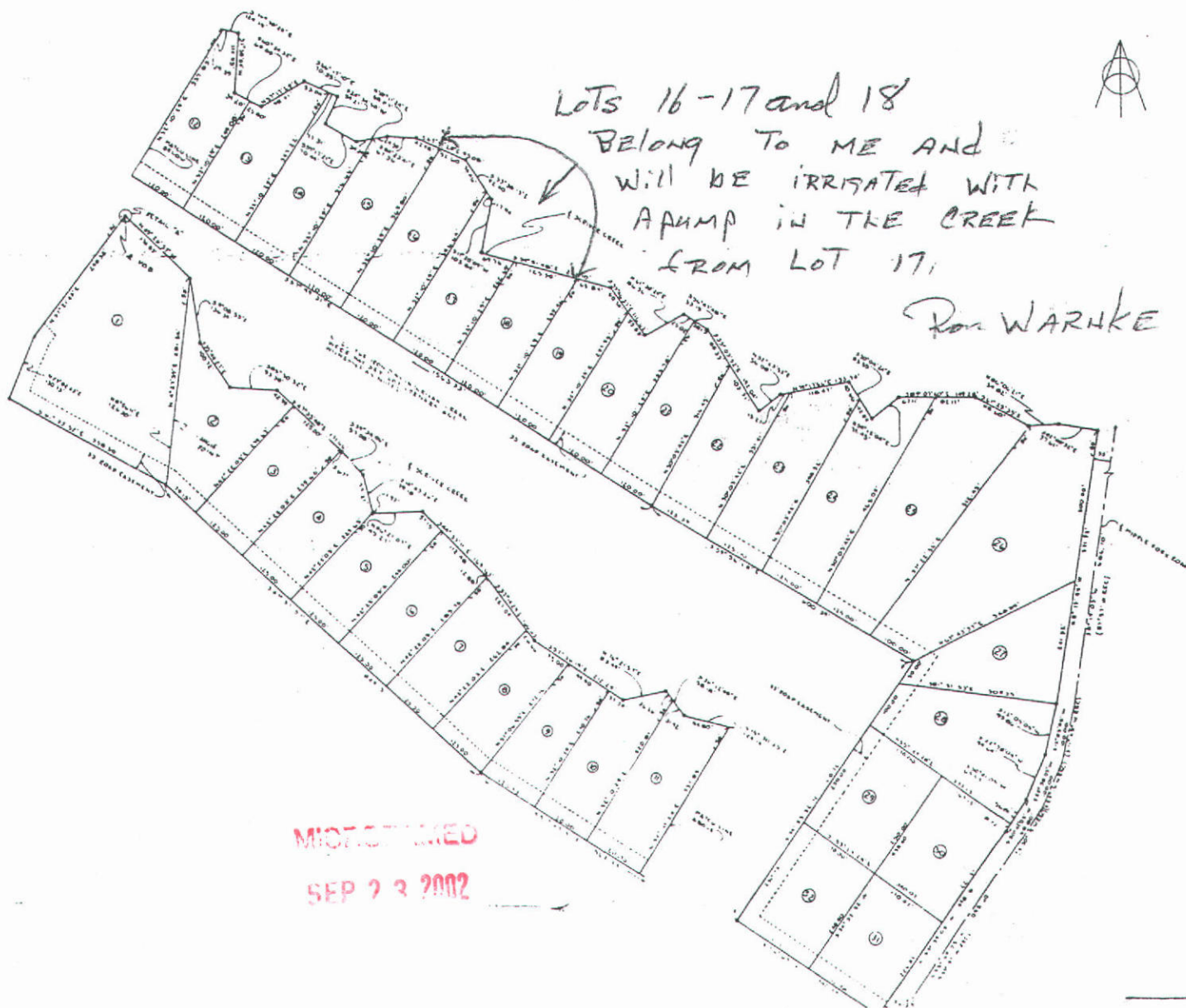




PINE TREE RANCH
SUBDIVISION No 4
A PORTION OF SECTION 27, AND THE W 1/2
OF SECTION 26, T 10 N, R 4 E, B M
BOISE COUNTY, IDAHO

This sketch is for location purposes
only. The Company assumes no
liability for variations.
PIONEER TITLE COMPANY
of Ada County

While this map is a photographic reproduction of
that on file in either the recorder's or surveyor's
office, the Company assumes no liability for
variation, if any, with another or re-survey.



The Idaho World

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

RECEIVED

MAR 04 2002

WATER RESOURCES
WESTERN REGION

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 Feb 20, 2002 and ending with the issue of Feb 27, 2002.

Deanna Stevenson

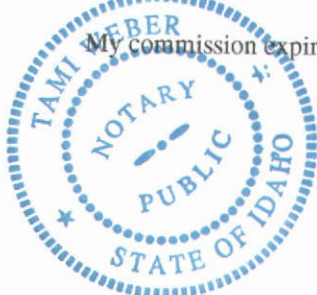
State of Idaho)
County of Boise)

On this 1 day of Mar 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.

Tami Weber

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 2/10/05



NOTICE OF PROPOSED CHANGE OF WATER RIGHTS, TRANSFER NO. 69540

RONALD E WARNKE of 42 Scriver Bluff Rd Garden Valley ID 83622 has applied to the Department of Water Resources to add a Point of Diversion pursuant to I.C. § 42-222 for the following irrigation decree recorded as follows in 10N R4E Boise County:

65-3221 priority 8/9/1881, 1.35 cfs, diverted in the NWSW S22 from Scriver Creek tributary to Payette River, Middle Fork, and used in W1/2 S26 and NE, NENW, NESE S27, 68 total acres.

PROPOSED CHANGE

Add and use separate diversion on Scriver Creek in the SENE S27 for applicant's 2 acre portion of decree aka Lots 16, 17 and 18, Pine Tree Ranch Subdivision No. 4.

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 March 11, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in The Idaho World February 20 and 27, 2002

