

No Color

Documents

In File

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: **A65-02513**
Date Received: 11/26/1999
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: D JOHN CAREY 208-634-7641
Address: C/O MILLEMANN PITTENGER &
MC MAHAN LLP
PO BOX 1066
MC CALL ID 83638

2. Date of Priority: AUG 16, 1949

3. Source: UNNAMED STREAM Trib. to: BOULDER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	03E	12		NW	NE		VALLEY

5. Description of diverting works:
DITCHES, DAMS & HEADGATES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.680		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	03E	12	NE	NE		IRR	2.0
			NW	NE		IRR	22.0
			NE	NW		IRR	22.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	03E	12	NW	NW		IRR	28.0
			NE	SW		IRR	10.0
			NW	SW		IRR	23.0
			SW	SW		IRR	30.0
			SE	SW		IRR	38.0

Section Acres 175.0

Total Acres 175.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:
65-02308

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHT 65-2308 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

THIS RIGHT IS THE SAME AS WAS DECREED IN THE PAYETTE RIVER ADJUDICATION, EXCEPT THAT THE POD IS ACTUALLY IN SECTION 12. THE POD LISTED IN SECTION 13 IS AN ERROR.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

MILLEMANN, PITTENGER, McMAHAN & PEMBERTON, LLP

ATTORNEYS AT LAW

706 NORTH FIRST
POST OFFICE BOX 1066
MCCALL, IDAHO 83638

RECEIVED

MAY 17 2001

STEVEN J. MILLEMANN
GREGORY C. PITTENGER
BRIAN L. McMAHAN
AMY N. PEMBERTON

Department of Water Resources

TELEPHONE (208) 634-7641
FACSIMILE (208) 634-4516
E-MAIL mpm@micron.net

May 16, 2001

Idaho Department of Water Resources
Attn: Sally Sherman
1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098

Re: SRBA/D. John Carey and Teresa Carey

Dear Ms. Sherman:

In your May 9th letter to me you requested the names of any other water right holders we represent, including their water right numbers. In response to that request, please be advised that we also represent D. John Carey and Teresa Carey. The following list is probably not entirely complete, but the water right numbers we know of for D. John Carey and Teresa Carey are as follows:

65-06957 ^{PD}	65-06960 ^{PD}	65-10371 ^{PD}	65-03118 ^{obj in the canal}
65-02967E ^{PD}	65-02971 ^{obj}	65-02513 ^{PD}	65-06956 ^{obj}
65-02653 ^{obj}	65-02941 ^{obj}	65-02934C ^{obj}	65-02943K ^{obj}
65-10372 ^{PD}			

Additionally, although Mr. and Mrs. Carey may not be listed as the owners of the following water rights, they do have a substantial interest in Boulder Irrigation Company Water Right Nos. 65-02916 and 65-02308. Likewise, they also have a substantial interest in Water Right Nos. 65-02963 and 65-12007, both of which may be listed in the name of Boulder Meadows Irrigation, Inc. Accordingly, please send any correspondence regarding those rights to us also.

The above list does not include water rights that are not subject to the SRBA. Thank you for your attention to these matters. If you have any questions, please give me a call.

Sincerely,

BRIAN L. McMAHAN

BLM/plp
cc: Client



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 9, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Millemann, Pittenger & Mc Mahan LLP
P.O. Box 1066
Mc Call, ID 83638

RE: Snake River Basin Adjudication (SRBA)
**Water Rights #65-3151, 65-3153, 65-2155, 65-2158, 65-2191, 65-2267,
65-2502, 65-3895, 65-10294, 65-2247, 65-2668, 65-8702 & 65-6306
Your Client Don Weilmunster**

Gentlemen:

Mail recently sent to you was returned to us by the Postal Service. They also advised us your address has changed to the above address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, **list any other water right holders you represent including their water right numbers**, and return this letter by **May 25, 2001**. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your client's name and water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Returned Mail

#####

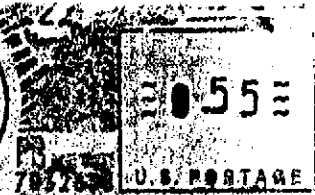
Millemann Pittenger & Mc Mahan
May 9, 2001
Page 2 of 2

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Telephone No.

