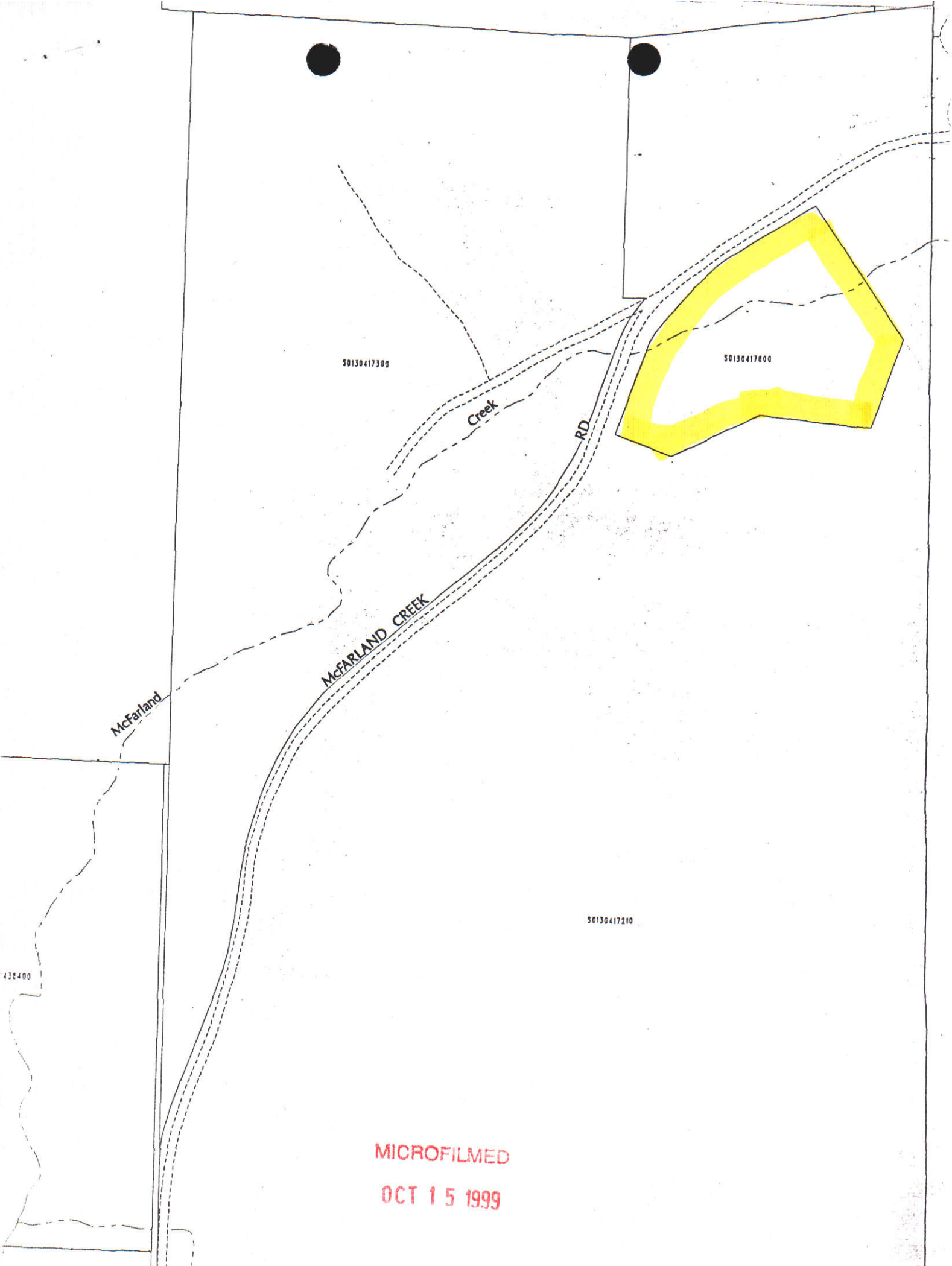




50130417300

Creek

RD

50130417800

McFARLAND CREEK

McFarland

50130417210

428400

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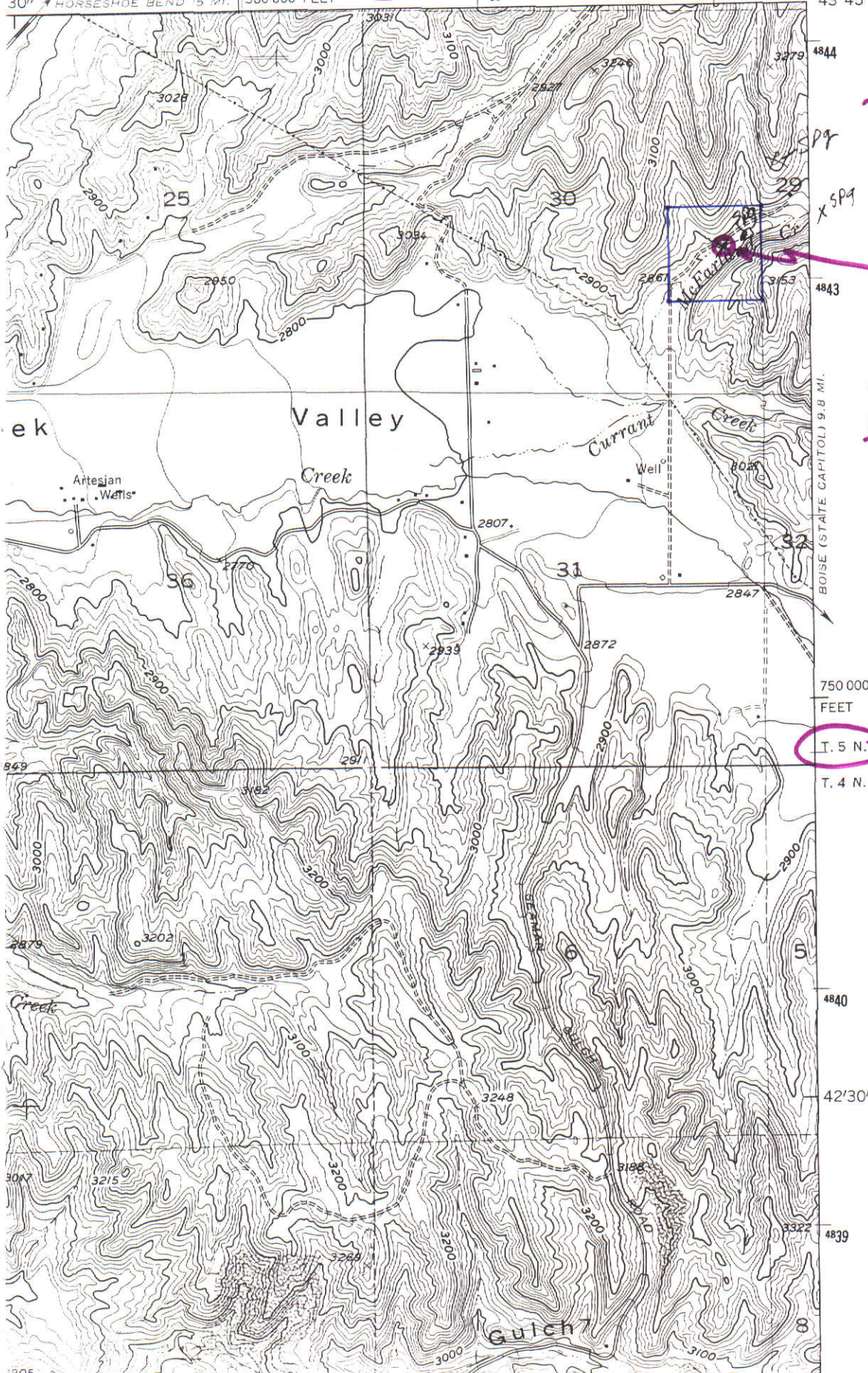
EAGLE QUADRANGLE

IDAHO—ADA CO.

7.5 MINUTE SERIES (TOPOGRAPHIC)

2771 1 SW
(CARTWRIGHT CANYON)

30" GASCADE 66 MI. HORSESHOE BEND 15 MI. 360 000 FEET R. 1 E. R. 2 E. 559 560 116°15' 43°45'



Spring * upstream
from creek pld that
feed the creek

pld & plm

NO gult lots
5.30 except w/2
of w/2

- FL 10/4/93

750 000
FEET
T. 5 N.
T. 4 N.

* but not diverting
from the springs

63-12063

FEB 24 1994

10.90
1282
3000

86

84

8521383

88572-22
88572-22

Y, KENNETH C. H.
' MARIAN S.
8910597 86

768.50

417300.57

BRADY, MICH
+ KATHLEEN

**SUBJECT
PROPERTY**

10 '89
417200 '57

RS#1282

417600
WIFE, SINHA
8919565

2/5 937

BRUSH HAROLD R
+ PATRICIA

FEB 24 1994

BB

533/301

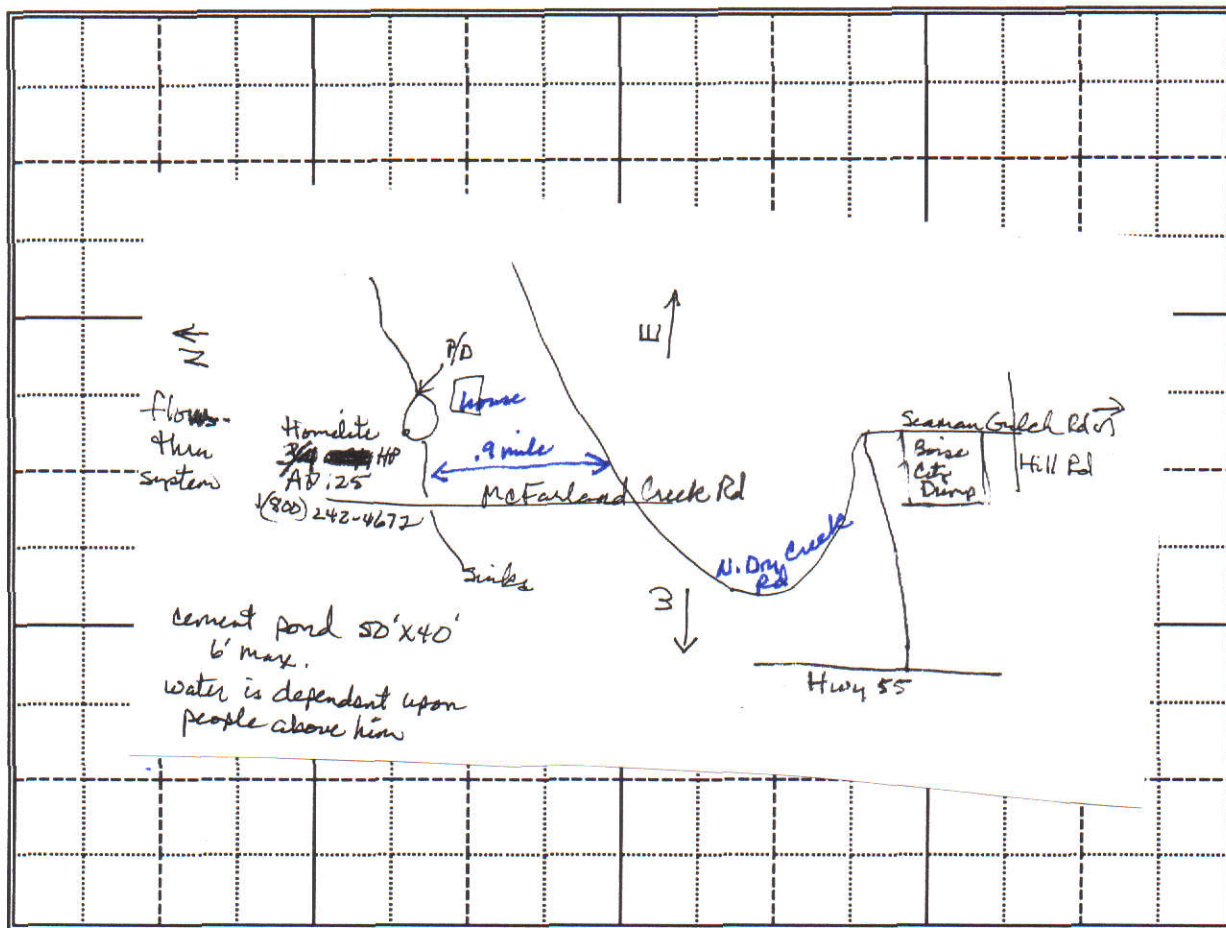
300

11001

63-12063

garry
Property

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		3/4		Homelite	3/4"
				AP 25	

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pygmy Current Meter					pygmy	7/13/95
ID # # 090175						

2. Measurements:

RECORDED

OCT 10 1996

556

17' 30"

R. 1 E.

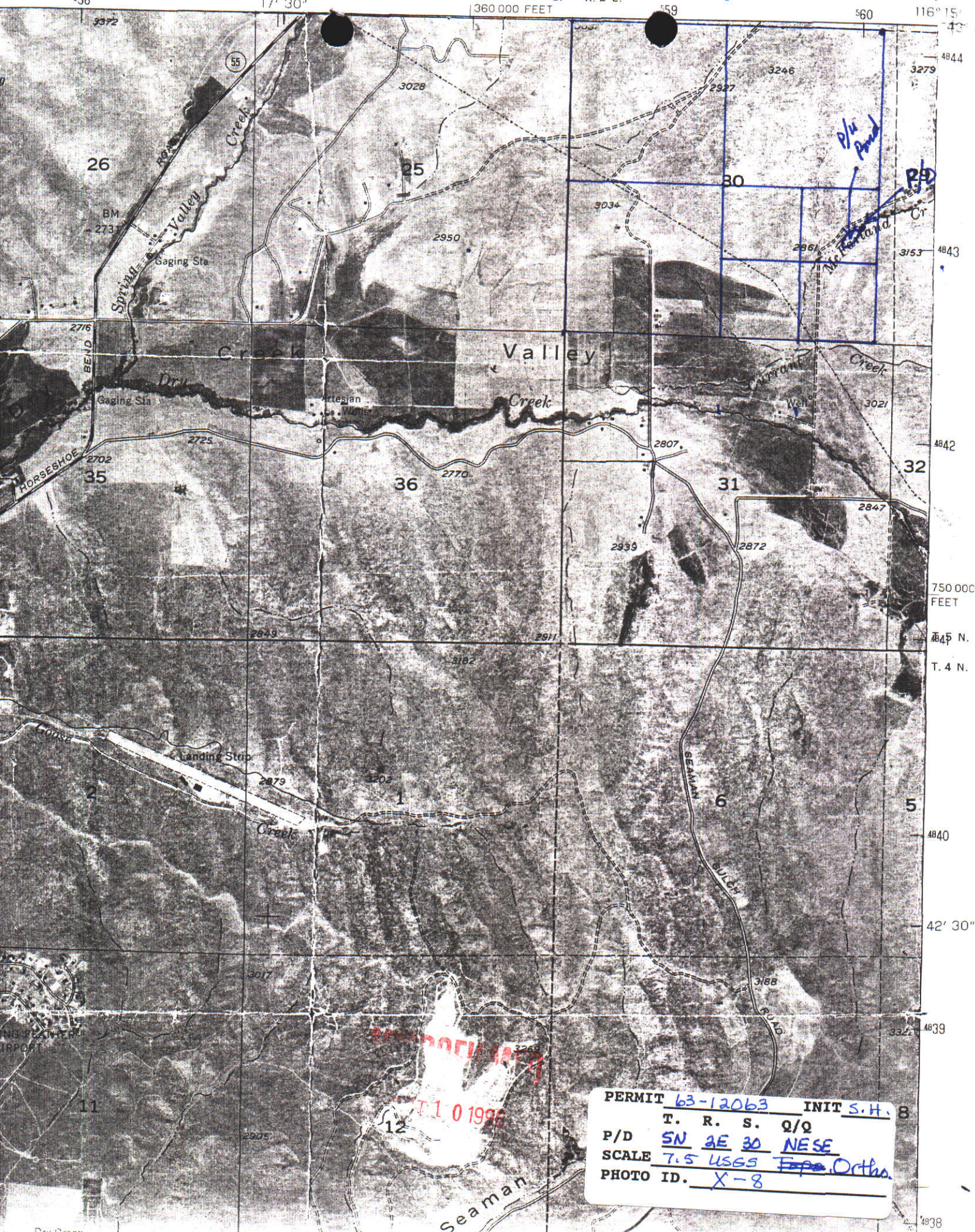
R. 2 E.

559

560

116° 15'

360 000 FEET



PERMIT 63-12063 INIT S.H. 8
 T. R. S. Q/Q
 P/D SN 2E 30 NESE
 SCALE 7.5 USGS Ortho
 PHOTO ID. X-8



63-12063
7/13/95 S.H.

