idaho
Residing at Caldwell, Idaho
My Commission Expires: 5/1/2007

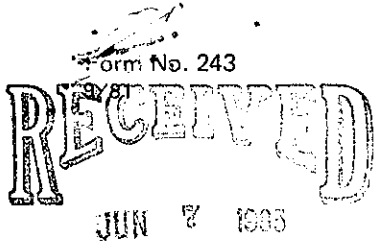


SCANNED

DEC 03 2002

MICROFILMED

SEP 09 2003



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



Department of Water Resources
Western Regional Office

CLAIM TO A WATER RIGHT

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

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

Notice is hereby given that Horace Chapman and Earl Chapman
(Name of Claimant)
c/o Idaho City Stage, Boise, Idaho 83706 Telephone No. 343-0076
(Mailing Address) (Zip Code)

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

- (1) Date of priority: (When was the water first applied to a beneficial use) July 23, 1900 - Notice of Water Right
A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Corral (aka Corell) Creek tributary to Mores Creek
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.1 cfs</u>	Use <u>Irrigation and</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity	<u>.1 cfs</u>	Use <u>Stock water</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
(4)	<u>.2 cfs</u> (cfs, af)	TOTAL QUANTITY USED.		

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 NE 1/4, Sec. 2 Twp. 4 N. Rge. 4 E. B.M., County of Boise
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. ditch approx. 1' x 1'

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

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 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	
4N.	4E.	2			10	A.													10A.

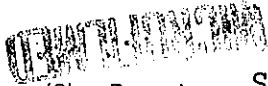
No. of acres 10A.

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

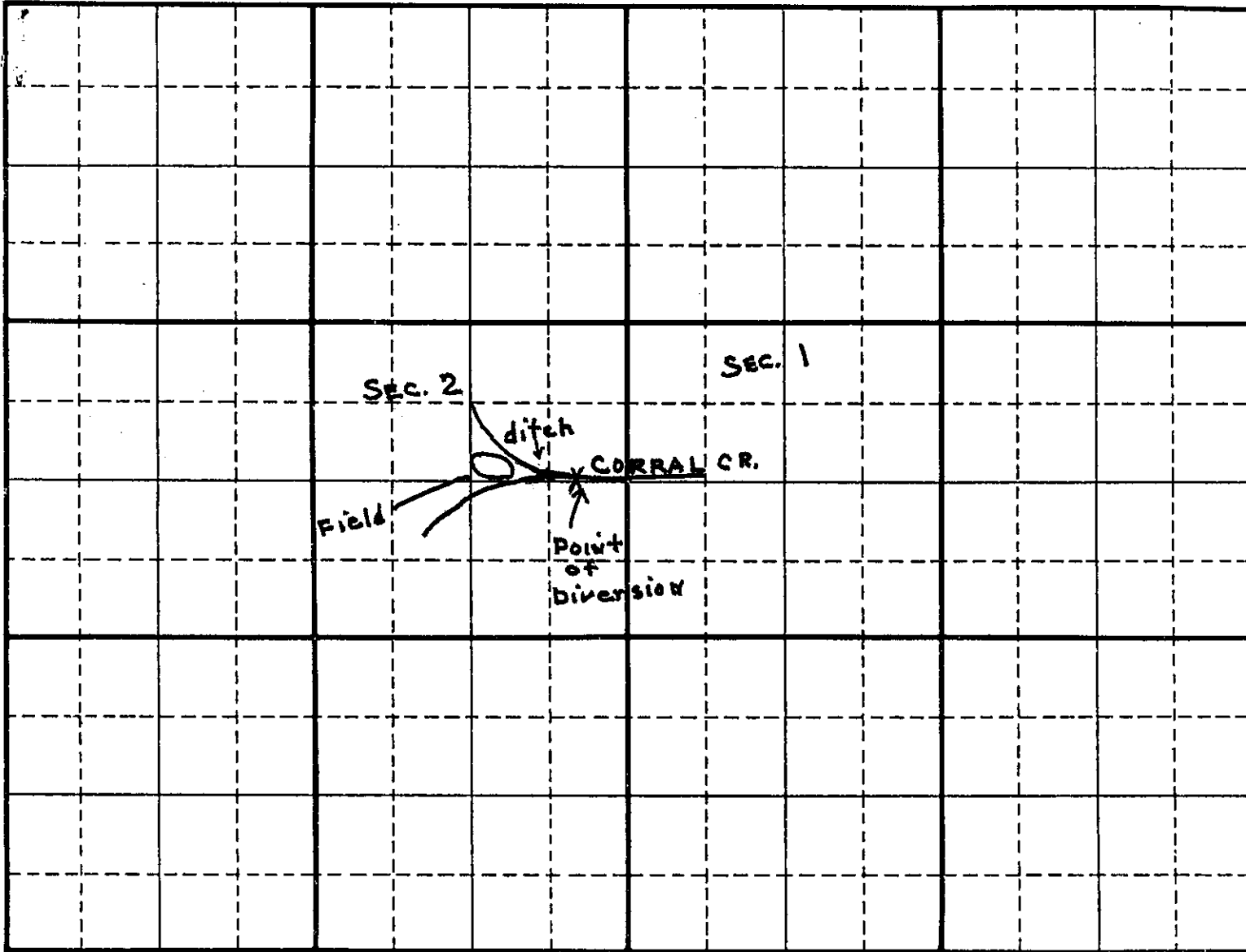
NOTE: Include here the type and number of stock watered: 70 head of cattle

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

RECORDED



(8) Remarks See certified copy of T. F. High Notice of Water Right and Affidavit of Posting (1900) attached hereto. This water right was commenced pursuant to the Act of February 10, 1881. Corral Cr. dries up during the summer of some years.



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Ada) ss.

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

Sworn to before me this 27th day of May

Carl Chapman
(Claimant)
1983

Alice L. Hoover
Notary Public for State of Idaho
Residing at Boise, Idaho

My commission expires 10/14/85

FOR DEPARTMENT USE ONLY

Received by mm Date 6-7-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by 6/5 Date 3/14/84 _____ claimant by: _____
\$30.00 fee received by JP Date 6/7/83 28953
Published in The Idaho Statesman
Dates 3/29 & 4/4/84 6/29 & 7/4/84

RECEIVED

JUN 7 1933

TITLE IX.

WATER RIGHTS AND IRRIGATION.

CHAPTER I.

WATER RIGHTS.

Department of Water Resources
Western Regional Office

SECTION	SECTION
3155. Rights to water may be acquired by appropriation.	3161. Diligence in appropriation.
3156. Appropriation must be for a useful purpose.	3162. Completion defined.
3157. Point of diversion may be changed.	3163. Doctrine of relation applied.
3158. Water may be turned into natural channels.	3164. Forfeiture.
3159. First in time, first in right.	3165. Ditches, etc., heretofore made.
3160. Notice of appropriation.	3166. Rights of present claimant.
	3167. Recorder to keep book in which to record notices.

SECTION 3155. The right to the use of running water flowing in a river, or stream, or down a cañon or ravine, may be acquired by appropriation.

Right to water, how acquired. Act Feb. 10, 1931. Chap. I. Amd'd. Laws '33, pgs. 174, 183, 215.

SEC. 3156. The appropriation must be for some useful or beneficial purpose, and when the appropriator or his successor in interest ceases to use it for such a purpose, the right ceases.

Appropriation to be for useful purposes.

SEC. 3157. The person entitled to the use may change the place of diversion, if others are not injured by such change, and may extend the ditch, flume, pipe or aqueduct by which the diversion is made, to places beyond that where the first use was made.

Point of diversion may be changed.

SEC. 3158. The water appropriated may be turned into the channel of another stream and mingled with its water, and then reclaimed; but in reclaiming it the water already appropriated by another must not be diminished.

Water may be turned into natural channels.

SEC. 3159. As between appropriators, the one first in time is the first in right.

First in time, first in right.

SEC. 3160. A person desiring to appropriate water must post a notice in writing in a conspicuous place at the point of intended diversion, stating therein:

Notice of appropriation.

1. That he claims the water there flowing to the extent of (giving the number) inches, measured under a four inch pressure, and accurately describing the point of diversion;

2. The purpose for which he claims it, and the place of intended use;

3. The means by which he intends to divert it, and the size of the flume, ditch, pipe or aqueduct in which he intends to divert it; a copy of the notice must, within ten days after it is posted, be recorded in the office of the Recorder of the county in which it is posted.

SEC. 3161. Within sixty days after the notice is posted, the claimant must commence the excavation or construction of the works in which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted by snow or rain.

Diligence in appropriating.

SEC. 3162. By "completion" is meant conducting the waters to the place of intended use.

Completion defined.

SEC. 3163. By a compliance with the above rules, the claimant's right to the use of the water relates back to the time the notice was posted.

Doctrine of relation applied.

RECEIVED

Forfeiture.

SEC. 3164. A failure to comply with such rules deprives the claimants of the right to the use of the water as against a subsequent claimant who complies therewith, except as provided in the next section.

§3165
2 Idaho,
pg. 189

Ditches, etc.,
heretofore
made.
11 sec., 268-9.

Rights of
present claim-
ant.

SEC. 3165. All ditches, canals, and other works heretofore made, constructed, or provided, by means of which the waters of any stream have been diverted and applied to any beneficial use, must be taken to have secured the right to the waters claimed, to the extent of the quantity which said works are capable of conducting, and not exceeding the quantity claimed, without regard to or compliance with, the requirements of this chapter.

Recorder to
keep book.

SEC. 3166. Persons who have heretofore claimed the right to water, and who have not constructed works in which to divert it and who have not diverted nor applied it to some useful purpose, must, after this Title takes effect, and within ninety days thereafter, proceed as in this Title provided, or their right ceases.

SEC. 3167. The Recorder of each county must keep a book, in which he must record the notices provided for in this Title.

CHAPTER II.

RIGHT OF WAY FOR DITCHES.

SECTION	SECTION
3180. Right of land owners.	3185. Right of way.
3181. Land owners entitled to right of way.	3186. Ditches, etc., to be kept in good repair.
3182. When right of way is refused, to petition County Commissioners.	3187. Not to interfere with prior rights.
3183. Oath of appraiser; must hear proofs and make certificates.	3188. Insufficiency of supply of water.
3184. Rights of riparian owners.	3189. Order of right to use of water; re-pair of ditches.
	3190. Use of excess of water.

§3180
Chap. II Amd'd
Laws '83, pgs.
174, 183, 215.

Right of land
owners.
11 sec., 269.

Land owners
entitled to
right of way.
11 sec., 269.

SECTION 3180. All persons, companies, and corporations, owning or claiming any lands situated on the banks or in the vicinity of any stream, are entitled to the use of the waters of such stream for the purpose of irrigating the land so held or claimed.

To keep
conduit in
good repair.

Damages.

When right
of way is
refused.
11 sec., 269.

SEC. 3181. When any such owners or claimants to land have not sufficient length of frontage on a stream to afford the requisite fall for a ditch, canal, or other conduit on his own premises for the proper irrigation thereof, or where the land proposed to be irrigated is back from the banks of such stream, and convenient facilities otherwise for the watering of said lands cannot be had, such owner or claimants are entitled to a right of way through the lands of others, for the purposes of irrigation; *Provided*, That in the making, constructing, keeping up, and maintenance of such ditch, canal or conduit, through the lands of others, the person, company, or corporation, proceeding under this section, and those succeeding to the interests of such person, company, or corporation, must keep such ditch, canal, or other conduit in good repair, and are liable to the owners or claimants of the lands crossed by such work or aqueduct, for all damages occasioned by the overflow thereof, or resulting from any neglect or accident (unless the same be unavoidable) to such ditch or aqueduct.

SEC. 3182. In case of the refusal of the owners or claimants of any lands through which such ditch, canal, or other works are proposed to be made or constructed, to al-

State of Idaho } ss.
County of Boise }

I hereby certify that this instrument was filed for record at request of H. H. Young at 10 minutes past 9 o'clock A.M. the 21 day of July, A.D. 1900.

