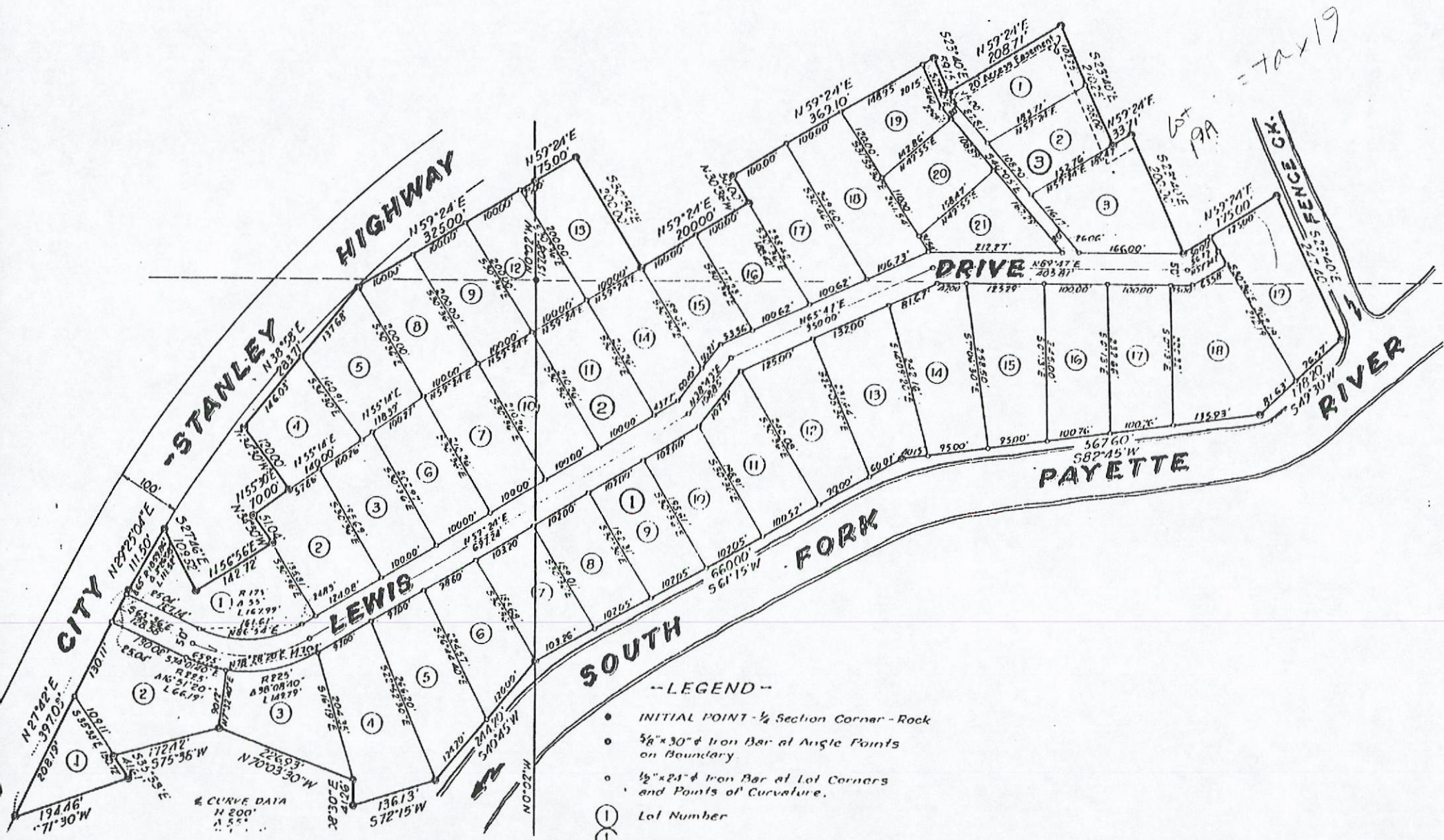


65-17367
 + 65-07533
 + A65-02431A

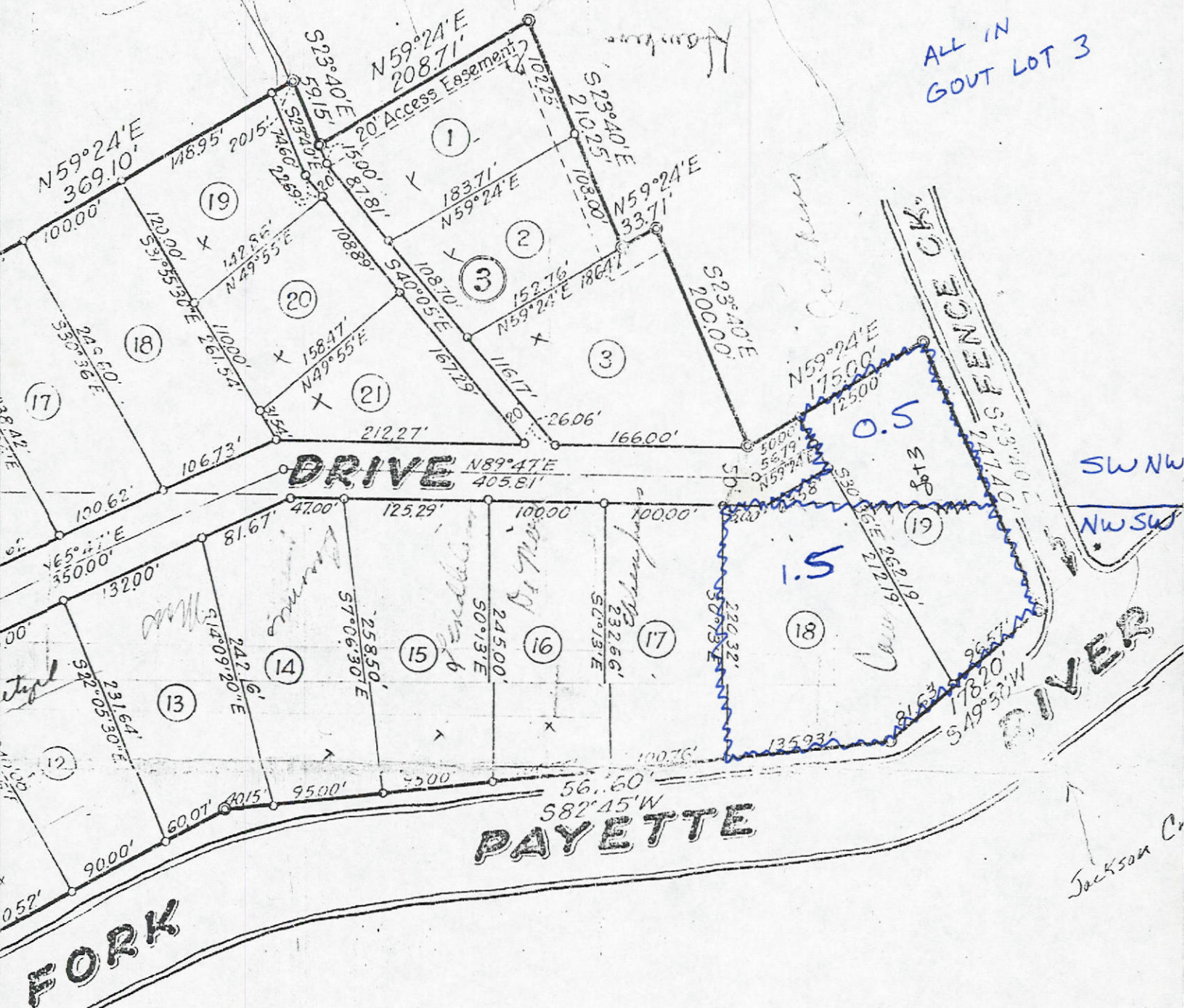


DIVISION

S & 27, T. 9 N., R. 8 E., B. M.

PAHO.

ULTING ENGINEERS



MICROFILMED

SEP 18 1992

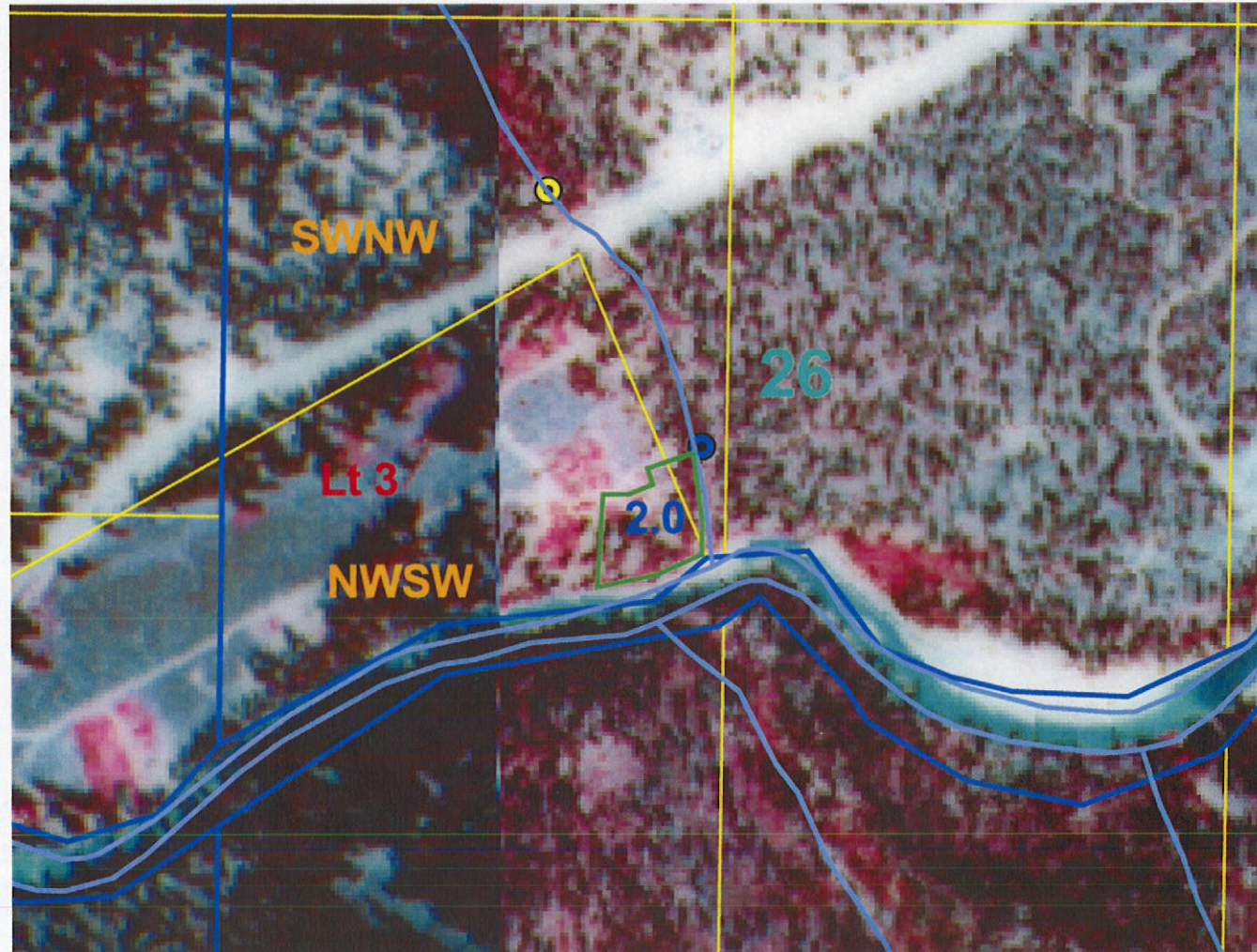
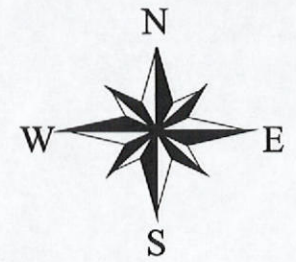
Davis C. Toothman, being duly sworn, says that he is a Registered Professional Engineer, and prepared the final map of the foregoing plat, and that this tracing is an exact copy of said final map.