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SEP 23 2002

Idaho Department of Water Resources

T10N, R04E

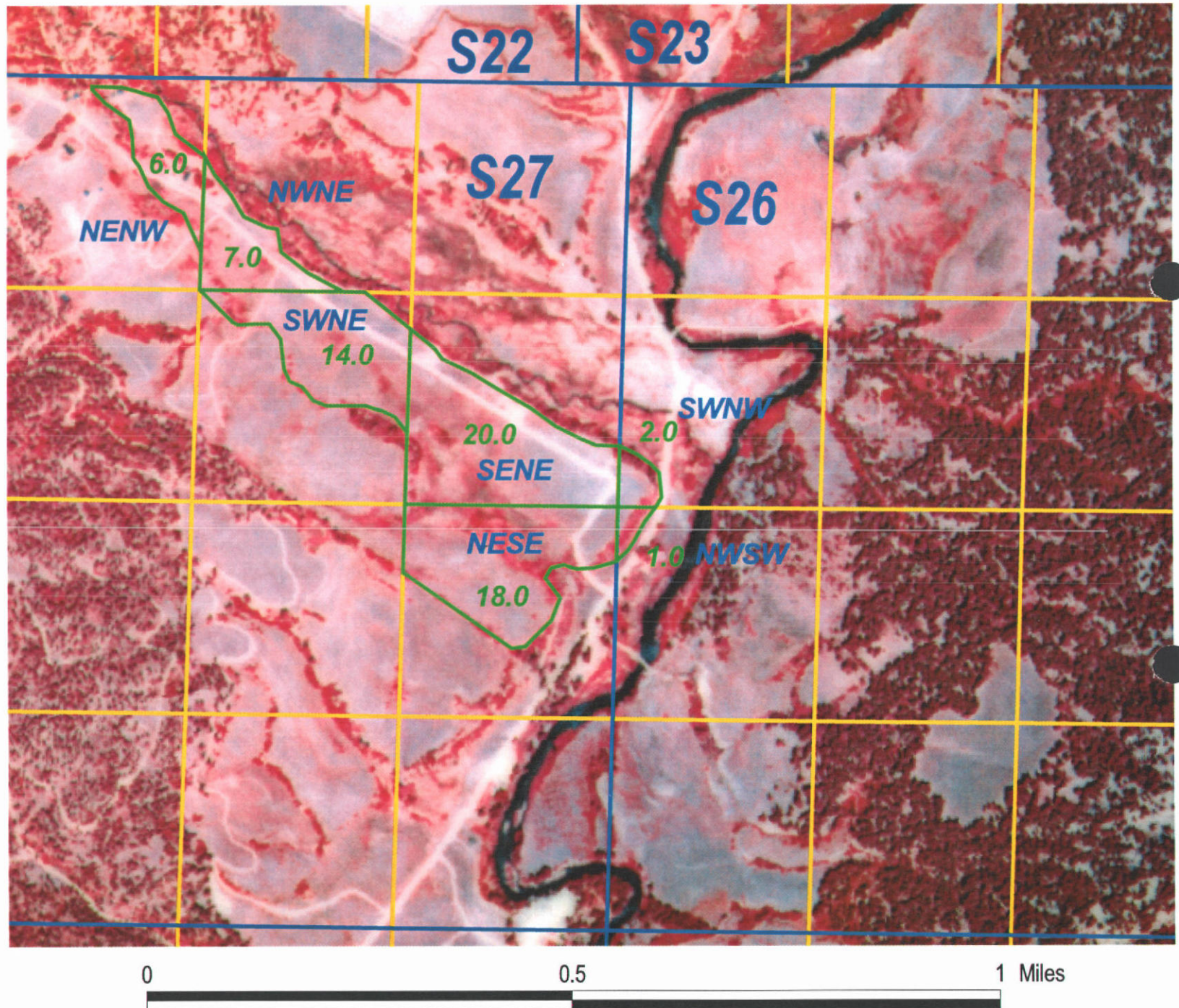
Claim(s) 65-03221
Owner(s) Pine Tree
Ranch Inc.
Prepared by:
Ron Howerton
Date: 15 NOV 99

-  Place of use
-  POD
-  SECTION LINES
-  1/4 1/4 LINES

Acres



1987 NAPP



Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	65-13027	PINE TREE RANCH INC,	GROUND WATER	10N04E27															4	4	8
Permit	65-13541	TRUDI J BIRD, FLOYD BIRD,	GROUND WATER	10N04E27				6													6
Right	65-13536	WALTER N HAMM, SHIRLEY D HAMM,	GROUND WATER	10N04E27					3.5												3.5
Claim	65-12735	ALLAN SCHARF, CAROLE J SCHARF,	PAYETTE RIVER	10N04E27																1.3	1.3
Permit	65-13806	NORMAN C BLEMLER,	PAYETTE RIVER	10N04E27																1	1
Permit	65-13818	DICK SIMON,	PAYETTE RIVER	10N04E27																1	1
Permit	65-13819	FREDRICK J SCHUMAN,	PAYETTE RIVER	10N04E27																1	1
Permit	65-13820	STEVE HERRON,	PAYETTE RIVER	10N04E27																1	1
Permit	65-13975	WILLIAM ALDEN,	PAYETTE RIVER	10N04E27																1	1
Rec	65-12735	ALLAN SCHARF, CAROLE J SCHARF,	PAYETTE RIVER	10N04E27																0.5	0.5
Right	65-12735	LORETTA KIRK, KENT KIRK,	PAYETTE RIVER	10N04E27																1.3	1.3
Right	65-13717	BONNIE M FEDDERSOHN, RICHARD C FEDDERSOHN,	PAYETTE RIVER	10N04E27																0.5	0.5
Claim	65-3221	PINE TREE RANCH INC,	SCRIVER CREEK	10N04E27		7	14	20	6								18				65
Claim	65-3222	PINE TREE RANCH INC,	SCRIVER CREEK	10N04E27	22	2															24
Claim	65-3223	PINE TREE RANCH INC,	SCRIVER CREEK	10N04E27	8	10		12													30
Claim	65-3224	PINE TREE RANCH INC,	SCRIVER CREEK	10N04E27			22		20			8					10	7			67
Claim	65-3225	PINE TREE RANCH INC,	SCRIVER CREEK	10N04E27														15	32	15	62
Claim	65-8290	PINE TREE RANCH INC,	SCRIVER CREEK	10N04E27	22	2															24
Permit	65-13808	RALPH L RICHCREEK, TERESA A RICHCREEK,	SCRIVER CREEK	10N04E27			0.3	0.3													0.6
Rec	65-3221	PINE TREE RANCH INC,	SCRIVER CREEK	10N04E27		7	14	20	6								18				65
Rec	65-3222	PINE TREE RANCH INC,	SCRIVER CREEK	10N04E27	22	2															24
Rec	65-3223	PINE TREE RANCH INC,	SCRIVER CREEK	10N04E27	8	10		12													30
Rec	65-3224	PINE TREE RANCH INC,	SCRIVER CREEK	10N04E27			22		20			8					10	7			67
Rec	65-3225	PINE TREE RANCH INC,	SCRIVER CREEK	10N04E27														15	32	15	62
Rec	65-8290	PINE TREE RANCH INC,	SCRIVER CREEK	10N04E27	22	2															24
Right	65-13018	CECIL D INGRAM, LOIS ANN INGRAM,	SCRIVER CREEK	10N04E27				2.5													2.5
Right	65-3221	PINE TREE RANCH INC,	SCRIVER CREEK	10N04E27		7	14	20	6								18				65
Right	65-3222	PINE TREE RANCH INC,	SCRIVER CREEK	10N04E27	22	2															24
Right	65-3223	PINE TREE RANCH INC,	SCRIVER CREEK	10N04E27	8	10		12													30
Right	65-3224	PINE TREE RANCH INC,	SCRIVER CREEK	10N04E27			22		20			8					10	7			67
Right	65-3225	PINE TREE RANCH INC,	SCRIVER CREEK	10N04E27														15	32	15	62
Right	65-8290	PINE TREE RANCH INC,	SCRIVER CREEK	10N04E27	22	2															24
Permit	65-13679	CYNTHIA A GASKELL, TIMOTHY D GASKELL,	SPRINGS	10N04E27									0.5					0.5			1
Right	65-12446	NANCY E DENTON, LEE E DENTON,		10N04E27													0.5				0.5

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APR - 2 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES Department of Water Resources

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER OF WATER RIGHT)
NO. 65-3221 (TRANSFER NO. 69540))
IN THE NAME OF RONALD E.)
WARNKE)
_____)

NOTICE OF PREHEARING
CONFERENCE

On September 13, 2001, Ronald E. Warnke filed with the Department of Water Resources (IDWR) application for transfer no. 69540. The application was protested by PTR, Inc.

IDWR has scheduled a conference for the protest to be held on **Wednesday, May 1, 2002, at 10:00 a.m. at the Garden Valley Ranger Station, 1219 Banks-Lowman Rd., Garden Valley, Idaho 83622.** 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 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 IDWR within (10) days prior to the conference.

Dated this 29th day of March 2002.



Gary Spackman

CERTIFICATE OF MAILING

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

Sue Taylor
Senior Secretary

RONALD E WARNKE
42 SCRIVER BLUFF RD
GARDEN VALLEY ID 83622

PTR INC
C/O KURT BREISH
2 SCRIVER WOODS RD
GARDEN VALLEY ID 83622

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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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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JUN 02 2003

①

West 20 M

... Creek

(CERTIFIED COPY)

65-L

(File No. 480)

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY
OF BOISE.