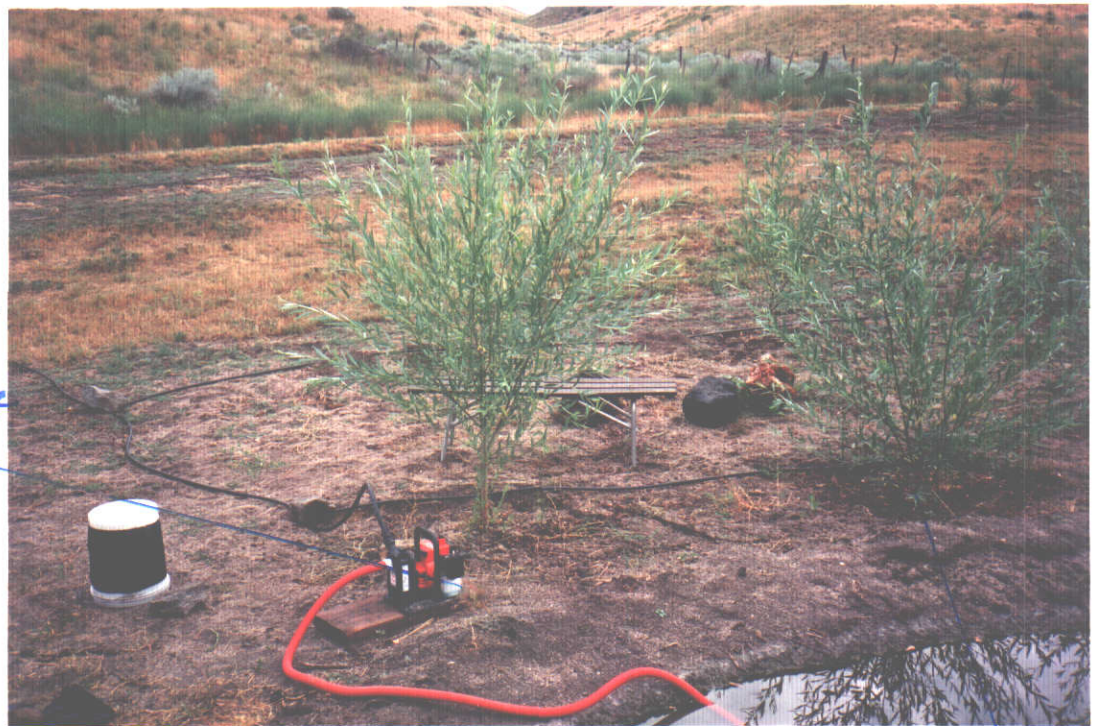
P/D: McFarland Creek



P/u: yard (Domestic)

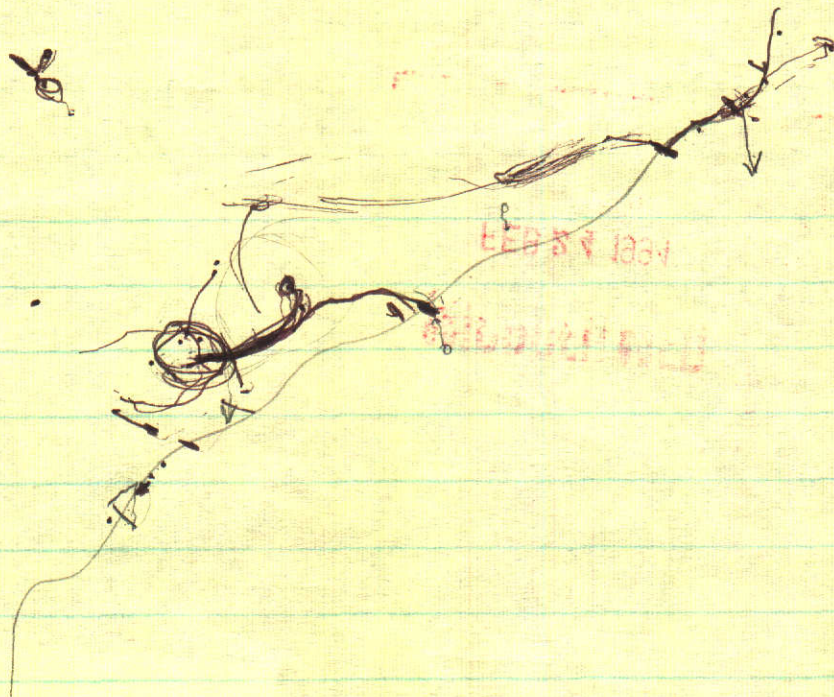
Pond: 50'x40'x6'
Wildlife
wildlife storage
Domestic storage
Fire Protection storage

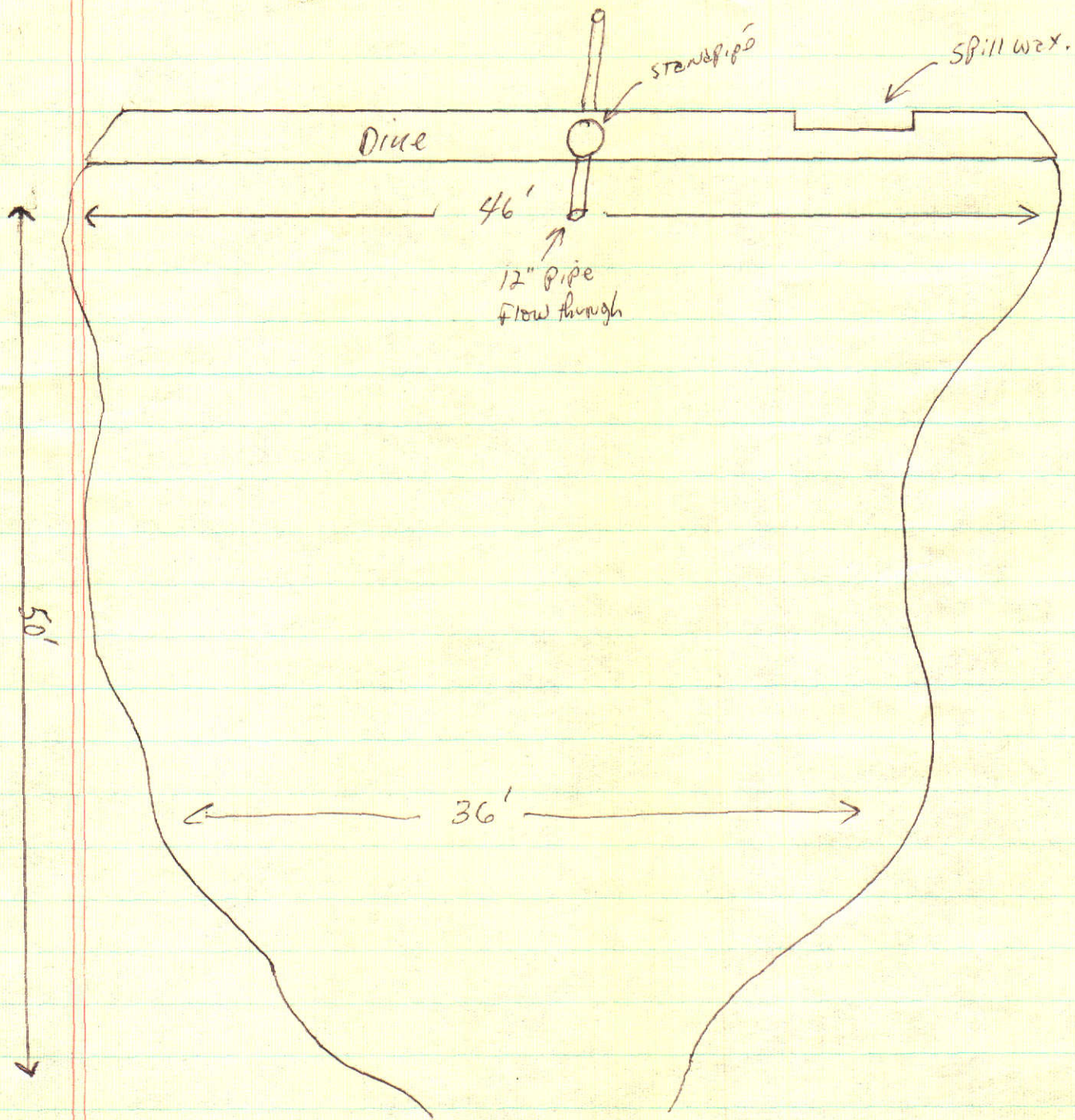
direct flow through at this end
of pond, on down to current creek
3/4 HP Homelite pump, 3/4" ABS
Discharge



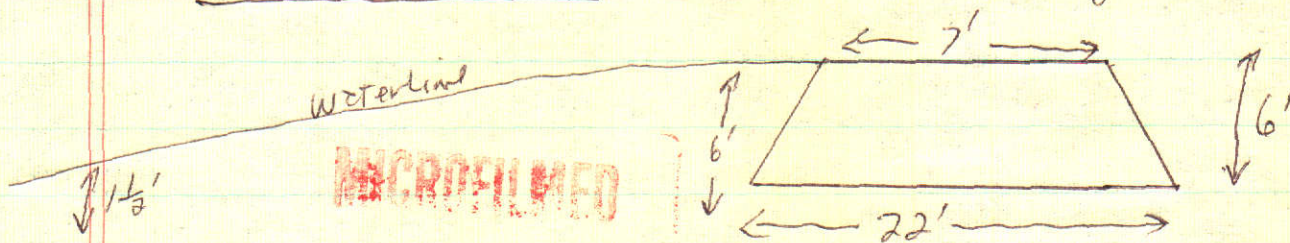
P/u: Domestic
garden + trees +
flood irrigate + drip system
- Fire protection

OCT 1 0 1996





Dike Construction - Earth Fill. - Length 46'



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FEB 24 1994

REPLACED.



State of Idaho)
) ss.
County of Gem)

Patricia R. Brush
(Claimant)

Sworn to before me this 27 day of June, 1983

Notary Public
Residing at

My commission expires lifetime

FEB 24 1994

FOR DEPARTMENT USE ONLY

Received by OK Date 6/27/83 Exception filed by: _____ Forwarded to _____ Date _____

Prelim. check by DVS Date _____

\$30.00 fee received by OK Date 6/27/83 # 31182

Published in Idaho Statesman

Dates 8/25 & 9/1/83

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

RECEIVED
SEP 29 1999
 Department of Water Resources

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 or Adjudication Claim No(s): 63-12063
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 SHERYL & CHARLES L. GAREY
4. New Owner/Claimant(s) JOHN & SHARILYN MULLIGAN
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
 New Mailing Address 15000 N MCFARLAND CREEK RD
 City, State and ZIP Code BOISE, ID 83703
 New Telephone Number (208) 939 8983
5. Date you acquired the property 9/14/99
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 2.86^{100%} Number and type of stock 4 EQUINE
 Diversion rate in CFS .04 Number of homes 1 Other uses WILDLIFE & FIRE PROTECTION
 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) John Mulligan
Sharilyn Mulligan
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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 OCT 15 1999

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

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

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

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OCT 19 1998

RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:
AMERICAN FIRST FEDERAL CREDIT UNION
700 NORTH HARBOR BOULEVARD
LA HABRA, CA 90631
ATTN: REAL ESTATE DEPT.

P-183842 JPH-PP

[Space Above This Line For Recording Data]

DEED OF TRUST

THIS DEED OF TRUST ("Security Instrument") is made on September 14th, 1999
JOHN PAUL MULLIGAN AND SHARILYN GILES MULLIGAN, HUSBAND AND WIFE

. The grantor is

("Borrower"). The trustee is PIONEER TITLE COMPANY

("Trustee"). The beneficiary is AMERICAN FIRST FEDERAL CREDIT UNION

which is organized and existing under the laws of The State of California
address is 700 NORTH HARBOR BOULEVARD, LA HABRA, CA 90631

, and whose

("Lender"). Borrower owes Lender the principal sum of

Two Hundred Thousand and 00/100 Dollars (U.S. \$200,000.00).

This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on October 1st, 2029.

This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications of the Note; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in ADA County, Idaho:

LEGAL DESCRIPTION ATTACHED HERE TO AS EXHIBIT "A" AND MADE A PART OF THIS DEED OF TRUST.

which has the address of 15000 NORTH MC FARLAND CREEK RD, BOISE
Idaho 83703 [Zip Code] ("Property Address");

[Street, City],

IDAHO-Single Family-FNMA/FHLMC UNIFORM

INSTRUMENT Form 3013 9/90

Amended 5/97

Page 1 of 8

VMP MORTGAGE FORMS - (800)521-7291

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OCT 15 1999

TOGETHER WITH all the improvements now or hereafter erected on the property, all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

BORROWER COVENANTS that Borrower is lawfully seized of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

UNIFORM COVENANTS. Borrower and Lender covenant and agree as follows:

1. **Payment of Principal and Interest; Prepayment and Late Charges.** Borrower shall promptly pay when due the principal of and interest on the debt evidenced by the Note and any prepayment and late charges due under the Note.

2. **Funds for Taxes and Insurance.** Subject to applicable law or to a written waiver by Lender, Borrower shall pay to Lender on the day monthly payments are due under the Note, until the Note is paid in full, a sum ("Funds") for: (a) yearly taxes and assessments which may attain priority over this Security Instrument as a lien on the Property; (b) yearly leasehold payments or ground rents on the Property, if any; (c) yearly hazard or property insurance premiums; (d) yearly flood insurance premiums, if any; (e) yearly mortgage insurance premiums, if any; and (f) any sums payable by Borrower to Lender, in accordance with the provisions of paragraph 8, in lieu of the payment of mortgage insurance premiums. These items are called "Escrow Items." Lender may, at any time, collect and hold Funds in an amount not to exceed the maximum amount a lender for a federally related mortgage loan may require for Borrower's escrow account under the federal Real Estate Settlement Procedures Act of 1974 as amended from time to time, 12 U.S.C. Section 2601 *et seq.* ("RESPA"), unless another law that applies to the Funds sets a lesser amount. If so, Lender may, at any time, collect and hold Funds in an amount not to exceed the lesser amount. Lender may estimate the amount of Funds due on the basis of current data and reasonable estimates of expenditures of future Escrow Items or otherwise in accordance with applicable law.

The Funds shall be held in an institution whose deposits are insured by a federal agency, instrumentality, or entity (including Lender, if Lender is such an institution) or in any Federal Home Loan Bank. Lender shall apply the Funds to pay the Escrow Items. Lender may not charge Borrower for holding and applying the Funds, annually analyzing the escrow account, or verifying the Escrow Items, unless Lender pays Borrower interest on the Funds and applicable law permits Lender to make such a charge. However, Lender may require Borrower to pay a one-time charge for an independent real estate tax reporting service used by Lender in connection with this loan, unless applicable law provides otherwise. Unless an agreement is made or applicable law requires interest to be paid, Lender shall not be required to pay Borrower any interest or earnings on the Funds. Borrower and Lender may agree in writing, however, that interest shall be paid on the Funds. Lender shall give to Borrower, without charge, an annual accounting of the Funds, showing credits and debits to the Funds and the purpose for which each debit to the Funds was made. The Funds are pledged as additional security for all sums secured by this Security Instrument.

If the Funds held by Lender exceed the amounts permitted to be held by applicable law, Lender shall account to Borrower for the excess Funds in accordance with the requirements of applicable law. If the amount of the Funds held by Lender at any time is not sufficient to pay the Escrow Items when due, Lender may so notify Borrower in writing, and, in such case Borrower shall pay to Lender the amount necessary to make up the deficiency. Borrower shall make up the deficiency in no more than twelve monthly payments, at Lender's sole discretion.

Upon payment in full of all sums secured by this Security Instrument, Lender shall promptly refund to Borrower any Funds held by Lender. If, under paragraph 21, Lender shall acquire or sell the Property, Lender, prior to the acquisition or sale of the Property, shall apply any Funds held by Lender at the time of acquisition or sale as a credit against the sums secured by this Security Instrument.

3. **Application of Payments.** Unless applicable law provides otherwise, all payments received by Lender under paragraphs 1 and 2 shall be applied: first, to any prepayment charges due under the Note; second, to amounts payable under paragraph 2; third, to interest due; fourth, to principal due; and last, to any late charges due under the Note.

4. **Charges; Liens.** Borrower shall pay all taxes, assessments, charges, fines and impositions attributable to the Property which may attain priority over this Security Instrument, and leasehold payments or ground rents, if any. Borrower shall pay these obligations in the manner provided in paragraph 2, or if not paid in that manner, Borrower shall pay them on time directly to the person owed payment. Borrower shall promptly furnish to Lender all notices of amounts to be paid under this paragraph. If Borrower makes these payments directly, Borrower shall promptly furnish to Lender receipts evidencing the payments.