REGISTERED PROFESSIONAL ENGINEER

6b

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R08E, S26



1987 NAPP PHOTO

- POINT OF DIVERSION
- PLACE OF USE
- 1/4 1/4 LINES
- SECTION LINES
- 6 ACRES
- 6 SECTION NUMBERS

CLAIM(S): 65-02431A

OWNER(S): CONWAY

Prepared by Mel Schulte

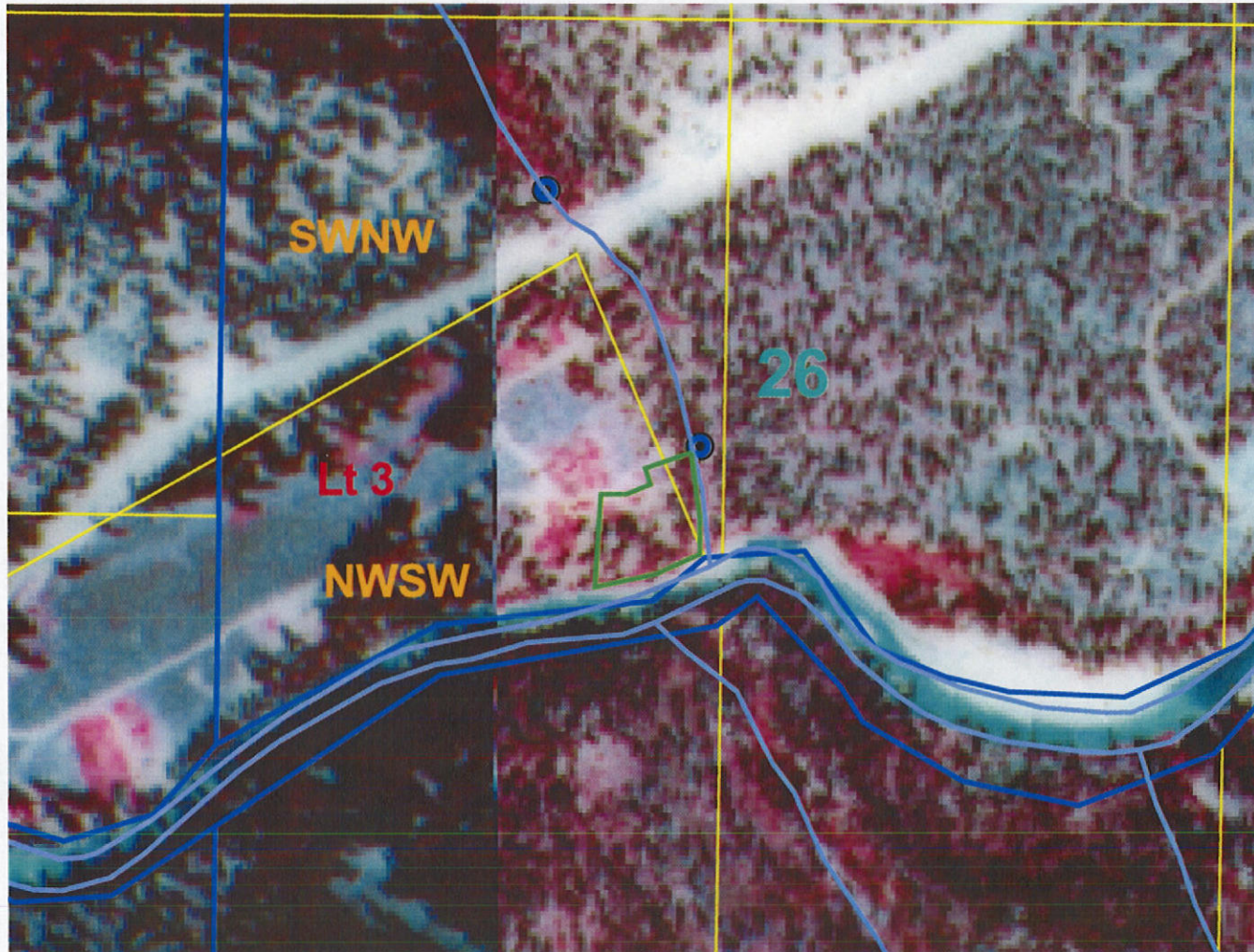
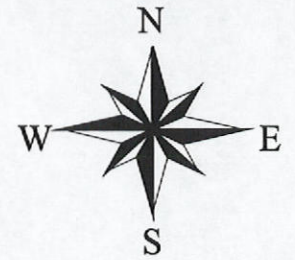
DATE: DECEMBER 2, 1999

0 0.25 0.5 Miles

6c

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R08E, S26



1987 NAPP PHOTO

-  POINT OF DIVERSION
-  PLACE OF USE
-  1/4 1/4 LINES
-  SECTION LINES
- 6 ACRES
- 6 SECTION NUMBERS

CLAIM(S): 65-02431A

OWNER(S): CONWAY

Prepared by Mel Schulte

DATE: DECEMBER 2, 1999

0 0.25 0.5 Miles

08-20-90
KKC

TOOTHMAN & ASSOCIATES — CONSULTING ENGINEERS

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

~~PHOTO ID.~~ JAMES

BOUNDARY
NOT
VERIFIED

CROSS MATCHED
OWNER'S SHIP
& LOT LOCATIONS
NOT VERIFIED
(KKG)

—NOT
IN
SUBDIVISION
DOUBLE
CROSS HATCH
35-1047

2 New
Company

SPRING POD/POU
65-02431

HIGHWAY

DRIVE

PAYETTE

① LOTS OWNED E
COUGHLIN

(RIGHTS

65-2431A
65-7533 - GR
65-12950-6
L07318+19
J. Lewis

60718 J. (c.w.)

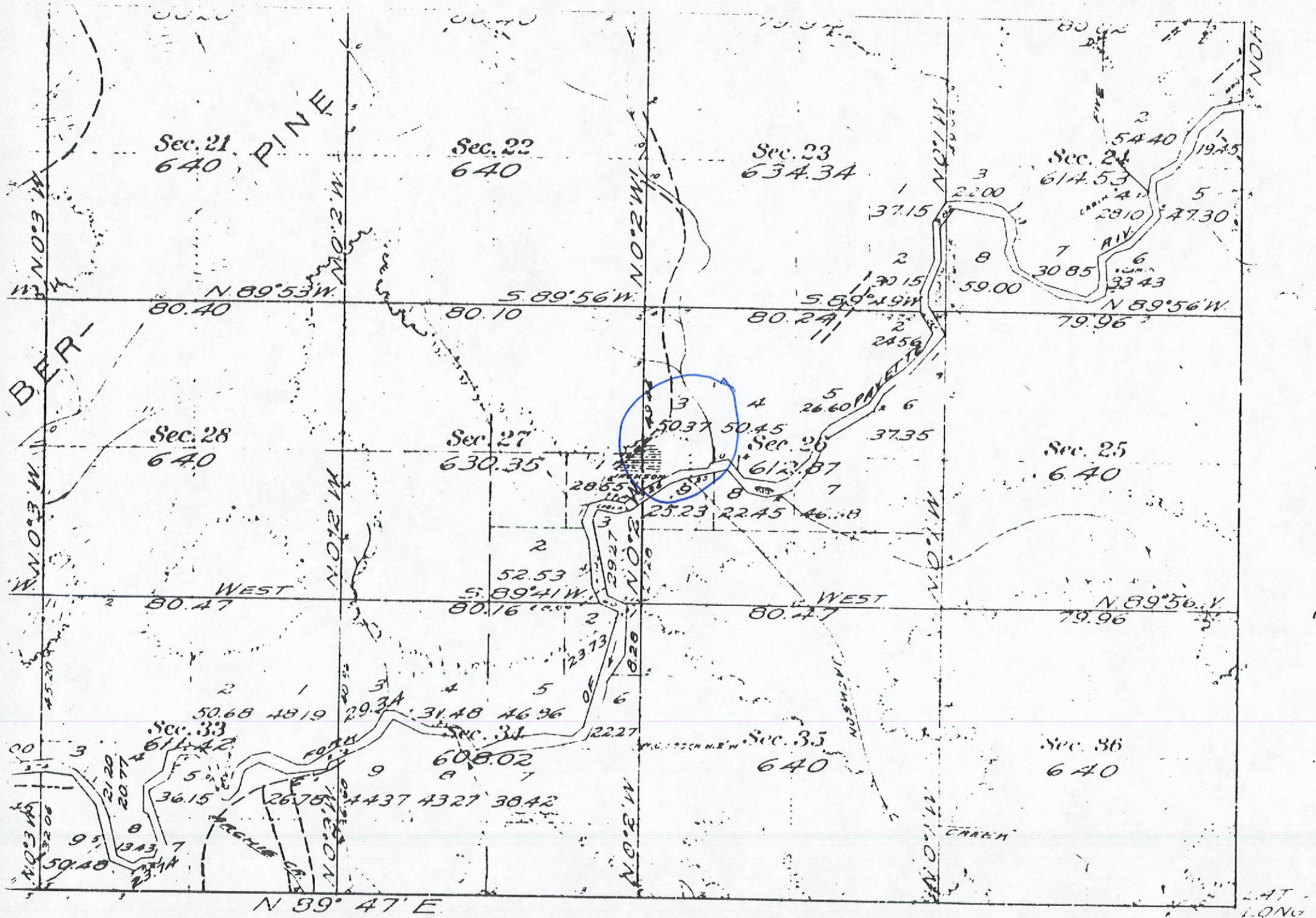
check
sheet

PROPERTY OWNERSHIP NOT CONFIRMED

תת 08/27/1998

27	26
34	35

9N, 8E 6F



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A65-02431A
Date Received: 12/15/1988
Receipt No: X999999
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: GERALDINE CONWAY 208-336-4278
Address: 2021 BLAINE WAY
BOISE ID 83702
2. Date of Priority: AUG 13, 1939
3. Source: FENCE CREEK Trib. to: PAYETTE RIVER, SOUTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	08E	26	SW	NW		3	BOISE

5. Description of diverting works:
HEADGATE, BURIED PIPELINE TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.040		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	08E	26	SW	NW	3	IRR	0.5
			NW	SW	3	IRR	1.5

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
					Total Acres	2.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NEW APPLICATION FOR AN IRRIGATION WELL

14. Remarks:
PLACE OF USE IS LOTS 18 AND 19, BLOCK 1 OF AMENDED JOE LEWIS
SUBDIVISION
OWNERSHIP CHANGED BY DB 5/14/98.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
MAY 14 1998
WATER RESOURCES
WESTERN REGION

1. Water Right No(s).: 65-02431
Adjudication Claim No(s).: A65-02431A, 65-17807, 65-07533
2. The following REQUIRED information must be submitted with this form: A65-10559
 - 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 MARTHA + JAMES COUGHLIN
3120 CRESCENT RIM DR NO 301
4. New Owner/Claimant(s) BOISE ID 83706
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address Geraldine CONWAY
City, State and ZIP Code 2021 Blaine Way BOI, ID - 83702
New Telephone Number (208) 336-4278
5. Date you acquired the property 1994
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 2.3 Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Geraldine Conway
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

P. O. BOX 80, ID. CITY, ID 83631 TAX YEAR 1995 BILL NO 3382 L 16,500
 PHONE: 372-4441 I 25,664

1ST TAX	237.52	2ND TAX	237.52	FULL TAX	475.04	TOT MV	42,164
HALF PEN		HALF PEN		PEN			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT ACS	.800

CONWAY GERALDINE
 2021 BLAINE WAY
 BOISE ID 83702

T9N R8E JOE LEWIS SUB AMD
 BLK 1 LOT 18
 INST. #152122

TAXING DISTRICT	**RATE**	**AMOUNT**
STATE WTR POLL	.000000000	
COUNTY	.004602200	194.04
SCH DIST # 71	.003528113	148.76
BASIN LIBRARY	.000643578	27.14
GV HOSP DIST	.000425027	17.92
EAST B. C. AMB	.000325177	13.70
ROAD & BRIDGE	.000000000	
DISTRICT TOTALS	.009524075	401.56
SOLID WASTE		59.00
STATE FIRE ASSM		14.04
FPA		.44
AMOUNT DUE		475.04

*** IMPORTANT ***
 PLEASE READ BOTH FRONT AND BACK
 PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
 APPLIED TO THE OLDEST DELINQUENT YEAR.
 TO AVOID LATE CHARGES, PAYMENTS MUST BE
 RECEIVED OR POSTMARKED BY THE DUE DATE.
 KEEP TOP PORTION FOR YOUR RECORDS.
 PERSONAL CHECKS ARE YOUR RECEIPT
 SUBJECT TO BANK CLEARANCE.