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise ID 83720-0098



ADDRESS SERVICE
REQUESTED

RECEIVED
MAY - 7 2001
Department of Water Resources

65-3151
- 3153
- 2155
- 2158
- 2191
- 2267
- 2502
- 3895
- 10294
- 2247
- 2468
- 8702
- 6306

Weilminster



NO MAIL
RECEPTACLE

MILLEMANN PITTENGER & MCMAHAN
706 N 1ST ST
MC CALL ID 83638

P.O. Box 1066



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

July 7, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Brian L. McMahan
Millemann, Pittenger, McMahan & Pemberton, LLP
P.O. Box 1066
McCall, ID 83638

Re: Snake River Basin Adjudication (SRBA)
Your Three Letters of May 16, 2001
Your Firm's Address Enhancement, Water Right Claimants
Don Weilmunster, M Resorts, Ltd. and D. John and Teresa Carey

Dear Mr. McMahan:

Thank you for responding to my May 9th letter regarding your returned mail. I have added your Post Office box to our records.

In one of your three May 16, 2001 letters to me, you mentioned that John and Teresa Carey, pro se, have a substantial interest in Boulder Irrigation Company and Boulder Meadows Irrigation Company. I have enclosed a copy of the water rights for these two companies as they were recommended to the SRBA Court. The objection period for these rights ended April 14, 2000.

You requested that your firm receive any correspondence regarding these water rights. You may check our web site (www.idwr.state.id.us) to investigate water rights and claims, and the Court's website (www.srba.state.id.us) to learn the status of water rights and claims reported to the Court.

Please contact me if I can be of further service.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosures:

Copy of Recommended Water Rights #65-12007, 65-2308, 65-2963 and
partial decree #65-2916



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.

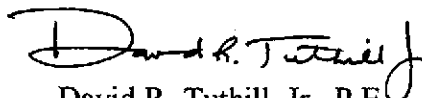
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without 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. R65-02513

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

DATE: 12/01/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	D JOHN CAREY C/O MILLEMANN PITTENGER & MC MAHAM LLP PO BOX 1066 MC CALL ID 83638 (208) 634-7641	08/16/1949	IRRIGATION	04-15 10-15	2.680 CFS	
TOTAL DIVERSION:					2.680 CFS	

Water Source: UNNAMED STREAM

Tributary to: BOULDER CREEK

Stage: DECREED

Point(s) of Diversion:

T17N R03E S12

NWNE

VALLEY 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	
17N	03E	12	:	02		22				22		28				10		23		30		38
																			TOTAL ACRES	175.0		

POU County: VALLEY

Other Rights: 65-02308

Conditions of Approval:

- W22 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- BOULDER IRRIGATION CO.
- C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
- ADMINISTRATION OF THE WATER RIGHTS.

Remarks: POU1 USE OF THIS RIGHT WITH RIGHT NO. 65-02941 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 175 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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

Comments: Date: 12/01/1999 User-ID: SBOCK Subject: COPIED FROM REMARKS
THIS RIGHT IS THE SAME AS WAS DECREED IN THE PAYETTE RIVER

AJ0749NP
No. R65-02513

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

DATE: 12/01/99
PAGE: 2

=====

Comments: Date: 12/01/1999 User-ID: SBOCK Subject: COPIED FROM REMARKS
ADJUDCIATION, EXCEPT THAT THE POD IS ACTUALLY IN SECTION 12. THE
POD LISTED IN SECTION 13 IS AN ERROR.

Audit: 12/01/99 SBOCK

AJ5809NP
No. A65-02513

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/30/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	D JOHN CAREY C/O MILLEMANN PITTENGER & MC MAHAN LLP PO BOX 1066 MC CALL ID 83638 (208) 634-7641	08/16/1949	IRRIGATION	04-15 10-15	2.680 CFS	
				TOTAL DIVERSION:	2.680 CFS	

Water Source: UNNAMED STREAM

Tributary to: BOULDER CREEK

Stage: DECREED

Point(s) of Diversion:

T17N R03E S12

NWNE

VALLEY 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			
17N	03E	12	:	02		22				22		28				10		23		30		38	:	175.0
																				TOTAL ACRES	:	175.0		

POU County: VALLEY

Other Rights: 65-02308

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHT 65-2308 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.
THIS RIGHT IS THE SAME AS WAS DECREED IN THE PAYETTE RIVER ADJUDICATION, EXCEPT THAT THE POD IS ACTUALLY IN SECTION 12. THE POD LISTED IN SECTION 13 IS AN ERROR.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

POU 11

WR5809NP
No. 65-02513

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/30/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EDWARD FRISBIE 1013 W. AVALON KUNA ID 836340000	08/16/1949	IRRIGATION	04/15 10/15	2.680 CFS	
TOTAL DIVERSION:					2.680 CFS	

Water Source: UNNAMED STREAM

Tributary to: BOULDER CREEK

Stage: DECREED

Point(s) of Diversion:

T17N R03E S13

NWNE

VALLEY 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	: Lt	Ac	Lt	Ac	Lt	Ac	: SUM	
17N	03E	12	:	02		22					:	22		28			:	10		23		30		38	:	175.0
TOTAL ACRES																							175.0			

Pou County: VALLEY

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHT 65-2308 SHALL PROVIDE NO
MORE THAN .02 CFS/ACRE.