ROBERT A. SCRIVER, DAVID F.	)	
SCRIVER, BAYARD K. PRESTEL,	:	
and D. S. NEEDLES	)	
	Plaintiffs	:
-vs-		) <u>J U D G M E N T</u>
		:
GEORGE D. FISHER and ARTHUR	)	
D. SMITH	:	
	Defendants	)
:: :: :: :: :: :: :: :: :: :: :: :: :: :: :: ::		

THIS CAUSE came on regularly for trial before the court, without a jury on the 31st day of August 1927, this being the time set for the trial of said cause, and plaintiffs, through their counsel, Delana & Delana, and the defendants, through their counsel, Harry C. Wyman and Thornton D. Wyman, having announced in open court that they were ready to proceed with the trial of said cause, the cause was thereupon submitted to the Court for its consideration and decision upon a stipulation of facts agreed upon by all of the parties to said action, which stipulation of facts was reduced to writing and signed by all of the parties through their respective counsel and filed in said cause. Findings of Fact and conclusions of law were waived by the respective parties and filed in writing, the cause having been submitted to the Court for its consideration and decision and the Court being fully advised therein renders its decision and directs judgment to be entered as follows, to-wit:

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JUL 24 1996

SEP 24 2002

Each of the parties who are hereinafter named is hereby decreed and allotted from Scriver Creek, the amount of water indicated in Miner's inches) one Miner's inch being equivalent to one-fiftieth (1/50) cubic feet per second) for the irrigation of the land as shown in the following list, said listed rights showing also the points of diversion from the stream.

~~6520221~~ (1) Name. Robert A. and David F. Scriver
 65 3221 Amount 67.4 Miners inches, (1.348 cubic ft. per sec)
 Source of the water of Scriver Creek
 Priority with a priority dating from Aug. 9, 1881
 Ditch to be diverted through the F. Scriver ditch
 Point of diversion at its heading in Lot 4, Section 22, T. 10 N
 Land R. 4 E. Boise Meridian
 For use on the following described land:
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ }
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ }
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ } Section 27, T. 10 N. R. 4 E. B. M
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ }
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ }
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ } Section 26, T. 10 N. R. 4 E. B. M
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ }

~~6520222~~ (2) Name Robert A and David F. Scriver
 65 3222 Amount 144.9 Miner's inches (2.898 Cubic ft per sec)
 Source of the waters of Scriver Creek
 Priority with a priority dating from Sept 26, 1881
 Ditch to be diverted through the A. Scriver ditch
 Point of Diversion at its heading in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 22, T. 10
 Land N. R. 4 E. B. M
 For use on the following described land:
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ }
 NE $\frac{1}{4}$ NE $\frac{1}{4}$ } Section 27, T; 10 N. R. 4 E. B. M
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ }
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ } Section 26, T. 10 N. R. 4 E. B. M
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ }
 Lot 1 } Section 22, T. 10 N. R. 4 E. B. M
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ }
 N $\frac{1}{2}$ SW $\frac{1}{4}$ }
 Lot 3) } Section 23, T. 10 N. R. 4 E. B. M
 Lot 4) }

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SEP 23 2002

JUL 24 1996

X.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the parties hereto respectively pay to the Engineer, W. G. Sloan, forthwith, the sums hereinafter set out as the prorated costs for the services of said engineer, performed under the stipulation heretofore entered into, and on file in said cause, said costs being pro rated as follows:

Name:	:	Inches of	:	Pro-rated	:	Credits	:	Balance	:
:	:	Water	:	Cost	:	:	:	Due	:
G.D.Fisher	:	41.3	:	\$18.02	:	\$10.00	:	\$8.02	:
A.D.Smith	:	17.2	:	7.50	:	20.00	:	12.50	:
R.A and D.F	:		:		:		:		:
Scriver	:	300.8	:	131.21	:	20.00	:	111.21	:
D.S.Needles	:	98.3	:	42.88	:	11.00	:	31.88	:
B.K.Prestel	:	36.4	:	15.88	:	10.00	:	5.88	:
Totals	:	494.0	:	\$215.49	:	\$71.00	:	\$144.49	:

Cost per Miner's inch \$.4362

XI

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That except as hereinbefore provided, each of the parties to this action shall pay their own costs incurred herein.

Done in open Court, this 3rd day of February, 1928.

Clinton H. Hartson
District Judge.

In the District Court, Boise County, Idaho

Filed February 6th, 1928, 1:35 P. M. in Judgment Book 5, page 259.

Katherine M. Brogan
Clerk

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SEP 23 2002

JUL 24 1992



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

May 1, 2002

RONALD E WARNKE
42 SCRIVER BLUFF RD
GARDEN VALLEY ID 83622

Re: Application for Permit in the Name of Ronald E. Warnke

Dear Applicant:

This office acknowledges the withdrawal of the above-referenced application for transfer.

The application will now be removed from the Department's records.

If you have any questions concerning this matter, please contact this office.

Sincerely,

Gary Spackman

GS:st

CC: PTR, Inc.

MICROFILMED

SEP 23 2002

TO: Gary Spackman:
IDWR

Form: Ronald Warnke
Subject: Application for transfer #69540

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APR 30 2002

**WATER RESOURCES
WESTERN REGION**

I here by withdraw my application for transfer #69540 of water right 65-3221. I have resolved the protest filed by PTR inc.

Thank you

A handwritten signature in cursive script, appearing to read "Ron Warnke", is written over a horizontal line.

Ron Warnke

4-30-2002

**MICROFILMED
SEP 23 2002**

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SEP 13 2001

WATER RESOURCES
WESTERN REGIONPage 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 69540

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MAY 10 2002

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources

Name of applicant KONALD E. WARNEKE Phone 1-208-462-6205

Post Office address 42 SCRIVER Bluff Rd GARDEN VALLEY Id. 83622

A. 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 _____

2. Describe the reason for the proposed changes To split WATER Right AND Add
APPOINT of DIVERSION FOR MY PROPERTY.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|----------|-----------------------|------------------|---------------|
| 65-3221 | 8/9/1981 | 204 cfs | IRRIGATION | 4/1 to 11/1 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
- WITHDRAWN
4-30-2002

2. Total amount of water being transferred .04 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water SCRIVER CREEK tributary to MIDDLE FORK PAYETTE RIVER

4. Point(s) of Diversion: PINE TREE RANCH Sub 4

[illegible]

5. Lands irrigated or place of use: LOTS 16 - 17 AND 18 PINE TREE RANCH SUB 4

[illegible]

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SEP 23 2002

PART 1

6. General Information:

a. Description of diversion system 2 HP pump TO PUMP WATER
FROM CREEK

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:

N/A

d. Remarks:

This is a transfer of a portion of the Pine
Tree Ranch Inc. water right 65-3221 of which I am
a part to my property. SEE attached maps for
location of diversion case.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____.

MICROFILMED

SEP 23 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 85-3221

Dates and Other Information:

Licensed Date:
Decreed Date: 1/21/1986
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date,
State or Federal,
Owner Name Connector
Water District Number: 65
Generic Max Rate Per Acre:
Generic Max Volume Per Acre.
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number.
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

MICRONIZED

SEP 23 2002

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 .04 cfs for IRRIGATION purposes from 4/1 to 11/1
(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
		SE	NE	27	10N	4E	BOISE	

3. Lands irrigated or place of use: LOTS 16-17-18

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10N	4E	27				2													2 ACRES

Total acres 2

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

MICAC
SEP 23 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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 rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHED MAPS

ATTACHMEN B & C

MICROFILMED

SEP 23 2002

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>NO CHANGE</u>			_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

NONE

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

NONE

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.



My commission expires

Ronald E. Shanks

(Signature of Applicant)

tenth day of September, 192001Carol D. Lively

(Notary Public)

FOR DEPARTMENT USE ONLYTransfer contains 6 pages and 3 attachmentsReceived by HL Date 9/13/01

Protest filed by

Prelim. check by g

Fee

nopaidWOZTT14311/13/01

Receipted by

Date

Published in

IDAHO WORLD

Copies of protest forwarded by

Pub. dates

16-21 + 28-01

Hearing held by

Date

Watermaster recommendation requested on

Recommended for

☐

approval

☐

denial

rec'd.

by

Copy of transfer sent to lien holder

MICROFILMED

SEP 23 2002

BOISE COUNTY ASSESSOR
P. O. BOX 1300
IDAHO CITY, IDAHO 83631
PHONE 392-4415

2001

ASSESSMENT NOTICE
& ESTIMATE OF TAX

THIS IS NOT A BILL.
DO NOT PAY.