J. J. Sevier
Ex-officio Recorder.

State of Idaho } ss.
County of Boise }

That concerned notice is hereby given that T. F. High of Morris Creek District of Morris Creek, Boise Co., Idaho hereby claims the use of all the waters of Cold Gulch to the extent of not less than 50 cubic feet per second.

It is intended to divert said water at or near the place where a copy of this notice is posted, and more definitely described as follows: about one mile up the gulch just below where the canyon where the gulch becomes narrow and no growth of timber begins.

The purpose for which said water is intended to be used is mining, irrigating and domestic purposes.

The place of intended use is the flat on the East side of Morris Creek and the North side of Cold Gulch at the junction of said gulch with Morris Creek.

It is intended to divert said water by means of a ditch. The general course of the proposed conduit is more or less as follows.

It is intended to use said water for irrigating the following described lands: beginning at the Cold Gulch ranch.

The area of lands proposed to be irrigated by said conduit is 320 acres.

Witness my hand at Morris Creek, Boise Co. Idaho this 16th day of July 1900.

T. F. High Claimant.

State of Idaho } ss.
County of Boise }

T. F. High being first duly sworn deposes and says that he is of lawful age and claimant of the water right mentioned in the foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice, of which the

POOR QUALITY ORIGINAL

RECORDED

foregoing is a true copy, was posted in conspicuous place and read, the place of intended diversion (as provided by law) on the day of 23 July 1900 at 50 minutes past 8 o'clock A.M.

T. F. High.

Subscribed and sworn to before me this 20 day of July 1900. And I further certify that on the date last aforesaid 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.

(Seal)
State of Idaho } ss
County of Boise }

Jos V. Seward.

I hereby certify that this instrument was filed for record at request of T. F. High at 50 minutes past 8 o'clock A.M. this 23 day of July A.D. 1900.

Jos V. Seward.
Ex-officio Recorder.

State of Idaho }
County of Boise } SS.
I hereby certify that the foregoing instrument is a full true and correct copy of the original recorded in this office.
Dated May 20 1903
ARLENE C. SOLAR, Auditor and Recorder
By [Signature] Deputy

Whereby I certify that I, R. J. Anderson, a citizen of the United States having complied with all the laws relating to the location of mineral lands have this 15 day of June, located for a mill site known as the Star Eagle mill site. The said mill site located in Boise County, State of Idaho and adjoining the Iowa mill site, Quartzburg, Idaho. It is bounded as follows: Beginning at the corner which is corner No. 1 of mill site, thence S. 89° 16' E. 284 ft. to Cor. No. 2. Thence S. 20° 58' W. 230 ft. to Cor. No. 3. Thence N. 78° 32' W. 176 ft. to Cor. No. 4. Thence N. 33° 2' W. 336.9 ft. to Cor. No. 1. The place of beginning.

The said Star Eagle mill site adjoins the Iowa mill site, north. S. E. and Cor. No. 2. coincides with S. E. and Cor. No. 1.

NOTICE OF CORRECTION

Notice is hereby given that Claim to Water Right No. 63-5332 in the name of Horace and Ed Chapman was published in error on 3/28/84 and 4/4/84.

The Point of Diversion was advertised as being within the SWNE Sec. 2, T4N, R4E, WHEREAS, the actual Point of Diversion is within the SENE Sec. 2, T4N, R4E.

Exception to a claim may be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, ID, 83720.

Ken Dunn, Director
Published in the Idaho World in Idaho City, ID on June 27 and July 4, 1984.

STATE OF IDAHO,
County of Boise

Rose L. Williams, being duly sworn, deposes and says: that he is the manager and principal clerk of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for ~~two~~... consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy-eight weeks past previous to the first publication of this notice. Such notice was published in the issue beginning with

June 27, 1984, and end.

ing with the issue of *July 4, 1984*.

Rose L. Williams

NOTICE OF CORRECTION

Notice is hereby given that Claim to Water Right No. 63-5332 in the name of Horace and Earl Chapman was published in error on 3/28/84 and 4/4/84.

The Point of Diversion was advertised as being within the SWNE Sec. 2, T4N, R4E, WHEREAS, the actual Point of Diversion is within the SENE Sec. 2, T4N, R4E.

Exception to a claim may be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, ID. 83720.

Ken Dunn, Director

Published in the Idaho World in Idaho City, ID on June 27 and July 4, 1984.

STATE OF IDAHO, }

County of Boise }

Rose Ludwig, being duly sworn, deposes and says: that he is the manager and principal clerk of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for *two*... consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy-eight weeks past previous to the first publication of this notice. Such notice was published in the issue beginning with *June 27, 1984* and ending with the issue of *July 4, 1984*.

Rose Ludwig
Subscribed and sworn to before me this *19* day of *July*, 19*84*.

Anna Morgan

Notary Public

STATE OF IDAHO,
County of Boise

Rose H. Hargrett, being
duly sworn, deposes and says:
that he is the manager and prin-
cipal clerk of THE IDAHO
WORLD, a weekly newspaper
published at Idaho City, in the
County of Boise and State of Ida-
ho; that said paper has been and
is in general circulation in the
county aforesaid, and in the vi-
cinity of Idaho City; that the
advertisement, a copy of which is
hereto attached, was published in
said newspaper once a week for
77... consecutive weeks in
the entire and regular issue of
every number of said paper dur-
ing the period and time of publi-
cation and was published in the
newspaper and not a supplement;
that said paper has been estab-
lished and regularly and continu-
ously published for more than
seventy-eight weeks past previ-
ous to the first publication of
this notice. Such notice was pub-
lished in the issue beginning with

April 18, 1913 and end-

ing with the issue of *April 25*

19 *1913*

Subscribed and sworn to before

me this *17th* day of *April* 19 *1913*

Rose H. Hargrett
R. H. Hargrett
RECEIVED
10 84

Department of
Western Affairs

Wednesday, Apr

LEGAL NOTICES

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on
water right(s) created by diversion and bene-
ficial use:

63-5232

BRASSEY, VERNON K.

3200 TREASURE, BOISE, ID 83703

Source: WOLF CREEK TRIB. to GRANITE
CREEK

Priority Date: 02/03/1913

Diversion Pt.: Lot 07 (NESW) Sec 23 T 07N R 04E

Use: IRRIGATION (1.20 CFS)
MINING (1.00 CFS)
DOMESTIC (0.12 CFS)

MINING (1.00 CFS)
DOMESTIC (0.12 CFS)

In: LOT 03 (SWNW) LOT 04 (SENW) LOT 07
(NESW) Sec 23 T 07N R 04E NESW
1/2 Sec 23 T 07N R 04E FOR 60 ACRES.

63-5324

MT. HO MINING

C/O ELAINE EDGERTON, 6402 NORTHVIEW,
BOISE, ID 83704

Source: GRANITE CREEK, WEST FORK
TRIB. TO GRIMES CREEK

Priority Date: 03/15/1942

Diversion Pt: SWNE Sec 16 T 07N R 04E

Use: MINING (0.08 CFS)

In: NENE NWNE SWNE SENE NENW NWNW
SWNW SENW NWSE Sec 16 07N R 04E

63-5332 ✓

CHAPMAN, HORACE &/or EARL

C/O IDAHO CITY STAGE, BOISE, ID 83706

Source: CORRAL CREEK trib. to MORES
CREEK

Priority Date: 07/23/1900

Diversion Pt.: SWNE Sec 02 T 04N R 04E

Use: IRRIGATION (0.10CFS)
STOCKWATER (0.10CFS)

In: SWNE Sec 02 T 04 R 04E FOR 10 ACRES

63-5334

CHAPMAN, HORACE &/or EARL

C/O IDAHO CITY STAGE, BOISE, ID 83706

Source: MINNEHA CREEK trib. to MORES

**STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 2, 2003

CHAPMAN RANCH LLC
737 N 7TH ST
BOISE ID 83702

RE: Transfer No.: 69538 - Water Rights 63-5332, 63-5334 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED
SEP 09 2003

If you have any questions, please contact me at 208-327-7940.

Sincerely,

for 
Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

cc: SCANLAN ENGINEERING
600 E RIVER PARK LN STE 105
BOISE ID 83706

WILDERNESS RANCH OWNERS ASSN INC
C/O MICHAEL CREAMER
PO BOX 2720
BOISE ID 83701

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SEP 09 2003

CERTIFICATE OF SERVICE

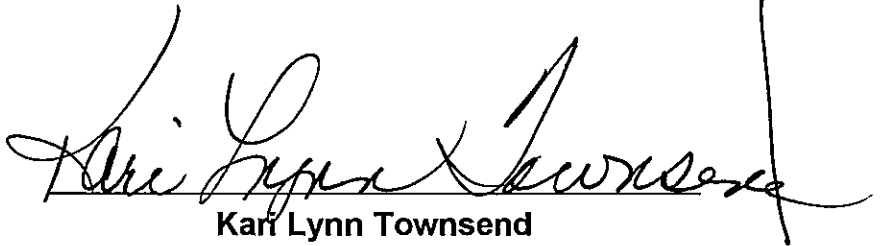
I hereby certify that on May 2, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69538 - WATER RIGHTS 63-5332, 63-5334

**CHAPMAN RANCH LLC
737 N 7TH ST
BOISE ID 83702**

**SCANLAN ENGINEERING
TERRY SCANLAN
600 E RIVER PARK LN STE 105
BOISE ID 83706**

**WILDERNESS RANCH OWNERS ASSN INC
C/O MICHAEL CREAMER
PO BOX 2720
BOISE ID 83701**


Karl Lynn Townsend
Secretary

MICROFILMED

SEP 09 2003

CLAUDE V. MARCUS
CRAIG MARCUS
BARRY MARCUS*
GALE M. MERRICK
MICHAEL CHRISTIAN†
TRENT MARCUS
DANIEL R. HARDEE

MARCUS, MERRICK, CHRISTIAN & HARDEE LLP

LAW OFFICES
THE MARCUS LAW BUILDING
737 NORTH 7TH STREET
BOISE, IDAHO 83702-5595

TELEPHONE
(208) 342-3563
TELEFAX
(208) 342-2170

*Also Admitted to the California State Bar
† Also Admitted to the Washington State Bar

RECEIVED**MAY - 1 2003**

Department of Water Resources

April 30, 2003

Idaho Department of Water Resources
Attn: Karl Dreher, Director
1301 N. Orchard St.
Boise, ID 83720-0098

Re: Transfer No. 69538 (Chapman Ranch, LLC)

Dear Mr. Dreher:

The undersigned have agreed that the following condition may be added to Paragraph 5 of the Approvals issued March 18, 2003 with respect to Water Right Nos. 63-5332 and 63-5334 in the above transfer application proceeding:

"The total diversion of water from Mores Creek under both water rights shall not exceed 1.12 cfs."

The Objection filed by Wilderness Ranch Owners Association, Inc., to the above referenced Approvals is hereby withdrawn, upon insertion of the above condition.

Thank you for your assistance.

Very truly yours,

Givens Pursley, LLP

By 

Michael C. Creamer
Attorneys for Protestant, Wilderness
Ranch Owners Association, Inc.

MARCUS, MERRICK, CHRISTIAN & HARDEE, L.L.P.