Borrower shall promptly discharge any lien which has priority over this Security Instrument unless Borrower: (a) agrees in writing to the payment of the obligation secured by the lien in a manner acceptable to Lender; (b) contests in good faith the lien by, or defends against enforcement of the lien in, legal proceedings which in the Lender's opinion operate to prevent the enforcement of the lien; or (c) secures from the holder of the lien an agreement satisfactory to Lender subordinating the lien to this Security Instrument. If Lender determines that any part of the Property is subject to a lien which may attain priority over this Security Instrument, Lender may give Borrower a notice identifying the lien. Borrower shall satisfy the lien or take one or more of the actions set forth above within 10 days of the giving of notice.

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Initials:

Form 2013 9/80

2017 1 5 1409

5. Hazard or Property Insurance. Borrower shall keep the improvements now existing or hereafter erected on the Property insured against loss by fire, hazards included within the term "extended coverage" and any other hazards, including floods or flooding, for which Lender requires insurance. This insurance shall be maintained in the amounts and for the periods that Lender requires. The insurance carrier providing the insurance shall be chosen by Borrower subject to Lender's approval which shall not be unreasonably withheld. If Borrower fails to maintain coverage described above, Lender may, at Lender's option, obtain coverage to protect Lender's rights in the Property in accordance with paragraph 7.

All insurance policies and renewals shall be acceptable to Lender and shall include a standard mortgage clause. Lender shall have the right to hold the policies and renewals. If Lender requires, Borrower shall promptly give to Lender all receipts of paid premiums and renewal notices. In the event of loss, Borrower shall give prompt notice to the insurance carrier and Lender. Lender may make proof of loss if not made promptly by Borrower.

Unless Lender and Borrower otherwise agree in writing, insurance proceeds shall be applied to restoration or repair of the Property damaged, if the restoration or repair is economically feasible and Lender's security is not lessened. If the restoration or repair is not economically feasible or Lender's security would be lessened, the insurance proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with any excess paid to Borrower. If Borrower abandons the Property, or does not answer within 30 days a notice from Lender that the insurance carrier has offered to settle a claim, then Lender may collect the insurance proceeds. Lender may use the proceeds to repair or restore the Property or to pay sums secured by this Security Instrument, whether or not then due. The 30-day period will begin when the notice is given.

Unless Lender and Borrower otherwise agree in writing, any application of proceeds to principal shall not extend or postpone the due date of the monthly payments referred to in paragraphs 1 and 2 or change the amount of the payments. If under paragraph 21 the Property is acquired by Lender, Borrower's right to any insurance policies and proceeds resulting from damage to the Property prior to the acquisition shall pass to Lender to the extent of the sums secured by this Security Instrument immediately prior to the acquisition.

6. Occupancy, Preservation, Maintenance and Protection of the Property; Borrower's Loan Application; Leaseholds. Borrower shall occupy, establish, and use the Property as Borrower's principal residence within sixty days after the execution of this Security Instrument and shall continue to occupy the Property as Borrower's principal residence for at least one year after the date of occupancy, unless Lender otherwise agrees in writing, which consent shall not be unreasonably withheld, or unless extenuating circumstances exist which are beyond Borrower's control. Borrower shall not destroy, damage or impair the Property, allow the Property to deteriorate, or commit waste on the Property. Borrower shall be in default if any forfeiture action or proceeding, whether civil or criminal, is begun that in Lender's good faith judgment could result in forfeiture of the Property or otherwise materially impair the lien created by this Security Instrument or Lender's security interest. Borrower may cure such a default and reinstate, as provided in paragraph 18, by causing the action or proceeding to be dismissed with a ruling that, in Lender's good faith determination, precludes forfeiture of the Borrower's interest in the Property or other material impairment of the lien created by this Security Instrument or Lender's security interest. Borrower shall also be in default if Borrower, during the loan application process, gave materially false or inaccurate information or statements to Lender (or failed to provide Lender with any material information) in connection with the loan evidenced by the Note, including, but not limited to, representations concerning Borrower's occupancy of the Property as a principal residence. If this Security Instrument is on a leasehold, Borrower shall comply with all the provisions of the lease. If Borrower acquires fee title to the Property, the leasehold and the fee title shall not merge unless Lender agrees to the merger in writing.

7. Protection of Lender's Rights in the Property. If Borrower fails to perform the covenants and agreements contained in this Security Instrument, or there is a legal proceeding that may significantly affect Lender's rights in the Property (such as a proceeding in bankruptcy, probate, for condemnation or forfeiture or to enforce laws or regulations), then Lender may do and pay for whatever is necessary to protect the value of the Property and Lender's rights in the Property. Lender's actions may include paying any sums secured by a lien which has priority over this Security Instrument, appearing in court, paying reasonable attorneys' fees and entering on the Property to make repairs. Although Lender may take action under this paragraph 7, Lender does not have to do so.

Any amounts disbursed by Lender under this paragraph 7 shall become additional debt of Borrower secured by this Security Instrument. Unless Borrower and Lender agree to other terms of payment, these amounts shall bear interest from the date of disbursement at the Note rate and shall be payable, with interest, upon notice from Lender to Borrower requesting payment.

8. Mortgage Insurance. If Lender required mortgage insurance as a condition of making the loan secured by this Security Instrument, Borrower shall pay the premiums required to maintain the mortgage insurance in effect. If, for any reason, the mortgage insurance coverage required by Lender lapses or ceases to be in effect, Borrower shall pay the premiums required to obtain coverage substantially equivalent to the mortgage insurance previously in effect, at a cost substantially equivalent to the cost to Borrower of the mortgage insurance previously in effect, from an alternate mortgage insurer approved by Lender. If substantially equivalent mortgage insurance coverage is not available, Borrower shall pay to Lender each month a sum equal to one-twelfth of the yearly mortgage insurance premium being paid by Borrower when the insurance coverage lapsed or ceased to be in effect. Lender will accept, use and retain these payments as a loss reserve in lieu of mortgage insurance. Loss reserve

payments may no longer be required, at the option of Lender, if mortgage insurance coverage (in the amount and for the period that Lender requires) provided by an insurer approved by Lender again becomes available and is obtained. Borrower shall pay the premiums required to maintain mortgage insurance in effect, or to provide a loss reserve, until the requirement for mortgage insurance ends in accordance with any written agreement between Borrower and Lender or applicable law.

9. Inspection. Lender or its agent may make reasonable entries upon and inspections of the Property. Lender shall give Borrower notice at the time of or prior to an inspection specifying reasonable cause for the inspection.

10. Condemnation. The proceeds of any award or claim for damages, direct or consequential, in connection with any condemnation or other taking of any part of the Property, or for conveyance in lieu of condemnation, are hereby assigned and shall be paid to Lender.

In the event of a total taking of the Property, the proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with any excess paid to Borrower. In the event of a partial taking of the Property in which the fair market value of the Property immediately before the taking is equal to or greater than the amount of the sums secured by this Security Instrument immediately before the taking, unless Borrower and Lender otherwise agree in writing, the sums secured by this Security Instrument shall be reduced by the amount of the proceeds multiplied by the following fraction: (a) the total amount of the sums secured immediately before the taking, divided by (b) the fair market value of the Property immediately before the taking. Any balance shall be paid to Borrower. In the event of a partial taking of the Property in which the fair market value of the Property immediately before the taking is less than the amount of the sums secured immediately before the taking, unless Borrower and Lender otherwise agree in writing or unless applicable law otherwise provides, the proceeds shall be applied to the sums secured by this Security Instrument whether or not the sums are then due.

If the Property is abandoned by Borrower, or if, after notice by Lender to Borrower that the condemnor offers to make an award or settle a claim for damages, Borrower fails to respond to Lender within 30 days after the date the notice is given, Lender is authorized to collect and apply the proceeds, at its option, either to restoration or repair of the Property or to the sums secured by this Security Instrument, whether or not then due.

Unless Lender and Borrower otherwise agree in writing, any application of proceeds to principal shall not extend or postpone the due date of the monthly payments referred to in paragraphs 1 and 2 or change the amount of such payments.

11. Borrower Not Released; Forbearance By Lender Not a Waiver. Extension of the time for payment or modification of amortization of the sums secured by this Security Instrument granted by Lender to any successor in interest of Borrower shall not operate to release the liability of the original Borrower or Borrower's successors in interest. Lender shall not be required to commence proceedings against any successor in interest or refuse to extend time for payment or otherwise modify amortization of the sums secured by this Security Instrument by reason of any demand made by the original Borrower or Borrower's successors in interest. Any forbearance by Lender in exercising any right or remedy shall not be a waiver of or preclude the exercise of any right or remedy.

12. Successors and Assigns Bound; Joint and Several Liability; Co-signers. The covenants and agreements of this Security Instrument shall bind and benefit the successors and assigns of Lender and Borrower, subject to the provisions of paragraph 17. Borrower's covenants and agreements shall be joint and several. Any Borrower who co-signs this Security Instrument but does not execute the Note: (a) is co-signing this Security Instrument only to mortgage, grant and convey that Borrower's interest in the Property under the terms of this Security Instrument; (b) is not personally obligated to pay the sums secured by this Security Instrument; and (c) agrees that Lender and any other Borrower may agree to extend, modify, forbear or make any accommodations with regard to the terms of this Security Instrument or the Note without that Borrower's consent.

13. Loan Charges. If the loan secured by this Security Instrument is subject to a law which sets maximum loan charges, and that law is finally interpreted so that the interest or other loan charges collected or to be collected in connection with the loan exceed the permitted limits, then: (a) any such loan charge shall be reduced by the amount necessary to reduce the charge to the permitted limit; and (b) any sums already collected from Borrower which exceeded permitted limits will be refunded to Borrower. Lender may choose to make this refund by reducing the principal owed under the Note or by making a direct payment to Borrower. If a refund reduces principal, the reduction will be treated as a partial prepayment without any prepayment charge under the Note.

14. Notices. Any notice to Borrower provided for in this Security Instrument shall be given by delivering it or by mailing it by first class mail unless applicable law requires use of another method. The notice shall be directed to the Property Address or any other address Borrower designates by notice to Lender. Any notice to Lender shall be given by first class mail to Lender's address stated herein or any other address Lender designates by notice to Borrower. Any notice provided for in this Security Instrument shall be deemed to have been given to Borrower or Lender when given as provided in this paragraph.

15. Governing Law; Severability. This Security Instrument shall be governed by federal law and the law of the jurisdiction in which the Property is located. In the event that any provision or clause of this Security Instrument or the Note conflicts with applicable law, such conflict shall not affect other provisions of this Security Instrument or the Note which can be given effect without the conflicting provision. To this end the provisions of this Security Instrument and the Note are declared to be severable.

16. Borrower's Copy. Borrower shall be given one conformed copy of the Note and of this Security Instrument.

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17. Transfer of the Property or a Beneficial Interest in Borrower. If all or any part of the Property or any interest in it is sold or transferred (or if a beneficial interest in Borrower is sold or transferred and Borrower is not a natural person) without Lender's prior written consent, Lender may, at its option, require immediate payment in full of all sums secured by this Security Instrument. However, this option shall not be exercised by Lender if exercise is prohibited by federal law as of the date of this Security Instrument.

If Lender exercises this option, Lender shall give Borrower notice of acceleration. The notice shall provide a period of not less than 30 days from the date the notice is delivered or mailed within which Borrower must pay all sums secured by this Security Instrument. If Borrower fails to pay these sums prior to the expiration of this period, Lender may invoke any remedies permitted by this Security Instrument without further notice or demand on Borrower.

18. Borrower's Right to Reinstate. If Borrower meets certain conditions, Borrower shall have the right to have enforcement of this Security Instrument discontinued at any time prior to the earlier of: (a) 5 days (or such other period as applicable law may specify for reinstatement) before sale of the Property pursuant to any power of sale contained in this Security Instrument; or (b) entry of a judgment enforcing this Security Instrument. Those conditions are that Borrower: (a) pays Lender all sums which then would be due under this Security Instrument and the Note as if no acceleration had occurred; (b) cures any default of any other covenants or agreements; (c) pays all expenses incurred in enforcing this Security Instrument, including, but not limited to, reasonable attorneys' fees; and (d) takes such action as Lender may reasonably require to assure that the lien of this Security Instrument, Lender's rights in the Property and Borrower's obligation to pay the sums secured by this Security Instrument shall continue unchanged. Upon reinstatement by Borrower, this Security Instrument and the obligations secured hereby shall remain fully effective as if no acceleration had occurred. However, this right to reinstate shall not apply in the case of acceleration under paragraph 17.

19. Sale of Note; Change of Loan Servicer. The Note or a partial interest in the Note (together with this Security Instrument) may be sold one or more times without prior notice to Borrower. A sale may result in a change in the entity (known as the "Loan Servicer") that collects monthly payments due under the Note and this Security Instrument. There also may be one or more changes of the Loan Servicer unrelated to a sale of the Note. If there is a change of the Loan Servicer, Borrower will be given written notice of the change in accordance with paragraph 14 above and applicable law. The notice will state the name and address of the new Loan Servicer and the address to which payments should be made. The notice will also contain any other information required by applicable law.

20. Hazardous Substances. Borrower shall not cause or permit the presence, use, disposal, storage, or release of any Hazardous Substances on or in the Property. Borrower shall not do, nor allow anyone else to do, anything affecting the Property that is in violation of any Environmental Law. The preceding two sentences shall not apply to the presence, use, or storage on the Property of small quantities of Hazardous Substances that are generally recognized to be appropriate to normal residential uses and to maintenance of the Property.

Borrower shall promptly give Lender written notice of any investigation, claim, demand, lawsuit or other action by any governmental or regulatory agency or private party involving the Property and any Hazardous Substance or Environmental Law of which Borrower has actual knowledge. If Borrower learns, or is notified by any governmental or regulatory authority, that any removal or other remediation of any Hazardous Substance affecting the Property is necessary, Borrower shall promptly take all necessary remedial actions in accordance with Environmental Law.

As used in this paragraph 20, "Hazardous Substances" are those substances defined as toxic or hazardous substances by Environmental Law and the following substances: gasoline, kerosene, other flammable or toxic petroleum products, toxic pesticides and herbicides, volatile solvents, materials containing asbestos or formaldehyde, and radioactive materials. As used in this paragraph 20, "Environmental Law" means federal laws and laws of the jurisdiction where the Property is located that relate to health, safety or environmental protection.

NON-UNIFORM COVENANTS. Borrower and Lender further covenant and agree as follows:

21. Acceleration; Remedies. Lender shall give notice to Borrower prior to acceleration following Borrower's breach of any covenant or agreement in this Security Instrument (but not prior to acceleration under paragraph 17 unless applicable law provides otherwise). The notice shall specify: (a) the default; (b) the action required to cure the default; (c) a date, not less than 30 days from the date the notice is given to Borrower, by which the default must be cured; and (d) that failure to cure the default on or before the date specified in the notice may result in acceleration of the sums secured by this Security Instrument and sale of the Property. The notice shall further inform Borrower of the right to reinstate after acceleration and the right to bring a court action to assert the non-existence of a default or any other defense of Borrower to acceleration and sale. If the default is not cured on or before the date specified in the notice, Lender, at its option, may require immediate payment in full of all sums secured by this Security Instrument without further demand and may invoke the power of sale and any other remedies permitted by applicable law. Lender shall be entitled to collect all expenses incurred in pursuing the remedies provided in this paragraph 21, including, but not limited to, reasonable attorneys' fees and costs of title evidence.