PARCEL DESCRIPTION
T10N R4E PINE TREE RANCH SUB 4
LOT 16 SEC 27

For any questions, please notify the Assessor's Office immediately

Assessor's Telephone Number: (208)-392-4415

PARCEL ADDRESS

WARNKE RONALD E.
& WARNKE MARILYN K
42 SCRIVER BLUFF RD.
GARDEN VALLEY ID 83622

Appeals of your property value must be filed in
writing, on a form provided by the County, by

JUNE 25, 2001

Tax Code Area 7-00

Parcel Number RP 054040000160 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
15 RUR SUB RES	1.010 AC	22,574	22,574
SUBTOTAL:	1.010	22,574	22,574
LESS HOMEOWNERS EXEMPTION:			
NET TAXABLE PROPERTY VALUE:		22,574	22,574

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	97.66	97.66	392-4431	08/27/2001
SCH DIST # 71	73.74	73.74	462-3756	06/11/2001
GV LIBRARY	9.42	9.42	462-3953	08/09/2001
GV HOSP DIST	8.20	8.20	462-3347	08/23/2001
SUBTOTAL:	189.02	189.02		
FEES:	15.64	15.64		
TOTAL PROPERTY TAXES & FEES:	204.66	204.66		

MICRO. THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details

SEP 23 2002

Page 1 OF 1

AL

**THIS IS NOT A BILL.
DO NOT PAY.**

**ASSESSMENT NOTICE
& ESTIMATE OF TAX**

PARCEL DESCRIPTION:
T10N R4E PINE TREE RANCH SUB 4
LOT 17 SEC 27

For any questions, please notify the Assessor's Office immediately

Assessor's Telephone Number (208)-392-4415

PARCEL ADDRESS:

42 SCRIVER BLUFF RD

WARNKE RONALD E
 & WARNKE MARILYN K
 42 SCRIVER BLUFF RD
 GARDEN VALLEY ID 83622

Appeals of your property value must be filed in writing, on a form provided by the County, by:

JUNE 25, 2001

Tax Code Area 7-00

Parcel Number RP 054040000170 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION		LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
15	RUR SUB RES	760 AC	20,339	20,339
37	BLDG RES SUB		85,513	85,513
SUBTOTAL:		760	105,852	105,852
LESS HOMEOWNERS EXEMPTION:			42,757	42,757
NET TAXABLE PROPERTY VALUE:			63,095	63,095

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

[illegible]

MICRO...

APR 23 2002

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details

Page 1 OF 1

AZ

BOISE COUNTY ASSESSOR
P. O. BOX 1300
IDAHO CITY, IDAHO 83631
PHONE: 392-4415

2001

THIS IS NOT A BILL.
DO NOT PAY.

ASSESSMENT NOTICE
& ESTIMATE OF TAX

PARCEL DESCRIPTION
T10N R4E PINE TREE RANCH SUB 4
LOT 18 SEC 27

For any questions, please notify the Assessor's Office immediately

Assessor's Telephone Number (208)-392-4415

PARCEL ADDRESS

WARNKE RONALD E
& WARNKE MARILYN K
42 SCRIVER BLUFF ROAD
GARDEN VALEY ID 83622

Appeals of your property value must be filed in
writing, on a form provided by the County, by.

JUNE 25, 2001

Tax Code Area: 7-00

Parcel Number RP 054040000180 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
15 RUP SUB RES	770 AC	18,920	18,920
SUBTOTAL:	770	18,920	18,920
LESS HOMEOWNERS EXEMPTION:			
NET TAXABLE PROPERTY VALUE:		18,920	18,920

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts

ESTIMATED PROPERTY TAXES

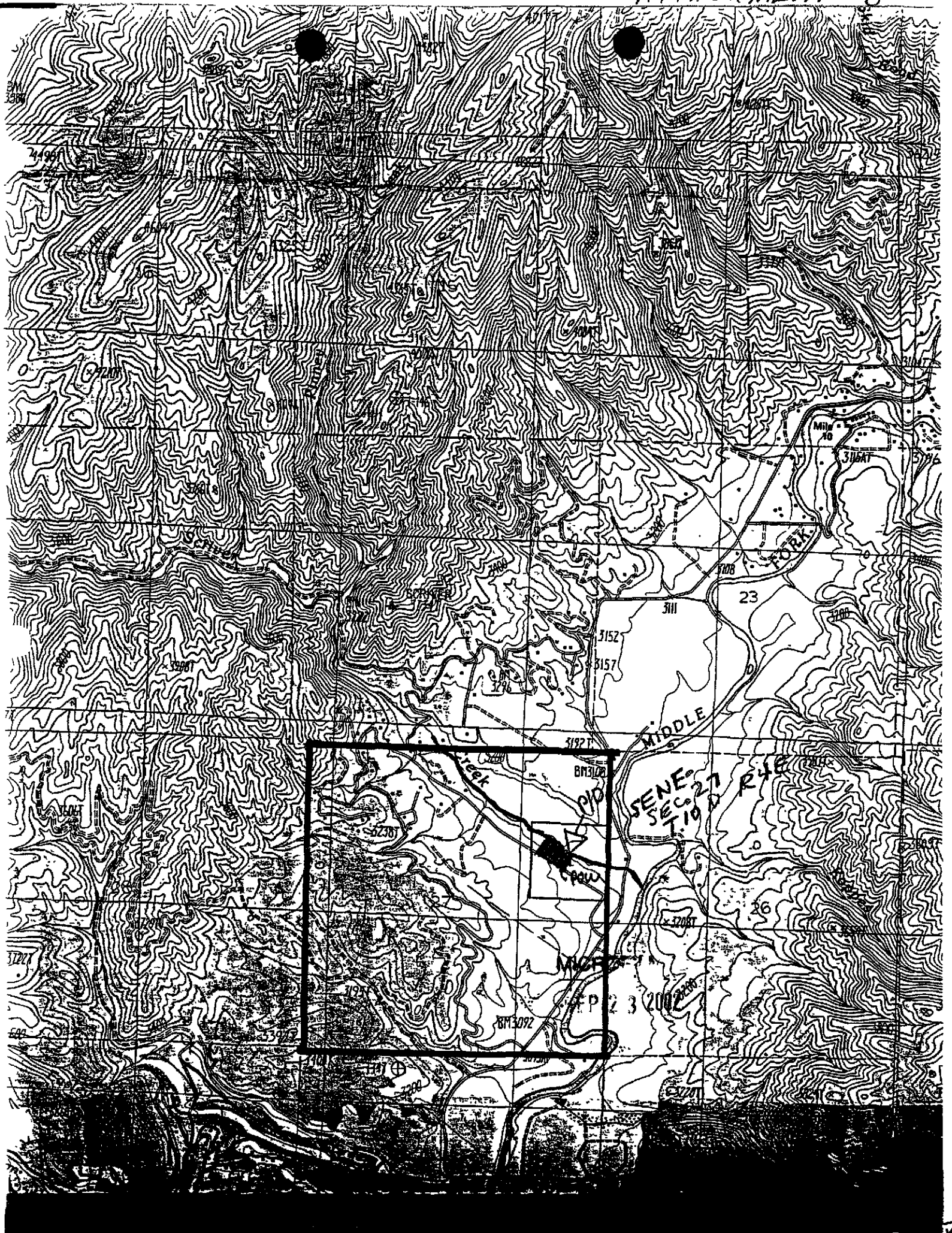
TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	81.84	81.84	392-4431	08/27/2001
SCH DIST # 71	61.80	61.80	462-3756	06/11/2001
G V LIBRARY	7.88	7.88	462-3953	08/09/2001
GV HOSP DIST	6.88	6.88	462-3347	08/23/2001
SUBTOTAL:	158.40	158.40		
FEES:	14.88	14.88		
TOTAL PROPERTY TAXES & FEES:	173.28	173.28		