YOUR CANCELLED CHECK IS YOUR RECEIPT

FOR CREDIT: DEBIT THIS STATE MUST BE RETURNED WITH PAYMENT
 IF PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

CONWAY, GERALDINE 1995
 3382

2ND HALF TAX

AMOUNT DUE 237.52

BOISE COUNTY
 RP035020010180A
 8-00

PEN
 INT
 COST
 TOT

DELINQUENT IF NOT PAID ON OR BEFORE JUNE 20, 1996
 DATE PAID CHECK #
 PAID BY CASH

S-26

A65-07533

P.O. BOX 80, ID. CITY, ID 83631 TAX YEAR 1995 BILL NO 3383 L 14,200
PHONE: 392-4441 BANK CODE TGM1 I 53,140

1ST TAX	356.93	2ND TAX	356.93	FULL TAX	713.86	TOT MV	67,340
HALF PEN		HALF PEN		PEN			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT ACS	.630

CONWAY GERALDINE
2021 BLAINE WAY
BOISE ID 83702

T9N R8E JOE LEWIS SUB AMD
BLK 1 LOT 19
INST. #152087

TAXING DISTRICT	**RATE**	**AMOUNT**
STATE WTR POLL	.000000000	
COUNTY	.004602200	309.90
SCH DIST # 71	.003528113	237.58
BASIN LIBRARY	.000643578	43.34
GV HOSP DIST	.000425027	28.62
EAST B.C. AMB	.000325177	21.90
ROAD & BRIDGE	.000000000	
DISTRICT TOTALS	.009524095	641.34
SOLID WASTE		59.00
STATE FIRE ASSM		13.18
FPA		.34
AMOUNT DUE		713.86

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.
TO AVOID LATE CHARGES, PAYMENTS MUST BE
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KEEP TOP PORTION FOR YOUR RECORDS.
PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

YOUR CANCELLED CHECK IS YOUR RECEIPT

FOR PROPER CREDIT THIS SLIP MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

CONWAY, GERALDINE

1995
3383

CONWAY, GERALDINE

1995
3383

2ND HALF TAX

1ST HALF TAX

FULL TAX

AMOUNT DUE 356.93

AMOUNT DUE 356.93 713.86

BOISE COUNTY
RP035020010190A
8-00
TGM1

PEN
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE
DATE PAID
PAID BY

JUNE 20, 1996
CHECK #
CASH

BOISE COUNTY
RP035020010190A
8-00
TGM1

PEN
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE
DATE PAID
PAID BY

DECEMBER 20, 1995
CHECK #
CASH

S-26

A65-17807

P. O. BOX BC, ID. CITY, ID 83631 TAX YEAR 1995 BILL NO 9124 L 11.2 J
 PHONE: 392-4441 I 26.390

1ST TAX	215.74	2ND TAX	215.74	FULL TAX	431.48	TOT MV	37.590
HALF PEN		HALF PEN		PEN			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT ACS	.840

CONWAY GERALDINE
 *
 2021 BLAINE WAY
 BOISE ID 83702

T9N R8E SEC 26
 TAX 19 % TAX 39 IN SWNW

TAXING DISTRICT	**RATE**	**AMOUNT**
STATE WTR POLL	.000000000	
COUNTY	.004602200	173.00
SCH DIST # 71	.003528113	132.62
BASIN LIBRARY	.000643578	24.18
GV HOSP DIST	.000425027	15.98
EAST B.C. AMB	.000325177	12.22
ROAD & BRIDGE	.000000000	
DISTRICT TOTALS	.009524095	358.00
SOLID WASTE		59.00
STATE FIRE ASSM		14.02
FPA		.46
AMOUNT DUE		431.48

*** IMPORTANT ***
 PLEASE READ BOTH FRONT AND BACK
 PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
 APPLIED TO THE OLDEST DELINQUENT YEAR.
 TO AVOID LATE CHARGES, PAYMENTS MUST BE
 RECEIVED OR POSTMARKED BY THE DUE DATE.
 KEEP TOP PORTION FOR YOUR RECORDS.
 PERSONAL CHECKS ARE YOUR RECEIPT
 SUBJECT TO BANK CLEARANCE.

YOUR CANCELLED CHECK IS YOUR RECEIPT

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
 PERSONAL / CHECKS ARE SUBJECT TO BANK CLEARANCE.

CONWAY, GERALDINE 1995
 9124

2ND HALF TAX

AMOUNT DUE 215.74

BOISE COUNTY
 RP09N08E264194A
 8-00

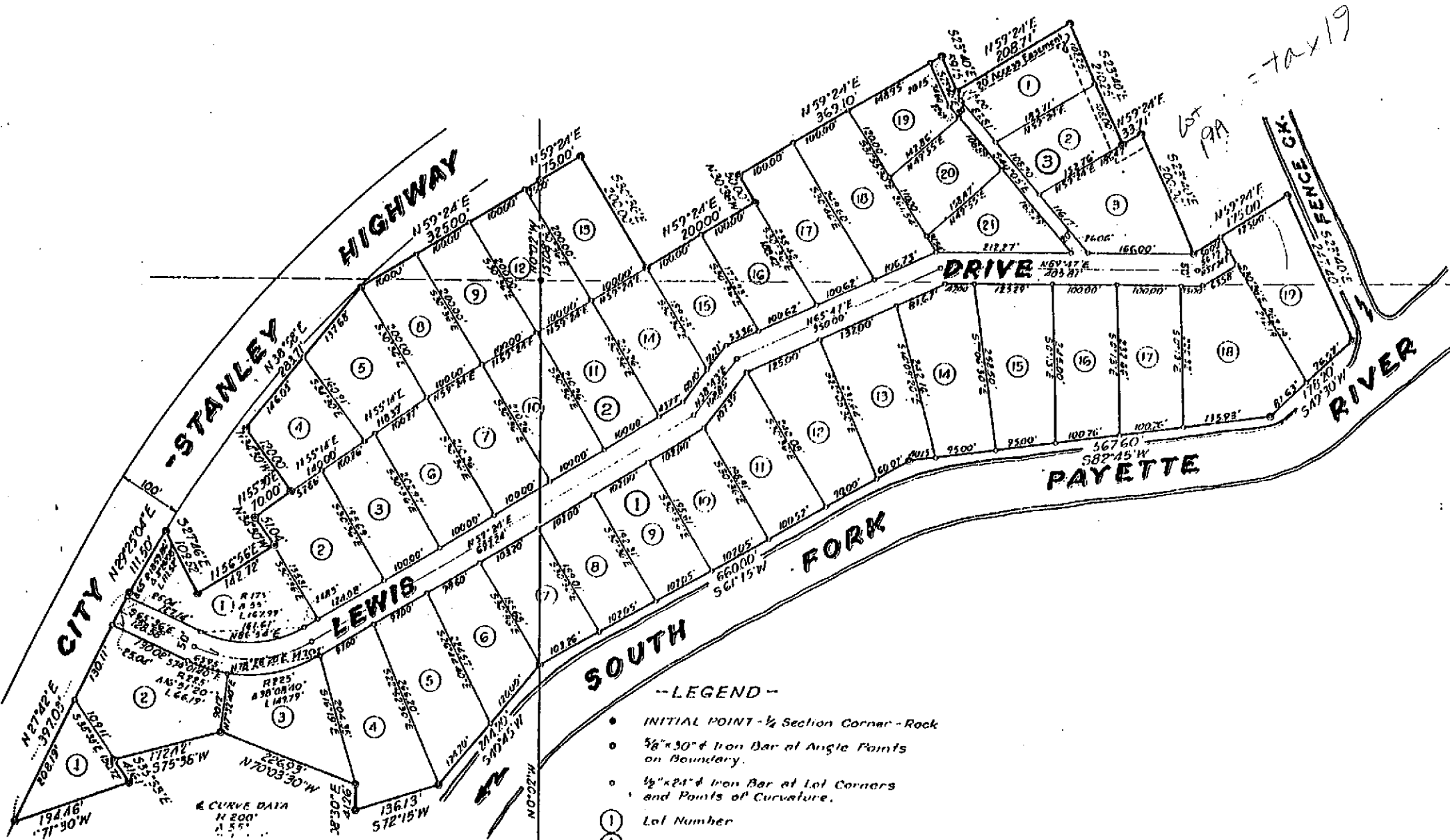
PEN
 INT
 COST
 TOT

DELINQUENT IF NOT PAID ON OR BEFORE
 DATE PAID
 PAID BY

JUNE 20, 1996
 CHECK #
 CASH

A65-02431 A

65-17367
 + 65-07533
 + A65-02431A



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A65-02431A
Date Received: 12/15/1988
Receipt No: X999999
Received By: BAJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES J. COUGHLIN 208-344-2847
Address: 3120 CRESCENT RIM DRIVE
NO. 301
BOISE, ID 83706
OR
Name: MARTHA H. COUGHLIN 208-344-2847
Address: 3120 CRESCENT RIM DRIVE
NO. 301
BOISE, ID 83706
2. Date of Priority: AUG 13, 1939
3. Source: FENCE CREEK Trib. to: PAYETTE RIVER, SOUTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	08E	26	SW	NW		3	BOISE
5. Description of diverting works:
HEADGATE, BURIED PIPELINE TO PLACE OF USE
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.040		
7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 5.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

A65-02431A

Page 1

Date: 04/17/89

MICROFILMED
SEP 18 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	08E	26	SW	NW	3	IRR	0.5
			NW	SW	3	IRR	1.5
Section Acres							2.0
Total Acres							2.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NEW APPLICATION FOR AN IRRIGATION WELL

14. Remarks:
PLACE OF USE IS LOTS 18 AND 19, BLOCK 1 OF AMENDED JOE LEWIS
SUBDIVISION

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: 0

For Individuals:

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

Signature of Claimant(s): *[Signature]*

Date: 04/17/89

Date:

State of Idaho

County of Ada

} SS.

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

of April 19 89

[Signature]
Notary Public

Seal

Residing at Boise Idaho

My Commission Expires 7/11/89

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A65-02431A

Date Received: 12/15/1988

Receipt No: X999999

Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES J. COUGHLIN 208-344-2847
Address: 3120 CRESCENT RIM DRIVE
NO. 301
BOISE, ID 83706
OR
Name: MARTHA H. COUGHLIN 208-344-2847
Address: 3120 CRESCENT RIM DRIVE
NO. 301
BOISE, ID 83706
2. Date of Priority: AUG 13, 1939
3. Source: FENCE CREEK Trib. to: PAYETTE RIVER, SOUTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	08E	26	SW	NW		3	BOISE
5. Description of diverting works:
HEADGATE, BURIED PIPELINE TO PLACE OF USE
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.040		
7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 5.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

A65-02431A

Page 1

Date: 12/16/88

MICROFILMED
SEP 18 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	08E	26	SW	NW	3	IRR	0.5
			NW	SW	3	IRR	1.5
						Section Acres	2.0
						Total Acres	2.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NEW APPLICATION FOR AN IRRIGATION WELL

14. Remarks:
PLACE OF USE IS LOTS 18 AND 19, BLOCK 1 OF AMENDED JOE LEWIS
SUBDIVISION

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): *James J. Gough* Date: 12/16/88
Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 16TH day
of DECEMBER 19 88

Jeff Peppersack
Notary Public

Seal

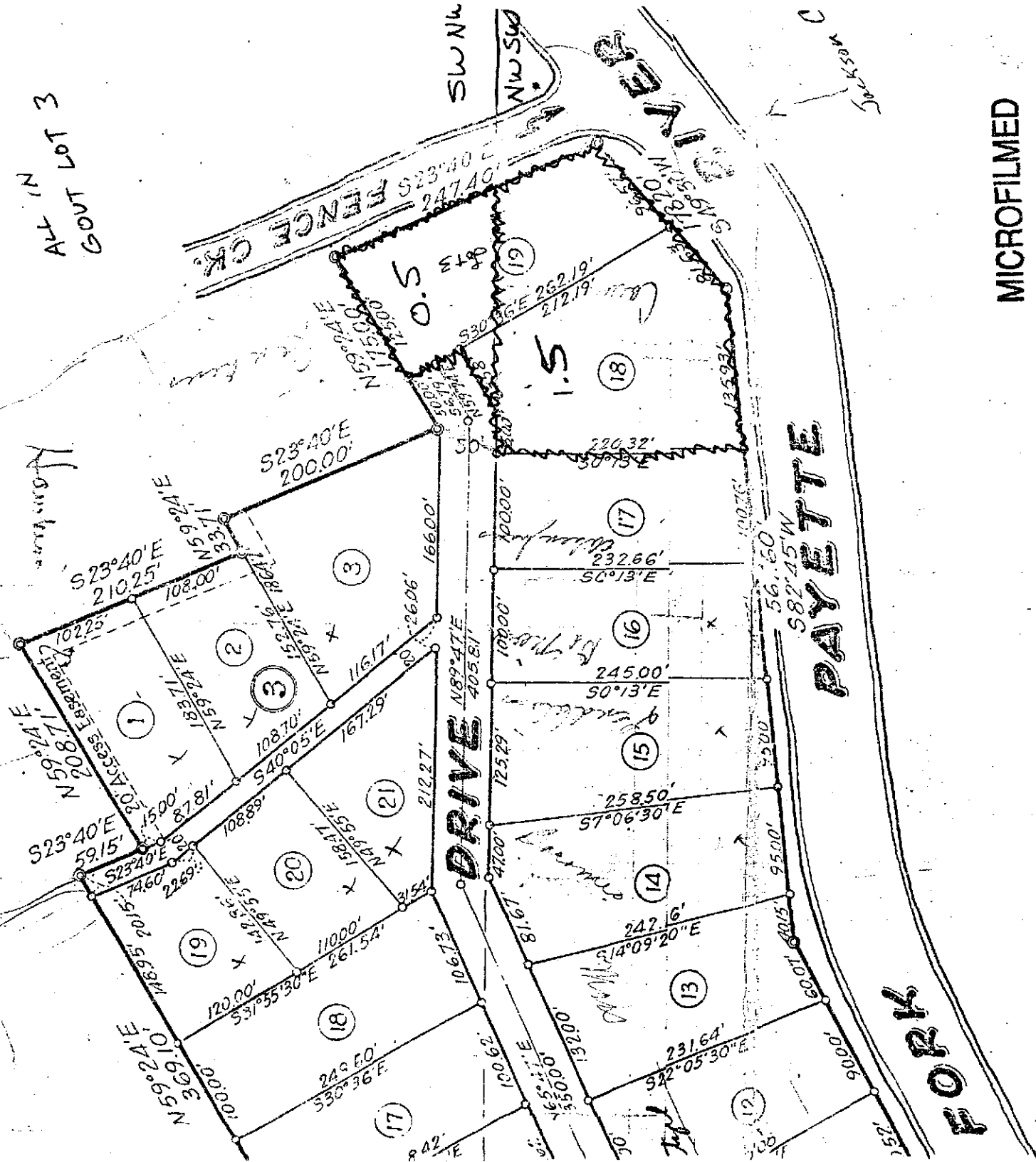
Residing at _____

My Commission Expires _____

Jeff Peppersack, Notary Public
Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994

34 27, T.9 N., R.8 E., B.M.
A.H.O.