By 

Barry Marcus
Attorneys for Applicant,
Chapman Ranch, LLC

MICROFILMED**SEP 09 2003**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 2, 2003

LEE SISCO
WATERMASTER
6616 OVERLAND RD
BOISE ID 83709

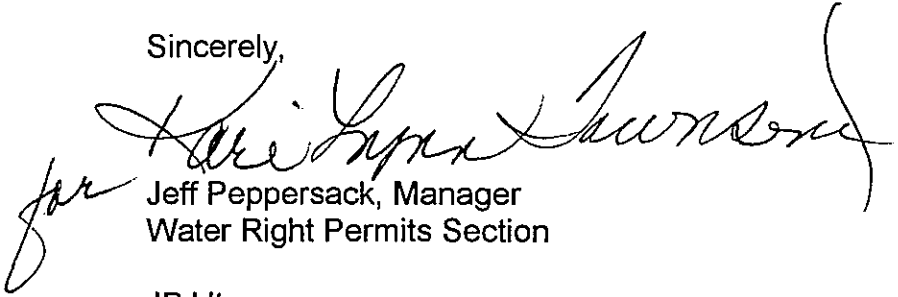
RE: **AMENDED** TRANSFER OF WATER RIGHT 63-5332, 63-5334
(Amended Transfer 69538)

Dear Lee:

Enclosed is a copy of the recently approved **Amended** Transfer of Water Right for the above referenced water rights (Transfer 69538) in the name of Chapman Ranch LLC.

If you have any questions, please call me at 208-327-7940.

Sincerely,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

SEP 09 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
SEP 09 2003

FAX COVER SHEET

DATE: Wednesday, April 30, 2003

PAGES (INCLUDING COVER): 2ORIGINAL TO FOLLOW: No**From:**

MICHAEL C. CREAMER
GIVENS PURSLEY LLP
Suite 200, Park Place
277 North Sixth Street
Post Office Box 2720
Boise, Idaho 83701-2720
Telephone: (208) 388-1200
Facsimile: (208) 388-1300
Email: mcc@givenspursley.com
Web: www.givenspursley.com

RE: Wilderness Ranch Owners' Association—Chapman Ranch Transfer
Our File No. 4477-4

TO:

	Voice	Fax
Glen Saxton	327-7955	327-7866
Gary Spackman	334-2190	334-2348

MESSAGE:

Please see attached.

— Mike

RECEIVED**APR 30 2003**

Department of Water Resources

**If this fax does not transmit fully or is difficult to read, please contact
me or my secretary, Katrina Thomas, at (208) 388-1227.**

CONFIDENTIALITY NOTICE

This facsimile may contain confidential information that is protected by the attorney-client or work product privilege. It is intended only for the use of the individual(s) named above. If you are not a named recipient or an employee responsible for delivering the facsimile, you are instructed not to deliver, distribute or copy this facsimile, nor should you disclose its contents or take any action in reliance on the information it contains. If you have received this facsimile in error, please notify us immediately by telephone to arrange for the return of the transmitted documents to us. Thank you.

S:\CLIENTS\4477\4\MCC Fax to Saxton & Spackman.DOC

MICROFILMED**SEP 09 2003**

04/30/2003 18:51 FAX 2083 170

MARCUS MERRICK

02

CLAUDE V. MARCUS
CRAIG MARCUS
HARRY MARCUS*
DALE M. MERRICK
MICHAEL CHRISTIAN†
TRENT MARCUS
DANIEL R. HARDEE

LAW OFFICES
MARCUS, MERRICK, CHRISTIAN & HARDEE LLP

THE MARCUS LAW BUILDING
737 NORTH 7TH STREET
BOISE, IDAHO 83702-3595

TELEPHONE
(208) 242-3563
TELEFAX
(208) 242-2170

*Also Admitted to the California State Bar
† Also Admitted to the Washington State Bar

April 30, 2003

Idaho Department of Water Resources
Attn: Karl Dreher, Director
1301 N. Orchard St.
Boise, ID 83720-0098

Re: Transfer No. 69538 (Chapman Ranch, LLC)

Dear Mr. Dreher:

The undersigned have agreed that the following condition may be added to Paragraph 5 of the Approvals issued March 18, 2003 with respect to Water Right Nos. 63-5332 and 63-5334 in the above transfer application proceeding:

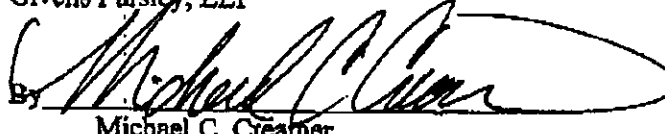
"The total diversion of water from Mores Creek under both water rights shall not exceed 1.12 cfs."

The Objection filed by Wilderness Ranch Owners Association, Inc., to the above referenced Approvals is hereby withdrawn, upon insertion of the above condition.

Thank you for your assistance.

Very truly yours,

Givens Pursley, LLP

By 

Michael C. Creamer
Attorneys for Protestant, Wilderness
Ranch Owners Association, Inc.

MARCUS, MERRICK, CHRISTIAN & HARDEE, L.L.P.

By 

Barry Marcus
Attorneys for Applicant,
Chapman Ranch, LLC

MICROFILMED
SEP 09 2003

Michael C. Creamer (Idaho State Bar #4030)
GIVENS PURSLEY LLP
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701
Telephone: (208) 388-1200
Facsimile: (208) 388-1300
S:\clients\44774\pleadings\2003-03-28 chapman petition for recon.doc

RECEIVED
MAR 28 2003
Department of Water Resources

Attorneys for Protestant Wilderness Ranch Owners Association, Inc.

**BEFORE THE DIRECTOR OF THE
IDAHO DEPARTMENT OF WATER RESOURCES**

**IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 69538 IN THE
NAME OF CHAPMAN RANCH LLC**

**PETITION FOR
RECONSIDERATION AND/OR
FOR HEARING**

Protestant, Wilderness Ranch Owners Association, Inc., an Idaho non-profit corporation ("WROA"), by and through its attorneys Givens Pursley LLP, hereby petitions for reconsideration of the Department's Preliminary Order dated March 19, 2003 in the above-referenced Transfer No. 69538 ("Transfer"). The grounds for this Petition are as follows:

1. In an effort to resolve this matter short of a hearing, WROA entered into a Stipulation with the Applicant by which WROA and the Applicant agreed to the imposition of certain conditions on the Transfer. (Copy attached hereto as Exhibit A). In the Stipulation, WROA agreed that its Protest would be withdrawn provided that the

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SEP 09 2003

Department included the stipulated conditions in substantially the form agreed to by the parties in any Transfer approval.

2. Among the stipulated conditions is a condition limiting the quantity of water that the Applicant may divert from Mores Creek under the subject water rights to no more than 0.02 cfs per irrigated acre.

3. Among other things, the conditions in the Department's Preliminary Order authorize a diversion rate from Mores Creek that exceeds the 0.02 cfs per irrigated acre stipulated limitation.

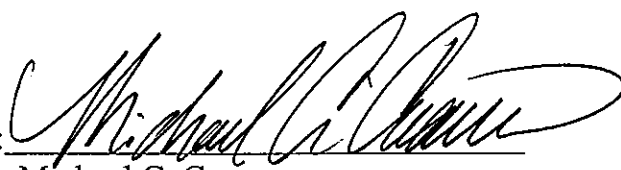
4. WROA received no notice from the Department prior to the issuance of its Preliminary Order indicating that it would not include the stipulated conditions.

5. Because the fundamental premise for WROA's conditional withdrawal of its Protest (i.e., the inclusion of the stipulated conditions in the Transfer approval) has not been met, WROA requests that the Department either reconsider its Preliminary Order, and revise its conditions to substantially conform with the Stipulation, or grant the WROA the opportunity for a hearing.

6. Counsel for WROA has spoken with Mr. Barry Marcus, who is counsel for the Applicant, and it is likely that the Parties will, in short order, be able to agree on, and present to the Department, amendatory language for the conditions contained in the Preliminary Order acceptable to the Department and the parties. However, as of the date of this Petition, Mr. Marcus is unavailable. WROA therefore requests that the Department withhold action on this Petition until Mr. Marcus is available and the parties have an opportunity to approach the Department together with such language.

DATED this 28th day of March, 2003.

GIVENS PURSLEY LLP

BY: 

Michael C. Creamer

Attorney for Protestant Wilderness
Ranch Owners Association, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of March, 2003 I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Karl Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

☒ Hand Delivery
☐ U.S. Mail
☐ Overnight Mail
☐ Facsimile

Gary Spackman
Regional Manager
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

☐ Hand Delivery
☐ U.S. Mail
☐ Overnight Mail
☒ Facsimile

Chapman Ranch LLC
c/o Mr. Barry Marcus
737 N. 7th Street
Boise, ID 83702-5595

☐ Hand Delivery
☒ U.S. Mail
☐ Overnight Mail
☒ Facsimile

COPY

Michael C. Creamer (ISB # 4030)

GIVENS PURSLEY LLP

P.O. Box 2720

277 No. 6th Street, Suite 200

Boise, Idaho 83701

Telephone: (208) 388-1200

Facsimile: (208) 388-1300

S:\clients\4477\4\Stipulation for Withdrawal of Protest (Final).doc

Attorneys for Wilderness Ranch Owners' Association, Inc.

EXHIBIT A

RECEIVED

MAR 29 2002

Givens Pursley, LLP

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE APPLICATION)
FOR TRANSFER NO. 69538 IN THE NAME) STIPULATION
OF CHAPMAN RANCH LLC)
_____)

Applicant Chapman Ranch LLC, an Idaho limited liability company ("Chapman"), and Protestant Wilderness Ranch Owners' Association, Inc., an Idaho non-profit corporation ("WROA"), through its attorneys Givens Pursley LLP, stipulate as follows:

1. Chapman has filed a transfer application ("Transfer Application") with the Department to change the point of diversion and place of use of water right nos. 63-5332 and 63-5334 authorized for irrigation and stockwater purposes (the "Chapman Rights"). The current sources and points of diversion for rights 63-5332 and 63-5334 are Corral Creek and Minneha Creek, respectively. Corral Creek and Minneha Creek each are tributary to Mores Creek.
2. WROA holds water rights ("WROA Rights") with points of diversion downstream from the points of diversion of the Chapman Rights. WROA has protested the Transfer Application.
3. WROA and Chapman agree that the following conditions of transfer approval will provide reasonable assurance of non-injury to the WROA Rights:

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SEP 09 2003

- a) Diversion from Mores Creek under Right No. 63-5332 is limited to those times when water is available for diversion under such right and priority from Corral Creek at the original point of diversion of Right No. 63-5332.
- b) Diversion from Mores Creek under Right No. 63-5334 is limited to those times when water is available for diversion under such right and priority from Minneha Creek at the original point of diversion of Right No. 63-5334.
- c) Prior to diversion of water under the transfer approval, Chapman shall provide a location and method of measurement reasonably acceptable to the Department for measuring the flow in Minneha Creek and Corral Creek to confirm compliance with the above conditions.
- d) The combined diversion rate under the Chapman Rights from Mores Creek for irrigation shall not exceed 0.02 cubic feet per second ("cfs") for each acre actually irrigated within the Osprey Subdivision, not to exceed 56 acres. Diversion under the Chapman Rights from Mores Creek for stockwater shall be limited to that amount reasonably necessary to provide for the actual number of livestock maintained from time to time within the Osprey Subdivision, provided that the combined diversion rate under the Chapman Rights for stockwater shall not exceed 0.13 cfs.
- e) Chapman has filed claims in the Snake River Basin Adjudication ("SRBA") for the Chapman Rights, claiming among other things, the right to divert 3.20 cfs under right 63-5334 for the irrigation of 50 acres. WROA and Chapman anticipate that the Department will submit its recommendations for the Chapman Rights with the SRBA Court at some point after the Department's determination of the Transfer Application, and that the Department's recommendation for 63-5334 will be for irrigation of 46 acres. WROA and Chapman agree that if the SRBA Court decrees 63-5334 for irrigation of more than 46 acres, the transfer approval may be amended upon the Court's entry of a partial decree for Right 63-5334 to recognize any additional decreed acres, not to exceed 50 acres under Right 63-5334, and a combined total of 60 acres under the Chapman Rights. The Department shall retain jurisdiction over the transfer until the partial decrees for the Chapman Rights have been entered to permit amendment consistent with this condition, if appropriate.

4. Provided the Department will incorporate the above conditions in substantially the form set forth herein in any approval of the Transfer Application, WROA hereby agrees to withdraw its protest to the Transfer Application.