If Lender invokes the power of sale, Lender shall execute or cause Trustee to execute a written notice of the occurrence of an event of default and of Lender's election to cause the Property to be sold, and shall cause such notice to be recorded in each county in which any part of the Property is located. Lender or Trustee shall mail copies of the notice as prescribed by applicable law to Borrower and to other persons prescribed by applicable law. Trustee shall give public

1935

EXHIBIT A

PARCEL A:

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 2 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE BRASS CAP MARKING THE ONE-QUARTER CORNER COMMON TO SECTION 31 AND THE SAID SECTION 30;

THENCE SOUTH 89 DEGREES 51'32" EAST 1373.98 FEET ALONG THE SOUTHERLY BOUNDARY OF THE SOUTHWEST QUARTER OF THE SAID SOUTHEAST QUARTER OF SECTION 30 TO A BRASS CAP MARKING THE SOUTHEAST CORNER OF THE SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30;

THENCE NORTH 18 DEGREES 48'13" EAST A DISTANCE OF 1801.90 FEET TO AN IRON PIN;

THENCE NORTH 33 DEGREES 37'55" EAST A DISTANCE OF 240.62 FEET TO AN IRON PIN;

THENCE SOUTH 71 DEGREES 37'46" EAST A DISTANCE OF 50.00 FEET TO AN IRON PIN, ALSO SAID POINT BEING THE REAL POINT OF BEGINNING;

THENCE NORTH 18 DEGREES 22'14" EAST A DISTANCE OF 152.85 FEET TO AN IRON PIN MARKING A POINT OF CURVE;

THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT 66.58 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 22 DEGREES 46'56", A RADIUS OF 167.44 FEET, TANGENTS OF 33.73 FEET AND A LONG CHORD OF 66.14 FEET BEARING NORTH 29 DEGREES 45'42" EAST TO AN IRON PIN MARKING A POINT OF TANGENT;

THENCE NORTH 41 DEGREES 01'10" EAST A DISTANCE OF 65.88 FEET TO AN IRON PIN MARKING A POINT OF CURVE;

THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT 100.00 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 15 DEGREES 50'16", A RADIUS OF 361.77 FEET, TANGENTS OF 50.32 FEET AND A LONG CHORD OF 99.68 FEET BEARING NORTH 49 DEGREES 04'18" EAST TO AN IRON PIN MARKING A POINT OF TANGENT;

THENCE NORTH 56 DEGREES 59'26" EAST A DISTANCE OF 158.30 FEET TO AN IRON PIN, SAID POINT BEARS SOUTH 45 DEGREES 09'05" WEST A DISTANCE OF 377.71 FEET FROM A BRASS CAP MARKING THE ONE-QUARTER CORNER COMMON TO SECTION 29 AND THE SAID SECTION 30;

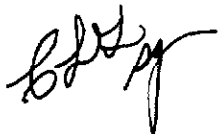
THENCE SOUTH 35 DEGREES 02'29" EAST A DISTANCE OF 277.82 FEET TO AN IRON PIN;

THENCE SOUTH 19 DEGREES 14'59" WEST A DISTANCE OF 163.37 FEET TO AN IRON PIN;

THENCE NORTH 84 DEGREES 52'34" WEST A DISTANCE OF 191.86 FEET TO AN IRON PIN;

THENCE SOUTH 63 DEGREES 40'16" WEST A DISTANCE OF 166.21 FEET TO AN IRON PIN;

THENCE NORTH 70 DEGREES 31'32" WEST A DISTANCE OF 103.96 FEET TO THE POINT OF BEGINNING.



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PARCEL B:

A SANITARY EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 2 EAST, BOISE-MERIDIAN, ADA COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE BRASS CAP MARKING THE ONE-QUARTER CORNER COMMON TO SECTION 31 AND THE SAID SECTION 30; THENCE SOUTH 89 DEGREES 51'32" EAST A DISTANCE OF 1,373.98 FEET ALONG THE SOUTHERLY BOUNDARY OF THE SOUTHWEST QUARTER OF THE SAID SOUTHEAST QUARTER OF SECTION 30 TO A BRASS CAP MARKING THE SOUTHEAST CORNER OF THE SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30;

THENCE NORTH 18 DEGREES 48'13" EAST A DISTANCE OF 1,801.90 FEET TO AN IRON PIN;

THENCE NORTH 33 DEGREES 37'55" EAST A DISTANCE OF 240.62 FEET TO AN IRON PIN;

THENCE SOUTH 71 DEGREES 37'46" EAST A DISTANCE OF 50.00 FEET TO AN IRON PIN, ALSO SAID POINT BEING THE REAL POINT OF BEGINNING;

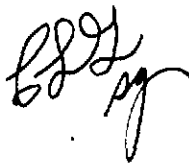
THENCE SOUTH 70 DEGREES 31'32" EAST A DISTANCE OF 97.00 FEET TO A POINT;

THENCE SOUTH 33 DEGREES 37'55" WEST A DISTANCE OF 95.00 FEET TO A POINT;

THENCE NORTH 70 DEGREES 31'32" WEST A DISTANCE OF 97.00 FEET TO A POINT;

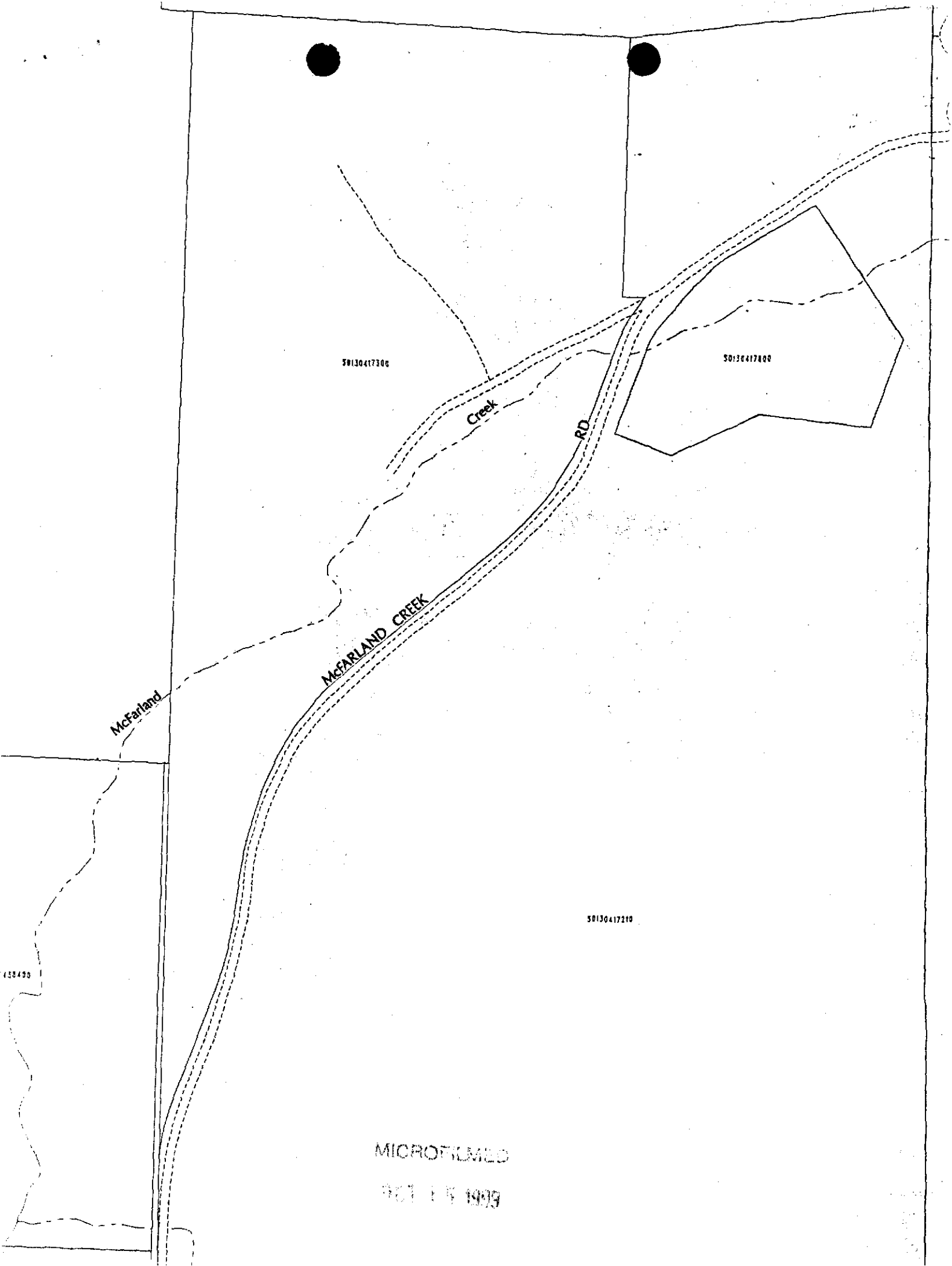
THENCE NORTH 33 DEGREES 37'55" EAST A DISTANCE OF 95.00 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

A handwritten signature in dark ink, appearing to be 'B. J. J.' or similar, written over the 'END OF LEGAL DESCRIPTION' text.

MICROFILM

OCT 15 1993



50130417300

50130417400

Creek

RD

McFARLAND CREEK

McFarland

50130417210

458400

MICROFILMED

OCT 15 1999

State of Idaho
Department of Water Resources

AMENDED

WATER RIGHT LICENSE

AMENDED

WATER RIGHT NO. 63-12063

Priority: October 4, 1993

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

0.9 AF

This is to certify, that SHERYL S GAREY
CHARLES L GAREY

15000 N MC FARLAND CREEK RD
BOISE ID 83703

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated October 4, 1993; and
has submitted Proof of Beneficial Use on January 27, 1995. An examination indicates
that the works have a diversion capacity of 0.100 cfs of water from:

MC FARLAND CREEK

tributary to CURRANT CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		0.3 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
DOMESTIC STORAGE	01/01 to 12/31		0.3 AF
DOMESTIC FROM STORAGE	01/01 to 12/31		0.3 AF
FIRE PROTECTION	01/01 to 12/31	0.03 CFS	
FIRE PROTECTION STORAGE	01/01 to 12/31		0.3 AF
Totals		0.04 CFS	0.9 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE, Sec. 30, Township 05N, Range 02E
ADA County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

05N 02E 30

NESE

PLACE OF USE:

DOMESTIC, same as WILDLIFE STORAGE use

PLACE OF USE:

DOMESTIC FROM STORAGE, same as WILDLIFE STORAGE use

PLACE OF USE:

FIRE PROTECTION, same as WILDLIFE STORAGE use

State of Idaho
Department of Water Resources

AMENDED

WATER RIGHT LICENSE

AMENDED

WATER RIGHT NO. 63-12063

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
6. The Director retains jurisdiction of this right to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such streamflow augmentation or other action will be required only upon a determination of need and applicability by the Director.
7. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
8. Domestic use is for irrigation of lawn and garden.
9. This right authorizes an annual volume of water to fill the pond and the amount required to replace losses through evaporation.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 4th day of April, 1997.

Norman C. Young
Acting for CARL J. DREHER, Director

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-12063

Priority: October 4, 1993

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

0.9 AF

This is to certify, that SHERYL S GAREY
CHARLES L GAREY

15000 N MC FARLAND CREEK RD
BOISE ID 83703

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 4, 1993; and has submitted Proof of Beneficial Use on January 27, 1995. An examination indicates that the works have a diversion capacity of 0.100 cfs of water from:

MC FARLAND CREEK tributary to CURRANT CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		0.3 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
DOMESTIC STORAGE	01/01 to 12/31		0.3 AF
DOMESTIC FROM STORAGE	01/01 to 12/31		0.3 AF
FIRE PROTECTION	01/01 to 12/31	0.03 CFS	
FIRE PROTECTION STORAGE	01/01 to 12/31		0.3 AF
Totals		0.04 CFS	0.9 AF

LOCATION OF POINT(S) OF DIVERSION:

N 30, Township 05N, Range 02E
ADA County

PLACE OF USE:

DOMESTIC, same as use

PLACE OF USE:

DOMESTIC FROM STORAGE, same as use

PLACE OF USE:

FIRE PROTECTION, same as use

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 63-12063

CONDITIONS OF APPROVAL AND REMARKS

4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
6. The Director retains jurisdiction of this right to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such streamflow augmentation or other action will be required only upon a determination of need and applicability by the Director.
7. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
8. Domestic use is for irrigation of lawn and garden.
9. This right authorizes an annual volume of water to fill the pond and the amount required to replace losses through evaporation.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 4th
day of OCTOBER, 1976.


Acting for KARL J. DREHER, Director

SUPERSEDED

OCT 11 1976

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE)
LOCKABLE DEVICE FOR PERMIT NO.)
63-12063 IN THE NAME OF SHERYL S.)
& CHARLES L. GAREY)
_____)

ORDER

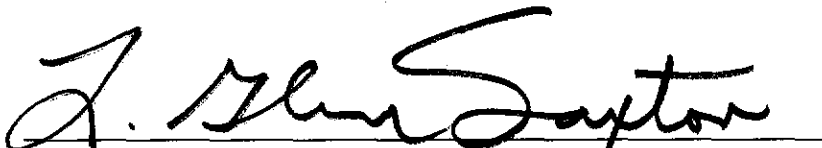
WHEREAS, the Department of Water Resources (department) has issued the above captioned water right permit with a condition of approval requiring the permit holder to install a lockable device on the diverting works in a manner that will provide the watermaster suitable control of the diversion of water under this permit; and

WHEREAS, the department has determined that a watermaster does not regulate the water in question; and

WHEREAS, the department has determined that the lockable device is not necessary for suitable control of the water; and

IT IS THEREFORE HEREBY ORDERED that the condition of approval requiring the installation of a lockable device for the above captioned permit is **REMOVED**. The department retains jurisdiction to reinstate the condition in the future upon a finding of need by the department.

Dated this 6th of February, 1995.



L. GLEN SAXTON

Chief, Water Allocation Bureau

FEB 16 1995

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JAN 27 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 63-12063 Telephone No. 939-1141

2. Name(s) of Permit Holder(s): Sheryl S. Garey Charles L. Garey

3. Mailing Address: 15000 N. McFarland Creek Road, Boise, Idaho 83703

4. Source of Water: McFarland Creek If **GROUNDWATER** (well), Date Drilled: mo. / yr.

a. Well Driller: N/A Drilling Permit Number: - - -

b. **OPTIONAL:**

Pump Horsepower: N/A Pressure (psi): Dynamic pumping level (ft):

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 1 Stockwater (No. and type of stock):

Irrigation (No. of acres): 1/2 Other: Wildlife Storage; Domestic Storage
Fire Protection Storage

6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR 0.4 acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes or No X
Has the measuring device been installed? Yes or No

Flow Measurement Port: Is a flow measurement port required? Yes or No X
Has the measurement port been installed? Yes or No

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Charles L. Garey Telephone Number: 939-1141

Address: 15000 N. McFarland Creek Road, Boise, Idaho 83703

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Sheryl S. Garey Charles L. Garey Date: 01/27/95

(include your title, if on behalf of company or organization)

NOTE: SEE ATTACHED COMMENTS RELATING TO PERMIT CONDITIONS

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12063

Proposed Priority: October 4, 1993

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **SHERYL S GAREY**
CHARLES L GAREY
15000 N MC FARLAND CREEK RD
BOISE ID 83703

has applied for a permit to appropriate water from:

MC FARLAND CREEK

tributary of **CURRENT CREEK**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE	01/01 to 12/31	0.04 CFS	
WILDLIFE STORAGE	01/01 to 12/31		0.4 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	
DOMESTIC STORAGE	01/01 to 12/31		0.4 AF
FIRE PROTECTION	01/01 to 12/31	0.04 CFS	
FIRE PROTECTION STORAGE	01/01 to 12/31		0.4 AF
	Totals	0.04 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 30, Township 05N, Range 02E
ADA County

PLACE OF USE: WILDLIFE

TWN RGE SEC

05N 02E 30

NESE

PLACE OF USE: DOMESTIC, same as WILDLIFE use

PLACE OF USE: FIRE PROTECTION, same as WILDLIFE use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1995.**
2. Subject to all prior water rights.
3. Use of water under this right is subject to the control of the watermaster of Water District 63, Boise River and tributaries.
4. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this right.

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FEB 24 1994

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 63-12063

CONDITIONS/REMARKS:

5. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If the proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, the right holder contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
6. The Director retains jurisdiction of this right and any license subsequently issued to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such streamflow augmentation or other action will be required only upon a determination of need and applicability by the Director.
7. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

22nd day of February, 1974.

R. Keith Higginson

for R. Keith Higginson, Director

1994

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FEB 08 1994

Ident. No. 63-12063

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: CHARLES L GAREY 208-939-1141
Address: 15000 N MC FARLAND CREEK RD
BOISE ID 83703

AND/OR

Name: SHERYL S GAREY 208-939-1141
Address: 15000 N MC FARLAND CREEK RD
BOISE ID 83703

2. Source: MC FARLAND CREEK Trib. to: CURRANT CREEK
3. Location of Point of Diversion: NESE Sec. 30, Township 05N, Range 02E
ADA County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
WILDLIFE	01/01	12/31	0.040		
WILDLIFE STORAGE	01/01	12/31			0.40
DOMESTIC	01/01	12/31	0.040		
DOMESTIC STORAGE	01/01	12/31			0.40
* ~~DOMESTIC FROM STORAGE~~	~~01/01~~	~~12/31~~			~~0.40~~
FIRE PROTECTION	01/01	12/31	0.040		
FIRE PROTECTION STORAGE	01/01	12/31			0.40
* ~~FIRE PROTECT. FROM STOR~~	~~01/01~~	~~12/31~~			~~0.40~~

5. Total quantity to be appropriated is:
0.040 CFS (and/or) AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
EARTHERN DAM FOR ON-STREAM POND, PUMP & SPRINKLERS
- Height of storage dam 6 feet; active reservoir capacity 0.40
acre-feet; total reservoir capacity 0.40 acre-feet; period of
year when water will be diverted to storage: to inclusive.
- Proposed well diameter is inches; proposed depth of well is
feet.
- Is groundwater with a temperature greater than 85F being sought? NO
- If well is already drilled, when?
Drilling Firm
Well was drilled for

FEB 24 1994

* per Jim 2/10/94. c.j.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

8. Place of Use: WILDLIFE

TWN RGE SEC
05N 02E 30

NESE

Place of Use: DOMESTIC, same as WILDLIFE use

Place of Use: DOMESTIC FROM STORAGE, same as WILDLIFE use

Place of Use: FIRE PROTECTION, same as WILDLIFE use

Place of Use: FIRE PROTECT. FROM STOR, same as WILDLIFE use

*Wildlife Storage, same
as Wildlife per
data entry standard
- SL 10/4/93*

9. a. Who owns the property at the point of diversion?

