

4a

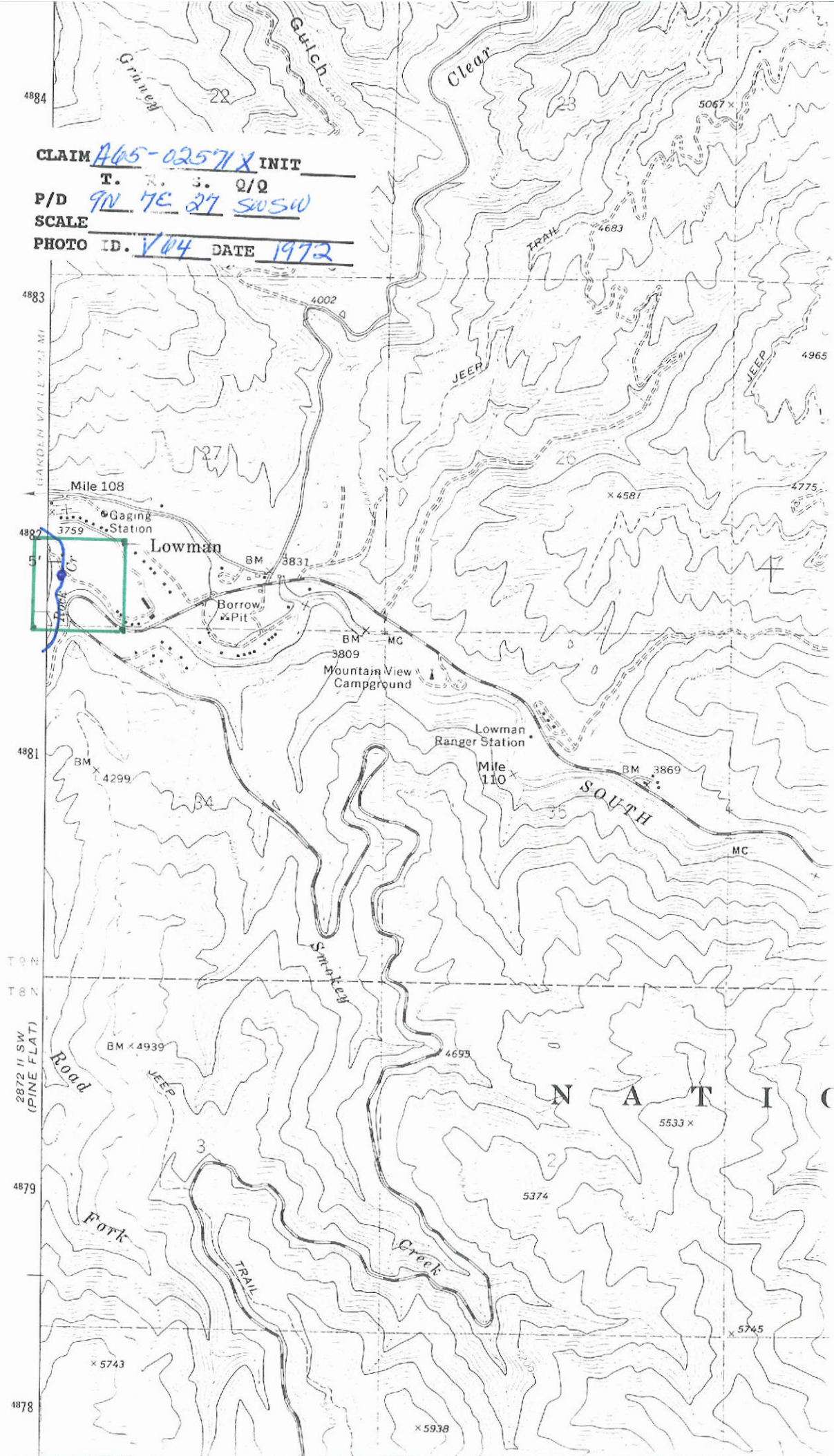
CLAIM 465-02571X INIT

T. 7N S. 27 Q/Q

P/D 9N 7E 27 S05W

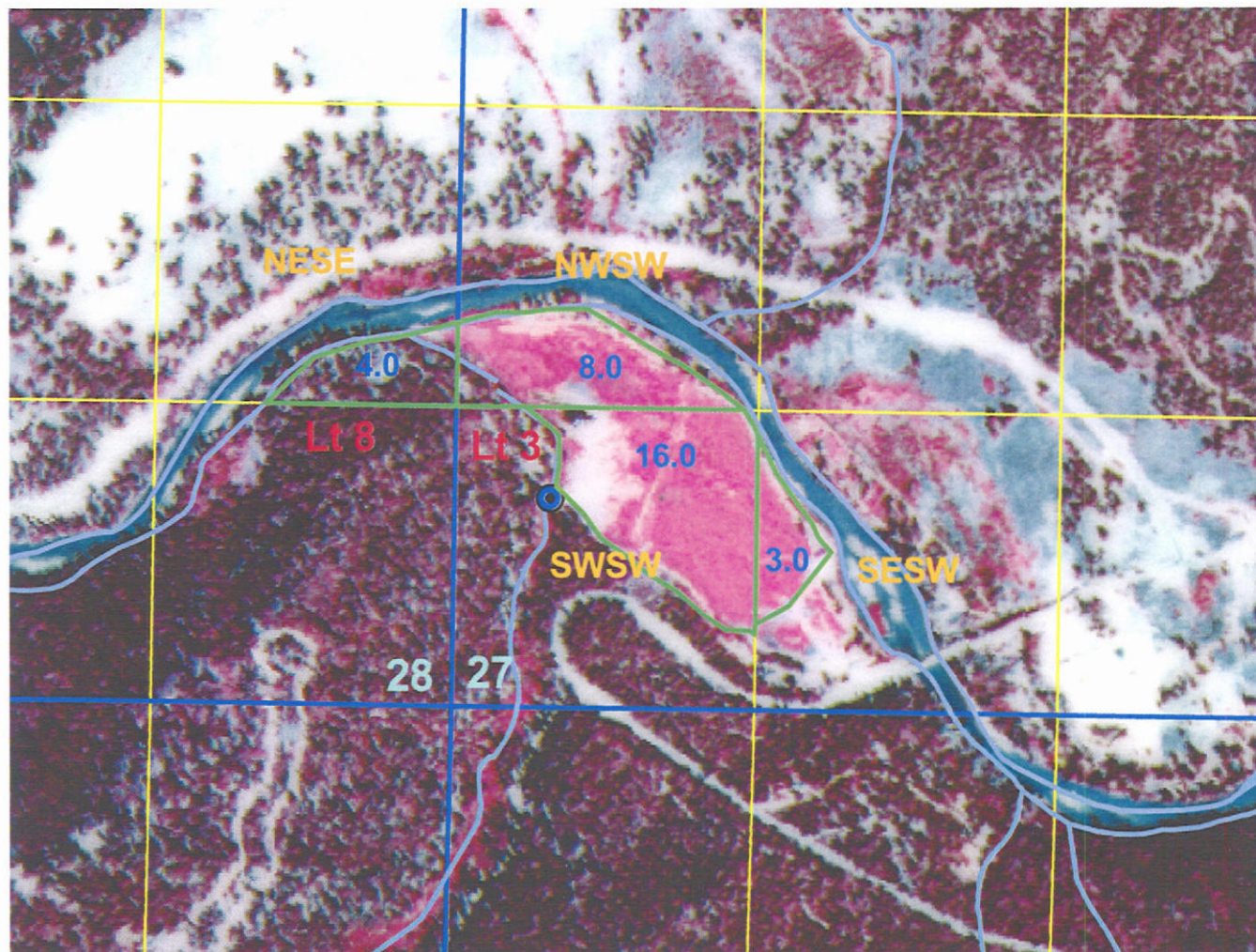
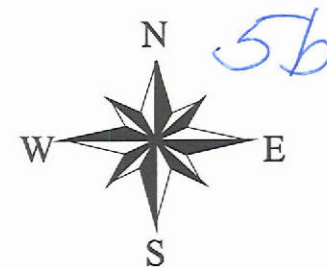
SCALE