MICROFILMED

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details

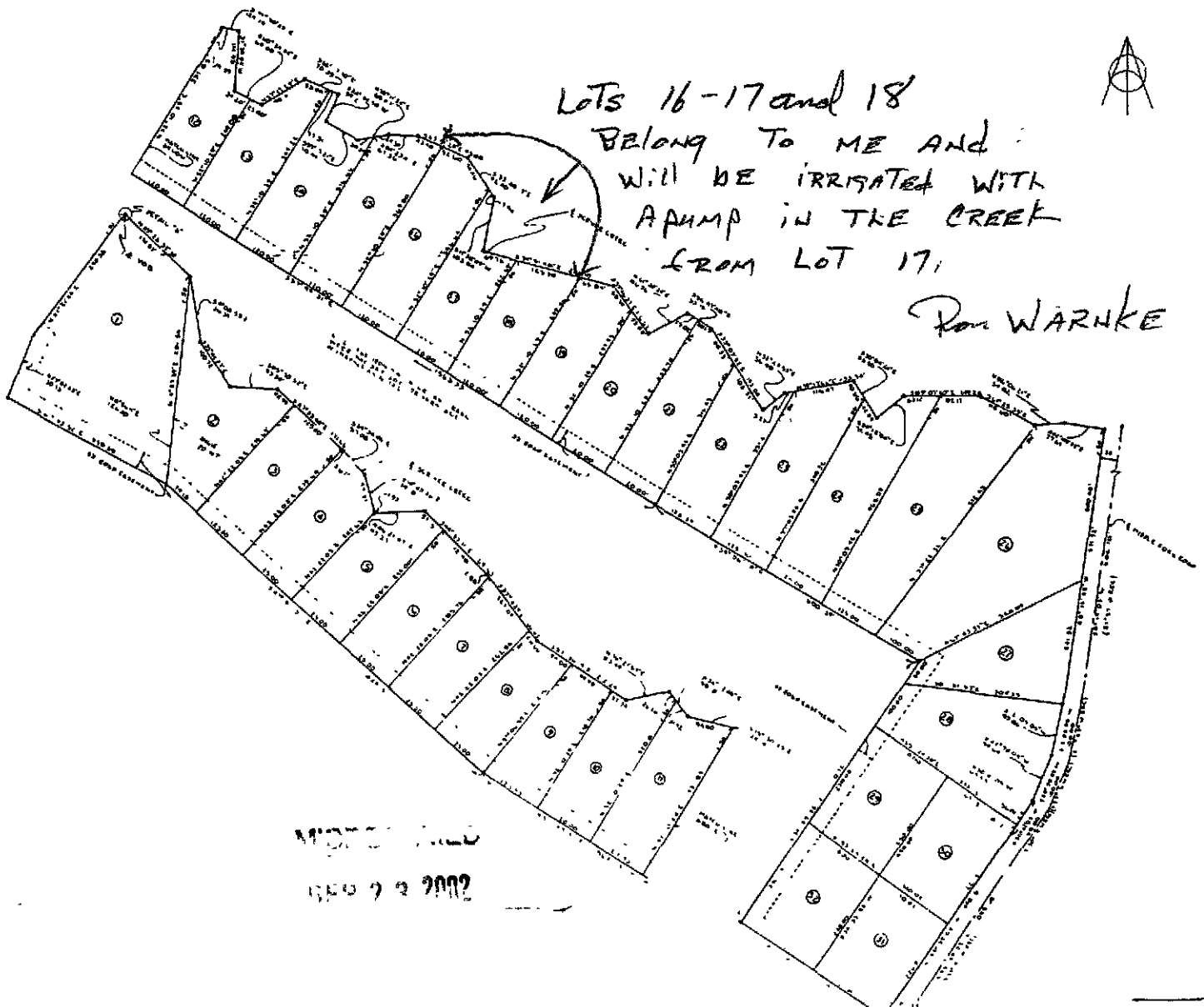
SEP 23 2002



PINE TREE RANCH
SUBDIVISION No 4
A PORTION OF SECTION 27, AND THE W 1/2
OF SECTION 26 T 10 N, R 4 E, 8 M
BOISE COUNTY, IDAHO

This sketch is for location purposes
only The Company assumes no
liability for variations
PIONEER TITLE COMPANY
of Ada County

While this map is a photographic reproduction of
that on file in either the recorder's or surveyor's
office, the Company assumes no liability for
variation, if any, with another or re-survey.



IDWR WESTERN REGION TRANSFER ANALYSIS

Applicant Wanhe Transfer No. 69540
Reviewed by ly Date 11/6/01
Data entered by ly

1. Right number(s) 65-3221

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.

69540

- k. ☒ Overlapping rights for current & proposed scenarios - 13018
 Current 65-3223, -8290, -13808, -13541
 Proposed same as above
- l. ☒ SRBA Claim(s) 65-3223, -8290

- m. ☒ Comment letters ☐ No ☒ Yes as follows:

☒ Water District # 65 ☒ IDFG ☒ Other per attached

PUBLICATION REVIEW

1. Comment Letters

Pine Tree Ranch
c/o Sandra Kane
9949 W Edna
Boise 83704

Cecil Ingram
7025 El Caballo
Boise 83704

Ralph Richcreek
34 Scrivers Bluff
Rd
Garden Valley
83622-
5016

Watermaster comments requested on _____, received on _____

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

WITHDRAWN 4-30-2002

1. ☐ Approve ☐ See attached memo

2. ☐ Deny due to _____

3. Conditions of Approval _____

4. Recommended by _____ Date _____

FORWARDING FILE TO S.O.

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

☒ Yes adj + S.O.

2. File forwarded to S.O. by _____

Date _____

RECEIVED

MAY 10 2002

Department of Water Resources

SUPPLEMENTAL ANALYSIS SHEET FOR TRANSFER

Transfer No. 69540

Legal Notice: Word Filename

Warwick ad

OR Use Workflow ad

COPY FOR WATER RIGHT AND ADJUDICATION FILES

Yes Legal Notice

Yes Transfer Analysis Sheet (Form 222a)

Yes Transfer Application – assume entire application with attachments to be *copied except as noted* below (*always copy ownership information*): identify by letter/number attachments that are *not* to be copied:

Yes Reviewer's analysis memo: list *date of memo* 11/6/01

____ List other items to be copied:

AVOID COPYING – excess computer reports, excess attachments unless show ownership or other clarifying information, easements & other agreements, oversized documents and so forth.

REGIONAL COPIES TO BE MADE JUST BEFORE FORWARD FILE TO S.O.

DISCARD THIS FORM BEFORE FORWARDING THE FILE.

MEMORANDUM

To: File No. 65-3221; Transfer No. 69540 in the name of Ronald Warnke
From: Gary Spackman *Gus*
Date: April 29, 2002

Re: Cancellation of Prehearing Conference

I spoke to Ronald Warnke today. He stated that the protestants included him in a community water system, and he no longer wants to pursue application for transfer no. 69540. Warnke told me he would send a written withdrawal of protest. I told him we would cancel the prehearing conference. I also telephoned Kurt Breish, and informed his wife that the prehearing conference is canceled.

MICROFILMED

SEP 23 2002



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 1, 2002

GARDEN VALLEY RANGER STATION
1219 BANKS/LOWMAN RD
GARDEN VALLEY ID 83622

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Idaho Department of Water Resources for Wednesday, May 1, 2002 at 10:00 a.m.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue'.