APPLICANT

b. Who owns the land to be irrigated or place of use?

APPLICANT

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.

10. Remarks:

Domestic use is for 1 home.

11. Map of proposed point of diversion and place of use attached? ☒

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

Sheryl D. Garey
Applicant

Received by SL Date 10/4/93 Time 3:11 Preliminary check by cy

Fee \$ 30 Receipted by SL # W016821 Date 10/4/93

Publication prepared by SL Date 10-13-93 Published in Id. Statesman

Publication approved SL Date 12-28-93

RECORDED

FEB 24 1994

Comments: Date: 10/ 4/1993 User-ID: LESTER

Subject:

Source & Moratorium

McFarland Creek is an intermittent creek partly fed by at least three springs identified upstream from location of P/D. Storage is on-stream and covers less than 1/2 acre surface area. Uses are essentially non-consumptive & thus exempted from the moratorium. External domestic use is acceptable since site is downstream from Lucky Peak.

Estimated pond size: $\{2400 \text{ ft}' \times 4 \text{ ft}\} / 43560 = .22 \text{ a.f.}$ and
and $.04 \text{ cfs} \times 1.9835 = .08 \text{ af} / 24\text{-hr.}$, storage required.

Have doubled estimated amount of storage in application to deal with any errors in estimating process.

RECEIVED
FEB 24 1994

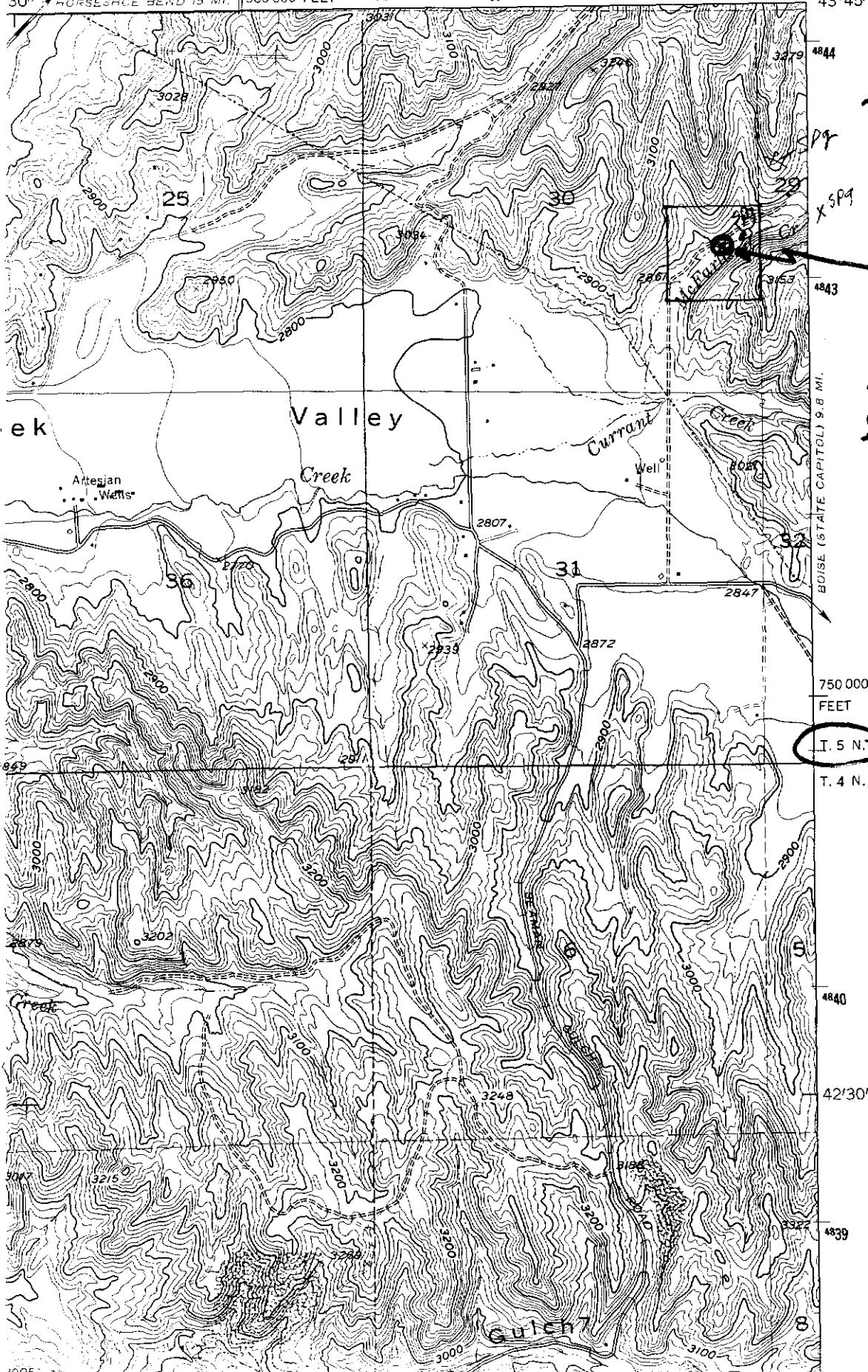
EAGLE QUADRANGLE

IDAHO—ADA CO.

7.5 MINUTE SERIES (TOPOGRAPHIC)

2771 SW
(CARTWRIGHT CANYON)

30" CASCADE 66 MI.
HORSESHOE BEND 15 MI. 360 000 FEET R. 1 E. R. 2 E. 559 560 116°15' 43°45'



Springs * upstream
from creek pld that
feed the creek

pld is pln

NO quit lots
S. 30 except W 1/2
of W 1/2

- FL 10/4/93

750 000
FEET

I. 5 N.

T. 4 N.

* but not diverting
from the springs

63-12063

104 101.

10 '90
1284 '87
130000

86

84

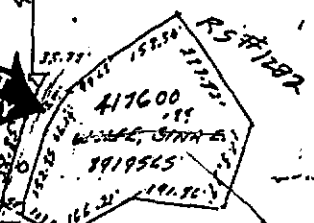
8521383
9252566
9252566
8857224

168.50
417300 '81

10 '59
417200 '57

Y, KENNETH C. H.
MARIAN S.
8910597 86

BRADY, MICHAEL
& KATHLEEN
SUBJECT PROPERTY



7/5 937

2596.01

BRUSH HAROLD R.
& PATRICIA

garage
Property

FEB 24 1994

88

500/301

800

63-12063

SUBJECT LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 2 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE BRASS CAP MARKING THE ONE-QUARTER CORNER COMMON TO SECTION 31 AND THE SAID SECTION 30; THENCE SOUTH 89°51'32" EAST 1373.98 FEET ALONG THE SOUTHERLY BOUNDARY OF THE SOUTHWEST QUARTER OF THE SAID SOUTHEAST QUARTER OF SECTION 30 TO AS BRASS CAP MARKING THE SOUTHEAST CORNER OF THE SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30; THENCE NORTH 18°48'13" EAST 1801.90 FEET TO AN IRON PIN; THENCE NORTH 33°37'55" EAST 240.62 FEET TO AN IRON PIN; THENCE SOUTH 71°37'46" EAST 50.00 FEET TO AN IRON PIN, ALSO SAID POINT BEING THE REAL POINT OF BEGINNING; THENCE NORTH 18°22'14" EAST 152.85 FEET TO AN IRON PIN MARKING A POINT OF CURVE; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT 66.58 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 22°46'56", A RADIUS OF 167.44 FEET, TANGENTS OF 33.73 FEET AND ALONG CHORD OF 66.14 FEET BEARING NORTH 29°45'42" EAST TO AN IRON PIN MARKING A POINT OF TANGENT; THENCE NORTH 41°09'10" EAST 65.88 FEET TO AN IRON PIN MARKING A POINT OF CURVE; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT 100.00 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 15°50'16", A RADIUS OF 361.77 FEET, TANGENTS OF 50.32 FEET AND ALONG CHORD OF 99.68 FEET BEARING NORTH 49°04'18" EAST TO AN IRON PIN MARKING A POINT OF TANGENT; THENCE NORTH 56°59'26" EAST 158.30 FEET TO AN IRON PIN, SAID POINT BEARS SOUTH 45°09'05" WEST 377.71 FEET FROM A BRASS CAP MARKING THE ONE-QUARTER CORNER COMMON TO SECTION 29 AND THE SAID SECTION 30; THENCE SOUTH 35°02'29" EAST 277.82 FEET TO AN IRON PIN; THENCE SOUTH 19°14'59" WEST 163.37 FEET TO AN IRON PIN; THENCE NORTH 84°52'34" WEST 191.86 FEET TO AN IRON PIN; THENCE SOUTH 63°40'16" WEST 166.21 FEET TO AN IRON PIN; THENCE NORTH 70°31'32" WEST 103.96 FEET TO THE POINT OF BEGINNING,

RECEIVED

JUL 26 2001

Memo to file: 63-31247, 63-31246, 63-12063

Date: July 24, 2001

Department of Water Resources

Sue Bock

Directions: North on Seamans Gulch past entrance to Hidden Springs. Turn right on Dry Creek and left on N. McFarlan Creek.

Shari Mulligan (63-12063) 939-8983, called and spoke with Gary today. She indicated that her upstream neighbors, Frazell (63-31247), were excavating a spring from which they receive water. She wanted someone to come up and see the system before any work was done which might alter the water flow.

During my meeting with Shari we discussed her water right, that it is a license with a 1993 priority date from Mc Farland Creek. Shari indicated that the flow in the creek appeared to be a normal flow (2001 being a very dry year). The creek is fed by several springs to the east of her property. I explained that the SRBA would be conducting field exams in the area in 2002, and what we base our recommendations on. I told her that if she wanted to object to the recommendation for Frazell, she would be welcome to do so and what process she would need to go through. She asserted that there had been no irrigation on the property since the early 1990's. I explained that the SRBA would be looking at irrigation prior to the filing of the claim and that once the claim was filed this stayed forfeiture. Since she was still receiving her water right in full, I told her there was nothing we could do. If Frazell's actions cause the creek to dry up she can complain in the form of a letter.

I went on up to Frazell's property and met with him and his wife. I explained the same issues as I had with Shari. I told them they would want to try to substantiate that irrigation had occurred and evidence of priority. They had a backhoe up there to do excavation work on the pond. This is the same pond that the Brush's had and it has fallen into disrepair. A spring feeds the pond directly. Mr. Frazell indicated that he has no intention to dry up the creek. He needs the pond in place to be able to irrigate most efficiently.

I took a few photos of the pond area and the creek. Due to the dense vegetation, it is difficult to discern many details. These photos are in the 63-31247 file.

MICROFILMED

AUG 28 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

October 4, 1999

DIRK KEMPTHORNE
GOVERNOR

JOHN MULLIGAN
SHARILYN MULLIGAN
15000 N MC FARLAND CREEK RD
BOISE ID 83703

KARL J. DREHER
DIRECTOR

RE: Water Right 63-12063

Dear Mr. & Mrs. Mulligan:

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

OCT 15 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 4, 1997

SHERYL S GAREY
CHARLES L GAREY
15000 N MC FARLAND CREEK RD
BOISE ID 83703

RE: Water Right No. 63-12063

Dear Mr. and Mrs. Garey:

During a routine review of our files, it was discovered that the place of use description did not print correctly on water right license 63-12063, which was issued to you on October 4, 1996. Therefore, I have prepared and enclosed an amended license for you.

If you have any questions, please contact me at 208-327-7946.

Respectfully,

A handwritten signature in cursive script that reads "Shelley Walter Keen".

Shelley Walter Keen
Water Rights Supervisor

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 7, 1996

SHERYL S GAREY
CHARLES L GAREY
15000 N MC FARLAND CREEK RD
BOISE ID 83703

RE: WATER RIGHT NO. 63-12063

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify 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 to obtain the proper reporting form.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

RECEIVED
OCT 10 1996

MEMORANDUM

TO: File 63-12063

FROM: Sharla

DATE: October 2, 1996

RE: Recommendation Adjustment(s)

The final license recommendations for Right 63-12063 are based on the following:

H. RECOMMENDATIONS

1. Recommended Amounts

Wildlife Storage	1/1 - 12/31		0.3 afa
Domestic	1/1 - 12/31	0.02 cfs	0.6 afa
Domestic Storage	1/1 - 12/31		0.3 afa
Domestic from Stor.	1/1 - 12/31		0.3 afa
Fire Prot.	1/1 - 12/31	0.03 cfs	
Fire Prot. Stor.	1/1 - 12/31		0.3 afa
	TOTALS	0.04 cfs	0.9 afa

Water is diverted from the storage pond for domestic (irrigation of lawn and garden) purposes; the domestic from storage component should have been retained on the permit. It will be added to the license with no amendment required.

A direct flow for wildlife use is being removed from licensing; the storage facility is on-stream, therefore, only wildlife storage will be licensed.

Examiner: Sandy Hemenway
Exam date: July 13, 1995

RECEIVED
OCT 10 1996

LICENSE REVIEW CHECKLIST

PERMIT NO. 63-12063

DATE 10/2/96

REVIEWER: S H A R L A

NAME Change OK Address Change NO
 SOURCE Change OK Is change/clarification of originally intended source? NO
 If not, prepare Notice of Intent to Void NO
 POINT OF DIV Change OK Amendment required NO
 PLACE OF USE Change OK Amendment required NO
 Does map agree with written description? yes no

OVERLAPS NO P/D NO P/U

RATE OF DIV
 Permitted Rate .04 cfs
 Fee limit .20 cfs \$5000
 Measured .10 cfs
 Theoretical .05 cfs $.75 \times 8.8 \times .7 / 10 + (2.31 \times 40) = .05$
 Recommended Total Div Rate .04 cfs

ANNUAL VOLUME/
 NATURE OF USES NO OK Use Dom .02 Volume Calculation 29.0 af
Fire Prot .03 6 af
Star .3 3 af
 SUBTOTAL 29.0 af

Flow rate .04 cfs $\times 365$ days $\times 1.983 = 29.0$ af
 Total volume recommended .9 af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS 1. Irrig. of lawn & garden.