PHOTO ID. V04 DATE 1972



IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R07E, S27 & 28



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-02571x

OWNER(S): BURGESS

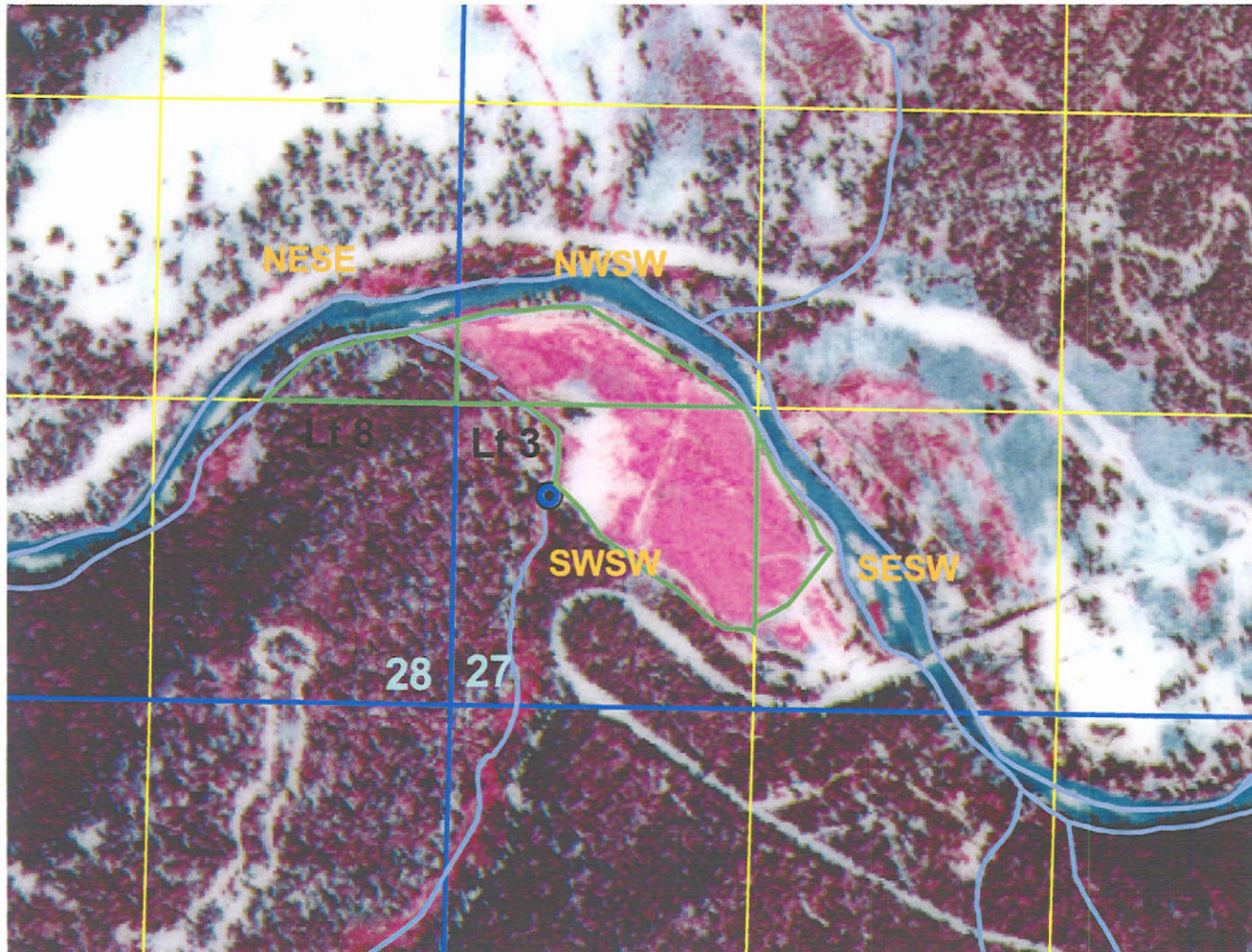
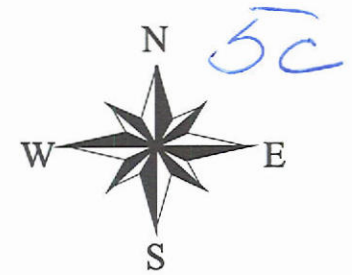
Prepared by Mel Schulte

DATE: OCTOBER 26, 1999



IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R07E, S27 & 28



1987 NAPP PHOTO

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

CLAIM(S): 65-02571x

OWNER(S): BURGESS

Prepared by Mel Schulte

DATE: OCTOBER 26, 1999



Govt Lot
2

A65-02571X

PRBA blueprint map



2571-X
(90)

2571-X
(27.0)

Govt Lot 3

3

J. H.
Island Bennett
1 A

Wayne
41 A

W. A. Juv.
32

V. Otter
46 A

James L. Otter
31
38 A

Alvin Rose 12
Richard Foster 4.5 A

Mrs Wayne

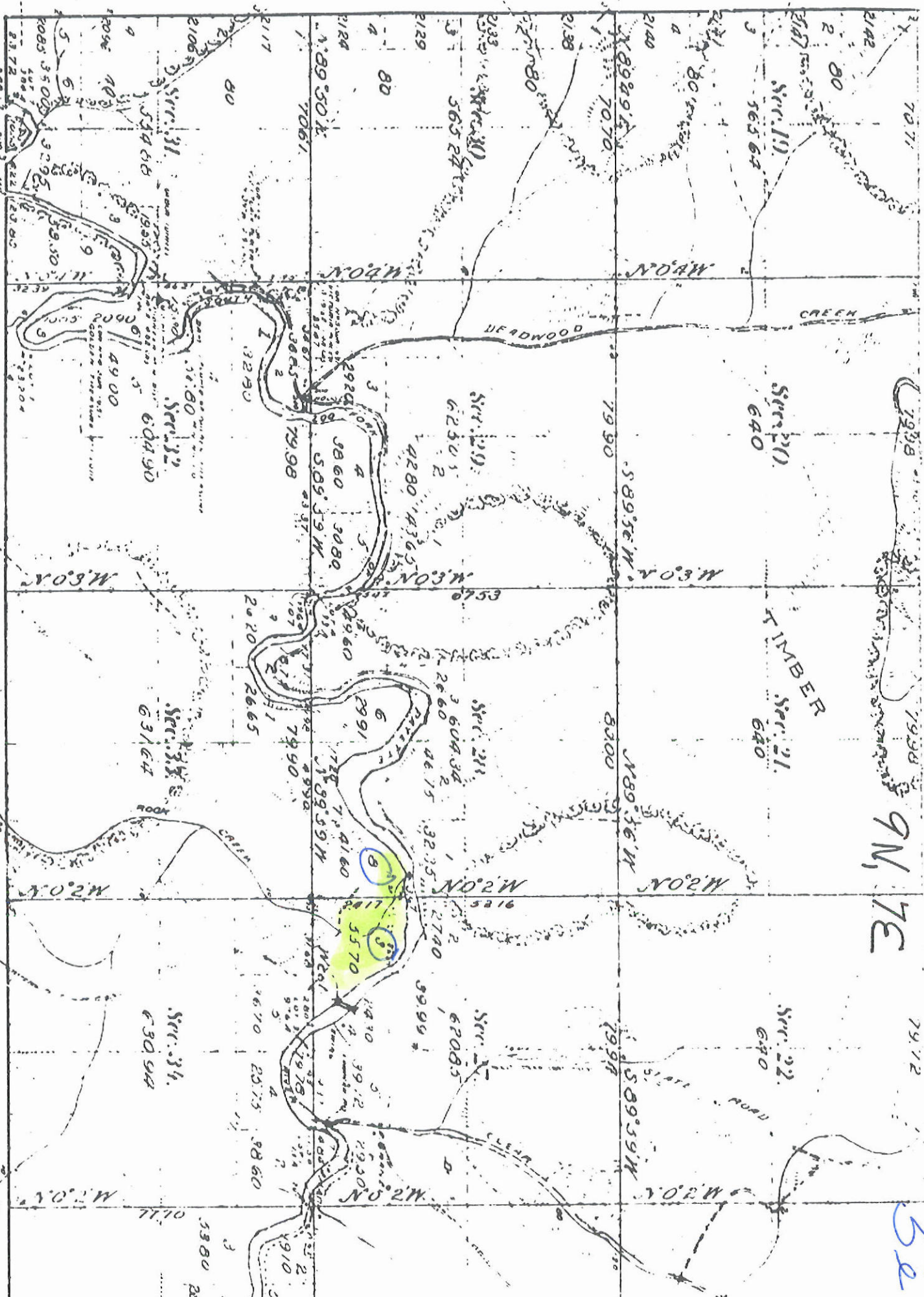
W. Bennett

SW SW

T26

9N, 7E

52



Watersurface 163.44 N. of Public Land 21323.03 A Total number of Acres 21486.47

Resurveyed By Whose Survey Date of Contract Amount of Survey When Surveyed When Reclamation

R-7E

N.

28

27

T.
9
N.



Nov '52

Original sketch - exten copy

05-02571

11-2-52
11-2-52
11-2-52



SL
4/26/91

PHOTO ONE-

During the exam of Permit 65-12728 (South Fork Payette to irrigate 21 ac. pasture partially seen in photo), I discovered that Mr. Burgess also had Rock Ck. water for domestic use (probably just yard so ^{could} be part of Rock Ck. irrigation use). Two homes, each with a separate pump from the creek, were involved. I think, but am not sure, that Mr. Burgess owns both homes.