Dates:	App. Received:	Priority Date:	08/16/1949
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:01:35
11/30/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A65-02513

LAST: FRISBIE
ADDRESS: 1013 W. AVALON
CITY: KUNA
PHONE NUMBER: 208-000-0000

FIRST: EDWARD
STATE: ID ZIP: 836340000

OWNER CODE: O

LAST: CAREY
ADDRESS: C/O MILLEMAN PITTENGER &
MC MAHAN LLP
PO BOX 1066
CITY: MC CALL
PHONE NUMBER: 208-634-7641

FIRST: D JOHN
STATE: ID ZIP: 83638

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN THIS RIGHT WHEN COMBINED WITH RIGHT 65-2308 SHALL PROVIDE NO
MORE THAN .02 CFS/ACRE.
THIS RIGHT IS THE SAME AS WAS DECREED IN THE PAYETTE RIVER
ADJUDICATION, EXCEPT THAT THE POD IS ACTUALLY IN SECTION 12. THE
POD LISTED IN SECTION 13 IS AN ERROR.

PAGE: 2
FIELD EXAMINATION INFORMATION

CLAIM NUMBER: A65-02513²

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:

A. AJ CLAIM: # A65-02513 PRIORITY DATE: 08-16-1949 STAGE: D

B. WR RECORD: # 65-02513 PRIORITY DATE: 08-16-1949 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 PRIORITY DATE:

08-16-1949

REVIEWED BY SB

DATE 12/1/99

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
A65-02513	17N 03E	12		NW	NE			VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: UNNAMED STREAM

TRIB: BOULDER CREEK

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
65-02513	17N 03E	13		NW	NE			VALLEY		

OTHER WR RECORDS WITH SAME WR POD
NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE NONE

SOURCE: UNNAMED STREAM

TRIB: BOULDER CREEK

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 _____) Y() N()

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

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: See letter from attorney dated 11/23/97

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

TWP. 17N	RGE. 03E	SEC. 12	1/4	1/4 NW	1/4 NE	LOT	POD FLAG	COUNTY VALLEY	DIVERSION NAME	DIVERSION NBR
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: UNNAMED STREAM