CONDITIONS PO4 Watermaster Control WD# 63
NO GW Measurement/Measuring Device
NO Overlap
NO Use-specific conditions 11E edit
 Advancement of Priority Date Required NO yes NO no

SRBA Claim Filed NA 1st Amend Letter NA
 Adjustment Memo NA 2nd Amend Letter NA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 21 1995

DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 63-12063

1. Owner: Sheryl S. 1/2 Charles L. Garey Phone No. (208) 939-1141
Current Address: 15000 N. McFarland Creek Rd. Boise, Id. 83703
2. Accompanied by: Charles Garey EXAM DATE: 7/13/95
Address: 15000 N. McFarland Creek Rd. Boise, Id. 83703 Phone No. (208) 939-1141
Relationship to Permit Holder: Self
3. Source: McFarland Creek tributary to Current Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None
2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	SE	30	5N	2E	Ada	USGS Ortho., & exam

2. Place(s) of Use:

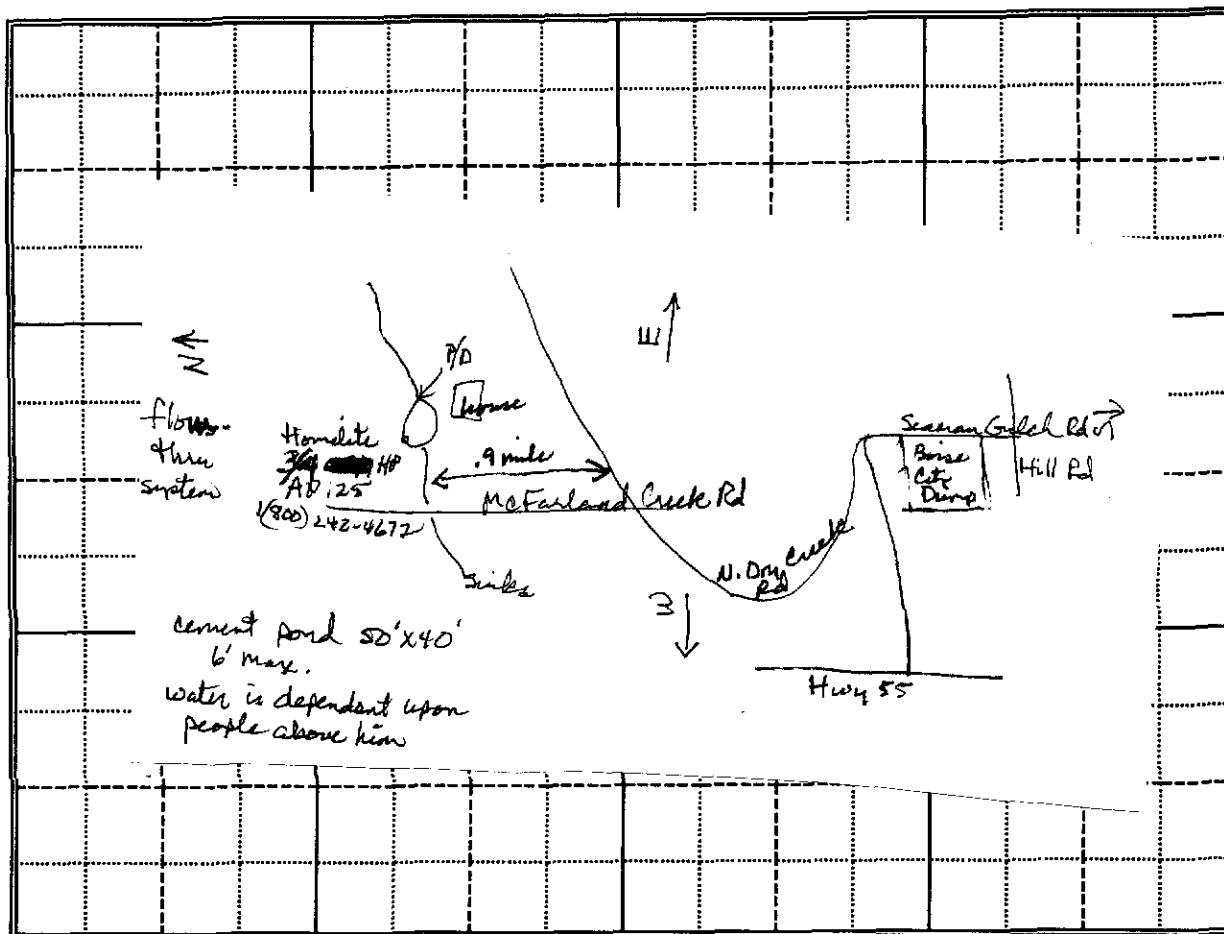
Indicate Method of Determination

USGS Ortho., & exam

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	2E	30													D/I				
															W				
															WS				
															DS				
															F				
															FS				

NOV 10 1995

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		3/4		Homelite	3/4"
				AP 25	

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pyeppex Current Meter					Pyeppex	7/13/95
ID # #090175						

2. Measurements:

E. NARRATIVE/REMARKS/COMMENTS

- No govt. lots were found.
- No other water rights.
- Other water available is a domestic well.
- Use is Domestic D/I external only ^{yard + garden} wildlife for ducks, frogs, deer & misc, & fire Protection. Use is Domestic Storage, Wildlife Storage, & Fire Protection Storage w/ a 50' x 40' x 6' pond.
- Flow is dependant upon users above, applicant, & run off. A63-05107 Harold R & Patricia R Brush, are above them in the creek.
- The pumpback computation spreadsheet = .03 cfs, which is used for the Domestic D/I external & fire protection system. Recommend allowing the capacity of the system .03 cfs for fire protection, & the maximum allowable of .02 cfs for the Domestic D/I external use.
- The Open Channel Discharge Measurement of .10 cfs, ^{recommend} allowing the wildlife to go w/ the permitted amount of .04 cfs.
- The system consists of McFarland Creek w/ ^{open channel} discharge measurement of .10 cfs (dependant on users above & run-off) into a 50' x 40' x 6' pond w/ a direct flow outlet that continues down McFarland Creek. A 3/4 HP Homelite pump w/ 3/4" ABS to misc. hoses for drip irrigation around trees & flood irrigating yard & garden, & misc. size nozzles.

Have conditions of permit approval been met? ☒ yes ☐ no

Condition: 030 11/13/95 per Vada Robinson, this is nonjurisdictional because it is an intermittent stream.

01H "lockable device" — this was removed, per order signed by Glen Saxton.

OCT 10 1996

F. FLOW CALCULATIONS

✓ Additional Computation Sheets Attached

Measured Method:

Open Channel Discharge (see attachment) = .10 cfs; Allow .04 cfs wildlife.
 Pumphack Computation Spreadsheet (see attachment) = .03 cfs
 Therefore Allow .03 cfs Capacity of system for fire protection, &
 Allow .02 cfs maximum allowed for Domestic D/I external use

G. VOLUME CALCULATIONS only.

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

~~_____~~
 Wildlife = .04 x 365 days x 1.9835 = 28.95 = 29.0 Afa
 Fire protection = .03 cfs x 365 days x 1.9835 = 21.7 = 22.0 Afa
 Allow .6 Afa for Domestic D/I external only.

H. RECOMMENDATIONS

Pond: (see attachment)
 surface area = .05 acres
 capacity = .3 Af

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Wildlife	1/1	12/31	<u>.04</u>	29.0
Wildlife Storage	1/1	12/31		.3
Domestic	1/1	12/31	.02	.6
Domestic storage	1/1	12/31		.3
Fire Protection	1/1	12/31	.03	22.0
Fire Protection Storage	1/1	12/31		.3
Totals:			<u>.04</u>	<u>.40</u>

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above ☒ None
 ___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATION

Field Examiner's Name Andy Hemenway Date 11/13/95

Reviewer _____ Date _____

SEAL

001 1 0 1006

① Permit:

63-12063

Wildlife	1/1-12/31	<u>.04 cfs</u>	
Wildlife Storage	1/1-12/31		.4 Af
Domestic	1/1-12/31	.04 cfs	
Domestic Storage	1/1-12/31		.4 Af
Fire Protection	1/1-12/31	<u>.04 cfs</u>	
Fire Protection Storage	1/1-12/31		.4 Af
		.04 cfs	

② B/u fee: # 50⁰⁰ pd 1/27/74
D/ 1/2 acre irrigation

③ Max. Allowable:

Domestic D/ external only .02 cfs .6 Af

④ Measurement:

Open Channel Discharge Measurement
(see attachment) = .10 cfs

Domestic
Pumpback Computation Spreadsheet

(see attachment) = .025 = .03 cfs

* recommend allowing capacity of .03 cfs for fire protection

Pond (Wildlife/Fire Protection)

50' X 40' X 6' cemented pond

Surface area (S.A) = $\frac{50' \times 40'}{43,560} = .045 = .05 \text{ acres}$

Capacity = S.A X max. depth = .05 X 6' = 1.3 Af

Pumpback Computation Spreadsheet (DRT 1/24/1995)

Data Entered By: Sandy Hemenway
11/13/95
Project: Flow Computation for Permit No. 63-12063
Given: See Data Table

Compute head losses with the Williams and Hazen Formula:
 $f = 0.2083 * (100 / \text{roughness})^{1.85} * ((\text{cfs} * 448.8)^{1.852} / \text{ID}^4.8655 * \text{Length} / 100)$

To Find: Compute Rate of Flow for a Pumpback System

Data Table

Vertical Lift: 2.00 feet
Pressure Req'd: 20.00 psi *domestic psi when no gauge on system, + unable to get a pressure on flood*
Required Head: 48.20 feet *irrigation w/ hoses + drip system*
Pump Horsepower: 0.75 horsepower
Pipe Roughness: 140.00 Note: pvc = 150, smooth and straight pipe = 140
aluminum - joint length 20' = 125, joint length 30' = 130, joint length 40' = 132, joint length 50' = 134, new riveted steel = 100
old riveted steel = 100, old cast iron = 95, old pipes in poor condition = 60 to 80

Inside Diameter in Inches	Equivalent Length in Feet	Unit Head Loss	Total Friction Head Loss from Pipe Friction
0.50	50.00	143.41	
1.00	0.00	0.00	
1.00	0.00	0.00	

143.41

Initial Estimate of Rate of Flow:

Computation of Rate of Flow:

$$\boxed{0.025 \text{ CFS}} = \boxed{.03 \text{ cfs}}$$

0.02

OCT 1 0 1996

OPEN CHANNEL DISCHARGE MEASUREMENT NOTES (cjh 1/5/92)

1. Name of stream or ditch: McFarland Creek
 2. Location: T5N R2E S30 NESE
 3. Person conducting measure: Sandy Hemenway
 4. Date and time of measure: 7/13/95 0850-0919
 5. Accompanied by: Sandy Hemenway
 6. Measuring device size and ID: Pygmy Meter 090175
 7. Spin test OK? Before: Yes After: Yes
 8. Purpose of measure: Beneficial Use Exam

DIST FROM LEW (feet)	WIDTH (feet)	DEPTH (feet)	OBS DEPTH	REVS	TIME (secs)	VELOCITY (ft/sec)	DISCHARGE (cfs)
0.0							
0.8	0.79	0.2	0.6	0	40	0.03	0.00
0.8	0.09	0.2	0.6	0	40	0.03	0.00
0.9	0.09	0.2	0.6	10	41	0.27	0.00
1.0	0.08	0.2	0.6	15	42	0.38	0.01
1.1	0.08	0.2	0.6	20	42	0.49	0.01
1.2	0.08	0.2	0.6	19	40	0.49	0.01
1.3	0.08	0.2	0.6	21	40	0.54	0.01
1.3	0.08	0.2	0.6	31	40	0.79	0.01
1.4	0.08	0.2	0.6	29	40	0.74	0.01
1.5	0.37	0.2	0.6	18	41	0.46	0.03
1.8							

TOT WIDTH 1.8

TOTAL DISCHARGE: 0.10

2000-07-16-07
 OCT 1 0 1336

556

171 30'

R. 1 E.

R. 2 E.

559

560

116" 15'

1360 000 FEET



PERMIT 63-12063 INIT S.H.
 T. R. S. Q/Q
 P/D SN 2E 30 NESE
 SCALE 7.5 USGS ~~Topo~~ Ortho
 PHOTO ID. X-8

63-12063
7/13/95 S.H.

P/D:
McFarland Creek

P/u: yard (Domestic)

Pond: 50'x40'x6'

Wildlife
Wildlife storage
Domestic storage
Fire Protection storage

direct flow through at this end
of pond, on down to current creek
3/4 HP Homelite pump, 3/4" ABS
Discharge

P/u: Domestic
garden + trees
flood irrigate, + drip system
- Fire protection

OCT 10 1978

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 63-12063 Reviewed by Ray Date 2-3-95

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Dom, wildlife, fire pro.

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

☐ Well log in the file?

Correct? _____

LICENSE EXAMINATION FEE

yes Required?

50.00 Amount Submitted

yes Correct?

MEASURING DEVICE

yes Required?

no Installed?

1 Waiver requested?

PRIORITY CALCULATION

Date proof received _____

Date proof due _____

No. of days late _____

Priority Date _____

New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

advise of lockable device condition.
Proof acceptable

DATA ENTRY

New Address _____

Proof Made 1-27-95



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 6, 1995

SHERYL S GAREY
CHARLES L GAREY
15000 N MCFARLAND CREEK RD
BOISE ID 83703

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 63-12063

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Additionally, enclosed is an Order waiving the lockable controlling devise condition from your water right permit.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise, at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

RECEIVED
FEB 16 1995

ADDITIONAL COMMENTS RELATING TO PERMIT #63-12063

I would like to request a waiver on condition 4 with reference to the lockable device requirement.

This is an in-stream storage pond and as such, does not require any diversion structure. McFarland Creek is an intermittent stream with pond water storage dependent upon snow melt runoff and natural occurring spring water flow during the summer months.

RECEIVED

JAN 27 1995

Department of Water Resources

FEB 10 1995

November 30, 1994

SHERYL S GAREY
CHARLES L GAREY
15000 N MC FARLAND CREEK RD
BOISE ID 83703

PROOF DUE NOTICE

RE: PERMIT NO. 63-12063

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1995. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

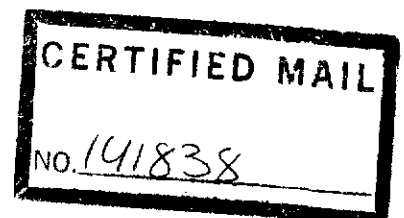
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED
FEB 16 1995





State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

RECEIVED

CECIL D. ANDRUS
GOVERNOR

AUG 17 1994

R. KEITH HIGGINSON
DIRECTOR

Department of Water Resources

AUG 17 1994

Department of Water Resources

RECEIVED

AUG 17 1994

Department of Water Resources

August 16, 1994

C. L. Carey
15000 N. McFarland Creek Rd.
Boise, ID 83703

RE: Request for Delivery of McFarland Creek Water

Dear Mr. Carey:

I am responding on behalf of the Regional Manager, Mr. Dave Tuthill, regarding your recent letter calling for delivery of McFarland Creek water to satisfy your Water Right Permit No. 63-12063. Your letter mentioned use of water by upstream neighbors.

On August 1, 1994, Senior Water Resources Agent Lori Graves conducted a field inspection in this matter. She found that the upstream user was operating within the limits defined by Statutory Claim No. 63-05107, which provides use of the creek and springs for irrigation and/or stockwater purposes.

Your 1993 permit is subject to Watermaster control as shown in condition no. 3 (copy attached). The upstream right has a senior priority date of 1908. In a situation such as this where the water supply is not adequate to supply both rights, a call for water can be made by contacting the Watermaster. A response to your request for water delivery was delayed by the need for an inspection to determine if water uses not protected by the senior right were occurring. Because no improper uses were found, your call for water delivery is more properly directed to the Boise River Watermaster, Mr. Lee Sisco. He can be reached at 344-4121.

To activate Watermaster control of the creek, a deputy must be appointed via the Watermaster's office. All costs associated with this control must be paid by the beneficiaries of water delivery. In controlled deliveries within a water district, the only deliverable water rights at this time are those defined by decree, license or permit. Your permit is eligible for water calls but the statutory claim is not.

FEB 16 1995

Mr. C. L. Carey
August 16, 1994
Page 2

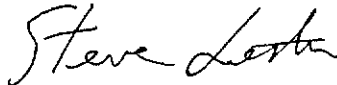
RECEIVED
AUG 17 1994
Department of Water Resources

The statutory claim can become eligible for delivery by a Watermaster based on verification of the right through a court proceeding such as the ongoing Snake River Basin Adjudication. Additionally, the senior right owner can petition the adjudication court for a ruling on McFarland Creek rights prior to the general adjudication review of the Boise River system, which includes the creek. Essentially, this could mean that the court could consider the matter and perhaps issue a separate decree limited to the water rights from McFarland Creek and its tributaries.

However, based on the recent field inspection, I think it is possible that the water supply is so limited that your call would be determined to be futile, meaning that curtailment of the upstream use would not deliver water to your property. This decision remains in the hands of the Watermaster should McFarland Creek be activated as a controlled tributary of the water district.

The issue raised in your letter is not within the jurisdiction of this office but can be addressed by contacting Mr. Sisco at your convenience. If you need more information, please do not hesitate to contact this office (334-2190).