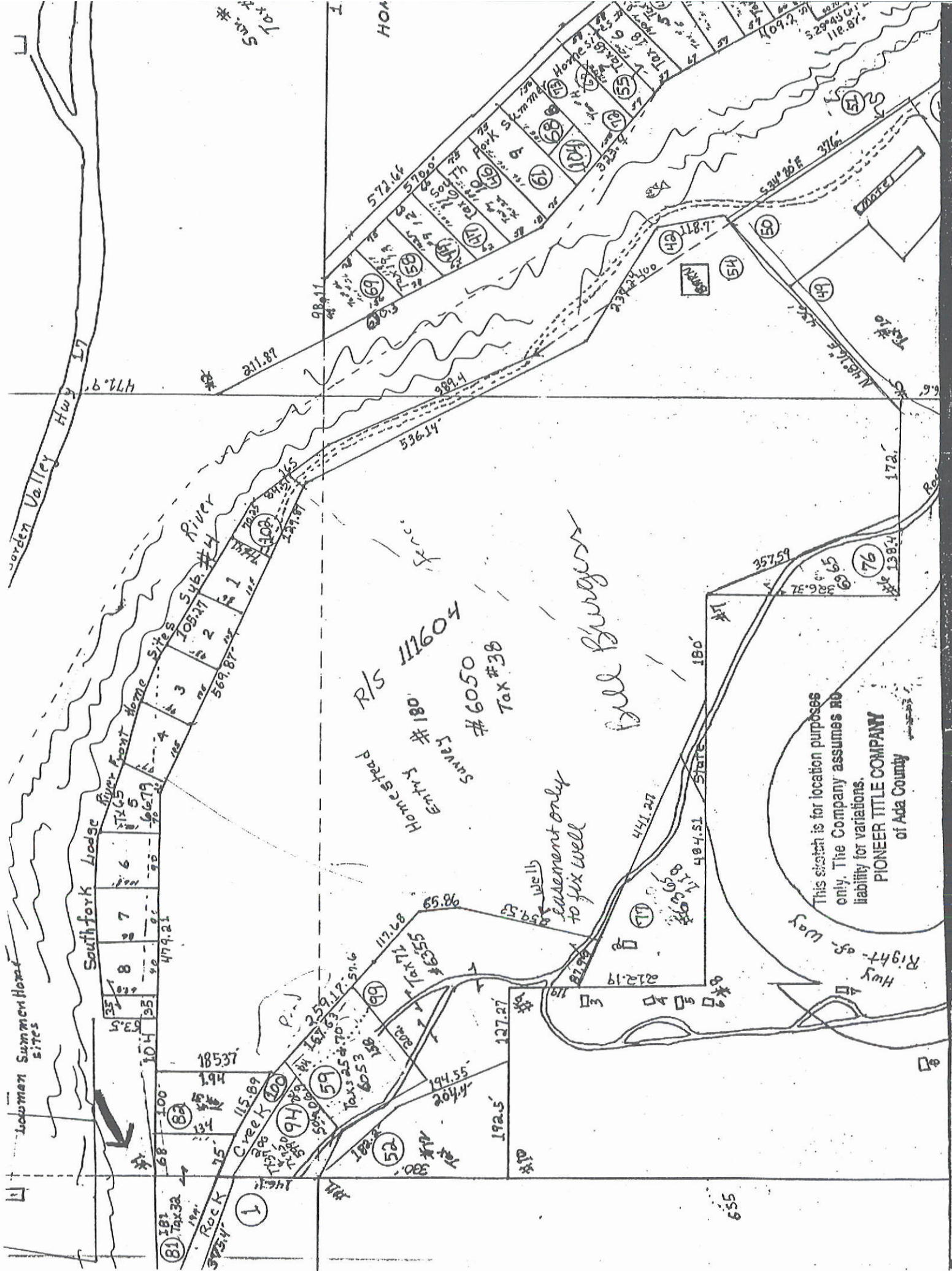
MICROFILMED

SEP 18 1992

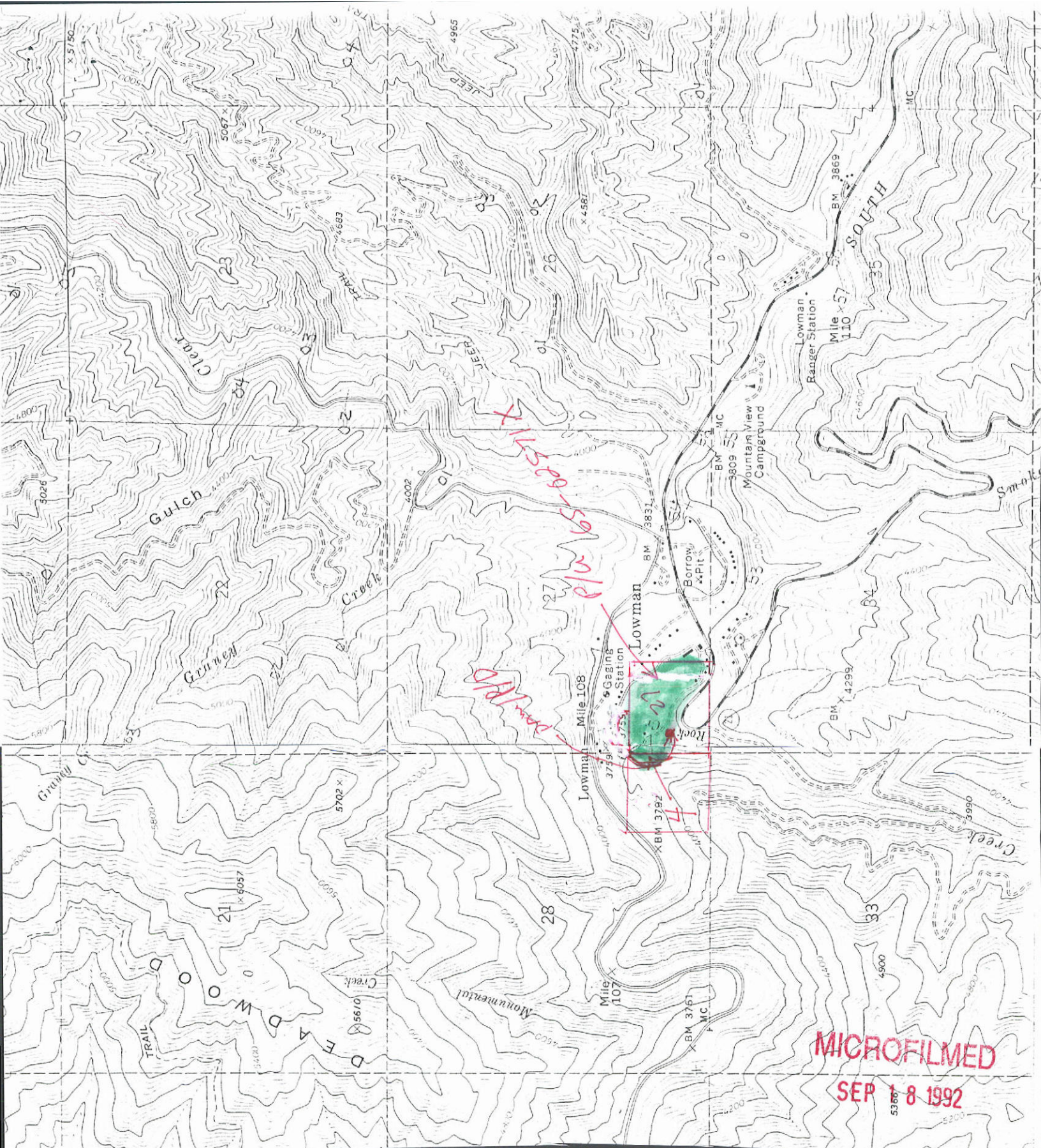
So Rock Ck. may be greatly reduced?

I was informed during exam that no other water is used on pasture. This was not an exam of Rock Ck. right(s) but just additional info that may be ~~useful~~ useful in reviewing ABS-02571X.

Also, a small ditch diversion midway between 2 homes & along the creek routes water to a small recreation pond bordering the creek. This would be just out of view in left of photo. See attached copy of topo. See exam (original) at over →



Rock
Creek
Div
Payette
River
Diversion

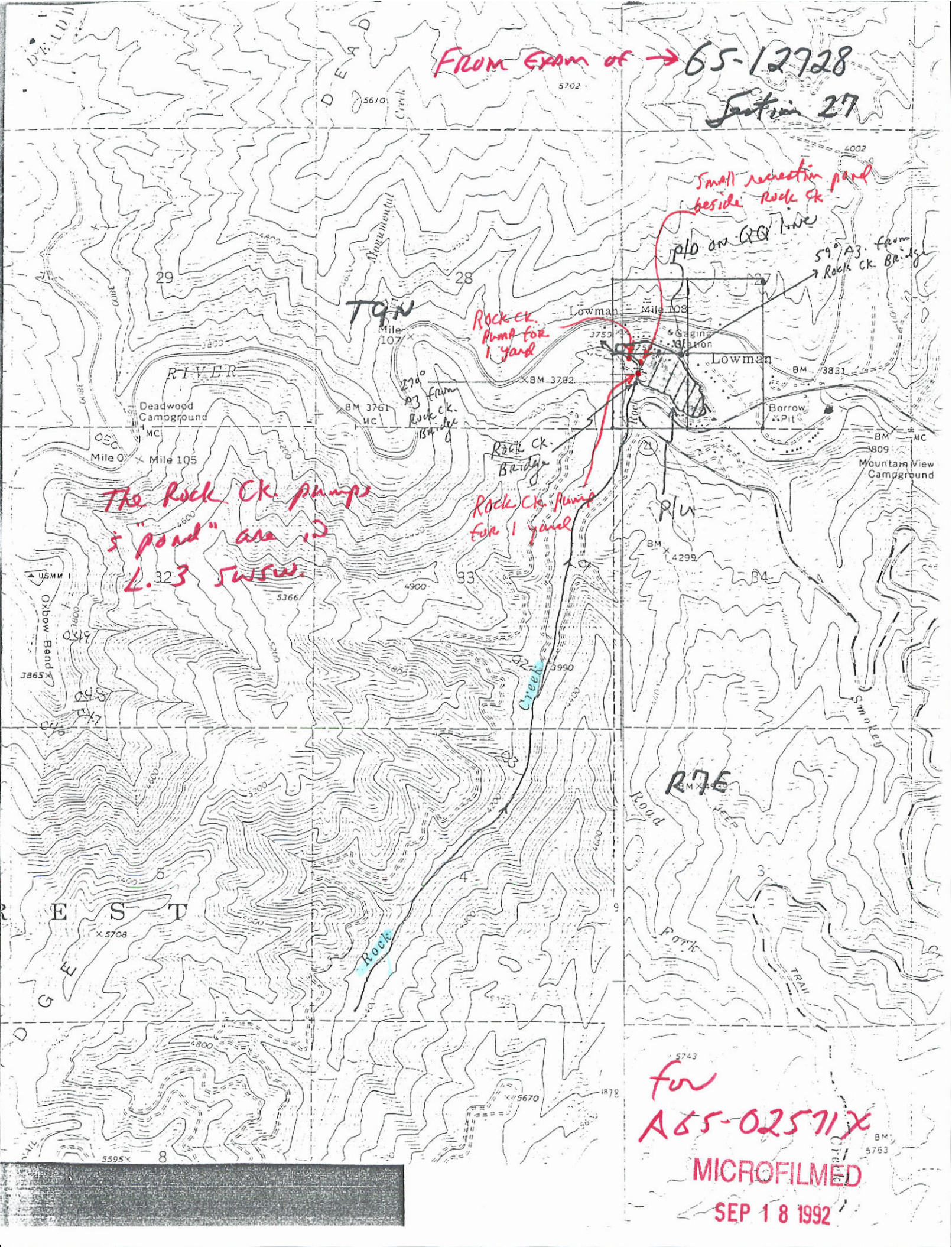


MICROFILMED

SEP 18 1992

5366

SEP 18 1992



partial copy of J.U.B. Eng. plot,
original available in Sid exam file
for 65-12728