Sue Taylor
Senior Secretary

MICROFILMED

SEP 23 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER OF WATER RIGHT)
NO. 65-3221 (TRANSFER NO. 69540))
IN THE NAME OF RONALD E.)
WARNKE)

NOTICE OF PREHEARING
CONFERENCE

On September 13, 2001, Ronald E. Warnke filed with the Department of Water Resources (IDWR) application for transfer no. 69540. The application was protested by PTR, Inc.

IDWR has scheduled a conference for the protest to be held on **Wednesday, May 1, 2002, at 10:00 a.m. at the Garden Valley Ranger Station, 1219 Banks-Lowman Rd., Garden Valley, Idaho 83622.** 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 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 IDWR within (10) days prior to the conference.

Dated this 29th day of March 2002.



Gary Spackman

CERTIFICATE OF MAILING

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

Sue Taylor
Senior Secretary

RONALD E WARNKE
42 SCRIVER BLUFF RD
GARDEN VALLEY ID 83622

PTR INC
C/O KURT BREISH
2 SCRIVER WOODS RD
GARDEN VALLEY ID 83622

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 23 2002

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.

MICROFILMED

SEP 23 2002



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

March 26, 2002

RONALD E WARNKE
42 SCRIVER BLUFF RD
GARDEN VALLEY ID 83622

Re: Application for Transfer No. 69540

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 May 1, 2002, at 10:00 a.m. at the Garden Valley Ranger Station in Garden Valley, Idaho 83622.

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in 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 assistance, please contact us.

Sincerely,


Gary Spackman

GS:st

Encl. Notice of Conference
Copy of Protests

MICROFILMED

SEP 23 2002



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

March 26, 2002

PTR INC
C/O KURT BREISH
2 SCRIVER WOODS RD
GARDEN VALLEY ID 83622

Re: Application for Transfer No. 69540 in the Name of Ronald E. Warnke

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 May 1, 2002, at 10:00 a.m. at the Garden Valley Ranger Station in Garden Valley, Idaho 83622.

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,



Gary Spackman

GS:st

Encl. Notice of Conference
Copy of Application

MICROFILMED

SEP 23 2002

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 11 2002

Department of Water Resources

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for transfer of No. 69540
2. Name of protestant PTR Inc, Kurt Breish Vice President
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 2 Scriver Woods Rd, Garden Valley ID, 83622
5. Service telephone no. 208-462-2800

6. Basis of protest (including statement of facts and law upon which the protest is based)

PTR Inc Owns the water right

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Applicant withdraw Application

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11 day of March, ~~2000~~ 2002

[Signature]
Protestant

Protestant's Representative

MICROFILMED

SEP 23 2002

RECEIVED

MAR 12 2002

WATER R.
WESTERN REGION

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by J. Mai Date 3-11-02 Time 3:43 P.M.
\$25.00 fee Receipted by J. Mai # C060598 Date 3-11-02

MICROFILMED

SEP 23 2002

Idaho Department of Water Resources Receipt

Receipt ID C060598

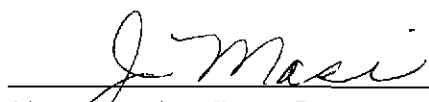
Payment Amount \$25.00 Date Received 3/11/2002 3:40:12 PM Region State Status
Payment Type Cash

Payer BREISH KURT

Comment PROTEST FOR PTR INC PROTESTING APPLICATION FOR TRANSFER
OF NO 69540

Fee Detail

Amount Description Fund FD PCA SO
\$25.00 PROTESTS 0229 21 56103 1155


Signature Line (Dept. Representative)

FILE COPY

MICRO. 1111

APR 23 2002

Welcome To
The Idaho Department of Water
Resources

1301 North Orchard St., Boise, Idaho
83706

TEL (208) 327-7900 ~ FAX (208) 327-7866

MICROFILMED
SEP 23 2002

MEMORANDUM

DATE: 11/7/01

FROM: Lori Graves☺

TO: Nancy Curry

RE: Shuffle

Hi Nancy, please shuffle \$100 paid per receipts W027143 and W027775 from the application for permit account to the application for transfer account. Thank you.

MICROFILMED

SEP 24 2002

MEMORANDUM

DATE: 11/6/01

FROM: Lori Graves *g*

TO: Transfer File No. 69540

RE: Parent Water Right 65-3221, Split 65-22645

Attachments

- A. Tax Assessments
- B. Topo Map
- C. Subdivision Plat Map

Brief

Applicant proposes to add a point of diversion on Scriver Creek to appropriate his 2 acre portion of decree 65-3221.

Ownership

Applicant supplied tax notices for the P/U and the proposed P/D, aka lots 16, 17 and 18, Pine Tree Ranch Sub no.4. The P/D will be located on lot 17.

Overlaps

The right is under the name of Pine Tree Ranch Subdivision. Applicant owns lots 16, 17 and 18 of Pine Tree Ranch Sub #4. The lots are located in the SENE S27. Based on the SRBA review and recommendation, the lots are a part of 20 acres decreed on right 65-3221. The Subdivision also has decree 65-3223 from Scriver Creek for irrigation of 12 other acres in the same tract. Comment letters were sent to those that had irrigation rights from Scriver Creek listed in the SENE S27. These include Pine Tree Ranch (65-3221, 65-3223), Cecil Ingram (65-13018), and Ralph Richcreek (65-13808). No other rights are used.

Beneficial Use & SRBA

SRBA staff reviewed and recommended right 65-3221 as claimed and decreed. Property is located along Scriver Creek and appears irrigated based on dept. aerial photos.

Recommendations

Process transfer as filed with watermaster conditions.

Requested fund shuffle from application for permit account to application for transfer account. Applicant originally paid \$100 for an application for permit via receipts W027143 and W027775, which he then replaced with this transfer application.

MICROFILMED

SEP 23 2002

The Idaho World

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

RECEIVED

MAR 04 2002

WATER RESOURCES
WESTERN REGION

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 Feb 26, 2002 and ending with the issue of Feb 27, 2002.

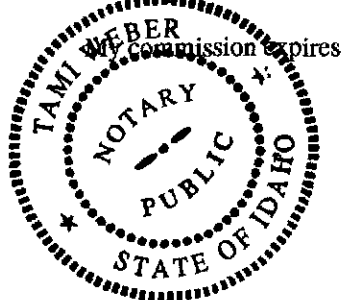
Deanna Stevenson

State of Idaho)
)
County of Boise)

On this 1 day of Mar 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.

Tami Weber

Notary Public for Idaho
Residing at Garden Valley, Idaho



NOTICE OF PROPOSED CHANGE OF WATER RIGHT, TRANSFER, NO. 68440

RONALD E WARNKE of 42 Scriver Bluff Rd Garden Valley ID 83622 has applied to the Department of Water Resources to add a Point of Diversion pursuant to I.C. § 42-222 for the following irrigation decree recorded as follows in 10N R4E Boise County

65-3221 priority 8/9/1881, 1 35 cfs, diverted in the NWSW S22 from Scriver Creek tributary to Payette River, Middle Fork, and used in W1/2 S26 and NE, NENW, NESE S27, 68 total acres

PROPOSED CHANGE

Add and use separate diversion on Scriver Creek in the SENE S27 for applicant's 2 acre portion of decree aka Lots 16, 17 and 18, Pine Tree Ranch Subdivision No 4

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 March 11, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in The Idaho World February 20 and 27, 2002

MICROFILMED

SEP 23 2002

Lester, Steve

From: Lester, Steve
Sent: Thursday, March 07, 2002 8:57 AM
To: 'kurtb@ix.netcom.com'
Cc: Larsen, Dick
Subject: Water Right #65-3221

Dear Mr. Breish:

I am responding to your March 4 email to Mr. Larsen of the Idaho Dept. of Water Resources (IDWR) regarding Ronald Warnke's Application for Transfer #69540 to change a portion of water right no. 65-3221. Warnke filed to add his own diversion point from Scriver Creek for Lots 17 and 18, Pine Tree Ranch #4. Warnke represented that he owns those lots per 2001 Boise County property tax assessment notice submitted with his application.