MICROFILMED

SEP 09 2003

DATED this 27 day of March, 2002.

GIVENS PURSLEY LLP

BY:

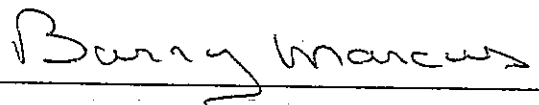


Michael C. Creamer

Attorneys for Protestant, Wilderness Ranch
Owners' Association, Inc.

CHAPMAN RANCH LLC

BY:



CERTIFICATE OF SERVICE

I hereby certify that on this 27 day of March, 2002, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Karl Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

☐ Hand Delivery
☒ U.S. Mail
☐ Overnight Mail
☐ Facsimile

Chapman Ranch LLC
737 N. 7th Street
Boise, ID 83702-5595

☐ Hand Delivery
☒ U.S. Mail
☐ Overnight Mail
☐ Facsimile

Michael C. Creamer
Givens Pursley LLP
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720

☐ Hand Delivery
☒ U.S. Mail
☐ Overnight Mail
☐ Facsimile

Barry Marcus

MICROFILMED

SEP 09 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 1, 2003

CHAPMAN RANCH LLC
737 N 7TH ST
BOISE ID 83702

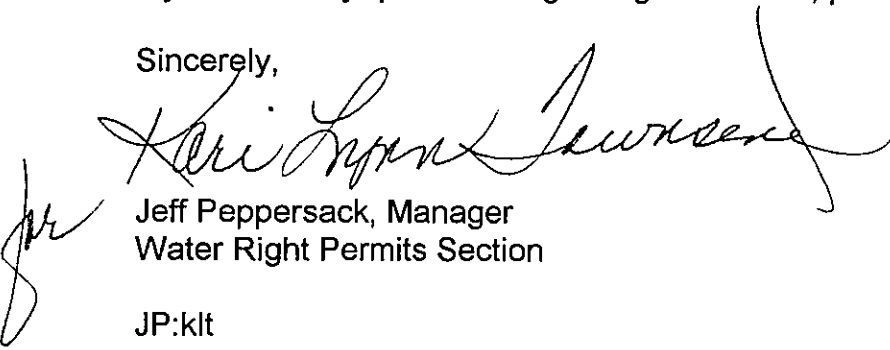
RE: Order In the Matter of Transfer No. 69538

Dear Water Right Holder(s):

Enclosed please find Order Granting Extension of Time to Complete Transfer issued by the department in reference to the above listed information.

If you have any questions regarding this matter, please call me at 327-7940.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

cc: Michael C. Creamer
Givens Pursley LLP
PO Box 2720
Boise, ID 83701

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 19, 2003

CHAPMAN RANCH LLC
737 N 7TH ST
BOISE ID 83702

RE: Transfer No.: 69538 - Water Rights 63-5332, 63-5334
Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

for 
Jeff Peppersack, Manager
Water Rights Permits Section

Enclosure(s)

cc: Scanlan Engineering
600 East River Park Ln, #105
Boise, ID 83706

Wilderness Ranch Owners Assn
c/o Michael C. Creamer
PO Box 2720
Boise ID 83701

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CERTIFICATE OF SERVICE

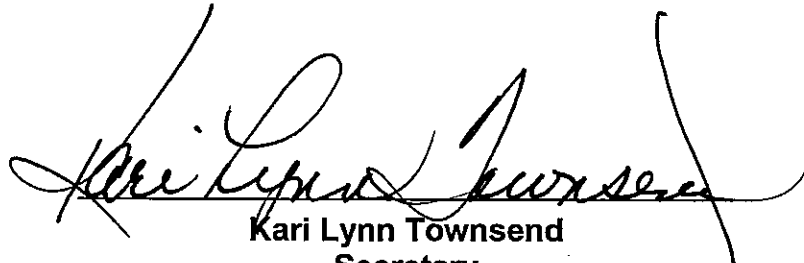
I hereby certify that on March 19, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69538 - WATER RIGHTS 63-5332, 63-5334

**CHAPMAN RANCH LLC
737 N 7TH ST
BOISE ID 83702**

**SCANLAN ENGINEERING
600 E RIVER PARK LN STE 105
BOISE ID 83706**

**WILDERNESS RANCH OWNERS ASSN INC
C/O MICHAEL CREAMER
PO BOX 2720
BOISE ID 83701**



**Kari Lynn Townsend
Secretary**

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SEP 09 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 18, 2003

LEE SISCO
WATERMASTER
6616 OVERLAND RD
BOISE ID 83709

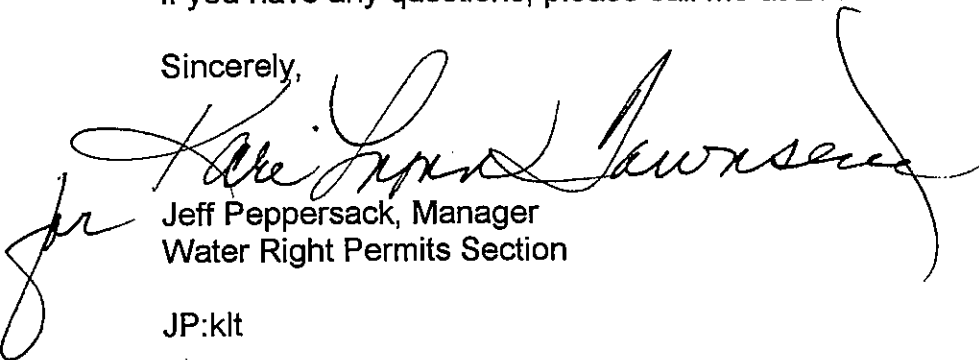
RE: TRANSFER OF WATER RIGHTS 63-5332, 63-5334 - (Transfer 69538)

Dear Lee:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 69538) in the name of Chapman Ranch LLC.

If you have any questions, please call me at 208-327-7940.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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APR 10 2002

IDWR WESTERN REGION TRANSFER ANALYSIS

Department of Water Resources

Applicant Chapman Ranch LLC Transfer No. 69538
Reviewed by ly Date 11/2/01
Data entered by ly

1. Right number(s) 63-5332, 63-5334

2. Type of right ☐ Decree ☐ License ☒ Stat. Claim ☐ BU Claim

3. Purpose of transfer ☐ Change P/D ☒ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Period ☐ Split Right
☐ Other: _____

4. Check Existing
Right

☒ Source	☒ Priority	☒ Amount
☒ Purpose	☒ Period	☒ SRBA Claim
☒ Description of original point(s) of diversion		
☒ Description of original place of use		
☒ Overlapping rights for original P/D &/or P/U		

5. Check Proposed Right for amount of land &/or water transferred:

- a. ☒ Analysis memo – always include unless justify why not needed
- b. ☒ All of right
- c. ☒ Part of right – Note: Part B should normally be completed only if part of right is owned by applicant
- d. ☒ Description of point(s) of diversion
- e. ☒ Description of place of use
- f. ☒ Map showing proposed P/D &/or P/U
- g. ☒ Correct notarized signature and fee – see Transfer Memo #23 about fees if necessary
- h. ☒ Proof of ownership of right &/or land from which water is transferred
- i. ☒ Expansion in use of right: check rate of flow, diversion volume and consumptive volume. Discuss in memo.
- j. ☒ Surface water source: IDFG letter; notify Water Planning Bureau if protected river or minimum flow reach.

SCANNED

SCANNED

MAR 07 2003

DEC 03 2002

k. ☒ Overlapping rights for current & proposed scenarios

Current _____

Proposed 63-10279 - different property

l. ☒ SRBA Claim(s) prelim recommendations
made - copies attached in reviewer's notes

m. ☒ Comment letters _____ No ☒ Yes as follows:

☒ Water District # 63 ☒ IDFG _____ Other per attached

PUBLICATION REVIEW

1. Comment Letters

Watermaster comments requested on _____, received on 5/30/02

Other comment letters received _____ Yes _____ No

2. Affidavit of publication received: ☒ Yes

3. Published correctly: ☒ Yes _____ No

If No, re-publication required: _____ Yes _____ No

4. Protests received: _____ Yes ☒ No _____ If yes, acknowledgement sent

RECOMMENDATIONS

1. ☒ Approve ☒ See attached memo

2. _____ Deny due to _____

3. Conditions of Approval see draft conditions

4. Recommended by Gay S

Date 3/14/03

FORWARDING FILE TO S.O.

1. Copies made for Region file (see attached supplemental page):

N/A Yes

2. File forwarded to S.O. by lg

Date 3/7/03

copy to pam 3-1-02

SCANNED

MAR 07 2003

SCANNED

DEC 03 2002

SUPPLEMENTAL TRANSFER REVIEW CHECKLIST

- E'folder name Chapman 69538
(applicant last name + transfer application #)
- Right Numbers 63-5332, 63-5334
- Legal Notice: Use Workflow ad ✓
- OR Word file name _____
- Emails Reviewer, check one:
- ____ WR record transferred ✓ AJ record transferred
- Email sent, include e'folder name & brief sentence about purpose of transfer:
- ____ WR record = Pam ✓ AJ record = Don, copy to Pam & Jan

SCANNING/SAVING TO E'FOLDER**ITEM SCANNED/SAVED****INITIALS & DATE**

- | | |
|---|--------------------|
| ► <u>Application</u> ¹ (original & amended) with its attachments | <u>LM</u> 12-03-02 |
| ► <u>Draft review memo</u> | <u>Ly</u> 11-27-02 |
| ► Legal notice w/ cover letter/email (<u>Correspondence legal notice</u>) | <u>LM</u> 12-03-02 |
| ► <u>Draft transfer approval</u> | <u>Ly</u> 3-6-03 |
| ► Final <u>Review memo</u> | <u>Ly</u> 3-14-03 |
| ► Initial <u>Review checklist</u> (... initial) | <u>3-7-03</u> LM |
| ► Final <u>Review checklist</u> (... final) | <u>3-7-03</u> LM |
| ► Additional items, identify with acceptable e'folder file names | |
| <u>DRAFT memo Lori</u> 11/29/02 | <u>LM</u> 12-5-02 |
| <u>Draft memo Gary</u> 11/15/02 | <u>LM</u> 12-03-02 |
| <u>Draft memo Lori</u> 11/02/01 | <u>LM</u> 12-03-02 |
| <u>Correspondence Scanlan</u> 11/8/02 | <u>LM</u> 12-03-02 |
| <u>Correspondence Marcus</u> 9-9-02 | <u>LM</u> 12-03-02 |

FILE THIS COMPLETED FORM IN WESTERN'S WR FILES

¹ Underlined word indicates acceptable file name for e'folder scan/save. Can clarify by adding to file name if necessary (example: Application amended.pdf). See *Scanning/Saving to Transfer E'folders* dated 11-19-02.

DRAFT MEMO

Date: 11/27/02

From: Lori Graves

To: Transfer File No. 69538

Re: Chapman Ranch

Brief

This is a pipeline transfer. My memo, dated 11/2/01, addresses issues found during the review process and suggests conditions and additional information needed for the file, which was submitted at later dates. Gary's memo, dated 11/15/02, lists recommended conditions of approval.

Workflow Records

Workflow shows the correct records involving the two SRBA claims were acted on.

Arc View has yet to be completed.

Standard Conditions

R65, T07, T08, T17, T19, WB4, T09, R05, R43

Special Conditions

X27, X35, X49, X53, plus Gary's recommendations.

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DEC 05 2002

MEMORANDUM

To: File Nos. 63-5332 and 63-5334 (Application for Transfer No. 69538) in the Name of Chapman Ranch

From: Gary Spackman

Re: Recommended Conditions of Approval

Date: November 15, 2002

Application for transfer no. 69538 was filed by Chapman Ranch LLC seeking to add a diversion point from Mores Creek and change the place of use for water right nos. 63-5332 and 63-5334. The two water rights authorize diversion from Corral Creek and Minneha Creek. Chapman Ranch proposes to divert water from Mores Creek. Because Mores Creek is a perennial stream, and flows when water may not be available from Corral Creek and Minneha Creek, some method of accounting for diversions had to be employed. Terry Scanlan, a consultant employed by Chapman Ranch, submitted a proposed plan. The plan calls for installation of weirs at the existing points of diversion and at the mouths of the creeks where they enter Mores Creek. The plan proposes the diversion of Mores Creek of the lesser of the flows recorded at the point of diversion or at the mouth of the creeks.