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: A65-02571X
Date Received: 5/18/1989
Receipt No: X999999
Received By: RLH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: W.L. BURGESS 208-888-5166
Address: 601 EAST BRAEMERE ST.
BOISE, ID 83702
2. Date of Priority: OCT 31, 1954
3. Source: ROCK 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	07E	27	SW	SW	SW	3	BOISE
5. Description of diverting works:
LOG DAM, DITCHES GRAVITY FLOW
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.580		
7. Total Quantity Appropriated is:
0.580 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 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	07E	27	SW	SW	3	IRR	27.0
Section Acres							27.0

A65-02571X

Page 1

Date: 05/18/89

MICROFILMED

SEP 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	07E	28	SE	SE	8	IRR	4.0
Section Acres							4.0
Total Acres							31.0

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:
65-12728

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 1/21/1986

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

Number of attachments: _____

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): W.R. Burger Date: 5-18-1989

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of MAY 19 89

Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires December 8, 1994



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. R65-02571X

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

DATE: 10/27/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WL BURGESS 601 EAST BRAEMERE ST BOISE ID 83702 (208) 888-5166	10/31/1954	IRRIGATION	04-15 10-15	0.580 CFS	
TOTAL DIVERSION:					0.580 CFS	

Water Source: ROCK CREEK

Tributary to: PAYETTE RIVER, SOUTH FORK

Stage: DECREED

Point(s) of Diversion: T09N R07E S27 Lot03(SWSW)

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	07E	27	:											03-08	03-16	03-03				:	27.0
09N	07E	28	:															08-04		:	4.0
TOTAL ACRES																			:	31.0	

POU County: BOISE

Remarks: EXP RIGHT NO. 65-02571A IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

Audit: 10/27/99 MSCHULTE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:00:54
10/22/99
16

PAGE: 16
PROFILE REPORT

CLAIM NUMBER: A65-02571X

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WL BURGESS	10/31/1954	IRRIGATION	04-15 10-15	0.580 CFS	
TOTAL DIVERSION:					0.580 CFS	

Water Source: ROCK CREEK

Tributary to: PAYETTE RIVER, SOUTH FORK

Stage: DECREED

Point(s) of Diversion: T09N R07E S27 Lot03(SWSW)

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	Lt	Ac	:	SUM
09N	07E	27	:																			:	27.0
09N	07E	28	:																			:	4.0
																					TOTAL ACRES	31.0	

POU County: BOISE

Non-Irrigation Uses: NONE

Other Rights: 65-12728

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

EXP- F05 with -02571A

WR5809NP
No. 65-02571X

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/22/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GLADYS WAYNE LOWMAN ID 83637	10/31/1954	IRRIGATION	04/15 10/15	0.580 CFS	
TOTAL DIVERSION:					0.580 CFS	

Water Source: ROCK CREEK

Tributary to: PAYETTE RIVER, SOUTH FORK

Stage: DECREED

Point(s) of Diversion: T09N R07E S27 Lot 03()

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	Lt	Ac	: Lt	Ac	Lt	Ac	: SUM	
09N	07E	27	:								:						:					:			:	27.0
09N	07E	28	:								:						:					:			:	4.0
TOTAL ACRES																							31.0			

Pou County: BOISE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

65-02426 65-02571A 65-08108 65-10639 65-10640 65-10929 65-10931 65-11080

Other Water Rights Listing Overlapping Place(s) of use:

65-02571A 65-12728

Dates:	App. Received:	Priority Date:	10/31/1954
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

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 <u>1972 map</u> IDWR ID NO. <u>V64</u>	Y(✓) N() <u>4a</u>
(✓) ~~NAPP~~ GIS maps (2)	DATE OF PHOTO <u>1987 10-26-99</u> IDWR ID NO. _____	Y(✓) N() <u>5b & 5c</u>
() 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() <u>5e</u>
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
(✓) OTHER <u>GIS table</u>	DATE <u>10-27-99</u>	Y(✓) N() <u>5a</u>
(✓) OTHER <u>PRBA blueprint map</u>	DATE _____	Y(✓) N() <u>5d</u>
(✓) OTHER <u>Page from decree</u>	DATE <u>3-2-79</u>	Y(✓) N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
(✓) LICENSING FIELD EXAM <u>map only</u>	DATE OF FIELD EXAM <u>1957</u>	<u>1</u>	<u>page 5f</u>
() 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 <u>Memo and photo</u>	DATE <u>9-22-89</u>	_____	_____
(✓) OTHER <u>FOU review report</u>	DATE <u>10-22-99</u>	<u>1</u>	_____
(✓) <u>PRBA claim</u>	<u>8-10-77</u>	<u>1</u>	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:00:23
10/22/99

PAGE: 15
QUICKLOOK INFORMATION

15
CLAIM NUMBER: A65-02571X

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 In office 10-27-99	N		MS 10-27-99	MS 10-27-99	
POINT OF DIV				N				
SOURCE				N				
PLACE OF USE	Y			Y				
DIV. AMOUNT CFS/VOLUME				N				
CONSUMPTIVE USE	-			NA				
PURPOSES OF USE				N				
PERIOD OF USE				N				
BASIS OF CLAIM	Y			N				
REMARKS				Y				

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:00:23
10/22/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A65-02571X

LAST: WAYNE
ADDRESS:
CITY: LOWMAN
PHONE NUMBER: 208-000-0000

FIRST: GLADYS
STATE: ID ZIP: 83637

OWNER CODE: O

LAST: BURGESS
ADDRESS: 601 EAST BRAEMERE ST
CITY: BOISE
PHONE NUMBER: 208-888-5166

FIRST: WL
STATE: ID ZIP: 83702

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

FIELD EXAMINATION INFORMATION

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 exam 10-27-99

A. AJ CLAIM: # A65-02571X PRIORITY DATE: 10-31-1954 STAGE: D

B. WR RECORD: # 65-02571X PRIORITY DATE: 10-31-1954 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 decreed in the PRBA.

RECOMMENDED PRIORITY DATE:

10-31-1954
REVIEWED BY Mee Schulte

DATE 10-27-99

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
A65-02571X	09N 07E	27		SW	SW	3		BOISE		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A65-07655	65-10343
A65-10343	65-10523
A65-10523	65-10644
A65-10523B	R65-10523B
A65-10631	
A65-10644	

WR RECORDS IN SAME 40 ACRE TRACT

65-07655
65-10343
65-10523
65-10644
65-12728

SOURCE: ROCK 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
65-02571X	09N 07E	27				3		BOISE		

OTHER WR RECORDS WITH SAME WR POD

65-02571A
65-08108
65-10639
65-10640
65-10929
65-10931
65-11080

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

A65-02571A	NONE
A65-07827	
A65-10639	
A65-10640	
A65-10929	
A65-10931	
A65-18074	

SOURCE: ROCK 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 _____)

Y() N(☒)

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

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: Recommended as decreed in the PRBA. The source
was verified on USGS map V64.

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

TWP. 09N	RGE. 07E	SEC. 27	1/4	1/4 SW	1/4 SW	LOT 3	POD FLAG	COUNTY BOISE	DIVERSION NAME	DIVERSION NBR
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: ROCK CREEK

TRIB: PAYETTE RIVER, SOUTH FORK

REVIEWED BY:

Mike Schulte

DATE:

10-27-99

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

4a

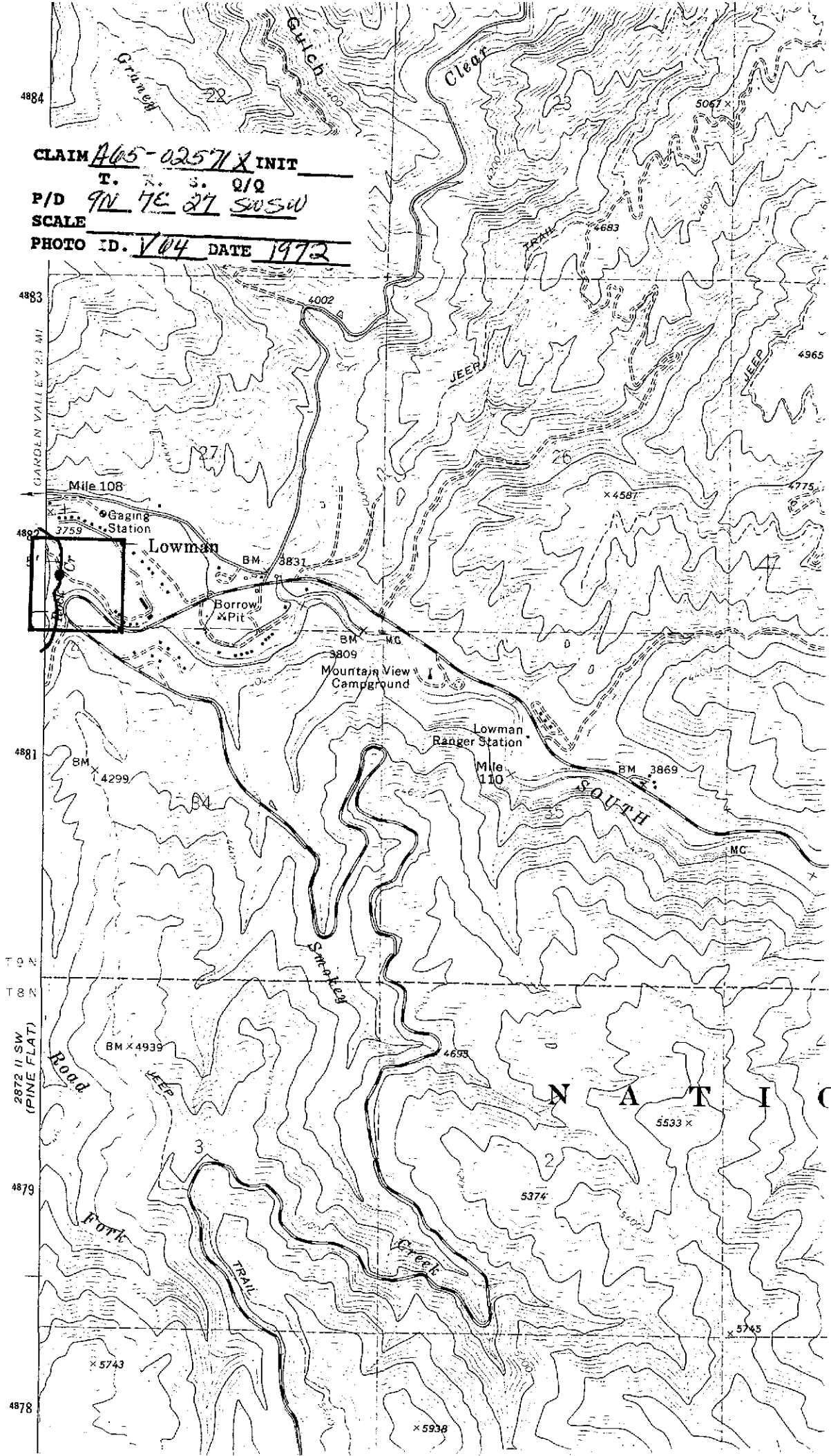
CLAIM 405-02571X INIT

T. 7N S. Q1Q

P/D 9N 7E 27 S05W

SCALE

PHOTO ID. V04 DATE 1972



A. ROOT WATER RIGHT NUMBERS: A65-02571X
A65-02571A

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09N	07E	27	SW	SW	3	BURGESS, WL	A65-02571X / 27.0	65-02571X / 27.0			16
			SW	SW		US DEPT OF AGRICULTURE	R65-18946 /	- /			
			SW	SW		US DEPT OF AGRICULTURE	65-18946 /	- /			
			SW	SW		GHELETA, M OR D ZANE OR E GOULA	A65-18946 /	- /			
			SW	SW	3	SHAW, ELLEN	A65-02571A / 2.0	65-02571A / 2.0			
			SW	SW	3	DOWNNEY, EDITH		65-13642 /			
			SW	SW	3	BURGESS, W L		65-12728 / 14.0			

09N 07E 28 ~~SE~~ SE 8 BURGESS, WL A65-02571X / 4.0 65-02571X / 4.0 4

ADDITIONAL POU FOUND

27 NWSW L+3
SESW L+3

8
3

TOTAL ACRES A65-02571X 31.00 31.00

31

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 ()

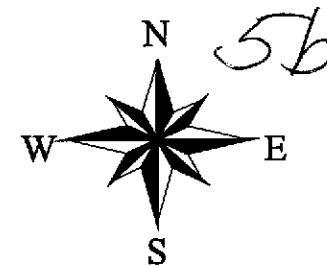
LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-02571X	ROCK CREEK	BURGESS, WL	0.580	0.018		
A65-02571A	ROCK CREEK	SHAW, ELLEN	0.040	0.020		