TRIB: BOULDER CREEK

REVIEWED BY: SB DATE: 12/1/99

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

A. ROOT WATER RIGHT NUMBERS: A65-02513

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
17N	03E	12	NE	NE		CAREY, D JOHN	A65-02513 / 2.0	65-02513 / 2.0	19.0		
			NE	NE		CAREY, TERESA	A65-02934C / 40.0	- /			
			NE	NE		CAREY, D JOHN	A65-02941 / 2.0	65-02941 / 2.0			
			NE	NE		CAREY, D JOHN	A65-02943K / 40.0	- /			
			NE	NE		CAREY, D JOHN	A65-02967E / 40.0	- /			
			NE	NE		CAREY, D JOHN	R65-02934C / 40.0	- /			
			NE	NE		CAREY, D JOHN	R65-02941 / 2.0	- /			
			NE	NE		CAREY, TERESA	R65-02943K / 40.0	- /			
			NE	NE		CAREY, D JOHN	R65-02967E / 40.0	- /			
17N	03E	12	NW	NE		CAREY, D JOHN	A65-02513 / 22.0	65-02513 / 22.0	27.0		
			NW	NE		BOULDER IRRIGATION CO	A65-02308 / 8.0	65-02308 / 8.0			
			NW	NE		CAREY, D JOHN	A65-02941 / 22.0	65-02941 / 22.0			
			NW	NE		CAREY, D JOHN	R65-02941 / 22.0	- /			
17N	03E	12	NE	NW		CAREY, D JOHN	A65-02513 / 22.0	65-02513 / 22.0	39.0		
			NE	NW		BOULDER IRRIGATION CO	A65-02308 / 22.0	65-02308 / 22.0			
			NE	NW		CAREY, D JOHN	A65-02941 / 22.0	65-02941 / 22.0			
			NE	NW		CAREY, D JOHN	R65-02941 / 22.0	- /			
17N	03E	12	NW	NW		CAREY, D JOHN	A65-02513 / 28.0	65-02513 / 28.0	37.0		
			NW	NW		BOULDER IRRIGATION CO	A65-02308 / 28.0	65-02308 / 28.0			
			NW	NW		HART III, ROBERT L	R65-22188 /	- /			
			NW	NW		CAREY, D JOHN	A65-02941 / 28.0	65-02941 / 28.0			
			NW	NW		CAREY, D. JOHN	A65-10372 /	65-10372 /			
			NW	NW		CAREY, D JOHN	R65-02941 / 28.0	- /			
			NW	NW		CAREY, D JOHN	R65-10372 /	- /			
			NW	NW		HART III, ROBERT L	A65-22188 /	- /			
17N	03E	12	NE	SW		CAREY, D JOHN	A65-02513 / 10.0	65-02513 / 10.0	34.0		
			NE	SW		BOULDER IRRIGATION CO	A65-02308 / 3.0	65-02308 / 3.0			
			NE	SW		CAREY, D JOHN	A65-02941 / 10.0	65-02941 / 10.0			
			NE	SW		CAREY, D JOHN	R65-02941 / 10.0	- /			
17N	03E	12	NW	SW		CAREY, D JOHN	A65-02513 / 23.0	65-02513 / 23.0	41.0		
			NW	SW		BOULDER IRRIGATION CO	A65-02308 / 19.0	65-02308 / 19.0			
			NW	SW		CAREY, D JOHN	A65-02941 / 23.0	65-02941 / 23.0			
			NW	SW		CAREY, D JOHN	R65-02941 / 23.0	- /			
17N	03E	12	SW	SW		CAREY, D JOHN	A65-02513 / 30.0	65-02513 / 30.0	37.0		
			SW	SW		BOULDER IRRIGATION CO	A65-02308 / 30.0	65-02308 / 30.0			
			SW	SW		CAREY, D JOHN	A65-02941 / 30.0	65-02941 / 30.0			
			SW	SW		CAREY, D JOHN	R65-02941 / 30.0	- /			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
17N	03E	12	SE	SW		CAREY, D JOHN	A65-02513 / 38.0	65-02513 / 38.0		39.0	
			SE	SW		BOULDER IRRIGATION CO	A65-02308 / 31.0	65-02308 / 31.0			
			SE	SW		CAREY, D JOHN	A65-02941 / 38.0	65-02941 / 38.0			
			SE	SW		CAREY, D JOHN	R65-02941 / 38.0	- /			

ADDITIONAL POU FOUND

TOTAL ACRES	A65-02513	175.00	175.00	273.00
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POU COUNTY: VALLEY

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
A65-02513	UNNAMED STREAM	CAREY, D JOHN	2.680	0.015		
A65-02308	BOULDER CREEK	BOULDER IRRIGATION CO	24.000	0.019		
A65-02934C	JUG CREEK	CAREY, TERESA			350.00	1.75
R65-02934C	JUG CREEK	CAREY, D JOHN			350.00	1.75
R65-02941	WILHELM CREEK	CAREY, D JOHN			100.00	0.57
A65-02941	WILHELM CREEK	CAREY, D JOHN			100.00	0.57
A65-02943K	JUG CREEK	CAREY, D JOHN			406.90	2.03
R65-02943K	JUG CREEK	CAREY, TERESA			106.90	0.53
R65-02967E	JUG CREEK	CAREY, D JOHN	3.300	0.016	89.40	0.44
	BOULDER CREEK					
A65-02967E	JUG CREEK	CAREY, D JOHN	3.300	0.016	89.40	0.44

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
R65-22188	DOMESTIC	HART III, ROBERT L	FROM 01-01 TO 12-31	0.040 CFS	
A65-10372	DOMESTIC	CAREY, D. JOHN	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
R65-10372	DOMESTIC	CAREY, D JOHN	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-22188	DOMESTIC	HART III, ROBERT L	FROM 01-01 TO 12-31	0.040 CFS	

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

Y(☒) N(☐)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 65-02308

65-02941

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(☒)

NOTES: _____

TOTAL ACRES: 170 N/A()

REVIEWED BY: 

DATE: 12/1/99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-02513 IRRIGATION	FROM 04-15 TO 10-15	2.680 CFS	
TOTAL DIVERSION RATE/VOLUME		2.680 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-02513 IRRIGATION	FROM 04-15 TO 10-15	2.680 CFS	
TOTAL DIVERSION RATE/VOLUME		2.680 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(☐)

PAGE: 11

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CONTINUED

11

CLAIM NUMBER: A65-02513

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 2.680 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 2.680 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 _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ 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

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 = _____ 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: ad excess