ALL IN LOT 3
GOUT



SEP 18 1992

Davis C. Toothman, being duly sworn, says that he is a Registered Professional Engineer, and prepared the final map of the foregoing plat, and that this tracing is an exact copy of said final map.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 14, 2001

To: Distribution List

Re: Fence Creek Water Rights

Dear Water User:

The Idaho Department of Water Resources (IDWR) received a complaint on June 27, 2001 regarding the distribution of Fence Creek water in and near the Joe Lewis Subdivision east of Lowman. I visited the site and investigated the situation on July 11, 2001. This letter summarizes the results of the investigation and the related water rights in addition to suggesting some alternatives to help resolve the problem.

The complaint alleged that insufficient water is available for some of the subdivision property owners due to excessive water use in part of the subdivision. The enclosed diagram depicts the situation I encountered during the field visit. Two Fence Creek diversions were observed in my visit. Note that all of the water rights serving property within the subdivision plus one water right serving an adjacent cabin are diverted from Fence Creek via a common pipeline system. The other Fence Creek diversion involves a pipeline for the Fence Creek Water Users Association. The association system serves four cabins immediately east of the subdivision. The Snake River Basin Adjudication Court recently decreed the Fence Creek water rights. The enclosed table defines these rights.

Flooding destroyed some or all of the Fence Creek diversions (more than two diversions before the flood?) some years ago. Additional information obtained after the field visit suggests the rebuilt subdivision pipeline has adequately served the water users for many years. Recent modification of the subdivision pipeline system might be the source of water distribution problems within the subdivision. Inadequate maintenance at the point of diversion could compound the problem.

Issues related to design, maintenance or ownership of a shared water system generally are not within IDWR jurisdiction. Assuming proper design and maintenance of a diversion system, disputes about distribution of water from a common system might involve water right issues within IDWR jurisdiction. What alternatives exist if legitimate water right disputes occur? Possible solutions to water right disputes are discussed below.

ALTERNATIVES

Real scenarios often do not readily fit solutions suggested by Idaho law when it comes to water distribution problems. Idaho statutes suggest three alternatives for Fence Creek water rights. None may appeal to you. Of course the best solution comes from a consensus of the water users solving the problem short of a formal regulatory scheme.

One alternative involves the Payette River Watermaster. Fence Creek is tributary to the South Fork Payette River and remains subject to Watermaster regulation based on the availability of water to satisfy water rights according to the priority (seniority) system. The Watermaster can regulate diversions at the water source. The Fence Creek situation is not one of competing calls for water at the two points of diversion on the creek. Instead the problem involves distribution of water beyond the point of diversion in a common delivery system.

Watermaster control is neither suitable nor required for this situation. Even if Watermaster control were suitable, the likely result would be to shut off *all* diversions of water from the creek to satisfy senior downstream water rights in this difficult drought year.

The second alternative is the "lateral ditch association." Sections 42-1301 through 42-1309, *Idaho Code*, define a regulatory scheme for three or more water users sharing the same distribution system. The users elect a "ditch manager" to regulate the distribution of water from the common conveyance system. The association can implement controls necessary to properly distribute water rights through the shared system. The lateral association normally involves a ditch system. Perhaps this alternative can be applied to a pipeline system.

An option in the lateral ditch association alternative occurs under Section 42-1308, *Idaho Code*. This statute allows a water user to petition the IDWR Director to appoint a ditch manager if the water users have not activated an association through their own efforts and elected a manager. The Director can grant or deny the petition based on his findings. A manager appointed by the Director can only serve for the remainder of the year in which the appointment occurs. The water users would be expected to hold annual meetings after that to continue the regulatory system.

Due process requires considerable time to activate a lateral ditch association in either option of the second alternative. Based on the timing factors, it is probably not practical to use the lateral association alternative for a timely solution before the end of this irrigation season (October 15).

The third alternative considers regulation of water right no. 65-7781. This right allows .10 cubic feet per second (cfs) or about 45 gpm from an unnamed stream for fire protection at the Frisbie property in the subdivision. The unnamed stream receives water from the subdivision pipeline and delivers water to a small pond on Frisbie's land. Water right 65-7781 is the most junior right in this picture and should not be used if senior Fence Creek rights remain unfilled under this alternative.

Natural flow was not found in the unnamed stream during my visit nor is it likely most of the year. About .10 cfs was delivered from Fence Creek to Frisbie's pond on July 11. It appeared Frisbie could also receive water from the buried distribution network for the subdivision (valve for above ground sprinklers at east end of the Frisbie lots).

Frisbie is entitled to a prorated share of the senior irrigation right serving the subdivision (65-2431X). It could be argued that water from the pipeline to the unnamed stream and then to Frisbie's land is part of 65-2431X. Frisbie would remain within proper water right limits provided the prorated share of the senior irrigation right was honored, regardless of how Fence Creek water was delivered to the site. Water right 65-7781 would not be in use under those circumstances.

Fence Creek Water Rights
August 14, 2001
Page 3

Boise County Assessor records show the Frisbie land as 2.06 acres (Lots 9-12, Block 1). Frisbie's share of 65-2431X is about .04 cfs (18 gpm). Use in excess of this amount would fall under junior right 65-7781 but should only occur under the assumptions of the third alternative if remaining Fence Creek water rights delivered through the subdivision pipeline were fully satisfied.

The third alternative to resolving the distribution problem in the subdivision would be to regulate the use of water right 65-7781 to provide available water to senior water rights using the same pipeline system. The authority for such a step is based on Section 42-351, *Idaho Code*, which discusses use of water not in conformance with a valid water right. IDWR does not have sufficient information to invoke this step at this time. Questions of design, maintenance and ownership of the subdivision pipeline might mitigate against the third alternative.

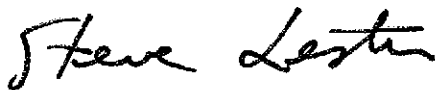
SUMMARY

Water distribution problems at the Joe Lewis Subdivision might or might not reflect legitimate water right issues. If legitimate water right issues are involved, none of the above alternatives can quickly solve the water distribution problems. IDWR involvement in any solution most likely cannot resolve design, maintenance or ownership problems regarding the shared conveyance system. The best and quickest solution is one mutually agreed upon by the water users without including IDWR oversight or regulation.

Perhaps a more informal arrangement would be better than the alternatives presented here. I will be glad to discuss this by meeting with the property owners upon a request by three or more property owners. A request should include a suggested time and place to meet and information to verify that all the owners identified in the attached distribution list have been contacted about a meeting and are available to attend if interested. The IDWR office is available if you want to meet in Boise. Meeting in the Lowman area is acceptable if you prefer. I prefer normal business hours but could meet on a weekday evening if necessary.

Please contact me at 208-334-2190 if you need more information.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosures

CC: Mark Limbaugh, Payette River Watermaster

August 14, 2001

***FENCE CREEK WATER RIGHTS -- Recently decreed by the
Snake River Basin Adjudication Court***

NUMBER	NAME	PRIORITY	CFS	COMMENTS
65-2431A	Conway	1939	0.04	Irrigate 2 acres, Lot 18-19 Bl. 1
65-2431X	Balance of J. Lewis Subdivision	1939	0.51	Irrigate 23 acres & minor domestic use in balance of subdivision
65-6625	Arkoosh, Bieker & Brown	1945	0.04	Domestic 1 cabin next to subdivision
65-10477	Fence Creek Water Users Assn.	1950	0.16	Domestic 4 cabins next to subdivision. <i>Separate pipeline</i> from all others.
65-10559	Conway	1962	0.06	Irrigate 1 acre & domestic 1 cabin next to subdivision
65-7781	Frisbie	1976	0.10	Fire protection, Lots 9-12 Bl. 1. Source is <i>unnamed stream</i> fed by <i>Fence Creek</i> .

Notes:

All rights are diverted or delivered through the subdivision pipeline except 65-10477 for the association's separate pipeline. Association cabins include Carey (2 cabins), Hawkins and Arkoosh et al. The latter is same cabin also served by 65-6625 from subdivision pipeline.

One cfs equals about 450 gpm or 50 miner's inches.

0.02 cfs equals about 9 gpm or 1 miner's inch.

July 11, 2001 inspection

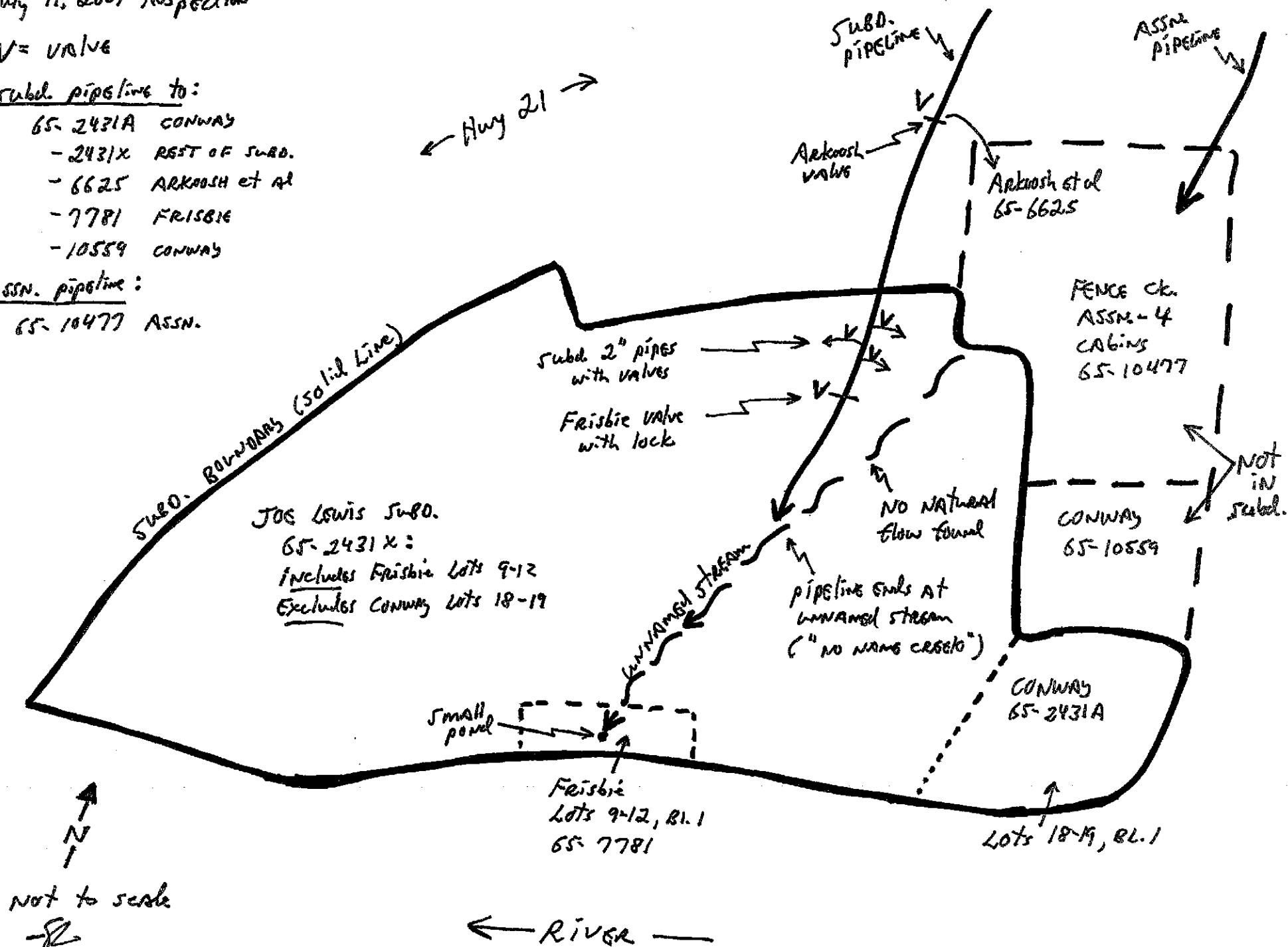
V = valve

subd. pipeline to:

- 65-2431A CONWAY
- 2431X REST OF SUBD.
- 6625 ARKOSH et al
- 7781 FRISBIE
- 10559 CONWAY

ASSN. pipeline:

65-10477 ASSN.