I recommend approval of application for transfer no. 69538 with the following conditions:

1. Measuring devices shall be installed and maintained at each of the following locations:
 - a. At the existing point of diversion from Corral Creek;
 - b. At the mouth of Corral Creek where it discharges into Mores Creek;
 - c. At the existing point of diversion from Minneha Creek; and
 - d. At the mouth of Minneha Creek where it discharges into Mores Creek.
 - e. At the Mores Creek point of diversion.
2. The quantity of water diverted from the Mores Creek point of diversion shall not exceed the sum of the following: the lesser of the flow measured at the existing Corral Creek diversion or the flow at the mouth of Corral Creek minus any flows diverted at the existing point of diversion plus the lesser of the flow measured at the existing Minneha Creek point of diversion or the flow at the mouth of Minneha Creek minus any water diverted at the point of diversion from Minneha Creek.

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3. The permit holder shall designate one person who is responsible for monitoring and recording the flow rates measured and diverted from the various sources and points of diversion from the sources described by these water rights. Every year the main address and telephone of the person responsible for monitoring and recording shall be sent to the Idaho Department of Water Resources (IDWR) prior to the irrigation season. Any change in the responsible person must be sent to IDWR within one week following the change. The notice of the responsible person must also reference the water rights that are being regulated.

4. The flow rate diverted at the Mores Creek pump must be measured on a daily basis unless specifically waived by IDWR. This information shall be recorded by the responsible person regulating the water diversion.

5. The following conditions shall be placed in the by-laws for the Osprey Subdivision Property Owner's Association:

The water which supplies the subdivision's pressurized irrigation system is diverted from Minneha Creek and Corral Creek or Mores Creek pursuant to water rights that have a relatively late priority date. In years of short water the association's right to divert water may be curtailed or interrupted during the summer in order that water rights having an earlier priority date are served.

6. The person in charge of regulating water must submit measurement records for the first two years of water use. Following the first two years of water use, reports need not be submitted to IDWR unless specifically required by subsequent written request by IDWR.

7. Failure to adhere strictly to the conditions of this permit is unequivocal grounds for revocation of the portion of this transfer allowing diversion of water from Mores Creek.

MEMORANDUM

DATE: 11/2/2001

FROM: Lori Graves *g*

TO: Transfer File No. 69538

RE: Transfer Review

ATTACHMENTS

- A. Ownership Info
- B. Proposed Subdivision Plat Map
- C. Proposed System Description and Diagrams
- D. Darrell Fisher Affidavit
- E. Horace Chapman Affidavit

BRIEF

Chapman Ranch LLC filed application for transfer no.69538 seeking to add a point of diversion and change the place of use for statutory rights 63-5332 from Corral Creek and 63-5334 from Minneha Creek. The claims were filed in the SRBA as historically recorded. Because both creeks are directly tributary to Mores Creek, applicant proposes to add a pump station on Mores Creek for an alternate P/D to be used for a pressurized buried sprinkler system for the subdivision. The P/U listed on the claims is located on a flat bench above Mores Creek and Hwy 21 on the East side. Chapman Ranch is developing Osprey Subdivision in the general area of the historical P/U. Applicant plans to provide 70 lots with taps to a pressurized irrigation system. Water will be distributed to the lot owners on a share basis, with 70 shares proposed. Each share will be worth 1/70th of the total available water right. A rotation schedule will be set up among lot owners. Lot owners not wanting to irrigate will be allowed to sell or lease shares (or portions of shares) to other lot owners who may want to irrigate more area than authorized under a single water share.

BENEFICIAL USE

Applicant provided affidavits from Darrell Fisher and Horace Chapman as evidence of historical beneficial use, including beneficial use within the last five years. According to the affidavits, the amount of water diverted from the creeks varies each year, depending upon rainfall. Whatever the flow, all is diverted via dams and ditches. Ditch capacities were determined in the SRBA review using the Manning's Equation.

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SRBA

In October of 2001, Mel Schulte conducted the SRBA field examinations on both the claims described above. Ditch loss was included for Minneha Creek, but not Corral Creek because the system for Corral Creek has been changed from an open ditch to a buried pipe. Mel recommended the Corral Creek claim 63-5332 as filed and the Minneha Creek claim 63-5334 for 46 acres rather than 50 acres and 1.94 total cfs (1.02 cfs in ditch loss) rather than 3.2 cfs as claimed. The transfer amounts were based on the claim amounts, before Mel's findings.

OVERLAPS

No other users divert from Corral or Minneha Creeks between the existing or proposed P/U and Mores Creek. No other rights were found in the existing or proposed P/U. Chapman Ranch plans to rent storage water or transfer additional irrigation water rights to the Osprey property to supplement the water supply from water rights 63-5332 and 63-5334.

RECOMMEDATIONS

1. Irrigation limited to 56 acres within the proposed 60 acre PPU each season.
2. For management purposes, diversions should be limited to **either** the gravity system **or** the pumping station. Water should not be diverted from Corral or Minneha Creek when the pump station is being used or vise versa.

When diverting from the Corral and/or Minneha Creek into the gravity system:

63-5332 .10 cfs irrigation 4/1 to 11/1
 .10 cfs stockwater 1/1 to 12/31

63-5334 1.94 cfs irrigation 3/15 to 11/15
 .03 cfs stockwater 1/1 to 12/31

When combined, limited to diversion of **2.14 cfs**.

When diverting from the Mores Creek pumping station:

63-5332 .10 cfs irrigation 4/1 to 11/1
 .10 cfs stockwater 1/1 to 12/31

63-5333 .92 cfs irrigation 3/15 to 11/15
 .03 cfs stockwater 1/1 to 12/31

When combined, limited to diversion of **1.12 cfs**

(1.02 cfs conveyance loss recommended for 63-5334 should not be included since proposed system from Mores Creek consists of enclosed pipe).

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SEP 09 2003

2. Water diverted from Mores Creek cannot exceed water flowing into Mores Creek from the Corral and Minneha tributaries or the 1.12 combined cfs rate.
3. Measuring devices should be required in the following locations:
 - A. Minneha Creek diversion outflow.
 - B. Corral Creek diversion outflow.
 - C. Minneha Creek's inflow into Mores Creek.
 - D. Corral Creek's inflow into Mores Creek.
 - E. Mores Creek pump station.

Please note: Changing from gravity to sprinklers will increase irrigation efficiency, which may encourage expanded irrigation since Osprey Subdivision is much larger than 56 acres. Although the applicant's consultant did state that irrigation would be regulated by shares and that other water sources, i.e. rental of storage water and transfer of irrigation rights, were being considered for future use, there is some concern of possible expansion if acres irrigated are not clearly designated.

A monitoring plan needs to be submitted that describes a feasible way that the system can be regulated by the watermaster of the Boise River.

The applicants need to show how all current and future homeowner will be made aware that their irrigation water is subject to Boise River watermaster control and, because of the water rights' priority status, may be curtailed during the summer months.

SCANNED
MICROFILMED DEC 03 2002
SEP 09 2003

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

November 8, 2002

Lori Graves
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED

NOV 12 2002

WATER RESOURCES
WESTERN REGION

Subject: Monitoring Plan for Water Right Transfer No. 69538

Dear Lori:

In response to your inquiry regarding monitoring methods for Water Right Transfer No. 69538, I am please to provide the following monitoring plan on behalf of applicant Chapman Ranch LLC.

Monitoring Points

Five monitoring points are proposed as follows.

Original Minneha Creek Diversion Point. A weir or flume will be utilized at the original Minneha Creek diversion point (NWSE Section 36, T5N, R4E). The weir or flume will be portable due to the unstable nature of the stream in this area. (Much of the watershed above the diversion point burned within the past decade, resulting in significant sediment movement each spring. It is thought that a permanent structure might be buried during high flow periods.) The portable weir or flume can be placed in the Minneha Creek channel as necessary to demonstrate available flow at the original diversion point when pumping from the Mores Creek pump station. If the gravity (ditch) delivery system is utilized rather than the Mores Creek pump, the weir or flume will be placed at the head of the irrigation delivery ditch. The weir or flume will be sized to measure flows ranging up to 2.0 cfs. A rectangular weir with end contractions, 3-foot crest length, and 6-inch weir cut will probably be utilized. The purpose of this weir is to demonstrate that the amount of water available for diversion at the new diversion point on Mores Creek is simultaneously available at the original point of diversion on Minneha Creek.

Mouth of Minneha Creek. A removable weir is proposed at the mouth of Minneha Creek (NENE Section 35, T5N, R4E). The weir location would be at the upstream end of a 60-inch diameter CMP culvert pipe located approximately 50 feet above the confluence with Mores Creek. A permanent mounting system will be attached to the culvert so that the removable weir can be easily installed following the high flow period in spring and removed at the end of the irrigation season. The weir will be sized to measure flows ranging up to 2.0 cfs. A cipolletti weir with 2-foot crest length and 6-inch weir cut will probably be utilized. The purpose of this weir is to demonstrate that the amount of water available for diversion at the original diversion point on Minneha Creek is also available at the mouth of Minneha Creek for injection into Mores Creek.

Original Corral Creek Diversion Point. A 6-inch 90-degree v-notch weir will be installed at the original Corral Creek diversion point (SENE Section 2, T4N, R4E). The purpose of this weir is to demonstrate that the amount of water available for diversion at the new diversion point on Mores

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Creek is simultaneously available at the original point of diversion on Corral Creek. The weir will be initially set up to measure flow in the stream. If gravity diversion is utilized, the weir will be relocated to the inlet to the gravity delivery system.

Mouth of Corral Creek. A removable weir will be utilized at the mouth of Corral Creek (NESW Section 2, T4N, R4E). The removable weir can be placed at the downstream end of the 3-foot by 3-foot box culvert that carries Corral Creek under Highway 21. The weir will be approximately 30 feet from the confluence with Mores Creek. A 6-inch 90-degree v-notch weir is proposed. The purpose of this weir is to demonstrate that the amount of water available for diversion at the original diversion point on Corral Creek is also available at the mouth of Corral Creek for injection into Mores Creek.

Mores Creek Pump. A non-resettable totalizing flow meter is proposed for use on the Mores Creek pump station (NESW Section 35, T5N, R4E). The totalizing flow meter will be accessible to IDWR personnel upon request. A gate valve will be located on the pipeline outside the pump station to allow IDWR personnel or the Boise River Watermaster to chain and lock the system if deliveries must be curtailed.

Monitoring Plan

Chapman Ranch anticipates that diversions will occur primarily from the Mores Creek pump. Chapman Ranch will regulate diversions from the pump based on available flow at the original diversion points and mouths of Corral Creek and Minneha Creek (up to the maximum allowable diversion rate for each source). The flow diverted from Mores Creek under the Minneha Creek water right (65-5334) will be the lesser of (1) the water right, (2) the flow at the original diversion point on Minneha Creek, or (3) the flow at the mouth of Minneha Creek. Similarly, the flow diverted from Mores Creek under the Corral Creek water right (65-5332) will be the lesser of (1) the water right, (2) the flow at the original diversion point on Corral Creek, or (3) the flow at the mouth of Corral Creek.

Flows at the five monitoring locations will be monitored by the pump station operator (Chapman Ranch) and reported to the Department of Water Resources on an annual basis (or more frequently if requested).

If the gravity (ditch) delivery systems are utilized, then diversion rates will be regulated with headgates at the diversion points so that the maximum allowable diversion rate for each source will not be exceeded.

Please contact me with any questions or comments.