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 2.680	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 0.0	EXAMINER _____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
TOTAL FOR THIS RIGHT			2.680	_____		_____	0.0	_____

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

7001 E11

STANDARD REMARKS (CODE):

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: 65-02513

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 2.680	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-02513	2.680	-		65-02513	2.680
TOTAL CFS		2.680				2.680

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	FIELD EXAMINER
Y	Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

See Carol's other files

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()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() 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()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

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 _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:01:35
11/30/99

PAGE: 17
QUICKLOOK INFORMATION

17
CLAIM NUMBER: A65-02513

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					Done	SB 12-1-99		
POINT OF DIV								
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:02:32
11/30/99
18

PAGE: 18
PROFILE REPORT

CLAIM NUMBER: A65-02513

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	D JOHN CAREY	08/16/1949	IRRIGATION	04-15 10-15	2.680 CFS	
					TOTAL DIVERSION:	2.680 CFS

Water Source: UNNAMED STREAM Tributary to: BOULDER CREEK Stage: DECREED

Point(s) of Diversion: T17N R03E S12 NWNE VALLEY 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		
17N	03E	12	:	02		22				22		28		10		23		30		38			175.0
																			TOTAL ACRES	175.0			

POU County: VALLEY

Other Rights: 65-02308

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHT 65-2308 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.
THIS RIGHT IS THE SAME AS WAS DECREED IN THE PAYETTE RIVER ADJUDICATION, EXCEPT THAT THE POD IS ACTUALLY IN SECTION 12. THE POD LISTED IN SECTION 13 IS AN ERROR.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 65	Field Inspection Flag:	Presumption Flag:



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

November 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Water Right No. A65-02513

D JOHN CAREY
c/o MILLEMANN, PITTENGER & MC MAHAN LLP
PO BOX 1066
MC CALL ID 83638

Dear Claimant:

Enclosed is a computer generated copy of the above referenced claim for your records. Please note, this claim will **not** appear in the Director's Report for Part 1 of Basin 65. It will be reviewed and recommended at a later time.

If you have any further questions regarding this claim, feel free to contact this office at (208) 334-2190.

Sincerely,

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

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB:db

Enclosures

MILLEMANN, PITTENGER & McMAHAN, LLP
ATTORNEYS AT LAW
706 NORTH FIRST
POST OFFICE BOX 1086
MCCALL, IDAHO 83638

RECEIVED

NOV 26 1999

WATER RESOURCES
WESTERN REGION

STEVEN J. MILLEMANN
GREGORY C. PITTENGER
BRIAN L. McMAHAN
AMY N. PEMBERTON

TELEPHONE (208) 634-7641
FACSIMILE (208) 634-4516
E-MAIL mpm@cyberhighway.net

November 23, 1999

CERTIFIED MAIL - RETURN RECEIPT #Z358048951

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Water Right No. 65-02513

Dear IDWR:

Attached are: (1) a Notice of Change of Water Right Ownership, and (2) a Notice of Claim to a Water Right Acquired Under State Law for Water Right No. 65-02513. **Please process this claim as soon as possible so that it can (hopefully) appear in the Director's Report for Part 1 of Basin 65 which is due out December 1st.** Although this claim was adjudicated as part of the Payette River Adjudication, it was only recently discovered by the claimant, D. John Carey; otherwise, this claim would have been filed much earlier in the SRBA process.

Since this claim was decreed in the Payette River Adjudication, it is our understanding that no filing fee needs to accompany this Notice of Claim. If this understanding is incorrect, please let us know immediately so that the filing fee can be forwarded to you.

Accompanying these two original Notices are extra copies of the first page of each Notice. Please conform both first pages by stamping them with the date you received the Notices, and then return those extra first pages to us in the self-addressed stamped envelope which is enclosed for your convenience.

Thank you for your assistance. If you have any questions, please give us a call.

Very truly yours,


STEVEN J. MILLEMANN

SJM/plp
Enc.

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 26 1999

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

WATER RESOURCES
WESTERN REGION

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

1. Water Right No(s): 65-02513
Adjudication Claim No(s): _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county).
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked. (See Payette River Adjudication Water Right No. 65-02513)
3. Name and Address of Former Owner/Claimant (s) EDWARD D. FRISBEE
1013 W. Avalon, Kuna, ID 83634
4. New Owner/Claimant(s) D. JOHN CAREY
Name Connector (Check One): ☐ and, ☐ or, ☐ and/or
New Mailing Address c/o MILLEMANN, PITTENGER & McMAHAN, LLP
City, State and ZIP Code P.O. Box 1066, McCall, ID 83638
New Telephone Number (208) 634-7641
5. Date you acquired the property 20 October 1996
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of Homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) D. John Carey, by Date _____
Steven J. Millemann, Attorney-in-Fact Date 11/23/99
D. JOHN CAREY, by Steven J. Millemann, Attorney-in-Fact
- (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form).
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney. SEE SPECIAL POWER OF ATTORNEY DATED NOVEMBER 22, 1988 (ALREADY IN IDWR FILES).