The transfer was published in the local paper on February 20 and 27, 2002. The deadline to protest the application is March 11, 2002. A protest requires a \$25 fee. If you want to file a protest, please submit an original protest (not a fax, email or copy) with a \$25 fee to any IDWR office by 5:00 p.m. on March 11 (must be *received* by the deadline). Protest forms are available at the IDWR internet site (www.idwr.state.id.us) or by contacting any IDWR office.

The right is recorded with IDWR in the name of Pine Tree Ranch Incorporated as noted in the attached computer report. The report reflects IDWR's recommendation to the Snake River Basin Adjudication Court regarding this right. The Court's proceeding on the recommendation is stayed pending the disposition of Warnke's application.

Although the right is listed in the name of Pine Tree Ranch, a water right is generally considered appurtenant to lands described by the right. It follows that an individual land owner probably owns a portion of the right. This is the basis for Warnke's application ... if he can show he owns the land (2 acres in this case), then conceivably he can alter his portion of the right. On the other hand, if it can be shown that water right ownership has been legally withheld from the land, the applicant faces additional complications.

I hope this provides the information you requested. Please contact me if you need additional information.

Sincerely,

Steve Lester
IDWR Western Region
tel. 208-334-2190



65-3221.RTF

MICROFILMED

SEP 23 2002

*was cc of
this Appl.
provided to
Western AJ
staff?*

FL 3/7/02
MICROFILMED

SEP 23 2002

Lester, Steve

From: Larsen, Dick
Sent: Monday, March 04, 2002 4:28 PM
To: 'Kurt Breish'; Lester, Steve
Subject: RE: Water right #65-03221

Dear Mr. Breish:

Thank you for your email regarding Water Right 65-03221. I will forward your questions to Steve Lester, water rights supervisor for our Western Region. He will contact you directly.

Sincerely,

Dick Larsen
Public Information Officer
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706
Tel - (208) 327-7933

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

From: Kurt Breish [mailto:kurtb@ix.netcom.com]
Sent: Monday, March 04, 2002 4:26 PM
To: IDWRInfo@idwr.state.id.us
Subject: Water right #65-03221

I noticed that an announcement in the Idaho World paper indicated that Ronald Warnke was trying to change ownership of water right number 65-03221. I believe that that water right is owned by PTR Inc. (which I am on the board of directors).

Could you email me the description of that water right, and who your records indicate own it. I will also be checking with Boise County for deeds on Mr. Warnke's property to see if somehow he was deeded that right. No-one in the subdivision was supposed to have been deeded the water rights, all rights were intended to be the property of the Irrigation District "PTR Inc." If the original developer of the subdivision did not deed over that water right, then we (PTR Inc.) will be contesting Mr. Warnke's filing.

What time frame do I have to do this research before you make a decision?

Thanks...

Kurt Breish
V.P. PTR Inc.
208-462-2800
kurtb@ix.netcom.com

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SEP 23 2002

3/5/2002



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

January 25, 2002

RALPH RICHCREEK
34 SCRIVER BLUFF RD
GARDEN VALLEY ID 83622-5016

Re: Application for Transfer of No. 69540 in the Name of Ronald Warnke.

Dear Sir:

Enclosed is a copy of the above-referenced application for transfer which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. If you have any comments regarding this transfer application, please send them to this office within ten (10) days of receipt of this letter.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED
SEP 23 2002



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

January 25, 2002

STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Transfer of No. 69540 in the Name of Ronald Warnke.

Dear Sir:

Enclosed is a copy of the above-referenced application for transfer which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. If you have any comments regarding this transfer application, please send them to this office within ten (10) days of receipt of this letter.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILM

SEP 23 2002



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

January 25, 2002

CECIL INGRAM
7025 EL CABALLO
BOISE ID 83704

Re: Application for Transfer of No. 69540 in the Name of Ronald Warnke.

Dear Sir:

Enclosed is a copy of the above-referenced application for transfer which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. If you have any comments regarding this transfer application, please send them to this office within ten (10) days of receipt of this letter.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

SEP 23 2002



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

January 25, 2002

PINE TREE RANCH
C/O SANDRA KANE
9949 W EDNA
BOISE ID 83704

Re: Application for Transfer of No. 69540 in the Name of Ronald Warnke.

Dear Sir:

Enclosed is a copy of the above-referenced application for transfer which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. If you have any comments regarding this transfer application, please send them to this office within ten (10) days of receipt of this letter.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

SEP 23 2002



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

January 25, 2002

MARK LIMBAUGH
WATER DISTRICT 65
102 N MAIN
PAYETTE ID 83661

Re: Application for Transfer of No. 69540 in the Name of Ronald Warnke.

Dear Sir:

Enclosed is a copy of the above-referenced application for transfer which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. If you have any comments regarding this transfer application, please send them to this office within ten (10) days of receipt of this letter.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

SEP 23 2002



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

June 18, 2001

Ronald Warnke
42 Scriver Bluff Rd
Garden Valley ID 83622

RECEIVED

SEP 13 2001

WATER RESOURCES
WESTERN REGION

RE: Application for Permit

Dear Mr. Warnke:

I have tried to reach you by telephone without success, resulting in this letter. Enclosed please find your original application for permit that we received 5/21/2001. After doing a water right overlap review for the area, I found that water right no. 65-3221, in the name of Pine Tree Ranch Inc., already covers your lots for irrigation with Scriver Creek water. You may file a transfer to split this right and add a point of diversion for your 2 acre portion. The 2 acre portion split would then be listed in your name.

I have enclosed a transfer application and instructions. The application fees that you previously paid will cover the transfer fee. If you need help with the transfer form or have any questions, please call me at this office.

Sincerely,

Lori Graves
Sr. Water Resource Agent

Encl: original application, transfer form, instructions

*Enclosed is my completed application
for transfer of a portion of water
right no. 65-3221 to my property.*

MICROFILMED

SEP 23 2002

Dear Mr. Lester

Attached is a copy
of the application
for permit which
I previously sent you
~~over~~ and a copy of
my cashed check for
\$50. I have also
enclosed an additional
\$50 check per your
instructions. Please
let me know if you
need anything else
to process this application

Thank You
Ronald E. Hauke

MICROFILMED

SEP 23 2002

RONALD E WARNKE
MARILYN K WARNKE
(208) 462-6205
42 SCRIVER BLUFF RD.
GARDEN VALLEY, ID 83622

92-373/1231

1780

Date 11-6-00

Pay to the
order of

Idaho Dept of Water Resources \$ 50.00

Fifty & no/100

Dollars



IDAHO INDEPENDENT BANK

9TH AND JEFFERSON
317 NORTH 9TH STREET
BOISE, IDAHO 83702

For water right

Ronald E. Warnke

⑆ 123103732⑆ 0300007671⑆ 1780 ⑈0000005000⑈

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SEP 23 2002

← Letter + cc of
cancelled check
REC'd 5/21/2001

FOR DEPOSIT ONLY
TO THE IDAHO STATE
TREASURER'S ACCOUNT
BY Department of Water Resources

3312 03242

ID-12
US Bank Co #159
1400-21 2138
17th St. S. 1st Bl. 1
14th St. 0 17 36
▶12310372-6◀

NOV 13 00

NO 00 14

1230-0001-3

123103729 11/13/00 2922
S/T 453 ID 90 PKT 17
6601 0012300000000000
1601001500

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SEP 21 2000

Receipt Details for ID W027143

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
11/13/00 12:22:36 PM	11/13/00 3:11:54 PM	WESTERN	\$50.00	Check
Payer		WARNKE, RONALD		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1780			
Card Expiration Date	Credit Card Transaction #		

Comment APPLICATION FOR PERMIT

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	PERMITS	62103	0229	21		1155

Refund(s):

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

Rec'd 11 Appl.
got lost?
He sent a
replacement copy
w/ new original
signature plus
\$50 needed for
to be AC FILMED
\$100 fee.
AC FILMED
JUL 23 2002

\$50 paid 11/13/00.