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure: Permit 63-12063

c: H. and P. Brush
Lee Sisco, Boise River Watermaster
Dave Tuthill and Lori Graves, IDWR Western Region

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AUG 17 1994
DEPARTMENT OF WATER RESOURCES

For more info c 8/1/94
field inspection (map, photos etc)
SEE A63-05107 at Regis

-JR 8/16/94

RECEIVED
FEB 16 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 22, 1994

SHERYL S GAREY
CHARLES L GAREY
15000 N MC FARLAND CREEK RD
BOISE ID 83703

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12063

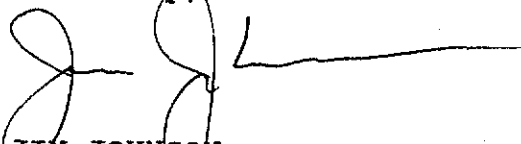
Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

RECEIVED

FEB 24 1994

APPLICATION FOR PERMIT
STATE OFFICE REVIEW

Application #: 63-12063 Date: 2/9/94 Reviewer: Cindy Zimmerman

AREA OF CONCERN? - No/Yes B.R.D. Mor
SYSTEM COMPLETED:
No - 26A-P17
Complete in 1 year - P16
Yes
Proof not submitted - P16
Proof submitted - NA
GROUNDWATER:
+ 0.2 cfs <flo-ch> - 01G-P03 (new), 01C-P03 (existing), NMR
- 0.2 cfs - NMR <flow chart>
Drilling Permit:
Included w/permit - Permit No. - - - - -, P99
Existing well - N/A (if drilled before 7/1/87)
No WD permit? - 046-46A<Irr>-46B-P23 (if drilled after 7/1/87)
SURFACE WATER: not in WD - 01C-P03 (+.2 w/pump), NMR <flow chart>
LOCATION:
Water District - WD No. 63
Surface water - ~~005~~ (req) 01J-P08 <flow chart>
(doesn't sink) * or 01H-P01 <flow chart>; NMR
Groundwater - P05 (if well has not been drilled)
In stream channel - 030 (stream channel alteration)
Irrigation Dist. - 023
Canal Co. Areas - 023
Drainage Districts - 024
Flood Control Dist. - 063
Boise Front (63) - 058 (Groundwater temperature)
Swan Falls Flag - B <See condition code chart>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non Trust <1> - 048-049 (Consumptive Uses), NA
RIVER BASINS (Surface): Water District Control Condition (005) &....
Boise (63) - *05A (req), 11E (non-domestic use), NA
Payette (65) - 064(consump. use), 047-P04(Payette Lake), NA
Snake (01, 02 & 03) - 11A-P04 (01), 061-P07 (02/03 No W.D.Cond.), NA
USE:
Fish Propagation - 010/06A/09E-P10(WQ) & 07A-042 (req)
044 (N 1000 Spr)
Irrigation - 803(if GW use SW 1st)(+5A do POU comp.), NA
Power - 08A-17K-025-027 (req); 01F-P19; 09E-P10;
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09
Mining - 06A/010/09E-P10 & 054 (req)
Storage(✓ 3 compo.) - 18A-for multi MD in WD, 18B-P09 (+10' dam), NA
Domestic (surface) - 021(Boise R ↑ L Peak), 27A(Payette R), NA
OWNERSHIP:
Non land owner - 004 (P/D or P/U)
PROTESTED:
Prehearing agreement- 020
OTHER CONDITIONS: -
REMARKS: - ① woi(g)
-
-
BENEFICIAL USE DUE: - 2-1-1995
COMMENTS: - ① Mor Exempt ② Dis Desc.

WR0749NP
No. P63-12063

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/14/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SHERYL S GAREY	10/04/1993	WILDLIFE	01-01 12-31	0.04 CFS	
C	CHARLES L GAREY		WILDLIFE STORAGE	01-01 12-31		0.40 AFA
	15000 N MC FARLAND CREEK RD		DOMESTIC	01-01 12-31	0.04 CFS	
	BOISE ID 83703		DOMESTIC STORAGE	01-01 12-31		0.40 AFA
	(208) 939-1141		FIRE PROTECTION	01-01 12-31	0.04 CFS	
			FIRE PROTECTION STORAGE	01-01 12-31		0.40 AFA
TOTAL DIVERSION:					0.04 CFS	

Water Source: MC FARLAND CREEK

Tributary to: CURRANT CREEK

Stage: PERMIT

Point(s) of Diversion: T05N R02E S30 NESE ADA County

Place of use Legal Description for: WILDLIFE

	NE				NW				SW				SE			
T R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
05N 02E 30	:		:		:		:		:		:		:		:	
	:		:		:		:		:		:		:		:	

Place of use location for DOMESTIC is the same location as described for: WILDLIFE

Place of use location for FIRE PROTECTION is the same location as described for: WILDLIFE

Pou County: ADA

Conditions of Approval:

- 05A - Use of water under this right is subject to the control of the watermaster of Water District 63, Boise River and tributaries.
- 01H - A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this right.
- 030 - A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If the proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, the right holder contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
- 11E - The Director retains jurisdiction of this right and any license subsequently issued to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such streamflow augmentation or other action will be required only upon a determination of need and applicability by the Director.

Remarks: Domestic use is for 1 home.

WR0749NP
No. P63-12063

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/14/94
PAGE: 2

=====
Dates: App. Received: 10/04/1993 Priority Date: 10/04/1993
Proof Due Date: 02/01/1995 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 63 Field Exam Fee:

Comments: Date: 10/04/1993 User-ID: LESTER Subject: DIVERSION DESCRIPTION
McFarland Creek is an intermittent creek partly fed by at
least three springs identified upstream from location of P/D.
Storage is on-stream and covers less than 1/2 acre surface area.
Estimated pond size: (2400 ft' x 4 ft) / 43560 = .22 a.f. and
and .04 cfs x 1.9835 = .08 af / 24-hr., storage required.
Have doubled estimated amount of storage in application to deal
with any errors in estimating process.
Earthen dam for on-stream pond, pump and sprinklers.

Date: 02/09/1994 User-ID: ZIMMERMA Subject: MORATORIUM EXEMPTION
This permit is located within the Boise River Drainage Moratorium
boundary; however, its uses are within the acceptable parameters
of the Moratorium guidelines.

Audit: 02/09/94 ZIMMERMA 02/09/94 ZIMMERMA 02/09/94 ZIMMERMA 02/10/94 ZIMMERMA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: CJ4 DATE: 10/5/93 APPLICATION: 63-12063

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map:
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee:
Yes ___ No* In form to receipt:

Gov't. Lots:

P/D

P/U

ADDITIONAL INFORMATION

YES	NO	
☒	☐	Overlapping place of use: (Describe source & relationship to present application on the back.)
☒	☐	Overlapping point of diversion:
☐	☐	Field check required: Field check by: _____
☐	☐	Field report attached:
☒	☐	Critical groundwater area:
☒	☐	Groundwater management area:
☒	☐	1992 moratorium <u>exempted used</u>
☒	☐	Copy to SCA staff (perennial stream, non-pump diversion):
☒	☐	Send dam safety information:
☐	☐	Send power requirement letter:
☐	☐	Send fish farm requirement letter:
☐	☐	Power residency affidavit:
☐	☐	Power efficiency form:
☐	☐	Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☐	☐	Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
☐	☐	<u>*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT</u>

DATE REQUESTED: _____

Additional information on reverse side: _____

RECEIVED
FEB 08 1994

Department of Water Resources

PROCESSING

APPLICATION NO. 63-12063

YES NO

☒ ☐
☐ ☒
☒ ☐

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. # _____

Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Protests received. Final date for protest 11-8-93

Protest dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District # _____

Special conditions of approval or cover letter: _____

See below for additional information

Recommended Date or Priority 10/4/1993Recommended by: DMDate 2/7/1994

STATE OFFICE REVIEW

See below for additional information. By _____

Date _____

ADDITIONAL INFORMATION

Per application comments, non-consumptive uses w/
 storage surface area less than 0.5; exempted from
 moratorium restrictions.

W I T H D R A W A L

TO WHOM IT MAY CONCERN:

I hereby withdraw my protest of
Application For Water Right to Appropriate the Public
Water of the State of Idaho, No. 63-12063.

Signed at Boise Id

this 7th day of February 1984
198.

Harold Brun
Protestant
Patricia B. Brun

ATTEST:

D. R. Tuttle

RECEIVED

FEB 24 1994

Signed in office
with applicants
Present. No acknowledgment
letter required.
Date 2/7/94

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES
2735 Airport Way, Boise, ID 83705

Re: Applicant: Charles &/or Sheryl Garey WR # 63-12063
Place: IDWR, 2735 Airport Way, Boise ID 83705
Date: February 7, 1994
Conducted by: David R. Tuthill, Jr., P.E.

NAME

ADDRESS

Harold K. Bunn	15121 N. McFarland Cr. Rd.
Patricia R. Bunn	15121 N. McFarland Cr. Rd.
Sheryl Garey	15000 N. McFarland Creek Rd.
Ch. Garey	15000 N. McFarland Cr. Rd., Boise 83703

FEB 8 4 1994

IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGION

2735 Airport Way

Boise, Idaho 83705-5082

P 311 572 530



Receipt for Certified Mail

No Insurance Coverage Provided

**HAROLD &/OR PATRICIA BRUSH
15121 N MCFARLAND CR RD
BOISE ID 83703**

Postage	\$ 29
Certified Fee	-
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1 -
Return Receipt Showing to Whom Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 29
Postmark or Date	

PS Form 3800, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

U.S. GPO: 1991-302-916

P 311 579 599

Receipt for

CHARLES L &/OR SHERYL GAEY
15000 N MCFARLAND CR RD
BOISE ID 83703

P.O., State and ZIP Code

Postage

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing
to Whom & Date DeliveredReturn Receipt Showing to Whom
Date, and Addressee's AddressTOTAL Postage
& Fees

\$

Postmark or Date

FEB 24 1994

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
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5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

U.S. GPO: 1991-302-916

P 311 579 598



**Receipt for
Certified Mail**

No Insurance Coverage Provided

**HAROLD &/OR PATRICIA BRUCE
15121 N MCFARLAND CR RD
BOISE ID 83703**

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 2.29

Postmark or Date

PS Form 3800, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
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6. Save this receipt and present it if you make inquiry.

U.S. GPO: 1991-302-916

ited on the reverse side?

Is your RETURN

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

HAROLD &/OR PATRICIA BRUSH
15121 N MCFARLAND CR RD
BOISE ID 83703

4a. Article Number

P 311 572 530

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

JAN 21 1993

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

Patricia R Brush

6. Signature (Agent)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

PROHIBITED
PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RECEIVED

JAN 24 1994

WATER RESOURCES
WESTERN REGION

FEB 24 1994

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

ated on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

62-12105
I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

HAROLD &/OR PATRICIA BRUSH
15121 N MCFARLAND CR RD
BOISE ID 83703

4a. Article Number

P 311 579 598

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

JAN -6 1994

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Is your RETURN

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RECEIVED

JAN 10 1994

WATER RESOURCES
WESTERN REGION

MICROFILMED

FEB 24 1994

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

id on the reverse side?

Is your RETURN AI

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

CHARLES L &/OR SHERYL GAREY
15000 N MCFARLAND CR RD
BOISE ID 83703

4a. Article Number

6-120-5
P 311 579 599

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Date of Delivery

JAN - 6 1994

5. Signature (Addressee)

Charles L. Garey

6. Signature (Agent)

Martha Toney

8. Addressee's Address (Only if requested and fee is paid)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery

Consult postmaster for fee.

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

RECEIVED

JAN 10 1994

WATER RESOURCES
WESTERN REGION

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



MICROFILMED

FEB 24 1994

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
)
FOR PERMIT NO. 63-12063 IN THE)
)
NAME OF CHARLES L. &/OR SHERYL S.)
)
GAREY.)

NOTICE OF CONFERENCE

On October 4, 1993, Charles L. &/or Sheryl S. Garey filed with the Department of Water Resources an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Harold &/or Patricia Brush. The Department held a conference in this matter on January 18, 1994, which the applicants attended but to which the protestants failed to appear. The protestants appeared the next day, and indicated that they inadvertently came on the wrong day.

The Department has set the matter of protest for another conference to be held on Monday, February 7, 1994, at 1:30 p.m., at the 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 Practice and Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 1st day of February, 1994.



DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

FEB 24 1994

I hereby certify that on the 1st day of February, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary

Non-Certified Mail

CHARLES L &/OR SHERYL GAREY
15000 N MCFARLAND CR RD
BOISE ID 83703

HAROLD &/OR PATRICIA BRUSH
15121 N MCFARLAND CR RD
BOISE ID 83703

Jan 19, 1994

Mr. David Tutthill Jr. P.E.

We apologize for the oversight on our part regarding the meeting scheduled for Jan 18, 1994. We mistaken the appointment for Jan 18, 1994. We would like to reschedule the conference for another time.

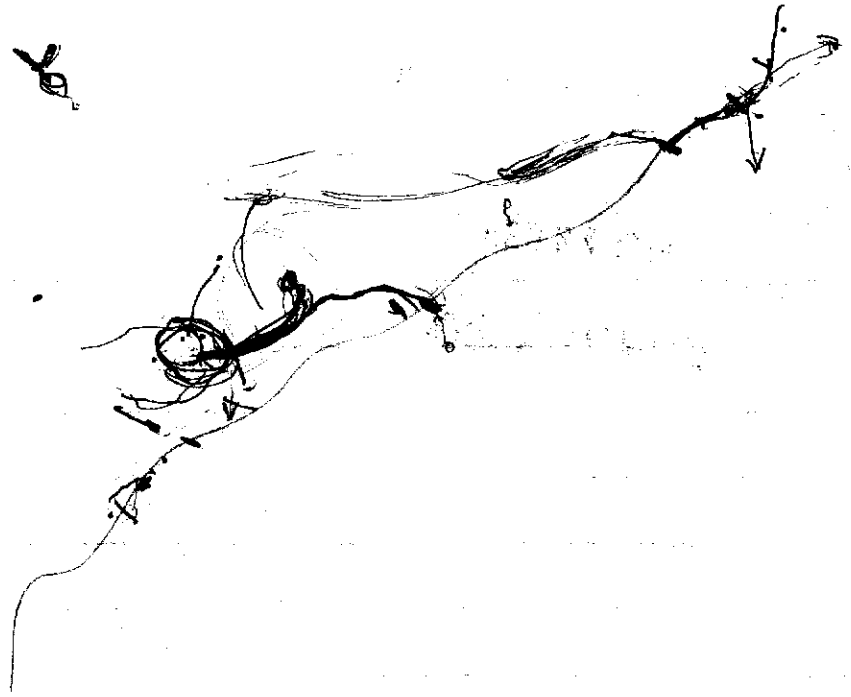
Mr + Mrs Harold R. Brush

939-6336

Sue —
would you please
reset for here
at 1:30 Thurs Feb 10?
Thanks, Dave

RECORDED

FEB 24 1994



THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

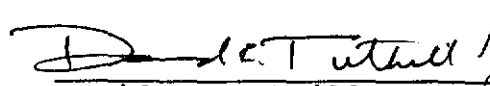
IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 63-12063 IN THE NAME OF) ORDER TO SHOW CAUSE
CHARLES L. &/OR SHERYL S. GAREY)
_____)

Whereas, a conference was scheduled for January 18, 1994, in the matter of protested water right application no. 63-12063 and,

Whereas, protestants Harold &/or Patricia Brush were properly notified of the conference but failed to appear,

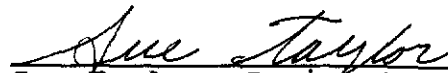
Now, therefore, IT IS HEREBY ORDERED that the protestants, Harold &/or Patricia Brush provide to the Department no later than January 30, 1994, any information as to why they did not appear at the conference. Failure to provide this information will result in dismissal of the protests.

Dated this 18th day of January, 1994.


David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of January, 1994, I mailed true and correct copies by certified mail, postage prepaid, of this document to Harold &/or Patricia Brush.