Ownership change form
was submitted with the
new claim form.

D-change not necessary.

DS-

11-27-99

221731
10-25-96

WARRANTY DEED

For Value Received, EDWARD D. FRISBIE and BARBARA J. FRISBIE
HUSBAND AND WIFE

the Grantors, do hereby grant, bargain, sell and convey unto
D. JOHN CAREY, A MARRIED MAN
whose address is: 15320 PLEASANT HILL RD. PARKING. (B) (C)
the Grantee, the following described premises, to-wit:

SEE ATTACHED AS EXHIBIT "A"

SUBJECT TO EASEMENTS OF RECORD OR VISIBLE UPON THE GROUND.

RESERVING UNTO GRANTOR CERTAIN OF THE WATER RIGHTS APPURTENANT TO
THE REAL PROPERTY, WHICH RIGHTS ARE REPRESENTED BY 185 SHARES IN
THE BOULDER CREEK IRRIGATION COMPANY.

TO HAVE AND TO HOLD the premises with their appurtenances unto the
said Grantees, their heirs and assigns forever. And the said
Grantors do hereby covenant to and with the said Grantees, that
they are the owners in fee simple of said premises that said
premises are free from all encumbrances except the 1996 taxes and
assessments and that they will warrant and defend the same from all
lawful claims whatsoever.

Dated: 10/25/96

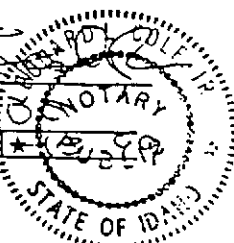
Edward D. Frisbie
EDWARD D. FRISBIE

Barbara J. Frisbie
BARBARA J. FRISBIE

State of Idaho)
County of Valley) ss

On the 25 day of October, 1996 before me, Leonard
L. Cole Jr. a notary public in and for said State,
personally appeared EDWARD D. FRISBIE and BARBARA J. FRISBIE
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

Leonard L. Cole Jr.
Notary Public
Residing at: CASCADE
Commission Expires: 11/1/99



221731
RECORDED
10 OCT 25 PM 4 10
MOUNTAIN TIME & RECORDS

EXHIBIT A

A parcel of land in Valley county, Idaho, more particularly described as follows:

the S1/2 of the NW1/4 and the SW1/4 of Section 12, T. 17 N., R. 3 E., B.M., Valley County, Idaho;

Save and except a portion in the southwest corner of said Section 12, heretofore deeded for burial purposes, which deed is recorded in Book 5 of Deeds at page 574, records of Valley County;

and

Except a parcel of land located in the SW1/4 SW1/4 of Section 12, Township 17 North, Range 3 East, Boise Meridian, Valley County, Idaho and more particularly described as follows:

Beginning at the SW corner of said Section 12;
Thence South 89° 29' 22" East along the South section line of said Section 12, for a distance of 234 feet to a point; said point being the True Point of Beginning;

Thence North 0° 05' 00" East, along an existing fence line for a distance of 436.68 feet to a point;

Thence South 89° 29' 22" East, a distance of 200 feet to a point;

Thence South 0° 05' 00" West, a distance of 436.68 feet to the South line of said Section 12;

Thence North 89° 29' 22" West to the True point of Beginning.
(aka tax #43)

and

Except a tract of land in the SW1/4 of the NW1/4 of said Section 12 commencing at the northwest corner of Section 12; thence S. 0° 14' 36" W. along the West boundary of said Section 12 a distance of 1319.97 feet to the North 1/16 section corner, thence S. 89° 50' 33" E., 53.63 feet to a point on the East right of way boundary of the Farm to Market Road, which is the True Point of Beginning;