No overlaps

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R07E, S27 & 28



1987 NAPP PHOTO

● POINT OF DIVERSION

▭ PLACE OF USE

▭ 1/4 1/4 LINES

▭ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-02571x

OWNER(S): BURGESS

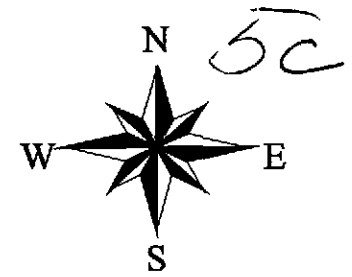
Prepared by Mel Schulte

DATE: OCTOBER 26, 1999



IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R07E, S27 & 28



1987 NAPP PHOTO

● POINT OF DIVERSION

▭ PLACE OF USE

▭ 1/4 1/4 LINES

▭ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-02571x

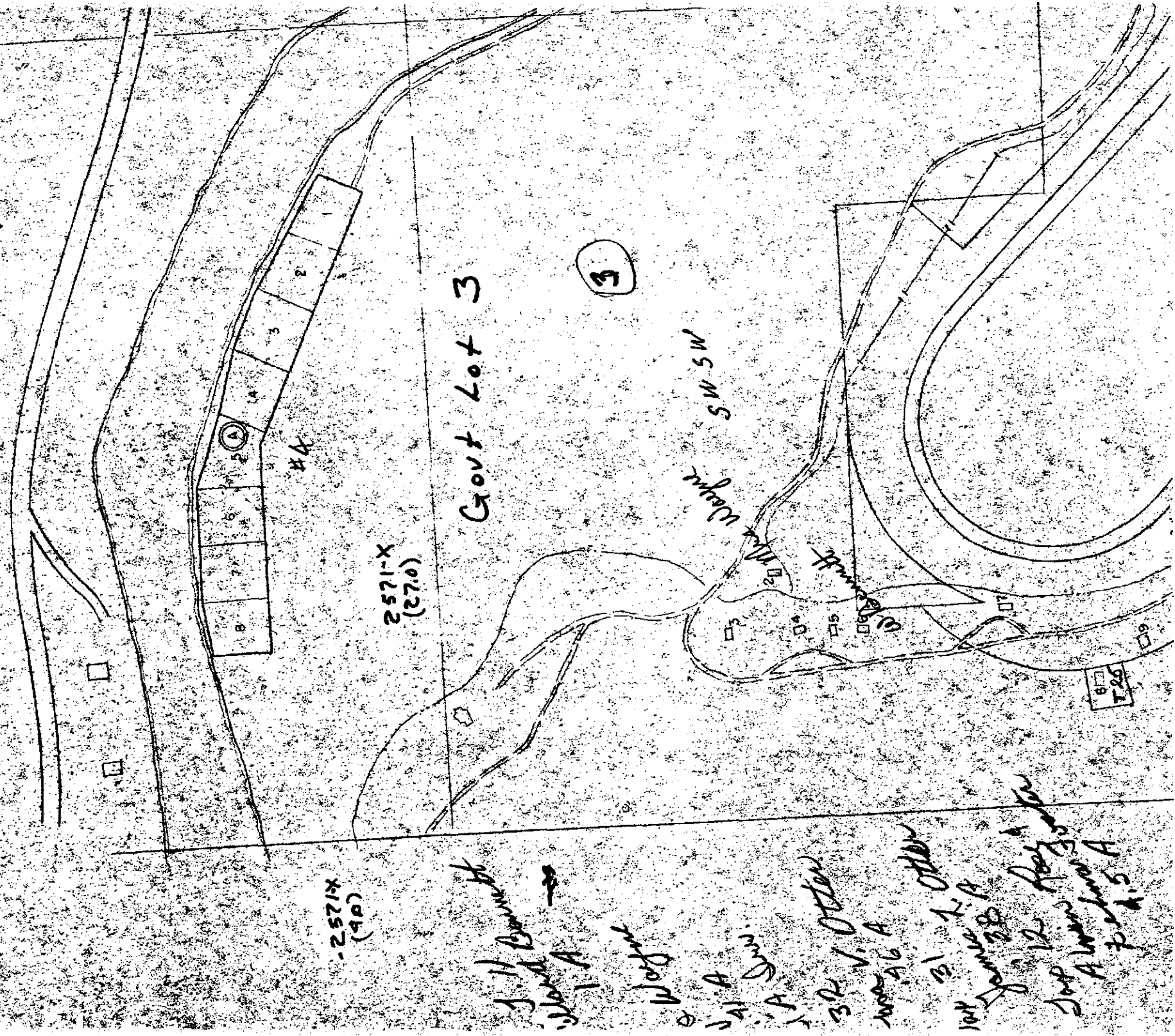
OWNER(S): BURGESS

Prepared by Mel Schulte

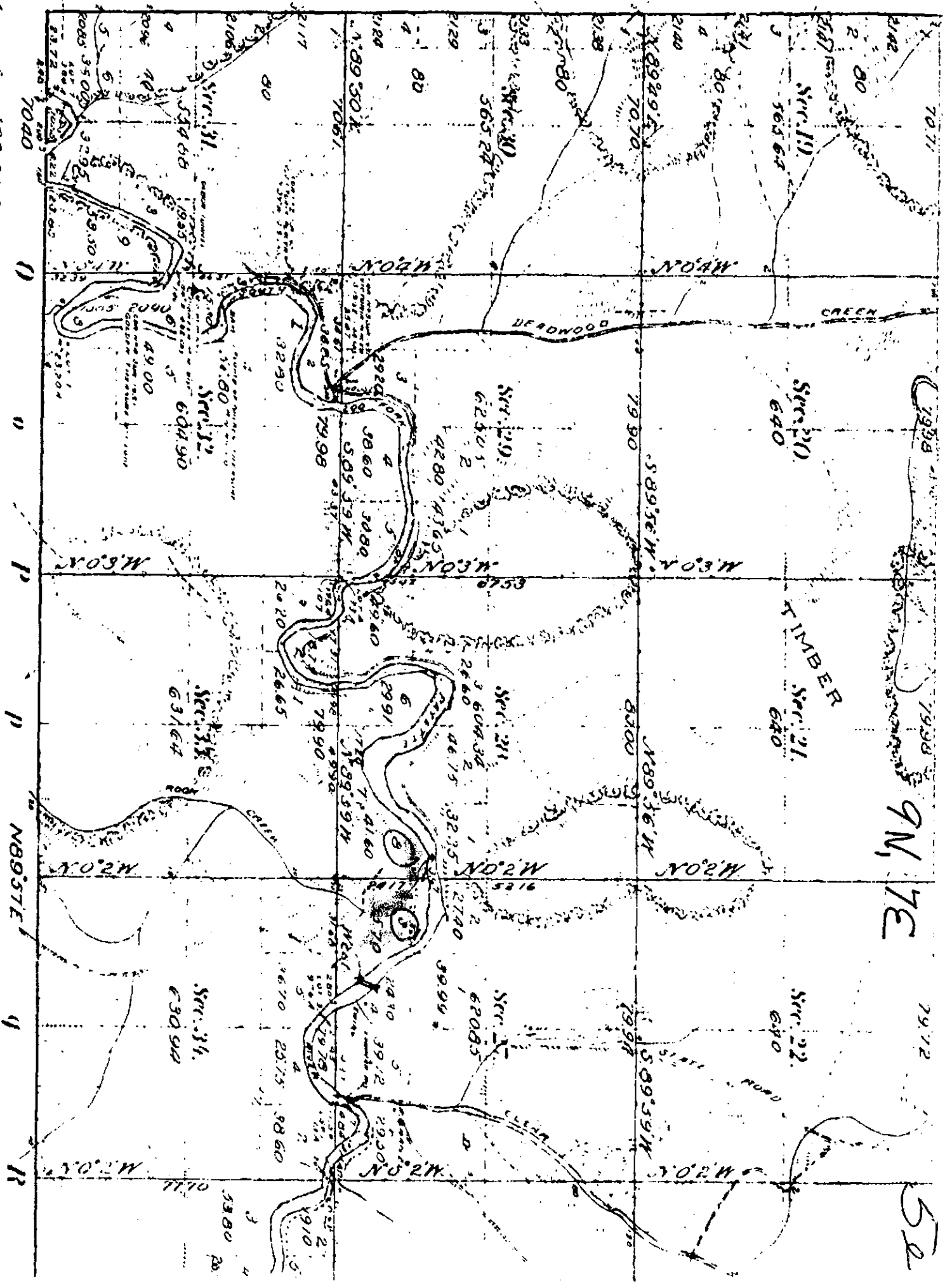
DATE: OCTOBER 26, 1999



Govt Lot 2 PRBA blueprints



Watersurface 16344.4 of Public Land 21323.03A Total number of Acres 21486.47



9N, 7E

52

2

23

9

Figure 1

Original Sketch - extra copy

65-02571

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
R65-18946	STOCKWATER	US DEPT OF AGRICULTURE	FROM 06-01 TO 10-31	0.020 CFS	
65-18946	STOCKWATER	US DEPT OF AGRICULTURE	FROM 06-01 TO 10-31	0.020 CFS	
A65-18946	STOCKWATER	GHELETA, M OR D ZANE OR E GOUL	FROM 06-01 TO 10-31	0.020 CFS	

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

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 65-12728

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. _____;

^{GIS}
() NAPP, IDWR NO. _____; () ASCS PHOTO: ~~or~~ OTHER PRBA map

NOTES: The PRBA described the POU as only Govt lots 3 and 8.
This recommendation describes the Govt lots as QP's
and corrects an error in the QP description for Lot 8
in Section 28.

RECOMMENDATIONS:

TOTAL ACRES: 31 N/A()

REVIEWED BY: Meel Schulte

DATE: 10-27-99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-02571X IRRIGATION	FROM 04-15 TO 10-15	0.580 CFS	
TOTAL DIVERSION RATE/VOLUME		0.580 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-02571X IRRIGATION	FROM 04-15 TO 10-15	0.580 CFS	
TOTAL DIVERSION RATE/VOLUME		0.580 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: 0.580 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.580 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 31 x 0.02 CFS/ACRE = .62 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:

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 0.580	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 0.0	EXAMINER _____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			0.580	_____		_____	0.0	_____

NON-IRRIGATION USES CLAIMED: NONE

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

REVIEWED BY: Mel Schulte DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXP - F05

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: 65-02571

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE	EXAMINER	CFS
	0.620		

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-02571A	0.040	-		65-02571A	0.040
-	A65-02571X	0.580	-		65-02571X	0.580
TOTAL CFS		0.620				0.620

} as decreed
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	FIELD EXAMINER
N	Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: Mel Schulte DATE: 10-27-99.

NAME OF FIELD EXAMINER: _____ TITLE: _____

AJ5815NP

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT

DATE: 10/22/99

OPTION: IRRIGATION USES ONLY

ADJUDICATION CLAIM NUMBER: A65-02571X

PAGE: 1

A. ROOT WATER RIGHT NUMBERS: A65-02571X
A65-02571A

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/USE/ACRES	WR #/USE/ACRES	LANDSAT DATA
09N	07E	27	SW	SW	3	BURGESS, WL	A65-02571X /01/27.0	65-02571X /01/27.0	
			SW	SW	3	SHAW, ELLEN	A65-02571A /01/ 2.0	65-02571A /01/ 2.0	
			SW	SW	3	BURGESS, W L		65-12728 /01/14.0	
09N	07E	28	SE	SE	8	BURGESS, WL	A65-02571X /01/ 4.0	65-02571X /01/ 4.0	
TOTAL ACRES							A65-02571X	31.00	31.00

POU COUNTY: BOISE

MEMORANDUM

RECEIVED

MAY 25 1995

WATER RESOURCES
WESTERN REGION

TO: FILES A65-02571A, A65-2571X

FROM: HELEN HARRINGTON-THORNTON

DATE: May 16, 1995

RE: COORDINATION WITH RECOMMENDATION NO. R65-02571

Claim No. A65-02571 has been recommended for disallowal and refers to Recommendation No. 65-02571A and 65-02571X in the Remarks as "Recommended as ...".

If A65-02571A and A65-02571X do not get recommended or are renumbered, R65-02571 will need to be modified to reference the correct number in Remarks.

cc: R65-02571



82
4/26/91

PHOTO ONE-

During the exam of Permit 65-12728 (South Fork Payette to irrigate 21 ac. pasture partially seen in photo), I discovered that Mr. Burgess also had Rock Ck. water for domestic use (probably just yard so ^{could} be part of Rock Ck. irrigation use). Two homes, each with a separate pump from the creek, were involved. I think, but am not sure, that Mr. Burgess owns both homes.

MICROFILMED

SEP 18 1992

So Rock Ck. may be greatly reduced? → I was informed during exam that no other water is used on pasture. This was not an exam of Rock Ck. right(s) but just additional info that may be ~~some~~ useful in reviewing A65-02571X.

Also, a small ditch diverted midway between 2 homes & along the creek routes water to a small recreation pond bordering the creek. This would be just out of view in left of photo. See attached copy of topo. See exam (original) at over →

5.0.) 65-12728 for survey plat by J.W.B. Engineers for better
view of Rock Cr. diversions.

MAR 22, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 313

INDICATES TOTAL

SOURCE: ROCK CREEK

TRIBUTARY TO: 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
65-5916	GATFIELD, ALLEN EUGENE & GATFIELD, LCLA M. BOX 17, MONTGOMERY, IDAHO 83646	4/ 1/1951	IRRIGATION FROM STCR	4/ 1 11/ 1	10.00 AFA --- CFS	SENE S36 T 7N R 1E	NESW 1/4 S25 T 7N R 1E *5*	BENEFICIAL USE
			STOCKWATER FROM STCR DIVERSION TO STORAGE	1/ 1 12/31 1/ 1 12/31	2.70 AFA --- CFS --- AFA 1.00 CFS *10.00*AFA *1.00*CFS		SAME AS OTHER USE SAME AS OTHER USE	

INDICATES TOTAL

SOURCE: ROCK 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
65-11080	PAULI, JEANETTE M. 200 NORTH 3RD #301, BOISE, IDAHO 83762	6/ 1/1950	DOMESTIC	1/ 1 12/31	3.60 AFA .12 CFS	LOT 3 S27 T 9N R 7E	LOT 3 S27 T 9N R 7E	BENEFICIAL USE
65-2571A	LOWMAN ENTERPRISES, INC. C/O TRUMAN JOINER, PRES., 1014 HOUSTON ROAD, BOISE, IDAHO 83704	10/31/1954	IRRIGATION	4/15 10/15	--- AFA .04 CFS	LOT 3 S27 T 9N R 7E	LOT 3(2) S27 T 9N R 7E *2*	LICENSE
65-2571X	WAYNE, GLADYS LOWMAN, IDAHO 83637	10/31/1954	IRRIGATION	4/15 10/15	--- AFA .58 CFS	LOT 3 S27 T 9N R 7E	LOT 3(27) S27 T 9N R 7E LOT 8(4) S28 T 9N R 7E *31*	LICENSE

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF GEM IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS
TO THE USE OF PAYETTE RIVER DRAINAGE BASIN

NOTICE OF CLAIM TO A WATER RIGHT

IDENT. NO.