FENCE CREEK DISTRIBUTION LIST

GERALDINE CONWAY
2021 BLAINE WAY
BOISE ID 83702

MERLE LEWIS
PO BOX 2236
ST GEORGE UT 84771

MARY L TUCKER
1231 SUNRISE RIM
BOISE ID 83705

ANN BROWN
PHIL A BROWN
PO BOX 32
GOODING ID 83330

C TOM ARKOOSH
LINDA BIEKER
116 4TH AVE W
PO BOX 32
GOODING ID 83330

ROBERT FRISBIE
SCOTT FRISBIE
9170 CORY LANE
BOISE ID 83704

FENCE CREEK WATER USERS ASSN
C/O FRED & MYRTLE CAREY
5721 SITES DR
BOISE ID 83705

EMIL HUTTON
823 HEARTHSTONE
BOISE ID 83702

DEAN TALBOY
27 LEWIS DR
LOWMAN ID 83637

ERROL MAAS
2066 VARIAN PL
BOISE ID 83709

EVERETT CAREY
8097 HIGHWAY 21
LOWMAN ID 83637

TOM ARKOOSH
2177 EAST 1375 SOUTH
GOODING ID 83330

DAN HAWKINS
2157 MOUNTAIN COVE RD
BOISE ID 83702

BOB GRIFFIN
3188 GERRARD
BOISE ID 83703

BEN BRITTON
1819 N HARTMAN
BOSIE ID 83704

BILL OBERST
5360 NOBLE FIR
BOISE ID 83704

EILEEN SCHRIER
3132 CHINDEN BLVD
BOISE ID 83709

STEVE RAMBO
PO BOX 1224
BOISE ID 83701

RANDY FOX
2215 2ND ST S
NAMPA ID 83651

VERL BOYACK
6316 KIRKWOOD RD
BOISE ID 83709

STANELY ERSKINE
37 LEWIS DR
LOWMAN ID 83637



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

AJ0749NP
No. R65-02431A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/02/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GERALDINE CONWAY 2021 BLAINE WAY BOISE ID 83702 (208) 336-4278	08/13/1939	IRRIGATION	04-15 10-15	0.040 CFS	
TOTAL DIVERSION:					0.040 CFS	

Water Source: FENCE CREEK

Tributary to: PAYETTE RIVER, SOUTH FORK

Stage: DECREED

Point(s) of Diversion: T09N R08E S26 Lot03(SWNW)

BOISE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
09N	08E	26	:									03-.5				03-01					
TOTAL ACRES																				2.0	
																				2.0	

POU County: BOISE

Remarks: EXP PLACE OF USE IS LOTS 18 AND 19, BLOCK 1 OF AMENDED JOE LEWIS
SUBDIVISION
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE NORTHERN
MOST POINT OF DIVERSION DESCRIBED ABOVE: 65-10559, 65-06625,
65-02431X, 65-07504, 65-07781 & 65-10373.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

Comments: Date: 12/02/1999 User-ID: MSCHULTE Subject: COPIED FROM REMARKS
OWNERSHIP CHANGED BY DB 5/14/98.

Audit: 12/02/99 MSCHULTE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:51:44
12/02/99
18

PAGE: 18
PROFILE REPORT

CLAIM NUMBER: A65-02431A

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME																																																																							
C	GERALDINE CONWAY	08/13/1939	IRRIGATION	04-15 10-15	0.040 CFS																																																																								
					TOTAL DIVERSION:	0.040 CFS																																																																							
					~~CONSUMPTIVE USE:~~	~~5.00 AFA~~																																																																							
Water Source: FENCE CREEK		Tributary to: PAYETTE RIVER, SOUTH FORK			Stage: DECREED																																																																								
Point(s) of Diversion:		T09N R08E S26 Lot03(SWNW) (2)			BOISE County																																																																								
Place of use Legal Description for: IRRIGATION																																																																													
<table border="0"> <thead> <tr> <th colspan="4">NE</th> <th colspan="4">NW</th> <th colspan="4">SW</th> <th colspan="4">SE</th> <th></th> </tr> <tr> <th>T</th><th>R</th><th>S</th><th>:</th> <th>Lt</th><th>Ac</th><th>Lt</th><th>Ac</th> <th>Lt</th><th>Ac</th><th>Lt</th><th>Ac</th> <th>Lt</th><th>Ac</th><th>Lt</th><th>Ac</th> <th>:</th> <th>SUM</th> </tr> </thead> <tbody> <tr> <td colspan="4">09N 08E 26 :</td> <td colspan="4"></td> <td colspan="4">03-.5</td> <td colspan="4">03-01</td> <td>:</td> <td>2.0</td> </tr> <tr> <td colspan="16"></td> <td>TOTAL ACRES</td> <td>2.0</td> </tr> </tbody> </table>							NE				NW				SW				SE					T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	09N 08E 26 :								03-.5				03-01				:	2.0																	TOTAL ACRES	2.0
NE				NW				SW				SE																																																																	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM																																																												
09N 08E 26 :								03-.5				03-01				:	2.0																																																												
																TOTAL ACRES	2.0																																																												

POU County: BOISE

Non-Irrigation Uses: NONE

Other Rights: NEW APPLICATION FOR AN IRRIGATION WELL

Remarks: GEN PLACE OF USE IS LOTS 18 AND 19, BLOCK 1 OF AMENDED JOE LEWIS
SUBDIVISION
OWNERSHIP CHANGED BY DB 5/14/98.
BASED ON FIELD EXAMS CONDUCTED 06/12/1998 BY MM AND 08/20/1990 BY
KC, THE TRANSFER WHICH SPLIT THIS LICENSE WAS NEVER COMPLETED.
M 08/26/1998.

Not totally correct!

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

EXP- JOI, FOG

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:50:34
12/02/99

PAGE: 17
QUICKLOOK INFORMATION

17
CLAIM NUMBER: A65-02431A

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			MS 12-2-99 office	N		MS 12-2-99	MS 12-2-99	
POINT OF DIV				Y				
SOURCE				N				
PLACE OF USE	Y			N				
DIV. AMOUNT CFS/VOLUME				N				
CONSUMPTIVE USE	-			~~N~~				
PURPOSES OF USE				N				
PERIOD OF USE				N				
BASIS OF CLAIM	Y			N				
REMARKS	Y			Y				

BARCODE UPDATED
WHOM/DATE

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() MAP <i>GIS</i>	DATE OF PHOTO <i>1987 12-2-99</i> IDWR ID NO. _____	Y(☒) N() <i>6b 26c</i>
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
(☒) TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y(☒) N() <i>6f</i>
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
(☒) OTHER <i>GIS table</i>	DATE <i>12-2-99</i>	Y(☒) N() <i>6a</i>
(☒) OTHER <i>Map from T2119</i>	DATE _____	Y(☒) N() <i>6d</i>
(☒) OTHER <i>POB map from BU claim for 65-07504</i>	DATE _____	Y(☒) N() <i>6e</i>

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
(☒) OTHER <i>POU review report</i>	DATE <i>12-2-98</i>	<i>1</i>	
(☒) OTHER <i>Page from decree</i>	DATE <i>3-2-79</i>	<i>1</i>	
<i>PRB A claim</i>		<i>1</i>	
<i>Memo dated 8-27-98</i>		<i>3</i>	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:50:34
12/02/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A65-02431A

LAST: COUGHLIN FIRST: JAMES J
ADDRESS: 3120 CRESCENT RIM DRIVE
NO 301
CITY: BOISE STATE: ID ZIP: 83706
PHONE NUMBER: 208-344-2847

OWNER CODE: O

LAST: COUGHLIN FIRST: MARTHA H
ADDRESS: 3120 CRESCENT RIM DRIVE
NO 301
CITY: BOISE STATE: ID ZIP: 83706
PHONE NUMBER: 208-344-2847

OWNER CODE: O

LAST: CONWAY FIRST: GERALDINE
ADDRESS: 2021 BLAINE WAY
CITY: BOISE STATE: ID ZIP: 83702
PHONE NUMBER: 208-336-4278

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN PLACE OF USE IS LOTS 18 AND 19, BLOCK 1 OF AMENDED JOE LEWIS
SUBDIVISION
OWNERSHIP CHANGED BY DB 5/14/98.
BASED ON FIELD EXAMS CONDUCTED 06/12/1998 BY MM AND 08/20/1990 BY
KC, THE TRANSFER WHICH SPLIT THIS LICENSE WAS NEVER COMPLETED.
M 08/26/1998.

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

*In office from 12-2-99. See Permit file 05-07504
for a field report on the entire subdivision and
adjoining property.*

A. AJ CLAIM: # A65-02431A PRIORITY DATE: 08-13-1939 STAGE: D

B. WR RECORD: # 65-02431A PRIORITY DATE: 08-13-1939 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED N/A(☒) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE N/A(☒) Y(☐) N(☐)

LICENSE ISSUED N/A(☒) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N(☐)

NOTES: Recommended as licensed and then decreed in
the PRBA.

=====

RECOMMENDED PRIORITY DATE:

08-13-1939
REVIEWED BY Mel Schulte

DATE 12-2-99

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-02431A	09N	08E	26		SW	NW	3		BOISE		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A65-06625 65-10360
A65-10477 65-17807
A65-10559 R65-10477

WR RECORDS IN SAME 40 ACRE TRACT
65-10559
65-12950

SOURCE: FENCE CREEK

TRIB: PAYETTE RIVER, SOUTH FORK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-02431A	09N	08E	26				3		BOISE		

OTHER WR RECORDS WITH SAME WR POD

65-06625
65-07781
65-10360
65-10373
65-10477

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A65-07781 NONE
A65-10360
A65-10373

SOURCE: FENCE CREEK

TRIB: PAYETTE RIVER, SOUTH FORK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(☒) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N(☒)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☒) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N(☒)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM 6-12-98 5 permit 65-07504 Y(☒) N(☐)

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y(☐) N(☒)

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: Transfer 2119 authorized a new (or 2nd) POD. The BY
field exam in 6-98 for 65-07504 indicated the 2nd POD was
not developed. However, because it was validated in
the PRBA and there is no evidence that portable devices
have not been used at the lower POD, both POD's will
be recognized in this recommendation.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (☐)

TWP. 09N	RGE. 08E	SEC. 26	1/4	1/4 SW	1/4 NW	LOT 3	POD FLAG	COUNTY BOISE	DIVERSION NAME	DIVERSION NBR
—	—	—	—	—	—	—	—	—	<u>2 POD's in Lt 3, SW NW</u>	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: FENCE CREEK

TRIB: PAYETTE RIVER, SOUTH FORK

REVIEWED BY: Mel Schulte DATE: 12-2-99

SYSTEM DESCRIPTION: DESCRIBED BELOW (☐) , SEE LICENSE FILE (☐) , OR SEE ATTACHMENT (☒)