Thence continuing S. 89° 50' 33" E., 1010.33 feet,

thence S. 1° 46' 00" W., 47.69 feet,

thence S. 31° 44' 00" E., 266.69 feet,

thence S. 11° 44' 15" W., 774.91 feet,

thence S. 69° 29' 23" W. 134.37 feet,

thence N. 69° 43' 21" W., 342.31 feet,

thence N. 44° 50' 02" W., 102.13 feet,

CONTINUED

legal page 1 of 2

thence N. 26° 14' 22" W., 162.05 feet,
thence N. 42° 03' 54" W., 105.58 feet,
thence N. 66° 46' 49" W., 91.94 feet,
thence N. 61° 16' 35" W., 91.06 feet,
thence N. 45° 19' 38" W., 85.88 feet,
thence N. 29° 14' 15" W., 92.83 feet,
thence N. 16° 26' 25" W., 155.51 feet,
thence N. 11° 40' 43" W., 95.91 feet to a point on the East
right of way boundary of the Farm to Market Road, thence N. 1°
46' 00" E., 203.10 feet along the East boundary of said right
of way to the True Point of Beginning, (tax #42, #133 and #134
combined)

and further save and except:

A parcel of land situate in the NE1/4 of the SE1/4 of the NW1/4 of
Section 12, T. 17 N., R. 3 E., B.M., Valley County, Idaho, more
particularly described as follows:

Commencing at an aluminum cap marking the 1/4 corner common to
Sections 1 and 12, T. 17 N., R. 3 E., B.M., Valley County, Idaho:
thence S. 00° 21' 59" W., 1,321.93 feet to the NW 1/4 corner
of said Section 12, the Real Point of Beginning;
thence continuing S. 00° 21' 59" W., 660 feet along the East
boundary of said NE1/4 SE1/4 NW1/4,
thence N. 89° 50' 44" W., 330.00 feet,
thence N. 00° 21' 59" E., 660.00 feet to the North boundary of
said NE1/4 SE1/4 NW1/4,
thence S. 89° 50' 44" E. 330.00 feet to the Point of
Beginning. (aka tax #125)

WARRANTY DEED

FOR VALUE RECIEVED, ELSIE MC CONNELL, acting as Personal Representative for the Estate of Frank O. Smith and as Successor Personal Representative for the Estate of Anna Virginia Smith, aka Virginia Smith, whose address is in care of , Mayfield Stage, Boise, Idaho, 83706, the Grantor, does hereby grant, bargain, sell and convey unto D. JOHN CAREY and TERESA R. CAREY, husband and wife, whose address is 15320 Peach Hill Road, Saratoga, California, 95070, the Grantees, the following described premises located in Valley County, Idaho, to wit:

Parcel I:

Township 17 North, Range 3 East, Boise Meridian, Valley County, Idaho.

Section 1: $W\frac{1}{2}SW\frac{1}{2}$, $SE\frac{1}{2}SW\frac{1}{2}$, $SW\frac{1}{2}SE\frac{1}{2}$, and that portion of the $NE\frac{1}{2}SW\frac{1}{2}$ described as follows:

E. Ms.
Beginning at the SW Corner of said $NE\frac{1}{2}SW\frac{1}{2}$ of Section 1, thence N along the westerly boundary of said $NE\frac{1}{2}SW\frac{1}{2}$, a distance of 600 feet; thence Seasterly a distance of 618 feet to a point on the S boundary of said $NE\frac{1}{2}SW\frac{1}{2}$, which point lies 150 ft. E. of the point of beginning thence W along said S boundary, 150 feet to the point of beginning.

EXCEPT THEREFROM: Beginning at the $W\frac{1}{2}$ corner of said Section 1; thence S 89 deg. 47'18" E. 1306.16 feet; thence S 00 deg. 09'19" W 334.00 feet; thence S 08 deg. 06'25" E 331.41 feet; thence N 89 deg. 47'18" W 1356.73 feet to a point on the W line of said Section 1; thence N along said W line^O Section 1, 662.00 feet more or less to the point of Beginning.

Also, EXCEPT THEREFROM: Any portion thereof which lies within the land described in Corrected Warranty Deed to Loren K. Hollenbeak and Diana W. Hollenbeak, husband and wife, recorded 3-30-81 as Instrument No. 111478 and in Corrected Warranty Deed to C. Ray Potter and Ina Potter, husband and wife, recorded 3-30-81 as Instrument No. 111479 records of Valley County, Idaho and any portion which lies within Farm to Market Road.

Parcel II:

Township 17 North, Range 3 East, Boise Meridian, Valley County, Idaho.

Section 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$, except therefrom any portion which lies within Farm to Market Road.