Sincerely,



Terry M. Scanlan, P.E.

Cc: Sandy Sims
Barry Marcus

MICROFILMED

SEP 09 2003

SCANNED

DEC 03 2002

OSPREY LAND COMPANY

737 NORTH 7TH STREET
BOISE, IDAHO 83702-5595

TELEPHONE
(208) 342-3564
TELEFAX
(208) 342-2170

September 9, 2002

RECEIVED
SEP 13 2002
WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
Attn: Lorrie Graves
2735 Airport Way
Boise, ID 83705

Re: Osprey Land Company Application to Add Point of Diversion for
Minneha Creek Water Right – No. 69538

Dear Ms. Graves:

In connection with the above Application please be advised that the Bylaws for the Osprey Subdivision Property Owners Association will contain the following statement:

“The water which supplies the subdivision’s pressurized irrigation system is diverted from Minneha Creek and Corral Creek or Mores Creek pursuant to water rights that have a relatively late priority date. In years of short water the Association’s right to divert water may be curtailed or interrupted during the summer in order that water rights having an earlier priority date are served.”

If I can be of further assistance, please advise me. Also, please let me know when we can expect processing of the application. Thank you for your assistance.

Very truly yours,


Barry Marcus

BM:da

MICROFILMED

SEP 09 2003

SCANNED
DEC 03 2002

12/99

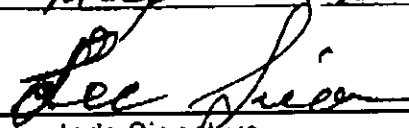
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: Transfer 69538Applicant's Name: Chapman Beach LLC

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as follows: Standard Watermaster Conditions
diversion limited to amount of
water produced by Corral +
Minneha Creeks and the Mores Creek
diversion will cease if the two
- c) ☐ I oppose approval of this application for the following reasons:

- d) ☒ Additional Comment: tributary Creeks dry-
up. Applicants should understand
that once this right becomes part
of the active district they will have
a limited water supply from Mores Creek

Dated this 30 day of May 2002Water District No: 63
Watermaster's Signature

Use reverse side of page if you need more space.

MICROFILMED

SEP 09 2003

PROTEST INFORMATION SHEET

APPLICANT: CHAPMAN RANCH
737 N 7TH ST
BOISE ID 83702-5595

PH: 208-342-2563

APPLICATION NO: 63-5332 & 5334
TRANSFER NO; 69538

DATE FILED: 5-15-01 PROTEST DATE: 2-4-02

PROTESTANT(S) NAME & ADDRESS:

WILDERNESS RANCH OWNERS ASSN
C/O MICHAEL C CREAMER PH: 388-1200
PO BOX 2720
BOISE ID 83701

Attorney Name & Address: Issues:

Michael Creamer

Applicant - Attorney - Name & Address:

Marcus, Barry

Dates:

Acknowledgement Letters: _____

Hearing Notice: _____

Hearing Date: _____

Other: _____

MICROFILMED
SEP 09 2003



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

April 2, 2002

WILDERNESS RANCH OWNERS ASSN
C/O MICHAEL C CREAMER
PO BOX 2720
BOISE ID 83701

Re: Application for Transfer of Water Right Nos. 63-5332 & 63-5334 (Transfer No. 69538)
in the Name of Chapman Ranch LLC

Dear Protestant:

This letter is to acknowledge the withdrawal of protest of the above referenced application for transfer.

The department will now continue to process this application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

CC: Applicants

MICROFILMED

SEP 09 2003

MEMORANDUM

Chapman Ranch LLC-Transfer #69538

To: Gary Spackman, Western Regional Manager
From: J. Westra, Western Region
Date: 4/1/02

RE: Cancellation of Prehearing Conference-scheduled 4/2/02

I received a stipulation agreement signed by attorneys for the applicant and protestant on 3/29/02. I contacted the applicant's attorney, Mr. Marcus regarding the cancellation of the pre-hearing protest conference scheduled for 4/2/02. . His assistant stated, that Mr. Marcus had left town for the week; and therefore, I could assume canceling the conference was acceptable. Mr. Creamer , protestant attorney was also contacted; cancellation was acceptable to him.

Mr. Creamer emphasized the protest was withdrawn conditioned on the language in #4 of the stipulation agreement. Please review attached agreement.

MICROFILMED

SEP 09 2003

MEMORANDUM

Chapman Ranch LLC-Transfer #69538

To: Gary Spackman, Western Regional Manager

From: J. Westra, Western Region

Date: 4/1/02

RE: Cancellation of Prehearing Conference-scheduled 4/2/02

I received a stipulation agreement signed by attorneys for the applicant and protestant on 3/29/02. I contacted the applicant's attorney, Mr. Marcus regarding the cancellation of the pre-hearing protest conference scheduled for 4/2/02. . His assistant stated, that Mr. Marcus had left town for the week; and therefore, I could assume canceling the conference was acceptable. Mr. Creamer , protestant attorney was also contacted; cancellation was acceptable to him.

Mr. Creamer emphasized the protest was withdrawn conditioned on the language in #4 of the stipulation agreement. Please review attached agreement.

MICROFILMED

SEP 09 2003

Michael C. Creamer (ISB # 4030)
GIVENS PURSLEY LLP
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 388-1200
Facsimile: (208) 388-1300
S:\clients\44774\Stipulation for Withdrawal of Protest (Final).doc

RECEIVED
MAR 29 2002
Department of Water Resources

RECEIVED
APR 01 2002
WATER RESOURCES
WESTERN REGION

Attorneys for Wilderness Ranch Owners' Association, Inc.

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

**IN THE MATTER OF THE APPLICATION)
FOR TRANSFER NO. 69538 IN THE NAME) STIPULATION
OF CHAPMAN RANCH LLC)
_____)**

Applicant Chapman Ranch LLC, an Idaho limited liability company ("Chapman"), and Protestant Wilderness Ranch Owners' Association, Inc., an Idaho non-profit corporation ("WROA"), through its attorneys Givens Pursley LLP, stipulate as follows:

1. Chapman has filed a transfer application ("Transfer Application") with the Department to change the point of diversion and place of use of water right nos. 63-5332 and 63-5334 authorized for irrigation and stockwater purposes (the "Chapman Rights"). The current sources and points of diversion for rights 63-5332 and 63-5334 are Corral Creek and Minneha Creek, respectively. Corral Creek and Minneha Creek each are tributary to Mores Creek.
2. WROA holds water rights ("WROA Rights") with points of diversion downstream from the points of diversion of the Chapman Rights. WROA has protested the Transfer Application.
3. WROA and Chapman agree that the following conditions of transfer approval will provide reasonable assurance of non-injury to the WROA Rights:

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SEP 09 2003

SCANNED

MAR 25 2003

- a) Diversion from Mores Creek under Right No. 63-5332 is limited to those times when water is available for diversion under such right and priority from Corral Creek at the original point of diversion of Right No. 63-5332.
- b) Diversion from Mores Creek under Right No. 63-5334 is limited to those times when water is available for diversion under such right and priority from Minneha Creek at the original point of diversion of Right No. 63-5334.
- c) Prior to diversion of water under the transfer approval, Chapman shall provide a location and method of measurement reasonably acceptable to the Department for measuring the flow in Minneha Creek and Corral Creek to confirm compliance with the above conditions.
- d) The combined diversion rate under the Chapman Rights from Mores Creek for irrigation shall not exceed 0.02 cubic feet per second ("cfs") for each acre actually irrigated within the Osprey Subdivision, not to exceed 56 acres. Diversion under the Chapman Rights from Mores Creek for stockwater shall be limited to that amount reasonably necessary to provide for the actual number of livestock maintained from time to time within the Osprey Subdivision, provided that the combined diversion rate under the Chapman Rights for stockwater shall not exceed 0.13 cfs.
- e) Chapman has filed claims in the Snake River Basin Adjudication ("SRBA") for the Chapman Rights, claiming among other things, the right to divert 3.20 cfs under right 63-5334 for the irrigation of 50 acres. WROA and Chapman anticipate that the Department will submit its recommendations for the Chapman Rights with the SRBA Court at some point after the Department's determination of the Transfer Application, and that the Department's recommendation for 63-5334 will be for irrigation of 46 acres. WROA and Chapman agree that if the SRBA Court decrees 63-5334 for irrigation of more than 46 acres, the transfer approval may be amended upon the Court's entry of a partial decree for Right 63-5334 to recognize any additional decreed acres, not to exceed 50 acres under Right 63-5334, and a combined total of 60 acres under the Chapman Rights. The Department shall retain jurisdiction over the transfer until the partial decrees for the Chapman Rights have been entered to permit amendment consistent with this condition, if appropriate.

4. Provided the Department will incorporate the above conditions in substantially the form set forth herein in any approval of the Transfer Application, WROA hereby agrees to withdraw its protest to the Transfer Application.

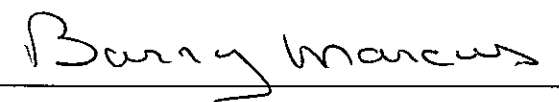
DATED this 27 day of March, 2002.

GIVENS PURSLEY LLP

BY: 

Michael C. Creamer
Attorneys for Protestant, Wilderness Ranch
Owners' Association, Inc.

CHAPMAN RANCH LLC

BY: 

CERTIFICATE OF SERVICE

I hereby certify that on this 27 day of March, 2002, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Karl Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

 Hand Delivery
 X U.S. Mail
 Overnight Mail
 Facsimile

Chapman Ranch LLC
737 N. 7th Street
Boise, ID 83702-5595

 Hand Delivery
 X U.S. Mail
 Overnight Mail
 Facsimile

Michael C. Creamer
Givens Pursley LLP
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720

 Hand Delivery
 X U.S. Mail
 Overnight Mail
 Facsimile

Barry Marcus

RECEIVED

JAN 28 2002

WATER RESOURCES
WESTERN REGION

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3487

State of Idaho)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice.

Such notice was published with the issue beginning with Jan 16, 2002 and ending with the issue of Jan 23, 2002.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 25 day of Jan in the year 2002, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

S. L. Brown

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 12/03



NOTICE OF PROPOSED CHANGE OF WATER RIGHTS, TRANSFER NO. 69538

CHAPMAN RANCH LLC of 737 N 7TH St, Boise ID 83702-5595 has applied to the Department of Water Resources to add a Point of Diversion and change the Place of Use pursuant to I.C. § 42-222 for Statutory Claims 63-5332 and 63-5334 recorded as follows in Boise County:

63-5332, priority 7/23/1900, .20 cfs, Corral Creek tributary to Mores Creek diverted in the SENE and used in the SWNE S2 T4N R4E for stockwater and irrigation of 10 acres.

63-5334, priority 8/15/1889, 3.2 cfs, Minneha Creek tributary to Mores Creek diverted in the NWSE and used in the W 1/2 SW S35 T5N R4E for stockwater and irrigation of 50 acres.

PROPOSED CHANGE

Applicant proposes to add a pumping station on Mores Creek in the NWNESW to the existing system for irrigation of 60 acres described in the S1/2 S35 T5N R4E and the N1/2 S2 T4N R4E. The proposed place of use is also known as Osprey Subdivision located on the East bench above Highway 21 just before the Clear Creek turnoff.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before February 4, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in The Idaho World January 16 and 23, 2002

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SEP 09 2003

**IN THE MATTER OF APPLICATION)
FOR TRANSFER OF WATER RIGHT) NOTICE OF PREHEARING
NO. 63-5332 AND 63-5334 (TRANSFER) CONFERENCE
NO. 69538) IN THE NAME OF)
CHAPMAN RANCH LLC)
)**

Enclosed is a Notice of Prehearing Conference scheduled for April 2, 2002, at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The prehearing conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department (10) days prior to the conference.

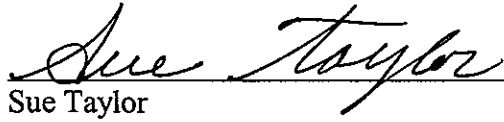
Dated this 1st day of March 2002.