Sue Taylor, Senior Secretary



FEB 24 1994

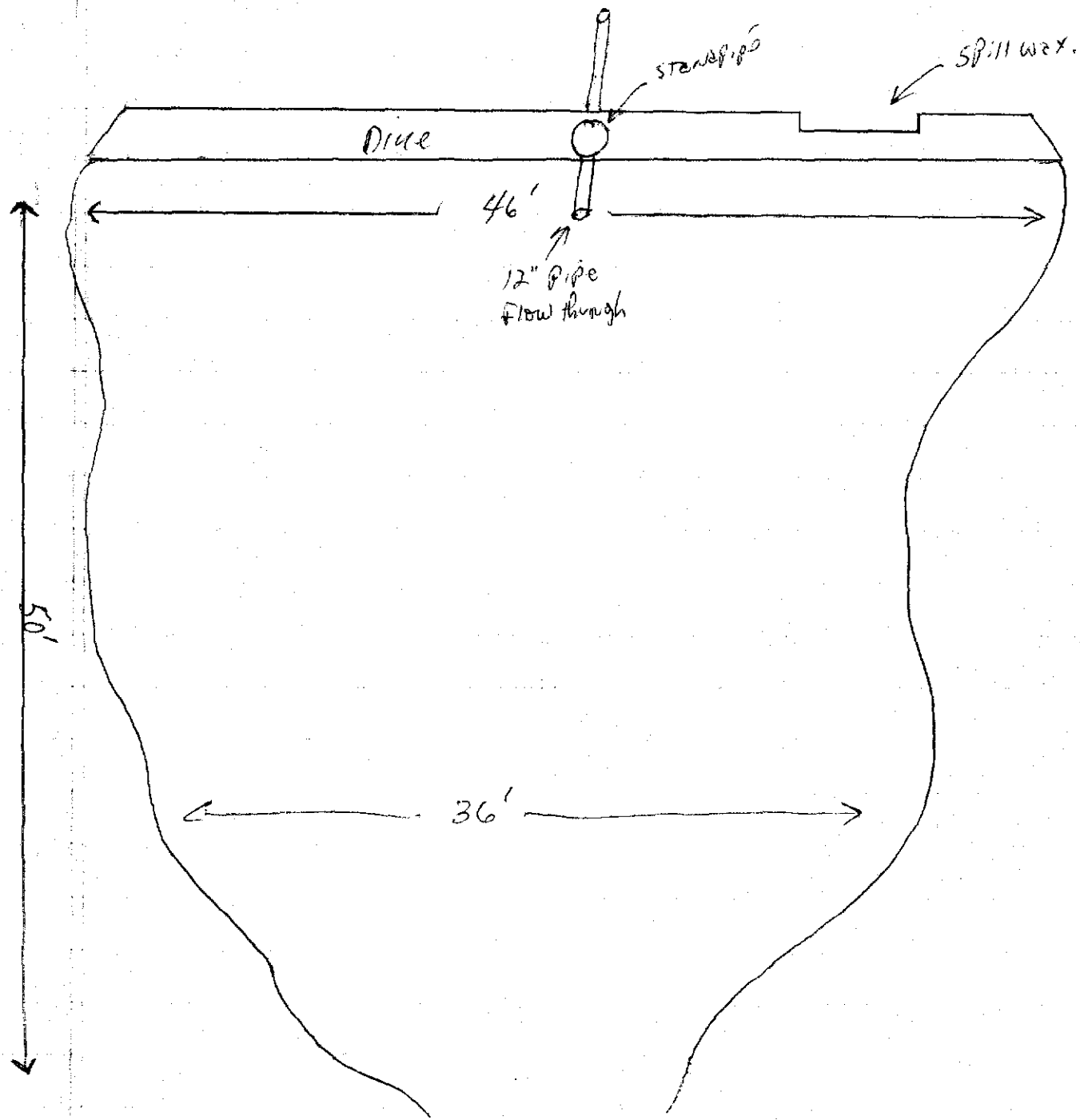
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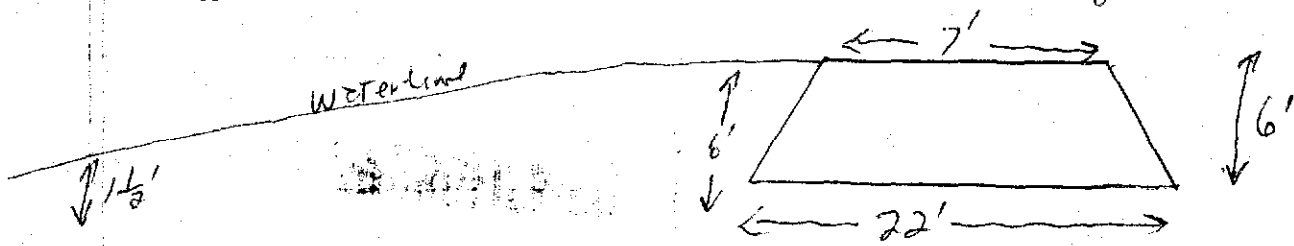
—

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-22-2001 BY 60322 UCBAW



DIKE CONSTRUCTION - Earth Fill. - Length 46'



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-12063 IN THE) NOTICE OF CONFERENCE
NAME OF CHARLES L. &/OR SHERYL S.)
GAREY)

On October 4, 1993, Charles L. &/or Sheryl S. Garey filed with the Department of Water Resources an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Harold &/or Patricia Brush.

The Department has set the matter of protest for a conference to be held on January 18, 1994, at 1:30 p.m., at the 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 Practice and Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 3rd day of January, 1994.


DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

RECORDED

FEB 24 1994

I hereby certify that on the 3rd day of January, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary

Certified Mail

CHARLES L &/OR SHERYL GAREY
15000 N MCFARLAND CR RD
BOISE ID 83703

HAROLD &/OR PATRICIA BRUSH
15121 N MCFARLAND CR RD
BOISE ID 83703

RECEIVED
JAN 24 1994

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) 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 on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 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

FEB 24 1964

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.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon 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 recommended order for the Director's consideration. Parties can file exceptions to a recommended 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 recommended 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.

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.

INTER-DEPARTMENT MEMO

TO: File 63-12063

SUBJECT: Protest

FROM: SL

DATE: 12-27-93

not yet in place

QUESTION: RE: 63-05107 - is construction of a storage pond adjacent to or in McFarland Cr. part of this right or must be considered new development requiring a new right? I think the latter - claim mentions reservoir associated with a spring but not with creek (see claim items 5b & map).

Also - what is extent of b.w. in claim? # acres irrigated? Stock use 5/70 is .03 cts instead of .08 cts. Has SRBA claim been filed? Yes, see profile report

() For your information

() Response required

CC: 63-05107

signature

FEB 24 1994

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.

Notice is hereby given that HAROLD R. d/ or PATRICIA R. BRUSH
(Name of Claimant)

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:

- 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.

- (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>.08 Cfs</u>	Use	<u>STOCK WATER</u>	Period of Use From	<u>1/1</u> To <u>12/31</u>
Quantity	<u>.65 Cfs</u>	Use	<u>IRRIGATION</u>	Period of Use From	<u>3/15</u> To <u>11/15</u>
Quantity	<u>1.25 AF</u>	Use	<u>STORAGE FOR IRRIGATION</u>	Period of Use From	<u>1/1</u> To <u>12/31</u>
Quantity	<u>1.25 AF</u>	Use	<u>IRRG FROM STORAGE</u>	Period of Use From	<u>1/15</u> To <u>11/15</u>
Quantity	<u>1.25 AF</u>	Use	<u>STORAGE FOR STOCK WATER</u>	Period of Use From	<u>1/1</u> To <u>12/31</u>
(4) Quantity	<u>.73 Cfs</u>		<u>STOCK WATER FROM STORAGE</u>	Period of Use From	<u>1/1</u> To <u>12/31</u>
	<u>1.25 AF</u>		<u>TOTAL QUANTITY USED.</u>		<u>1/1</u> To <u>12/31</u>
	(cfs, af)				

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29 Twp. 5N Rge. 2E B.M., County of Ada
 Additional points of diversion: NE SW SEC 29, NW SW SEC 29, SE NW SEC 29 All Twp 5N
R2E

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. SMALL ROCK DIVERSION DAM IN CREEK WITH GRAVITY DITCH, ALSO SMALL CONCRETE DAM WITH GRAVITY DITCH, AND DITCH FROM SPRING WITH SMALL RESERVOIR.

- (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.

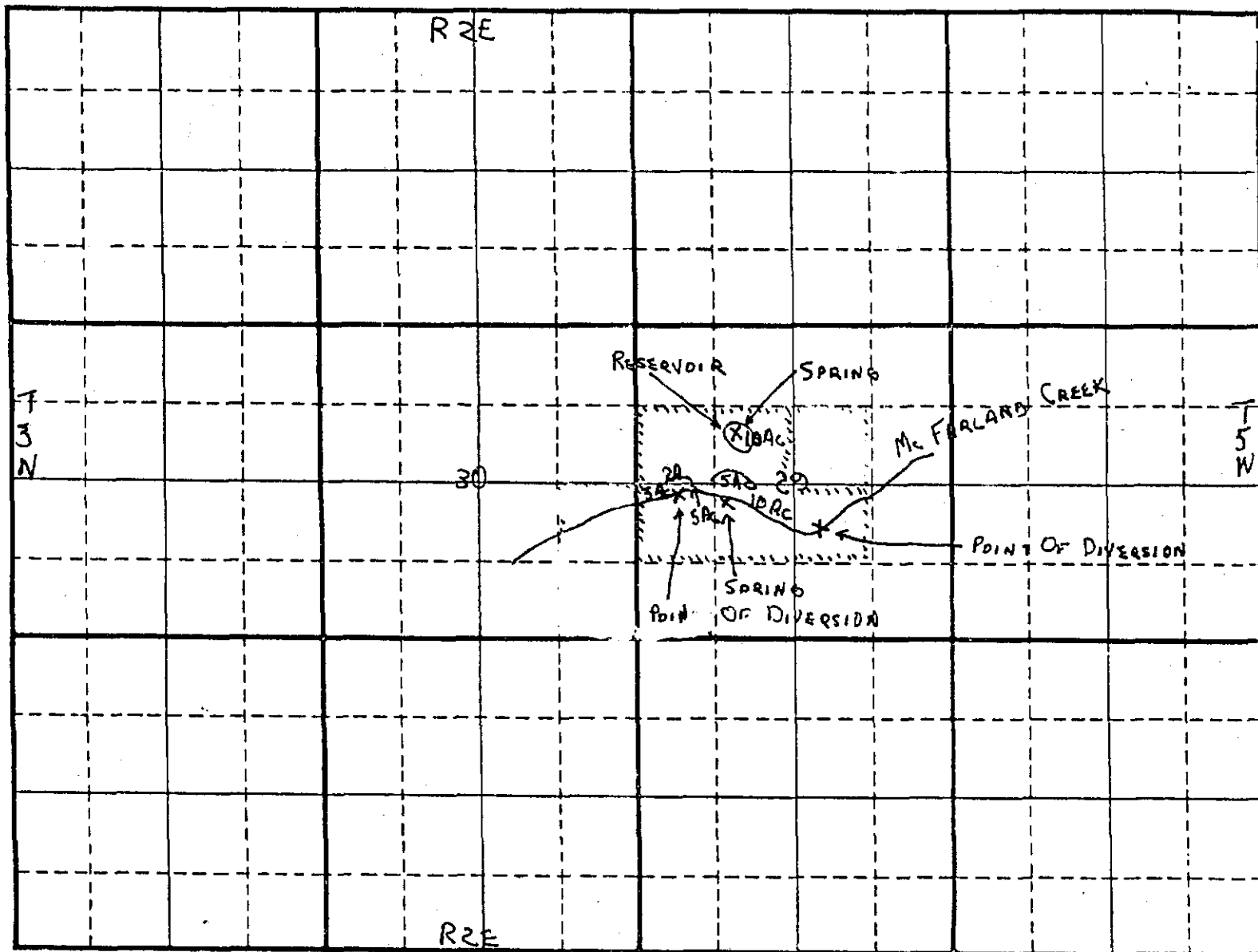
[illegible]No. of acres **37**

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: WATER HAS BEEN USED CONTINUOUSLY FOR UP TO 70 HEAD OF STOCK, MOSTLY BEEF

NOTE: Include here the type and number of stock watered:

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

8) Remarks SMALL ROCK & DIRT DIVERSION WASHES OUT PERIODICALLY & MUST BE REPLACED.



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 Gem) 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.

Patricia R. Brush
(Claimant)

Sworn to before me this 27 day of June, 1983.

[Signature]
Notary Public
Residing at Emmett

My commission expires lifetime

FOR DEPARTMENT USE ONLY
Received by [Signature] Date 6/27/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by DVS Date _____
\$30.00 fee received by [Signature] Date 6/27/83 # 31182
Published in Idaho Statesman
Dates 8/25 & 9/1/83



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

November 15, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

HAROLD &/OR PATRICIA BRUCH
15121 N MCFARLAND CR RD
BOISE ID 83703

Re: Application for Permit No. 63-12063 in the Name of
Charles &/or Sheryl Garey

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. 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.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT/st

RECEIVED

FEB 24 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

November 15, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

CHARLES L &/OR SHERYL S GAREY
15000 N MCFARLAND CR RD
BOISE ID 83703

Re: Application for Permit No. 63-12063

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Enclosure: Copy of protest(s)

RECEIVED
NOV 18 1993

NOV 24 1993

*Applicants -
your request for
conference alternative
where forego 20-day
period has been noted
in your appl. file.
This letter is sent for
your records.*

*- Steve Lester
11/16*

November 5, 1993

We would like to protest
application 63-12063

RECEIVED

NOV 05 1993

WATER RESOURCES
WESTERN REGION

Patricia R Brink
Harold R Brink

15121 N. McFarland Creek Rd.

Boise 83703

939-6336

per 1993 telephone book

-82 11/10/93

RECEIVED

FEB 9 6 12 PM

CONVERSATION MEMORANDUM

DATE

11/16/93

FILE

63-12063

NAME OF PARTY

Sheryl Garey

EMPLOYEE

Steve Lott

RE:

Conference

Called to say that applicant, prefer to forego the 20-day period where parties are invited to resolve the protest. She thought it would be more productive to schedule a conference & discuss this with protestant in a neutral setting.

63-12063

GAREY, CHARLES L
GAREY, SHERYL S
15000 N MC FARLAND CREEK RD
BOISE, ID 83703

Source: MC FARLAND CREEK

Tributary: CURRANT CREEK

Diversion Pt: NESE Sec 30 T 05N R 02E in ADA County.

Use: WILDLIFE	(.040 CFS)	
WILDLIFE STORAGE		(.40 AF)
DOMESTIC	(.040 CFS)	
DOMESTIC STORAGE		(.40 AF)
DOMESTIC FROM STORAGE		(.40 AF)
FIRE PROTECTION	(.040 CFS)	
FIRE PROTECTION STORAGE		(.40 AF)
FIRE PROTECT. FROM STOR		(.40 AF)
Total Diversion:	(.040 CFS)	

Date Filed: 10/ 4/1993

In: ADA County
T05N R02E S30 NESE

RECEIVED

OCT 29 1993

WATER RESOURCES
WESTERN REGIONThe Idaho
Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

123.75

Account Number 100564		Identification Application for Water Right	
Ordered By Sue Taylor	P.O. Number	Rate \$+	Run Dates October 21, 28, 1993
State of Idaho Dept. of Water Resources Western Region 2735 Airport Way Boise, Idaho 83705		Estimated Inches	Page Number
		# Affidavits 1	Page Number 161

LEGAL NOTICE

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-12054

US ARMY CORPS OF ENGINEERS
REAL ESTATE DIVISION
WALLA WALLA, WA 993629265

Source: GROUNDWATER

Diversification Pt: LOT 1 (NENE) Sec 11 T 02N JR 03E in ADA County.

Use: COMMERCIAL (.033 CFS)

HEATING (.022 CFS)

COOLING (.022 CFS)

Total Diversification: (.055 CFS)

Date filed: 9/ 3/1993

In: ADA County

T02N R03E S11 Lot 1(NENE)

63-12056

DRAKE, SHELLEY
2365 N. 34TH ST.
BOISE, ID 83703

Source: GROUNDWATER

Diversification Pt: SWNW Sec 33 T 04N R 02E in ADA County.

Use: DOMESTIC (.060 CFS)

Total Diversification: (.060 CFS)

Date filed: 9/23/1993

In: ADA County

T04N R02E S33 SWNW

63-12063

GAREY, CHARLES L.
GAREY, SHERYL S.
15000 N. MC FARLAND CREEK RD.
BOISE, ID 83703

Source: MC FARLAND CREEK

Tributary: CURRANT CREEK

Diversification Pt: NESE Sec 30 T 05N R 02E in ADA County.

Use: WILDLIFE (.040 CFS)

WILDLIFE STORAGE (.40 AF)

DOMESTIC (.040 CFS)

DOMESTIC STORAGE (.40 AF)

DOMESTIC FROM STORAGE (.40 AF)

FIRE PROTECTION (.040 CFS)

FIRE PROTECTION STORAGE (.40 AF)

FIRE PROTECT. FROM STOR (.40 AF)

Total Diversification: (.040 CFS)

Date filed: 10/ 4/1993

In: ADA County

T05N R02E S30 NESE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Western Region 2735 Airport Way, Boise, Idaho 83705 on or before **NOVEMBER 2, 1993**.

By: R. Keith Higginson
Director

Pub: October 21, 28, 1993

RNER

_____ , being duly
That she is the Principal Clerk of The
newspaper printed and published at Boise,
no, and having a general circulation therein
er has been continuously and uninterruptedly
during a period of twelve consecutive
publication of the notice, a copy of which is
notice was published in The Idaho
with Section 60-108, Idaho Code as

consecutive daily ☐ single ☐ odd skip

in the issue of OCTOBER 21, 1993

of OCTOBER 28, 1993

Denise Burmyer

55.

day of OCTOBER in the year of
ne, a Notary Public, personally appeared
INGARNER, known or identified to
e name subscribed to the within instrument,
sworn, declared that the statements therein
ed to me that she executed the same.

public for Idaho
at BOISE, ID

mission expires: 11-27-93

FEB 24 1994