Box
MAP NO.

Notice is hereby given that Gladys Wayne (Name of Claimant)

Lowman, Idaho 83637
(Mailing Address)

claimant's right to the diversion

and beneficial use of the surface or groundwater, of or tributary to _____

The extent and nature of said claim is as follows:

Department of Water Resources

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decree, license or permit right) October 31, 1954

(2) Describe the source of water (Name of stream, lake, spring, etc., or groundwater) _____

Rock Creek (trib. to S. Ft. 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 930 AFA 58 cfs Use irrigation Period of Use From Apr. 15 To Oct. 15
(CFS, GPD, AF.) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF.) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF.) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)

(4) 58 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF.)

(5) A) Point of Diversion: Give location of point where water is diverted from its source SW 1/4 SW 1/4,
Sec. 27, Twp. 0N, Rge. 7E, B.M.; additional points: _____

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. irrigation ditch

(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	
X	X	X																	X
9N	7E	27									7.5	14.5	3.0						27.0
											Lot 5	27.0							
9N	7E	28													Lot 6	4.0			4.0

Total No. of acres 31.0

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) Effluent, sewage waste, or return water from this use is discharged into _____

(8) If you are claiming water as a member of an organization, list name of organization. _____

(9) Remarks _____

(10) 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 claim filed with the Idaho Department of Water Resources. License 865-2571

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 (his, her, their) knowledge.

August 10, 1977
(Date)

Gladys Wayne
(Signature of Claimant)

State of _____ Organization _____
ss. _____ Seal _____

County of _____ (Signature of Authorized Agent)

On this 10 day of _____, in the year _____, before me,
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 (he, she, they,
corporation, partnership or _____) executed the same.

My commission expires _____

Notary Public residing at _____

3/22/78

02/20/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-2571X

NAME AND ADDRESS: ROBERT E MC GRIFF JR
1403 N MC DERMOTT
NAMPA, ID 83687

SOURCE: ROCK CREEK TRIBUTARY: SOUTH FORK PAYETTE RIVER

QUANTITY: 0.58 CFS

PRIORITY DATE: 10/31/1954

POINT OF DIVERSION: T09N R07E S27 LOT 3 SWSW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-15 10-15	0.58 CFS

PLACE OF USE:

<u>IRRIGATION Within BOISE County</u>							
T09N R07E S27	LOT 3	NWSW	8	T09N R07E S27	LOT 3	SWSW	16
T09N R07E S27	LOT 3	SESW	3	T09N R07E S28	LOT 8	NESE	4

31 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL
PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS
OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER
RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT
AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL
UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT NO. 65-02571A IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>65 12728</u>	<u>A55809NP</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>A65-02571XWR</u>	<u>5809NP</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

William L. Burgess
7893 Vue Estates Meridian I.D. 83642

4. New Owner/Claimant(s)

Robert E. McGriff SR.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

1403 N. McDermott

City, State and ZIP Code

Nampa I.D. 83687

New Telephone Number

208 461-8253 208-850-6024

5. Date you acquired the property

Dec-15-1997

ASCS

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Robert E. McElroy
(include title if applicable) _____

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

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

1. If there are water rights associated with the property, the seller should be able to provide you with the **water right or adjudication claim number(s)**. Please enter the number(s) at Item 1. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. **Do not** obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at Item 3.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

6. You may have purchased only a portion of the water right(s) held by the seller. If this change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at Item 6. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at Item 7. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original form to the IDWR office nearest you:

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

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

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

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

READ & APPROVED: _____

DEED OF TRUST

THIS DEED OF TRUST, Made this 15 day of December, 1997
BETWEEN ROBERT E. MCGRIFF JR., AN UNMARRIED PERSON

herein called GRANTOR,

whose address is _____

PIONEER TITLE COMPANY OF ADA COUNTY, an Idaho corporation, herein called TRUSTEE, whose address is 8151 W. Rifleman, Boise, Idaho 83704, and WILBUR L. BURGESS AND STEPHANIE JO BURGESS, HUSBAND AND WIFE herein called BENEFICIARY, whose address is 7893 VUE ESTATES, MERIDIAN, ID 83642
WITNESSETH THAT Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in the County of BOISE, State of Idaho, described as follows, and containing not more than twenty acres:
SEE ATTACHED LEGAL DESCRIPTION MARKED AS EXHIBIT "A", WHICH BY THIS REFERENCE BECOMES A PART HEREOF AND CONSISTS OF TWO (2) PAGES.

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits,

For the Purpose of Securing payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by Grantor in the sum of ONE HUNDRED THIRTY-FIVE THOUSAND DOLLARS AND NO/100 Dollars, (\$ 135,000.00),

final payment due January 01, 2002

and to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantor herein, or any or either of them, while record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further, that it is the express intention of the parties to this Deed of Trust that it shall stand as continuing security until paid for all such advances together with interest thereon.

A. To protect the security of this Deed of Trust, Grantor agrees:

1. To keep said property in good condition and repair; not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to commit or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.

2. To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear.

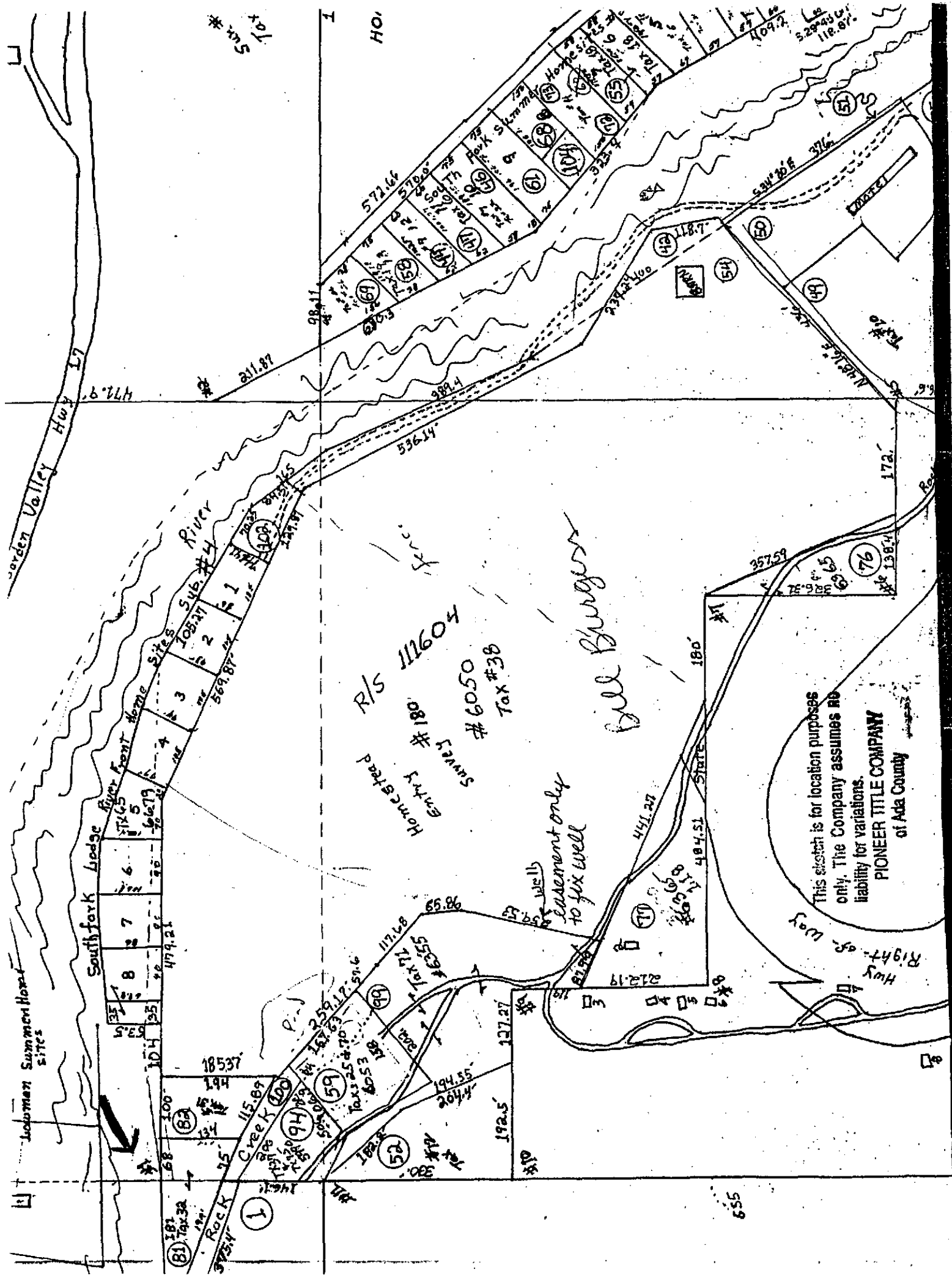
4. To pay: at least ten days before delinquency all taxes and assessments affecting said property, when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this Trust. In addition to the payments due in accordance with the terms of the note hereby secured the Grantor shall at the option, and on demand of the Beneficiary, pay each month 1/12 of the estimated annual taxes, assessments, insurance premiums, maintenance and other charges upon the property, nevertheless in trust for Grantor's use and benefit and for the payment by Beneficiary of any such items when due. Grantor's failure so to pay shall constitute a default under this trust.