John Westra

SEP 09 2003

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of March 2002, I mailed a true and correct copy, postage prepaid, of this Notice of Prehearing Conference to those listed:


Sue Taylor
Senior Secretary

CHAPMAN RANCH LLC
737 N 7TH ST
BOISE ID 83702-5595

WILDERNESS RANCH OWNERS ASSN
C/O MICHAEL C CREAMER
PO BOX 2720
BOISE ID 83701

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SEP 09 2003

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER

Section 42-222, Idaho Code, requires the department to consider the following issues in connection with an application for transfer:

- 1) Will the proposed transfer injure other water rights?
- 2) Will the proposed transfer constitute an enlargement in use of the original right?
- 3) Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
- 4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof of issues 1, 2 and 4 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

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SEP 09 2003

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

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SEP 09 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 27, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CHAPMAN RANCH LLC
737 N 7TH ST
BOISE ID 83702-5595

Re: Application for Transfer No. 69538 in the Name of Chapman Ranch LLC

Dear Applicant:

Enclosed please find a copy of the protest(s) filed against the above-referenced application for transfer. You should be aware that the following are the criteria we consider when either approving or denying an application for transfer:

1. Will other water rights be injured by the transfer?
2. Will the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for April 2, 2002, at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705

The department suggests you contact the protestant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If we may be assistance, please contact us.

Sincerely,

John Westra

JW:st

Encl. Copy of Protest
Prehearing Conference Notice

MICROFILMED

SEP 09 2003



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

February 28, 2002

WILDERNESS RANCH OWNERS ASSN
C/O MICHAEL C CREAMER
PO BOX 2720
BOISE ID 83701

Re: Application for Transfer No. 69538 in the Name of Chapman Ranch LLC

Dear Protestant:

This office acknowledges receipt of your protest opposing the above-referenced application for transfer. The following are the criteria we consider when either approving or denying an application for transfer:

1. Will other water rights be injured by the transfer?
2. Will the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for April 2, 2002, at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If we may be of assistance, please contact us.

Sincerely,

John Westra

JW:st
Encl. Notice of Prehearing Conference
Copy of Application

MICROFILMED

SEP 09 2003

GIVENS PURSLEY LLP

LAW OFFICES
277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Emily MacMaster Durkee*
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Feamside
Jeffrey C. Fereday
Amanda L. Keating
Karl T. Klein
Debora K. Kristensen
Anne C. Kunkel
Franklin G. Lee

David R. Lombardi
D. David Lorello, Jr.
Kevin T. Maloney
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
Kendall L. Miller
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery

Angela K. Nelson
W. Hugh O'Riordan
Kenneth L. Pursley
Brad V. Sneed
Virginia L. Stukel
Conley E. Ward
Robert B. White

Raymond D. Givens
James A. McClure
Stephanie C. Westermeier
OF COUNSEL
*Licensed in California only

Via Hand Delivery

February 4, 2002

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

RECEIVED

FEB 04 2002

WATER RESOURCES
WESTERN REGION

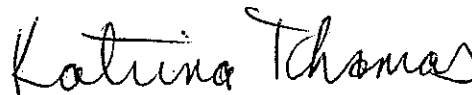
Re: Application for Transfer No. 69538 in the Name of Chapman Ranch LLC
Our File No. 4477-4

To Whom It May Concern:

Enclosed for filing in the above referenced matter please find the Protest of Wilderness Ranch Owners Association, Inc. and a check in the amount of \$25.00 to cover the filing fee. Also enclosed is copy for conforming by your office. Please stamp the confirmation copy and return it with our runner.

Thank you for your assistance with this matter. If you have any questions or require any additional information please call.

Sincerely,



Katrina Thomas
Secretary to Michael C. Creamer

Enclosures

:kdt

S:\Clients\4477\1\CORR\2002-02-04 Ltr to IDWR Enclosing Protest.doc

MICROFILMED

SEP 09 2003

Michael C. Creamer (Idaho State Bar #4030)
GIVENS PURSLEY LLP
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701
Telephone: (208) 388-1200
Facsimile: (208) 388-1300
S:\clients\4477\1\2002-01-07 Protest.doc

RECEIVED
FEB 04 2002
WATER RESOURCES
WESTERN REGION

Attorneys for Protestant Wilderness Ranch Owners Association, Inc.

**BEFORE THE DIRECTOR OF THE
IDAHO DEPARTMENT OF WATER RESOURCES**

**IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 69538 IN THE
NAME OF CHAPMAN RANCH LLC**

PROTEST

Wilderness Ranch Owners Association, Inc., and Idaho non-profit corporation, by and through its attorneys Givens Pursley LLP, and pursuant to I.C. § 42-222 and Idaho Department of Water Resources Rule 3.1, hereby protests Application for Transfer No. 69538 in the name of Chapman Ranch LLC ("Transfer"). The grounds for this Protest are as follows:

1. Protestant holds water rights for municipal and irrigation purposes in and tributary to Mores Creek.
2. The Transfer may result in an expansion of the water rights sought to be transferred.

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SEP 09 2003

3. The Transfer may result in an increase in the consumptive use of the water rights sought to be transferred.

4. The Transfer may not be consistent with the conservation of water resources.

5. The Transfer may injure Protestant's water rights.

6. The Transfer notice does not provide sufficient information to permit the Protestant to evaluate potential injurious effects of such transfer on the Protestant's water rights, or what, if any, conditions might be necessary to prevent injury to the Protestant's water rights. Therefore, the Protestant deserves the right to state additional grounds as facts are adduced through discover or otherwise.

DATED this 4th day of February, 2002.

GIVENS PURSLEY LLP

BY: 
Michael C. Creamer
Attorney for Protestant Wilderness
Ranch Owners Association, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of February, 2002, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Karl Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

☐ Hand Delivery
☒ U.S. Mail
☐ Overnight Mail
☐ Facsimile

Chapman Ranch LLC
737 N. 7th Street
Boise, ID 83702-5595

☐ Hand Delivery
☒ U.S. Mail
☐ Overnight Mail
☐ Facsimile

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHTS, TRANSFER
NO. 69538**

CHAPMAN RANCH LLC of 737 N 7TH St, Boise ID 83702-5595 has applied to the Department of Water Resources to add a Point of Diversion and change the Place of Use pursuant to I.C. § 42-222 for Statutory Claims 63-5332 and 63-5334 recorded as follows in Boise County:

63-5332, priority 7/23/1900, .20 cfs, Corral Creek tributary to Mores Creek diverted in the SENE and used in the SWNE S2 T4N R4E for stockwater and irrigation of 10 acres.

63-5334, priority 8/15/1889, 3.2 cfs, Minneha Creek tributary to Mores Creek diverted in the NWSE and used in the W ½ SW S35 T5N R4E for stockwater and irrigation of 50 acres.

PROPOSED CHANGE

Applicant proposes to add a pumping station on Mores Creek in the NWNESE to the existing system for irrigation of 60 acres described in the S1/2 S35 T5N R4E and the N1/2 S2 T4N R4E. The proposed place of use is also known as Osprey Subdivision located on the East bench above Highway 21 just before the Clear Creek turnoff.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before February 4, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

**Published in The Idaho World Janu-
ary 16 and 23, 2002**

MICROFILMED
SEP 09 2003



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

Chapman Ranch LLC
737 N 7th St
Boise ID 83702-5595

Re: Application for Transfer

Dear Chapman Ranch:

We received your transfer May 15, 2001. The rights listed on the transfer are statutory claims that have never been verified by the Department. The Snake River Basin Adjudication (SRBA) claims were filed on the rights in 1989, but have yet to be decreed. At this time, the normal advertising process will be initiated, however additional review by this office will be delayed pending your responses to the following items:

1. Extent of historical beneficial use prior to the 1987 commencement of the (SRBA) for claims A63-5332 and A63-5334, including evidence substantiating the priority dates listed on the claims.
2. Extent of beneficial use within the last five years (1996 to 2000).
3. Detailed description of diversion works and measurement records substantiating the amount of water diverted from the Corral Creek and Minneha Creek.
4. Detailed description of proposed diversion works and irrigation system, including a subdivision plat map with acres specified.

In regards to beneficial use, aerial photos are the best evidence. Photos should be labeled with the year of the photo. Affidavits are the weakest evidence, particularly if signed by the applicant or another party seeking advantage from the transfer.

If you have questions, please contact me at this office.

Sincerely,

Lori Graves
Sr. Water Agent

MICROFILMED

SEP 09 2003

IDAHO DEPARTMENT OF WATER RESOURCES 09/21/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

63-5334

NAME AND ADDRESS: OSPREY LAND COMPANY
737 N 7TH ST
BOISE ID 83702

SOURCE: MINNEHA CREEK

TRIBUTARY: MORES CREEK

QUANTITY: 1.94 CFS

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

THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE FIELD HEADGATE. 1.02 CFS OF THE DIVERSION RATE IS FOR CONVEYANCE LOSS.

PRIORITY DATE: 08/15/1889

POINT OF DIVERSION:

T05N R04E S36 NWSE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.940 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T05N R04E S35 NWSW 14.0 T05N R04E S35 SWSW 32.0

STOCKWATER same as IRRIGATION

46 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Statutory Claim

SOURCE IS ALSO KNOWN AS MINNEHAHA CREEK.
STOCKWATER, 70 RANGE CATTLE

MICROFILMED
SEP 09 2003

MANNING EQUATION CHANNEL CAPACITY RESULTS

09-10-2001

File Number: A63-5334

Claimant: OSPREY LAND CO.

Channel measured: DITCH BELOW POD

Date of measurement: 9/7/2001

Measurement location:

APPROXIMATELY 100 YDS BELOW THE POD

Calculation prepared by: MEL SCHULTE

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 88 feet.

The upstream and downstream rod readings are 8.24 and 8.68 feet.

The channel cross section is 4.98 ft-sq.

The wetted perimeter is 6.28 feet.

The hydraulic radius is 0.79 feet.

The slope is 0.0050

The roughness coefficient is 0.0400

The flow velocity is 2.257 ft/sec.

The rate of flow is 11.24 cfs.

MICROFILMED
SEP 09 2003

ESTIMATING CONVEYANCE LOSS

1/5/95

FIELD EXAMINER:

Mel Schulte

FIELD EXAM DATE:

9-7-01

FOR CLAIM(S)

A03-5334



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

Where:

S = Loss in CFS per Mile

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

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

0.0667 is a factor used to convert to CFS per mile

.5 to 1.4

TABLE:

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

WORK SHEET

W = (4.75 FT) i = (1.5 FT/DAY) (0.0667)

S = .475 CFS/MILE

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

CONVEYANCE LOSS = (.475 CFS/MILE) (2.14 MILE)