A. ROOT WATER RIGHT NUMBERS: A65-02431A
A65-02431X

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09N	08E	26	SW	NW	3	CONWAY, GERALDINE	A65-02431A /	0.5	65-02431A /	2.0	
			SW	NW		CAREY, EVERETT M	A65-10627 /		65-10627 /		
			SW	NW		DAVIS, HUGH D	A65-18150 /		- /		1.5
			SW	NW		DAVIS, HUGH D	65-18150 /		- /		
			SW	NW		CAREY, EVERETT M	65-10627 /		- /		
			SW	NW	3	FENCE CREEK WATER USERS ASSN	A65-10477 /		- /		
			SW	NW	3	COUGHLIN, JAMES J	A65-17807 /		- /		
			SW	NW	3	BAKER, JESSIE WELLS	A65-06625 /		- /		
			SW	NW	3	COUGHLIN, JAMES J	A65-07533 /		65-07533 /		
			SW	NW	3	FRISBIE, ROBERT	A65-10373 /	3.0	65-10373 /	3.0	
			SW	NW	3	FRISBIE, ROBERT	65-10360 /		- /		
			SW	NW	3	CONWAY, GERALDINE	A65-10559 /	1.0	65-10559 /	1.0	
			SW	NW	3	LEWIS, EST OF JOSEPH L	A65-07504 /	22.0	65-07504 /	22.0	
			SW	NW	3	COUGHLIN, JAMES J	65-17807 /		- /		
			SW	NW	3	TUCKER, E H	A65-02431X /	14.0	65-02431X /	14.0	
			SW	NW	3	FENCE CREEK WATER USERS ASSN	R65-10477 /		- /		
			SW	NW	3	COUGHLIN, JAMES J			65-12950 /		
09N	08E	26	NW	SW	3	CONWAY, GERALDINE	A65-02431A /	1.5	- /		
			NW	SW		CARR, ROBERT E	A65-11011 /		65-11011 /		
			NW	SW		CARR, MARGERY W	65-11011 /		- /		
			NW	SW	3	FRISBIE, ROBERT	R65-07781 /		- /		
			NW	SW	3	COUGHLIN, JAMES J	A65-07533 /		65-07533 /		
			NW	SW	3	FRISBIE, ROBERT	65-10360 /		- /		
			NW	SW	3	COUGHLIN, JAMES J	65-07533 /		- /		
			NW	SW	3	COUGHLIN, JAMES J	65-17807 /		- /		
			NW	SW	9	MAUS, GOLDIE B	A65-10598 /		65-10598 /		
			NW	SW	9	MAUS, GOLDIE B	65-10598 /		- /		
			NW	SW	3	COUGHLIN, JAMES J			65-12950 /	0.3	1.5

ADDITIONAL POU FOUND

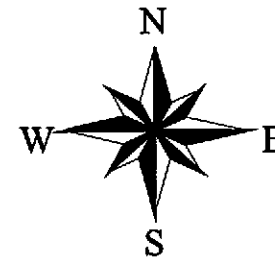
TOTAL ACRES A65-02431A 2.00 2.00

2

6b

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R08E, S26



1987 NAPP PHOTO

● POINT OF DIVERSION

▭ PLACE OF USE

▭ 1/4 1/4 LINES

▭ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-02431A

OWNER(S): CONWAY

Prepared by Mel Schulte

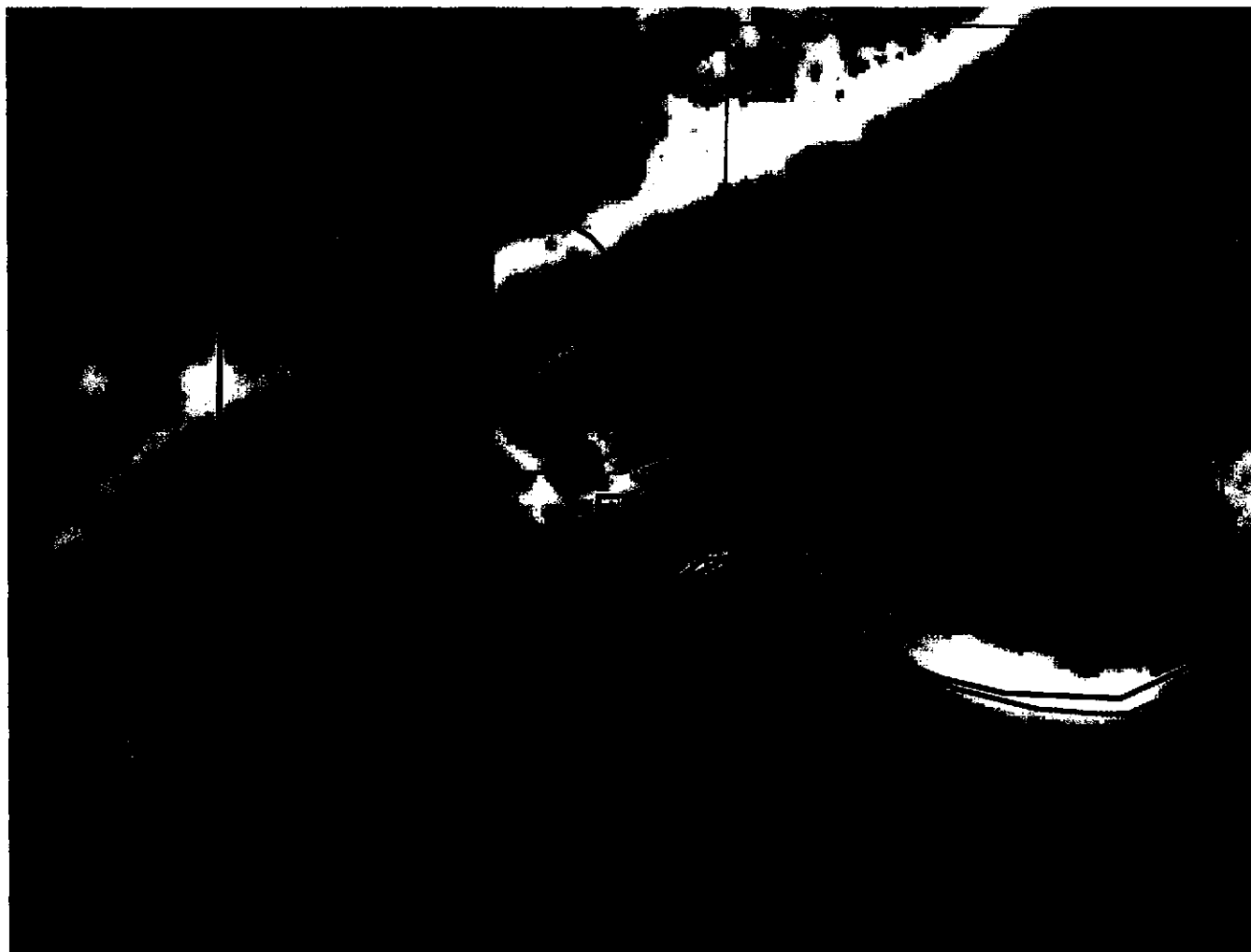
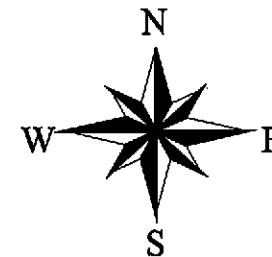
DATE: DECEMBER 2, 1999

0 0.25 0.5 Miles

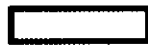
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IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R08E, S26



1987 NAPP PHOTO

- POINT OF DIVERSION
-  PLACE OF USE
-  1/4 1/4 LINES
-  SECTION LINES
- 6 ACRES
- 6 SECTION NUMBERS

CLAIM(S): 65-02431A

OWNER(S): CONWAY

Prepared by Mel Schulte

DATE: DECEMBER 2, 1999

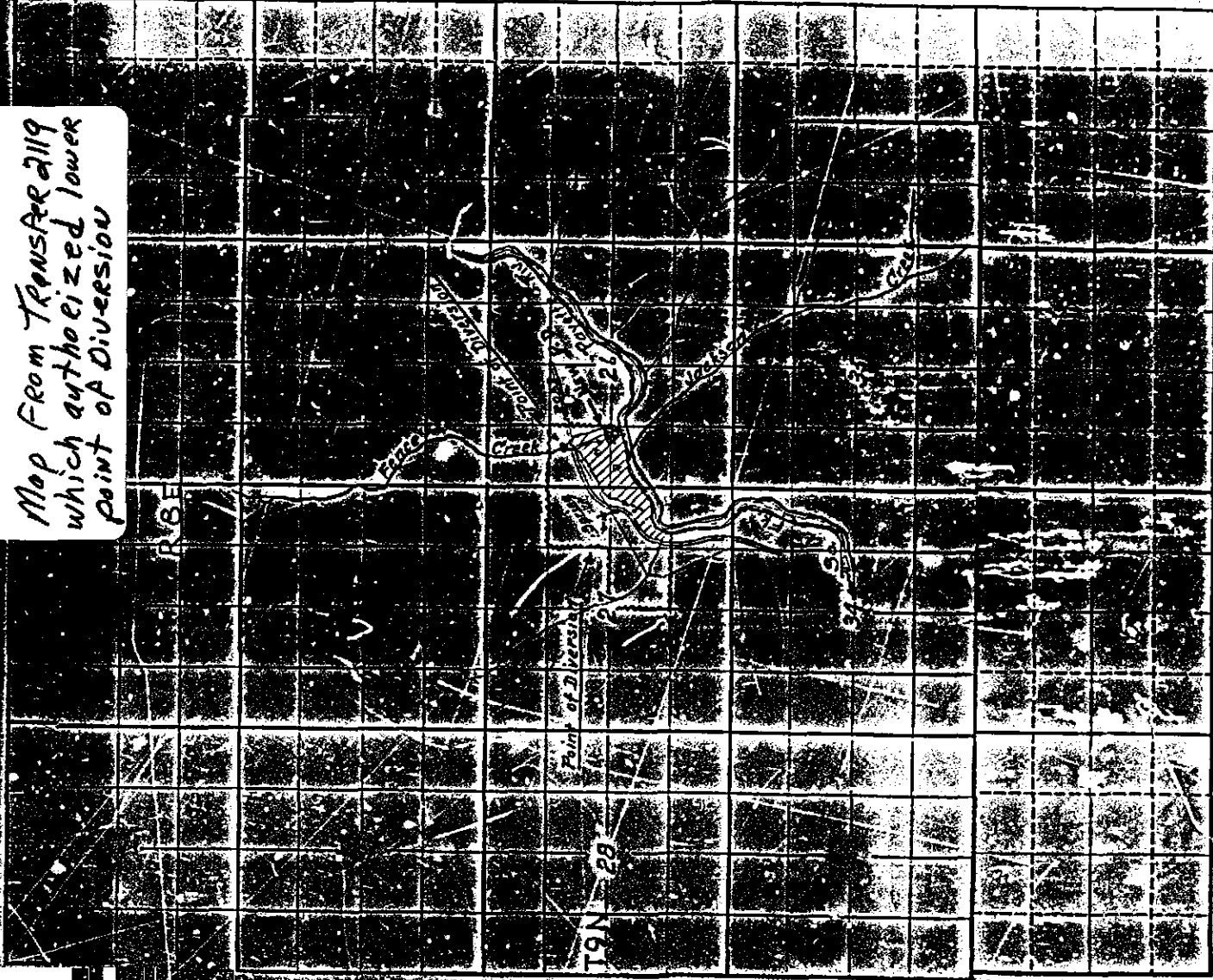
0 0.25 0.5 Miles



6d

A65-02431A

Map From Transfer 2119
which authorized lower
point of Diversion



SCALE: 2 inches equal 1 mile. Draw plan in ink.

MM 08/27/1998

6e

COPY

08-20-90
KRC

AMENDED PLAT OF A PORTION OF JOE LEWIS SUBDIVISION A PORTION OF H.E.S. 178 SECTION 35 & 27, T.9 N., R.3 E., S.4 W. BOISE COUNTY, IDAHO.