Original Appl. lost by Regional office, it appears.
Warnke called early May 2001 to inquire about
Appl.

Re-submitted Appl. (copy of original) with additional \$50 fee
per 7/2000 fee increase.

Recommended L.O.P. = 5/21/2001.

MICROFILMED

JUL 23 2002

JL 5/29/01

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-3221 V1

WATER RIGHT NUMBER: 65-3221 V1

Owner Type Name and Address
 Current Owner PINE TREE RANCH INC
 C/O SANDRA L KANE
 9949 W EDNA
 BOISE, ID 83704
 (208)322-1579

*Reviewer's
Notes*

Priority Date: 08/09/1881

Basis: Decreed

Status: Active

Source Tributary
 SCRIVER CREEK MIDDLE FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.350 CFS	
	<u>Total Diversion.</u>	1.350 CFS	

Location of Point(s) of Diversion

SCRIVER CREEK NW1/4SW1/4 Sec. 22, Twp 10N, Rge 04E, B.M.
 BOISE County

Place of UseIRRIGATION Within BOISE County

T10N R04E S26	SWNW	2.0	T10N R04E S26	NWSW	1.0
T10N R04E S27	NWNE	7.0	T10N R04E S27	SWNE	14.0
T10N R04E S27	SENE	20.0	T10N R04E S27	NENW	6.0
T10N R04E S27	NESE	18.0			

Total Acres: 68

Conditions of Approval:

1. C18 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.

Remarks:

1. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-03222, 65-03223, 65-03224, 65-03225 & 65-08290.^^^

Comments:

1. AJU10-JS 1/31/2000 AJU10 CONDITION UPDATE
 Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-3221 V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector:
Water District Number: 65
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan. False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

SubCase:

SubCase Number. 6503221
Class: 2
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned: SUSAN E HAMLIN-NYGARD
Date Filed. 6/16/2000 Objection Status. Active

Idaho Department of Water Resources

T10N, R04E

Claim(s) 65-03221
Owner(s) Pine Tree
Ranch Inc.
Prepared by:
Ron Howerton
Date: 15 NOV 99

 Place of use

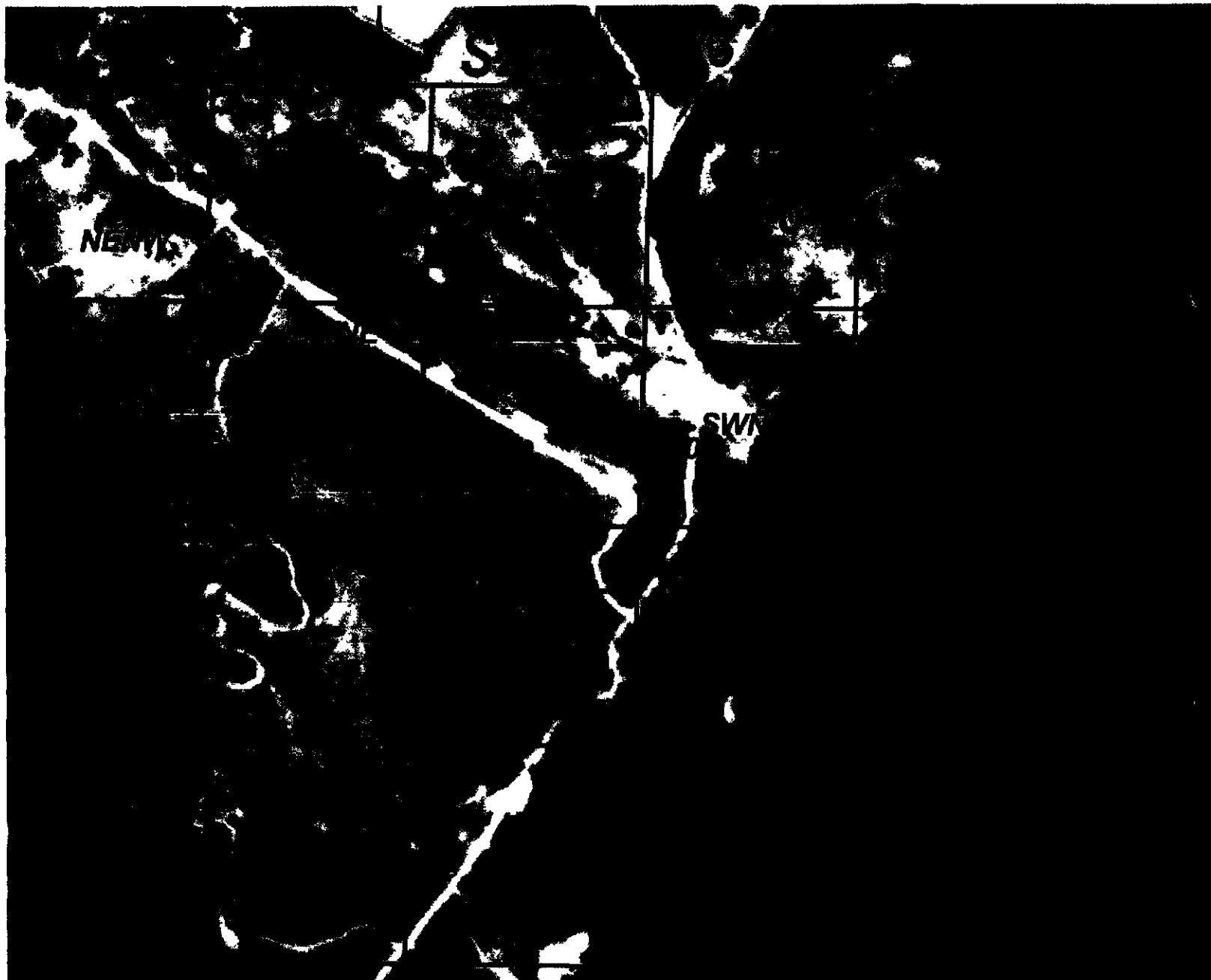
 POD

 SECTION LINES

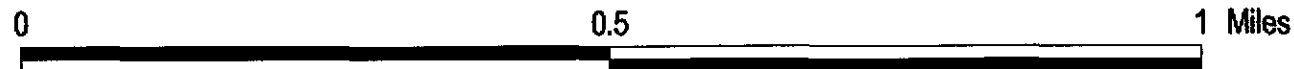
 1/4 1/4 LINES

Acres

SEP 23 2002
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1987 NAPP



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. Your cooperation is appreciated.

Sincerely

Sue Taylor

Senior Secretary

MICROFILMED

SEP 23 2002

2-15-02
~~November 14, 2001~~

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

RE: Application for Permit No. ~~05-29630~~

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice 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 notice 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~~. Your cooperation is appreciated.

Sincerely

3/11/02

Sue Taylor
Senior Secretary

MICROFILMED
SEP 23 2002

**NOTICE OF PROPOSED CHANGE OF WATER
RIGHTS, TRANSFER NO. 69540**

RONALD E WARNKE of 42 Scriver Bluff Rd Garden Valley ID 83622 has applied to the Department of Water Resources to add a Point of Diversion pursuant to I.C. § 42-222 for the following irrigation decree recorded as follows in 10N R4E Boise County:

65-3221 priority 8/9/1881, 1.35 cfs, diverted in the NWSW S22 from Scriver Creek tributary to Payette River, Middle Fork, and used in W1/2 S26 and NE, NENW, NESE S27, 68 total acres.

PROPOSED CHANGE

Add and use separate diversion on Scriver Creek in the SENE S27 for applicant's 2 acre portion of decree aka Lots 16, 17 and 18, Pine Tree Ranch Subdivision No. 4.

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~~ **3/11/02**. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

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

Feb 20 + 27 - 2002

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SEP 23 2002