Parcel III:

Township 17 North, Range 3 East, Boise Meridian, Valley County, Idaho

Section 12: N $\frac{1}{2}$ N $\frac{1}{2}$, EXCEPT THEREFROM, ~~any portion which may lie within Parcel described above, and~~

~~EXCEPT THEREFROM~~ that portion of the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 12 described as follows:

Commencing at the Section corner common to Section 1, 2 and 11, and 12; thence S 5 deg. 19'30" E, 412.36 feet to a point which is described in Warranty Deed, from Frank O. Smith and A. Virginia Smith, husband and wife, to Linda J. Fordham and Robert L. Hart III, husband and wife, recorded 7-28-81 as Instrument No. 114047 as being on the E. right of way boundary of Farm to Market Road; which point is the True Point of Beginning; thence N 88 deg. 43' 00", E 370 feet; thence S 01 deg. 17' 00" E 353.19 feet; thence S 88 deg. 43' 00" W 370 feet; thence N 01 deg. 17' 00" W 353.19 feet, more or less to the True Point of Beginning.

E. Mc.

Containing: 333.24 acres, more or less

To have and to hold the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that the said premises are free from all encumbrances; and, that she will warrant and defend the same from all lawful claims whatsoever.

DATED this 25th day of September, 1987.

Elsie Mc Connell

ELSIE MC CONNELL,
Personal Representative for the
Estate of Frank O. Smith and as
Successor Personal Representative
for the Estate of Anna Virginia
Smith, aka Virginia Smith

STATE OF IDAHO)
 (ss.
County of Valley)

On this 25th day of September, 1987, before me a Notary Public in and for said State, personally appeared ELSIE MC CONNELL, known to me to be the person whose name is subscribed to the within instrument as the Personal Representative for the Estate of Frank O. Smith and as Successor Personal Representative for the Estate of Anna Virginia Smith, aka Virginia Smith, and acknowledged to me that she executed the same as such Personal Representative for the Estate of Frank O. Smith and as Successor Personal Representative for the Estate of Anna Virginia Smith, aka Virginia Smith.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

William J. Lick

NOTARY PUBLIC FOR IDAHO

Residing at: Cascade

Commission Expires: 6/6/93

RECEIVED

NOV 26 1999

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

WATER RESOURCES
WESTERN REGION

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 A65-02513

Date Received 11-26-99

Receipt Number X999999

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) D. John Carey Phone (208) 634-7641

Mailing Address c/o Millemann, Pittenger & McMahan, LLP, P.O. Box 1066, McCall, ID Zip 83638

2. Date of Priority (Only one (1) per claim) August 16, 1949

3. Source of water supply (a) unnamed stream
which is tributary to (b) Boulder Creek

4. a. Location of existing point of diversion is: Township 17N Range 03E Section 12
¼ of NW ¼ of NE ¼, Govt. Lot, B.M., County of Valley

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ ¼ of _____ ¼ of _____ ¼,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ ¼ of _____ ¼ of _____

_____ ¼,, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
Including the sates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

Ditches, dams, headgates.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 04/15 to 10/15 amount 2.68 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.68 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOT
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
17N	03E	12	02	22			22	28			10	23	30	38					175.0

Total number of acres irrigated 175.0

11. In which county (ies) are lands listed above as place of use located? Valley

12. Do you own the property listed above as place of use? Yes x No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

65-2308 or None ()

14. Remarks:

This is the same right as Water Right No. 65-02513 which was decreed in the Payette River

Adjudication, except that the POD is actually in Section 12. The Section 13 POD listed in the water
right profile report for 65-02513 is a typo.

Last Name Carey Ident. No. A65-02513

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree x

If applicable provide IDWR Water Right Number 65-02513

Court Payette River Adjudication Case Number _____ Decree Date 1-21-1986

Plaintiff vs Defendant State of Idaho v. A & C Corp.

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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments None

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) D. John Carey, by Date _____

Steven J. Millemann - in fact Date 11/23/99
D. JOHN CAREY, BY Steven J. Millemann,
Attorney-in-Fact

For Organizations: I do solemnly swear or affirm that I am _____

_____ Title
of _____, that I have signed the foregoing

Organization
document in the space below as _____ of _____

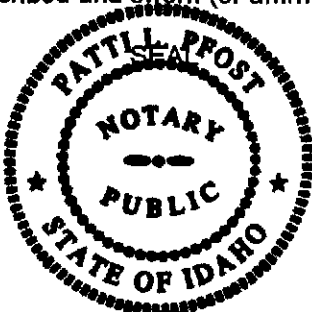
Title Organization
and the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Valley) ss.

Subscribed and sworn (or affirmed) before me this 23 day of November, 1999.



Pattie Post
Notary Public for Idaho

Residing at McCall

My Commission Expires 2/22/2000

Please Print Name

17. Notice of Appearance:

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

Signature Steven J. Millemann

Address P.O. Box 1066, McCall, Idaho 83638

Date 11/23/99

Last Name Carey Ident. Number A65-02513