TOOTHMAN & ASSOCIATES CONSULTING ENGINEERS

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

CLAIM A65-02431A INIT

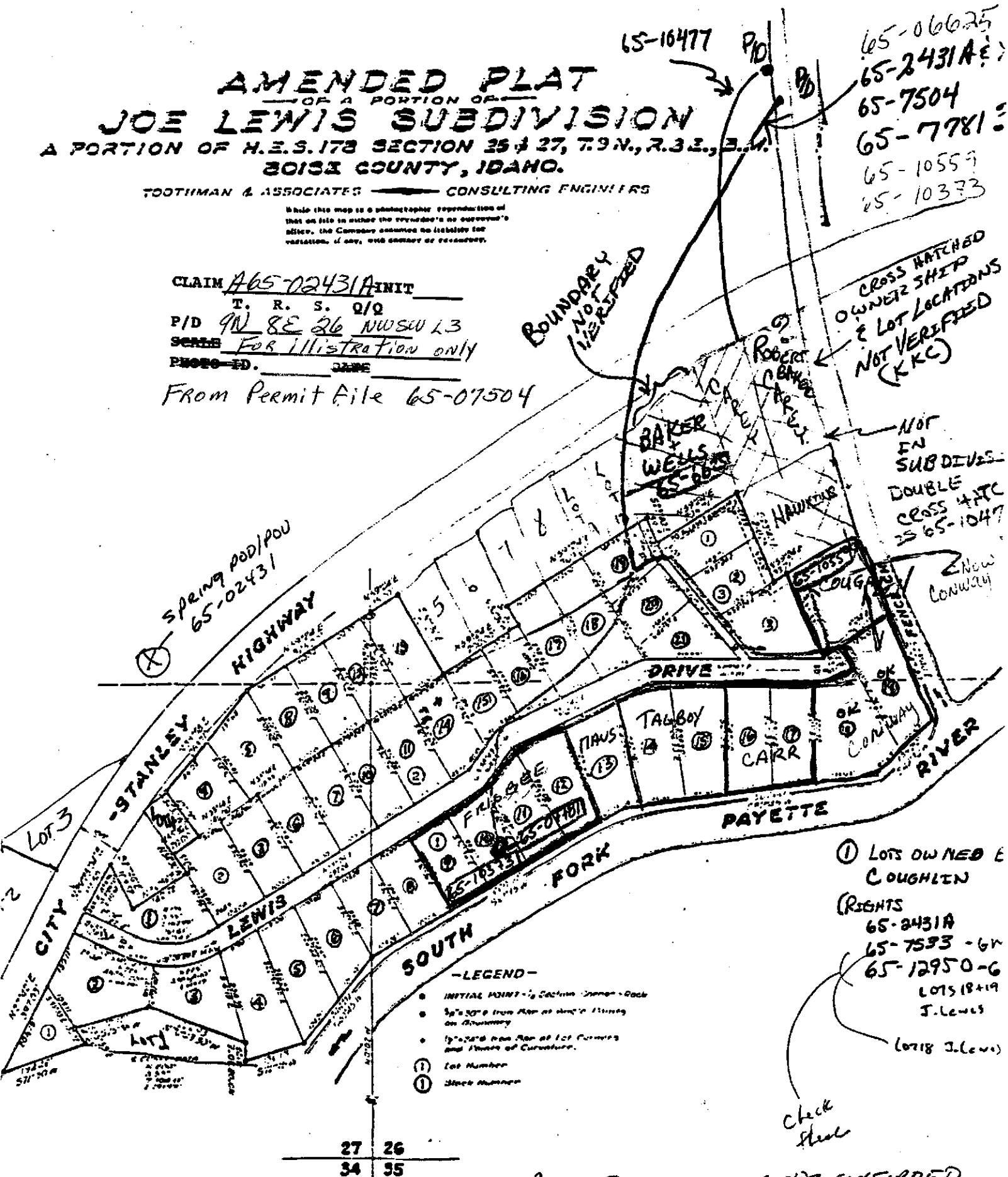
T. R. S. Q/Q

PID 9N 8E 26 NW 30 13

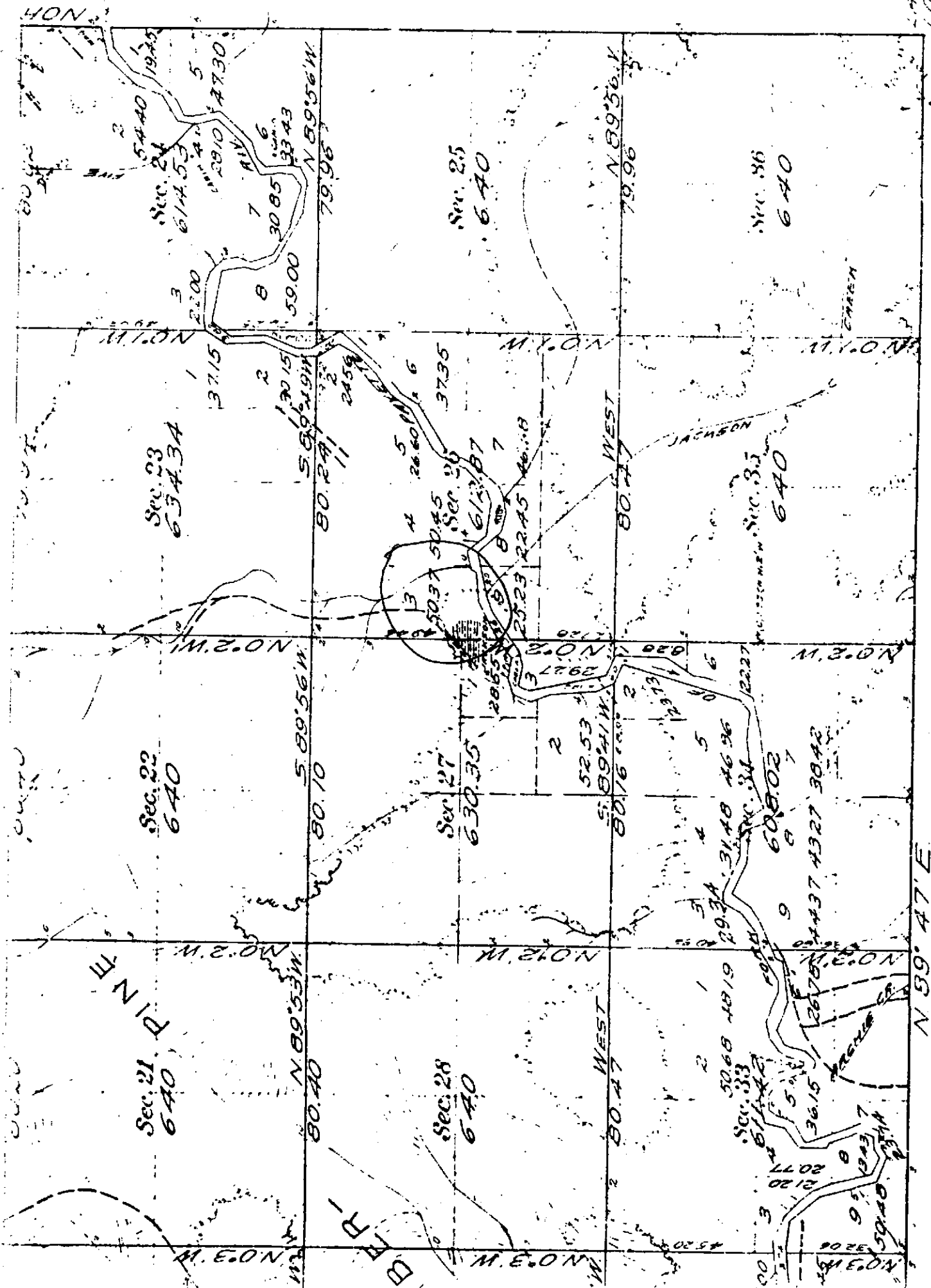
SERIES FOR Illustration only

PHOTO-ED. JANE

From Permit File 65-07504



38, 86, 69



POU COUNTY: BOISE

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-02431A	FENCE CREEK	CONWAY, GERALDINE	0.040	0.020		
A65-02431X	FENCE CREEK SPRING	TUCKER, E H	0.510	0.022	1.20	0.05
A65-06625	FENCE CREEK	BAKER, JESSIE WELLS	0.080	0.080		
A65-07504	FENCE CREEK	LEWIS, EST OF JOSEPH L	1.700	0.042	60.00	1.50
A65-10373	FENCE CREEK	FRISBIE, ROBERT	0.050	0.016		
A65-10559	FENCE CREEK	CONWAY, GERALDINE	0.060	0.060		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A65-10627	DOMESTIC	CAREY, EVERETT M	FROM 01-01 TO 12-31	0.040 CFS	
A65-18150	DOMESTIC	DAVIS, HUGH D	FROM 01-01 TO 12-31	0.040 CFS	
65-18150	DOMESTIC	DAVIS, HUGH D	FROM 01-01 TO 12-31	0.040 CFS	
65-10627	DOMESTIC	CAREY, EVERETT M	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-10477	DOMESTIC	FENCE CREEK WATER USERS ASSN	FROM 01-01 TO 12-31	0.160 CFS	
A65-17807	DOMESTIC	COUGHLIN, JAMES J	FROM 01-01 TO 12-31	0.040 CFS	
A65-06625	DOMESTIC	BAKER, JESSIE WELLS	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-06625	STOCKWATER	BAKER, JESSIE WELLS	FROM 01-01 TO 12-31	0.020 CFS	
A65-07533	DOMESTIC	COUGHLIN, JAMES J	FROM 01-01 TO 12-31	0.040 CFS	
65-10360	DOMESTIC	FRISBIE, ROBERT	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-10559	DOMESTIC	CONWAY, GERALDINE	FROM 01-01 TO 12-31	0.040 CFS	
65-17807	DOMESTIC	COUGHLIN, JAMES J	FROM 01-01 TO 12-31	0.040 CFS	
R65-10477	DOMESTIC	FENCE CREEK WATER USERS ASSN	FROM 01-01 TO 12-31	0.160 CFS	5.00 AF/A
A65-11011	DOMESTIC	CARR, ROBERT E	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-11011	DOMESTIC	CARR, MARGERY W	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
R65-07781	FIRE PROTECTION	FRISBIE, ROBERT	FROM 01-01 TO 12-31	0.100 CFS	
65-07533	DOMESTIC	COUGHLIN, JAMES J	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-10598	DOMESTIC	MAUS, GOLDIE B	FROM 01-01 TO 12-31	0.040 CFS	
65-10598	DOMESTIC	MAUS, GOLDIE B	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NEW APPLICATION FOR AN IRRIGATION WELL =

License 65-12950 from G.W

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(☒) N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N(☒)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDWR NO. _____; () TOPOGRAPHIC QUAD, IDWR NO. _____;
(☒) ^{GTS} NAPP, IDWR NO. _____; () ASCS PHOTO; () OTHER _____

NOTES: *Recommended as decreed in the SRBA. The POU for this right was split from 65-02431 by transfer 2119.*

RECOMMENDATIONS:

TOTAL ACRES: 2 N/A()

REVIEWED BY: Michael Schulte

DATE: 12-2-99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-02431A IRRIGATION	FROM 04-15 TO 10-15	0.040 CFS	
TOTAL DIVERSION RATE/VOLUME		0.040 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-02431A IRRIGATION	FROM 04-15 TO 10-15	0.040 CFS	
TOTAL DIVERSION RATE/VOLUME		0.040 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☐) N(☒)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☐) N(☒)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☒)

NOTES: *Recommended as decreed in the PRBA.*

AJ CLAIM TOTAL DIVERSION RATE: 0.040 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.040 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A(☒) Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(☒)

E. FLOW MEASUREMENT

MEASUREMENT METHOD None, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 2 x 0.02 CFS/ACRE = .04 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N(☒)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

NA

CLAIMED DIVERSION VOLUME = AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = NA 5.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES: _____

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE CFS		VOL. AF/A		USE	
IRRIGATION	04-15	10-15	DATABASE 0.040	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 5.0	EXAMINER N/A
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			0.040	_____		_____	5.0	N/A

NON-IRRIGATION USES CLAIMED: NONE

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REVIEWED BY: Michael Schulte DATE: _____

FLAG: _____
=====

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXP- F06, J01

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-02431

TOTAL DIVERSION RATE OF WR SPLITS DATABASE 0.550 EXAMINER _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-02431A	0.040	-	-	65-02431A	0.040
-	A65-02431X	0.510	-	-	65-02431X	0.510
TOTAL CFS		0.550				0.550

Per T2118 and
validated in the
PRBA.

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE N FIELD EXAMINER Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: Mel Schulte DATE: 12-2-99

NAME OF FIELD EXAMINER: _____ TITLE: _____

AJ5815NP

IDAH0 DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT

DATE: 12/02/99

OPTION: IRRIGATION USES ONLY

ADJUDICATION CLAIM NUMBER: A65-02431A

PAGE: 1

A. ROOT WATER RIGHT NUMBERS: A65-02431A
~~A65-02431X~~

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/USE/ACRES	WR #/USE/ACRES	LANDSAT DATA
09N	08E	26	SW	NW	3	CONWAY, GERALDINE	A65-02431A /01/ 0.5	65-02431A /01/ 2.0	
			SW	NW	3	BAKER, JESSIE WELLS	A65-06625 /01/ 1.0	- / /	
			SW	NW	3	FRISBIE, ROBERT	A65-10373 /01/ 3.0	65-10373 /01/ 3.0	
			SW	NW	3	CONWAY, GERALDINE	A65-10559 /01/ 1.0	65-10559 /01/ 1.0	- different POU.
			SW	NW	3	LEWIS, EST OF JOSEPH L	A65-07504 /01/22.0	65-07504 /01/22.0	
			SW	NW	3	TUCKER, E H	A65-02431X /01/14.0	65-02431X /01/14.0	
			SW	NW	3	COUGHLIN, JAMES J		65-12950 /01/ 1.5	- GW overlap for same POU
09N	08E	26	NW	SW	3	CONWAY, GERALDINE	A65-02431A /01/ 1.5	- / /	
			NW	SW	3	COUGHLIN, JAMES J		65-12950 /01/ 0.3	
TOTAL ACRES						A65-02431A	2.00	2.00	

POU COUNTY: BOISE

MEMORANDUM

RE: Joe Lewis Subdivision and associated rights from Fence Creek (or unnamed stream trib. to Payette River, S.F.)