5. To pay immediately and without demand all sums expended by Beneficiary or Trustee pursuant to the provisions hereof, with interest from date of expenditure at eight per cent per annum.

6. Should Grantor fail to make any payment or to do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice to or demand upon Grantor and without releasing Grantor from any obligations hereof, may: make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such powers, or in enforcing this Deed of Trust by judicial foreclosure, pay necessary expenses, employ counsel and pay his reasonable fees.

B. It is mutually agreed that:

1. Any award of damages in connection with any condemnation for public use of or injury to said property or any part thereof is hereby assigned _____ and with the same effect as above.



R/S 112604
Savvy #180
#6050
Tax #38

Bill Burger

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

Well
Easement only
to fix well

Hwy 17
Right of Way

Johnson Summit Road
sites

Southfork Lodge

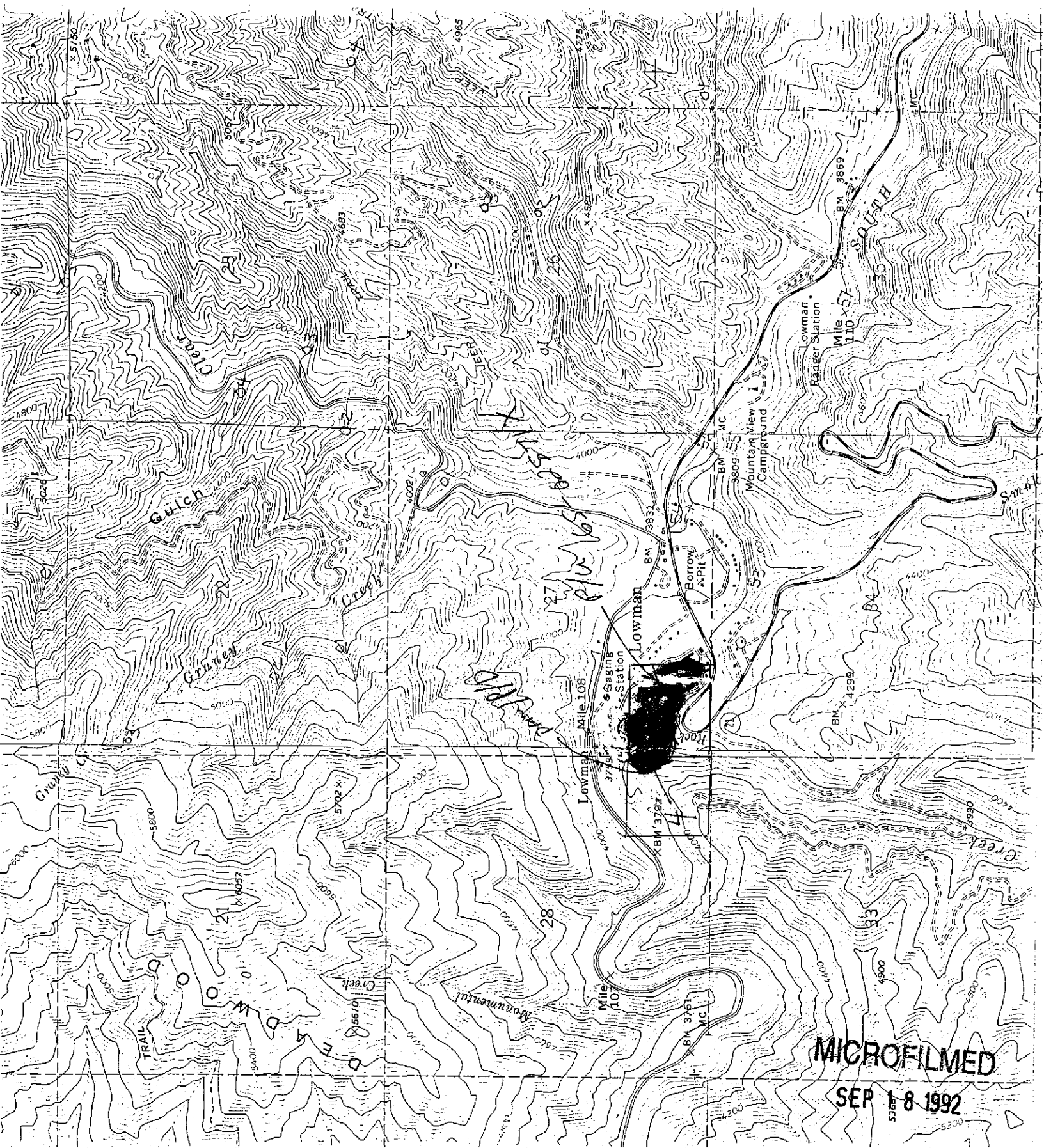
Rock

Creek

P.J.

Homestead
Entry

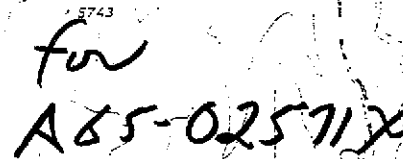
Rock
Creek
Div
Poudre
River
Diversion



MICROFILMED

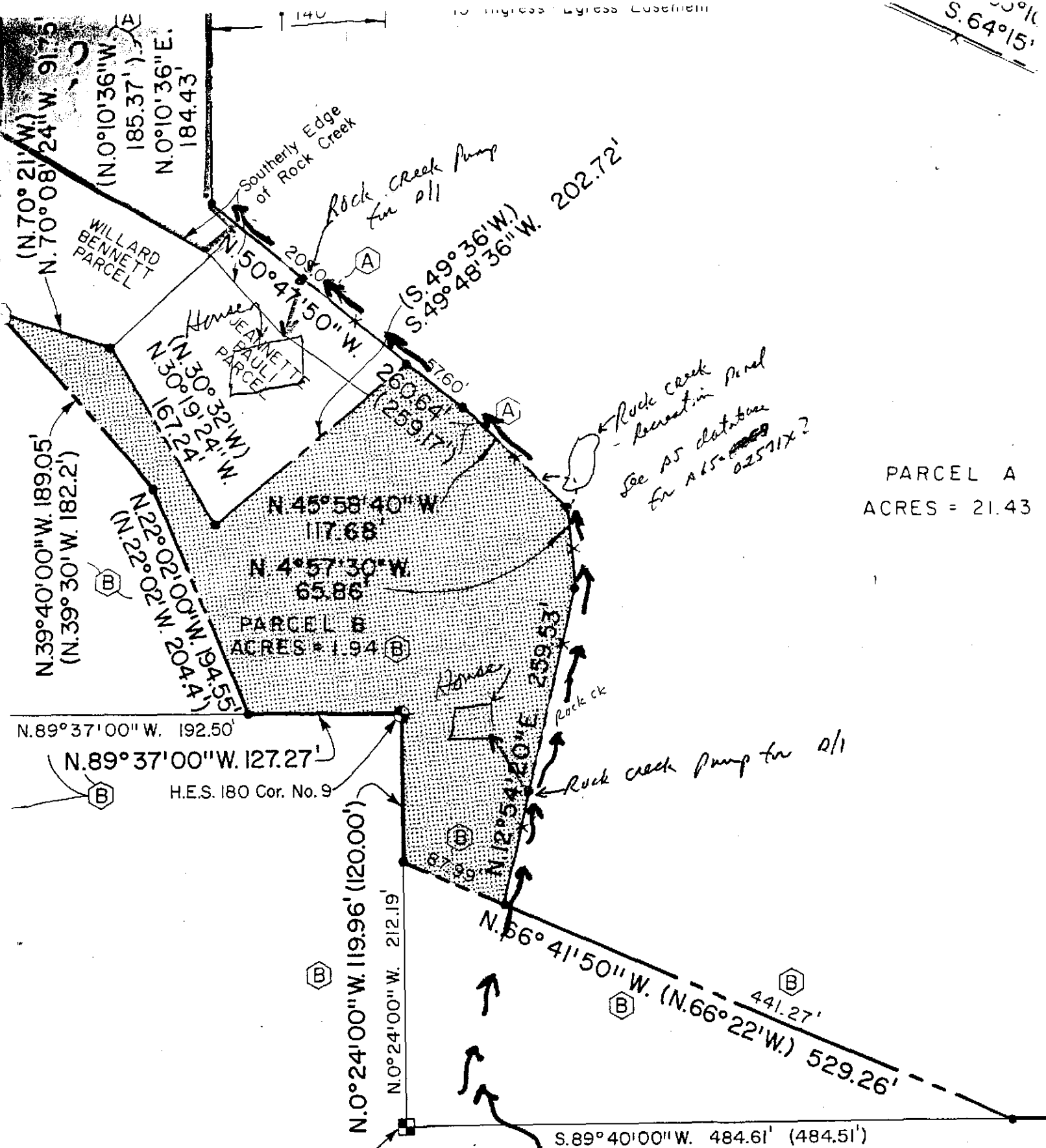
SEP 18 1992

Section 27



SEP 18 1992

S. 64°15'



PARCEL A
ACRES = 21.43

MICROFILMED

SEP 18 1992

Rock Creek

partial copy of J.W.B. Eng. plot,
original available in file exam file
for 65-12728