CONVEYANCE LOSS = 1.02 CFS

TOP OF DITCH = W

MAP MEASUREMENT

Section 1 = 6.0

Section 2 = 3.5

Section 3 =

Total.... = 9.5

12or 3... = 4.75' = W

Length in Inches = = A

Map Scale: In. = 1 Mile = B

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

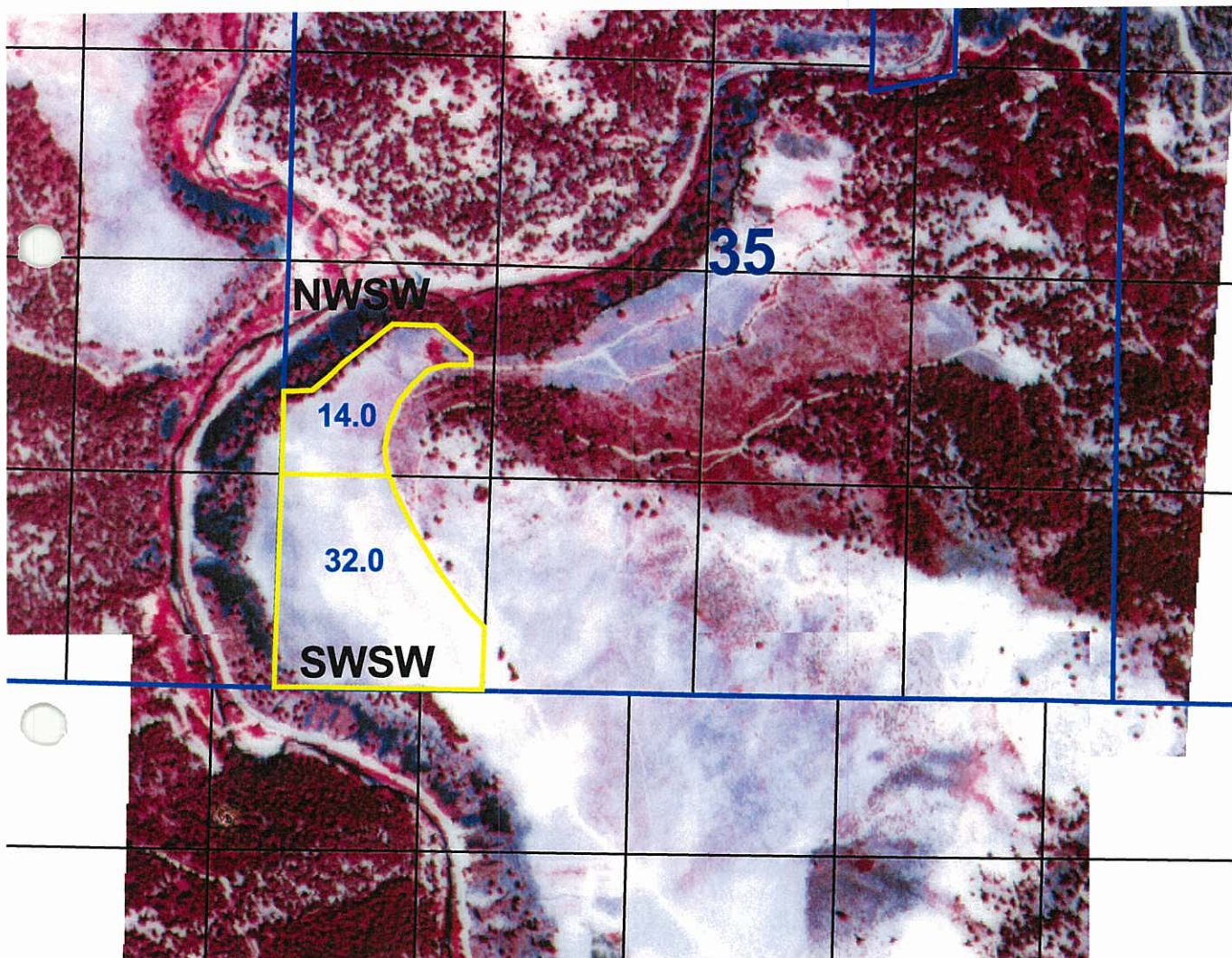
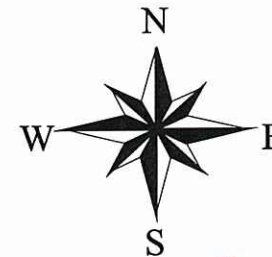
MICROFILMED 11/31/51
SEP 09 2003 5280' = 2.14 miles using
GIS measuring tool

Upper
Top of Ditch
2.90 ft
Depth
6.0' at High water
mark

Lower
Top of Ditch
depth = 9.0
width = 3.5
at high water

IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R04E, S35



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-5334

OWNER(S): OSPREY LAND CO

DATE: SEPTEMBER 21, 2001

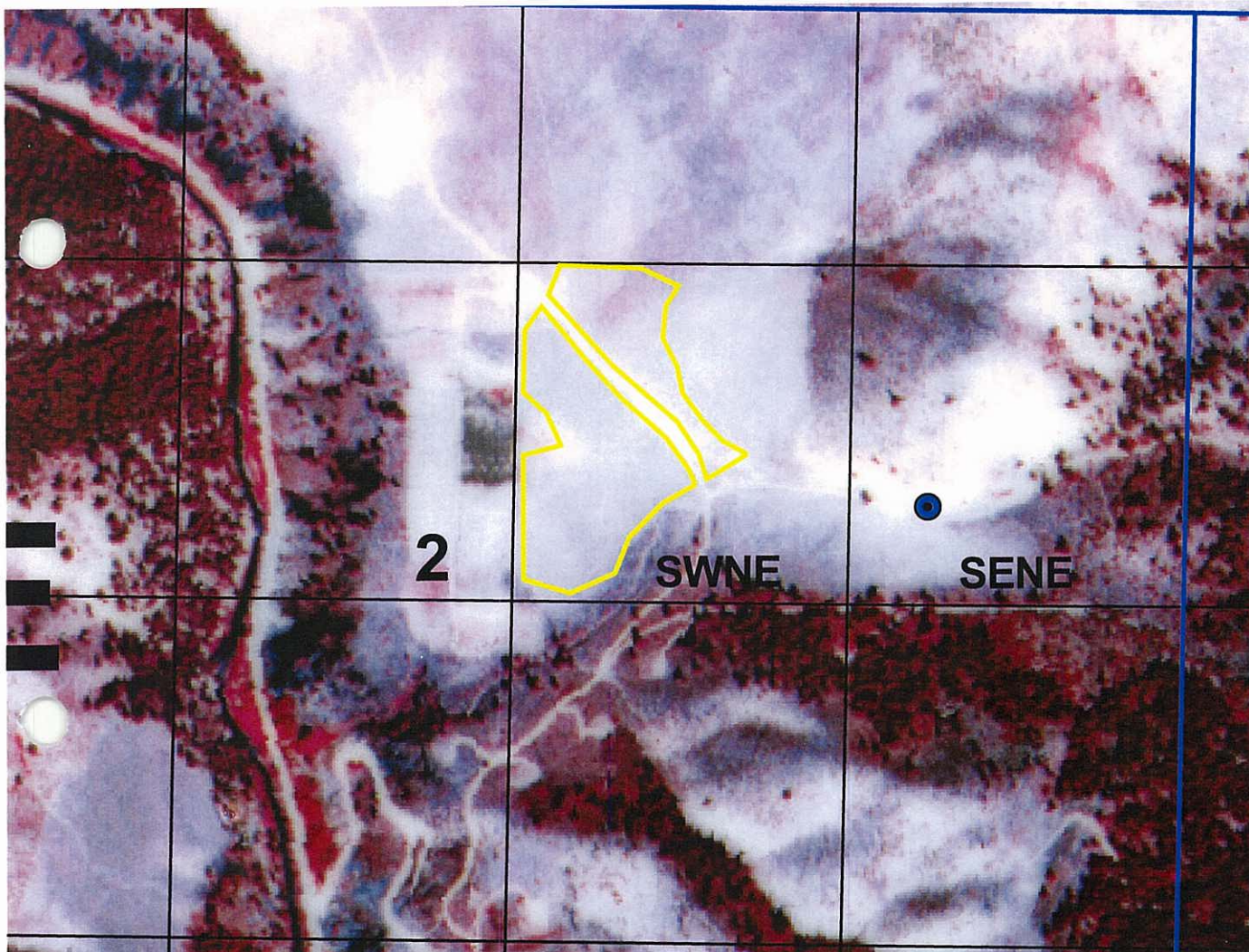
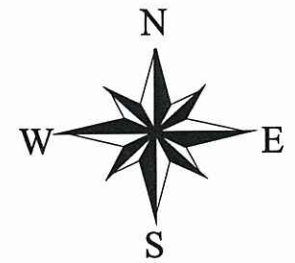
by: Mel Schulte

0 0.25 0.5 0.75 1 1.25 Miles

MICROFILMED
SEP 09 2003

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S2



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

MICROFILMED
SEP 09 2003

CLAIM(S): 63-05332

OWNER(S): OSPREY LAND CO

DATE: AUGUST 24, 2001

by: Mel Schulte

0 0.25 0.5 0.75 Miles

1-7-02
~~November 14, 2001~~

Legal Notice Department
Idaho World
PO Box 99
Garden Valley ID 83622

RE: Applications for Permit Nos. 65-22630, 65-22631, and 65-22633
Applications for Transfer Nos. 69538 and 69540

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before ~~12/10/2001~~ 2-4-02. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED

SEP 09 2003

SCANNED
DEC 03 2002

**NOTICE OF PROPOSED CHANGE OF WATER
RIGHTS, TRANSFER NO. 69538**

CHAPMAN RANCH LLC of 737 N 7TH St, Boise ID 83702-5595 has applied to the Department of Water Resources to add a Point of Diversion and change the Place of Use pursuant to I.C. § 42-222 for Statutory Claims 63-5332 and 63-5334 recorded as follows in Boise County:

63-5332, priority 7/23/1900, .20 cfs, Corral Creek tributary to Mores Creek diverted in the SENE and used in the SWNE S2 T4N R4E for stockwater and irrigation of 10 acres.

63-5334, priority 8/15/1889, 3.2 cfs, Minneha Creek tributary to Mores Creek diverted in the NWSE and used in the W1/2 SW S35 T5N R4E for stockwater and irrigation of 50 acres.

PROPOSED CHANGE

Applicant proposes to add a pumping station on Mores Creek in the NWNESW to the existing system for irrigation of 60 acres described in the S1/2 S35 T5N R4E and the N1/2 S2 T4N R4E. The proposed place of use is also known as Osprey Subdivision located on the East bench above Highway 21 just before the Clear Creek turnoff.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before ~~December 10, 2001~~. The protestant must also send a copy of the protest to the applicant. *Feb 9, 2002*

Karl J. Dreher, Director

Published in the Idaho World on ~~November 21 & 28, 2001~~.

Jan 16 + 23

SCANNED
MICROFILMED **DEC 03 2002**
SEP 09 2003

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: GLS

Right Number 63-5332 Applicant Chapman

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 5/10/84
 - ☒ Claim published correctly. the Idaho word
 - ☒ Exceptions processed. 30/28952 3/28 & 4/4/84
6/27/84 7/4/84
- By GLS Date 7/24/84

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 7/25/84

RECEIVED

RECEIVED
JUL 25 1984
Department of Water Resources

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 63-5332 in the name of Horace and Earl Chapman was published in error on 3/28/84 and 4/4/84.

The Point of Diversion was advertised as being within the SWNE Sec.2, T4N, R4E, WHEREAS, the actual Point of Diversion is within the SENE Sec.2, T4N,R4E.

Exception to a claim may be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Id. 83720.

Ken Dunn, Director

Published in the The Idaho World
on 6/27 and 7/4/84.

CLERK OF DISTRICT COURT
IDAHO
BOISE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

MARCH 22, 1984

The Idaho World
Box 220
Idaho City, ID 83631

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before APRIL 16, 1984.

Yours truly,

JUDY FENSE
Secretary

Encl.

RECEIVED
MARCH 23 1984
DEPARTMENT OF WATER RESOURCES
BOISE, IDAHO

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720.

KEN DUNN, Dir.

Published 03/28 & 04/04/84.

RECEIVED
MARCH 28 1984

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

APRIL 18, 1984

HORACE CHAPMAN
EARL CHAPMAN
C/O IDAHO CITY STAGE
BOISE

ID 83706

RE: Claim No. 63-5332

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RECEIVED
APR 19 1984

DAVID B. SHAW
Western Region Supervisor

Enclosure

63-5332

CHAPMAN, HORACE &/or EARL

C/O IDAHO CITY STAGE, BOISE, ID 83706

Source: CORRAL CREEK trib. to MORES CREEK

Priority Date: 07/23/1900

Diversion Pt: SWNE Sec 02 T 04N R 04E

Use: IRRIGATION	(0.10 CFS)
STOCKWATER	(0.10 CFS)

In: SWNE Sec 02 T 04N R 04E FOR 10 ACRES

RECEIVED
JUL 24 1900