DATE: August 27, 1998

FROM: Maria Minicuci, Sr. Water Agent ⁷⁰

Joe Lewis Subdivision has one water delivery system. The system consists of a headgate on Fence Creek to a buried pipeline which is stubbed to all lots. Use is external only (irrigation).

There is a second diversion from Fence Creek for 65-10477, for lots not included within Joe Lewis.

License 65-02431 covers the land of the subdivision plus adjoining lots between Highway 21 on the north, Fence Creek on the East, and the Payette River on the south. See b/u field exam for exact boundaries.

65-02431 was licensed for 25 total acres: S26 SWNW 8 NWSW 8
S27 NESE 9

For some reason the acres were "amended" in the Payette Adjudication to:

S26 SWNW 16
S27 NESE 9

This action eliminated the southeast portion of the current subdivision from the water right. This may have been done because the original (date unknown) subdivision plat included lots only in S26 SWNW and S27 NESE. The subdivision now covers PA amended QQs plus S26 NESE.

OVERLAPPING RIGHTS

65-02431A + 65-02431X

These rights should be recombined in the SRBA, since the transfer was never completed (add'l POD). The right could be recommended on the originally licensed acres, since the original license accurately reflects the current reality (resumption of use in SRBA). The SRBA could split the license based on claims/other decreed rights owned by various property owners (see below).

These rights appear to cover all of the irrigation currently occurring at both Joe Lewis Subdivision and adjacent lots. Not all lots are irrigated, although they are all stubbed into the main system. All lots represented in 65-10477 (see below) are irrigated).

65-10477

This right is for four cabins not in Joe Lewis Subd., and served by a separate diversion from Fence Creek. The upper Coughlin (now Conway, previously Spencer/Hawkins/Jenkins, located north of lot 19 block 1) does not appear to be included in this decreed right. Stan Erskine, current occupant of Conway property, indicated that his information was that the upper Coughlin lot had always been supplied by 65-10477. This information has not been verified and is contradictory to IDWR records. Contact person is Dan Hawkins 345-7872.

This right may more properly be described as a split of 65-02431, with add'l POD previous to commencement of SRBA.

65-06625

Filed in the Payette Adjudication for a cabin not included in Joe Lewis, but served by the Joe Lewis system (65-02431). If 65-02431 is split up among the current owners of licensed acres (including subd.), 65-06625 is unnecessary and can be recommended as a portion of 65-02431.

65-10559

Filed in the Payette Adjudication for a cabin not included in Joe Lewis, but served by the Joe Lewis system (65-02431). Cabin is located on lot north of lot 19 block 1. If 65-02431 is split up among the current owners of licensed acres (including subd.), then 65-10559 is unnecessary and can be recommended as a portion of 65-02431.

A note to the PA file indicates that this lot was originally served by a separate system, but that system destroyed when Joe Lewis Sub. put in its system. This may have been the same time the system changed from the original ditch system to buried pipe. The change occurred some time before June 17, 1977, the date the PA claim was filed.

PA owners listed as Jenkins/Spencer. During field exam 06/12/1998, S. Erskine indicated the owners previous to Coughlin (as noted on older plats) were Jenkins/Hawkins. Lot is now owned by Conway (bought from Coughlin). Mr. Erskine lives on the Conway property year-round but does not live in the Spencer/Hawkins/Jenkins cabin.

This lot is not included in PA decreed right 65-10477. Duplicate delivery systems to this lot could be solved by recommending all irrigation under 65-02431, with accomplished transfer which added POD.

65-07781

This right is for a small pond located on lot 10, block 1, property now owned by Frisbie. The source appears to be Fence Creek, which is piped via the Joe Lewis system to lot 19, block 2, where an overflow valve releases water to a natural drainage which runs through the middle of the subdivision. This natural drainage is the source of the Frisbie pond. It is unknown if there is water in the drainage without the contribution from Fence Creek.

65-10373

Irrigation from same unnamed stream via Joe Lewis as described in 65-07781. This right lists Fence Creek as the source and may more properly be described as a split of 65-02431.

It may be in the best interest of accurate and clear record keeping to hold off licensing of 65-07504 until the SRBA has determined the recommendations for the Court for the SRBA claims on the above rights. It appears that all irrigation is covered by license 65-02431 and no additional capacity was developed under 65-07504.

I could have misinterpreted information along
the way, but for the reviewers' sake, I
hope not.

TD7

AJ0749NP
No. A65-02431A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/26/98
PAGE: 1

```
=====
OWNER          PRIORITY    USE PERIOD    DIVERSION    DIVERSION
CODE          NAME & ADDRESS    DATE          WATER USE    FROM    TO    RATE    VOLUME
-----
C  GERALDINE CONWAY    08/13/1939    IRRIGATION    04-15    10-15    0.04 CFS
    2021 BLAINE WAY
    BOISE ID 83702
    (208) 336-4278
                                TOTAL DIVERSION:    0.04 CFS
                                CONSUMPTIVE USE:    5.00 AFA
=====
```

Water Source: FENCE CREEK

Tributary to: PAYETTE RIVER, SOUTH FORK

Stage: DECREED

Point(s) of Diversion: T09N R08E S26 Lot03(SWNW)

BOISE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM											
09N	08E	26	:																	:	2.0											
																				:	03-.5	:	03-01	:					:	2.0		
																				:					:					:	TOTAL ACRES	2.0

POU County: BOISE

Non-Irrigation Uses: NONE

Other Rights: NEW APPLICATION FOR AN IRRIGATION WELL

Remarks: GEN PLACE OF USE IS LOTS 18 AND 19, BLOCK 1 OF AMENDED JOE LEWIS
SUBDIVISION
OWNERSHIP CHANGED BY DB 5/14/98.
BASED ON FIELD EXAMS CONDUCTED 06/12/1998 BY MM AND 08/20/1990 BY
KC, THE TRANSFER WHICH SPLIT THIS LICENSE WAS NEVER COMPLETED.
M 08/26/1998.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

WARRANTY DEED

For Value Received I, MERLE M. LEWIS, a married woman dealing with her sole and separate property

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

JAMES J. COUGHLIN and MARTHA M. COUGHLIN, 401 Summit Ridge, Boise, Idaho.

the grantee & the following described premises, to-wit:

Lots 18 and 19 of Block 1 of the Amended Plat of the Joe Lewis Subdivision, a portion of H.E.S. 178, Sections 26 and 27, Township 9 North, Range 8 East, B.M. Boise County, Idaho;

Subject to real property taxes for the year 1973.

Subject to covenants and restrictions recorded October 1, 1962 Instrument No. 57863, records of Boise County, Idaho.

LAND UNDER 65-02431X

Transfer never completed,

per field exam 08/20/1990 + 06/12/1998

Deed submitted with TRANS. APPL.

Indexed _____
 Oiled _____
 Filed _____

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

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

Dated: August 6, 1973

Merle M. Lewis

STATE OF IDAHO, COUNTY OF BOISE
 On this 6th day of August, 1973,
 before me, a notary public in and for said State, personally appeared

MERLE M. LEWIS, a married woman,

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

Merle M. Lewis
 Notary Public
 Boise, Idaho

My Comm. Expires

STATE OF IDAHO, COUNTY OF BOISE
 I hereby certify that this instrument was filed for record at the request of *State Title Co*
 at 30 minutes past 10 o'clock a.m.
 this 15th day of August,
 1973, in my office, and duly recorded in Book 67
 of Deeds at page 42.

Robert J. Tuffield
 Ex-Officio Recorder

By *Robert M. Chausband* Deputy

Fees \$ *7.00*
 Mail to: *State Title Co*
 1100 Boise, 2538 Boise, 83701



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 15, 1998

RE: Water Right No. 65-17807 & 65-07533

Geraldine Conway
2021 Blaine Way
Boise ID 83702

Dear Ms. Conway:

Enclosed is a copy of the above referenced water right which reflects the change in ownership of the land and appurtenant water rights covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

The ownership has also been changed on claim numbers A65-10559 and A65-02431A, and copies are enclosed.

If you have any questions concerning the enclosed water right, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:d

Enclosures

cc: Martha and James Coughlin

Sam O'Keefe

FROM

DATE

8/21/90

TO file for Claim No. A65-02463A

TO

SEP 18 1992

MICROFILMED

SUBJECT 2 claims (identical) filed

The 2nd claim was filed when Mr. Doughlin came in to get a copy of

the original for an FTA loan. Couldn't find it, so Bureau made a comp. copy,

had him sign it & he used it for the loan. Then the 50th sent the claim over. Both are true. 57

SIGNATURE

A65-02431A

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 134

INDICATES TOTAL

SOURCE: FENCE CREEK

TRIBUTARY TO: SOUTH FORK, PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-2431A	COUGHLIN, JAMES J. & COUGHLIN, MARTHA H. 401 SUMMIT RIDGE, BOISE, IDAHO 83702	8/13/1939	IRRIGATION	4/15 10/15	--- AFA .04 CFS	LOT 3 S26 T 9N R 8E	LOT 3(2) S26 T 9N R 8E *2*	LICENSE
65-2431X	TUCKER, E. H. & TUCKER, MARY L. 1231 SUNRISE RIM, BOISE, IDAHO 83705 REMARKS: SOURCES FOR THIS RIGHT ARE SPRING & FENCE CREEK TRIB. TO SOUTH FORK, PAYETTE RIVER.	8/13/1939	DOMESTIC	1/ 1 12/31	1.20 AFA .05 CFS	SENE S27 T 9N R 8E SHNW S26 T 9N R 8E	SAME AS OTHER USE	LICENSE
			IRRIGATION	4/15 10/15	--- AFA .46 CFS *---*AFA *.51*CFS		LOT 3(14) S26 T 9N R 8E LOT 1(9) S27 T 9N R 8E *23*	
65-6625	BAKER, JESSIE WELLS & BAKER, ROBERT WELLS P.O. BOX 223, APIOS, CALIFORNIA 95003	6/ 1/1945	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	LOT 3 S26 T 9N R 8E	LOT3 S26 T 9N R 8E	BENEFICIAL USE
65-10477	FENCE CREEK WATER USERS ASSOCIATION 310 HANAN DRIVE, BOISE, IDAHO 83705 REMARKS: SOURCES FOR THIS RIGHT ARE FENCE CREEK & SPRING.	6/ 1/1950	DOMESTIC	1/ 1 12/31	6.00 AFA .16 CFS	LOT 3 S26 T 9N R 8E	LOT3 S26 T 9N R 8E	BENEFICIAL USE
65-10559	JENKINS, J. SPENCER & JENKINS, LA VONNE H. 605 LINDEN, BOISE, IDAHO 83706	6/ 1/1962	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	LOT 3 S26 T 9N R 8E	SAME AS OTHER USE	BENEFICIAL USE
			IRRIGATION	4/15 10/15	--- AFA .02 CFS *---*AFA *.06*CFS		LOT 3(1) S26 T 9N R 8E *1*	
65-10373	WETZEL, LOREN & WETZEL, SYLVIA P. O. BOX 2664, BOISE, IDAHO 83701	5/ 8/1967	IRRIGATION	4/15 10/15	--- AFA .05 CFS	LOT 3 S26 T 9N R 8E	LOT 3(3) S26 T 9N R 8E *3*	BENEFICIAL USE

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

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
PAYETTE RIVER
DRAINAGE BASIN.

NOTICE OF CLAIM
TO A
WATER RIGHT

65-2431A	I.D. No.	Map No.
Fee Paid	Receipt No.	

Notice is hereby given that James J. & Dr. Martha H. Coughlin
(Name of Claimant)

401 Summit Ridge, Boise, ID 83702
(Mailing Address) (Zip Code)

Telephone No. 238-1111
Western Pacific Water Resources

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

- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 8-13-1939
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Fence Creek tributary to South Fork Payette River
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Quantity .04 Use Irrigation Period of Use From Apr. 15 To Oct. 15
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- Quantity Use Period of Use From To
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- Quantity Use Period of Use From To
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- Quantity Use Period of Use From To
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- (4) .04 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source SW % NW %
Sec. 26 Twp. 9N Rge. 8E B.M. Boise County Boise
Additional Points: SE 1/4, Sec 27, T 9N, R 8E
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.
Spring - 1 1/2" pipeline from spring to cabin. Fence Creek - Open ditch system with 12" pipeline under highway.
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9N	8E	26						0.5				1.5							2.0

Total no. of acres 2.0

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

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

- (7) If you are claiming water as a member of an organization, list name of organization:
- (8) Remarks This right split from 65-2431X by transfer No. 2119.
- (9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case.
☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 65-2431

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of this, her, their knowledge.

(Date)
State of Idaho
County of Ada

Organization

Seal

(Signature of Authorized Agent)

On this 26 day of June
a notary public, personally appeared

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that they, their corporation, partnership or

My commission expires

October 18 - 1981

Notary Public residing at

Boise, Idaho