

T17





Idaho Dept of Water Resources

Claim No(s): 65-02934C,
65-02943K, 65-02941,
65-02967E

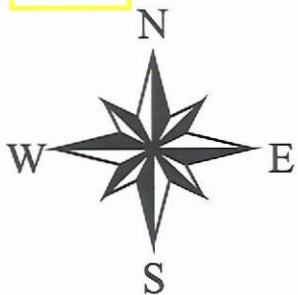
Claimant(s) Carey

T17N, R03E, S 1, 12

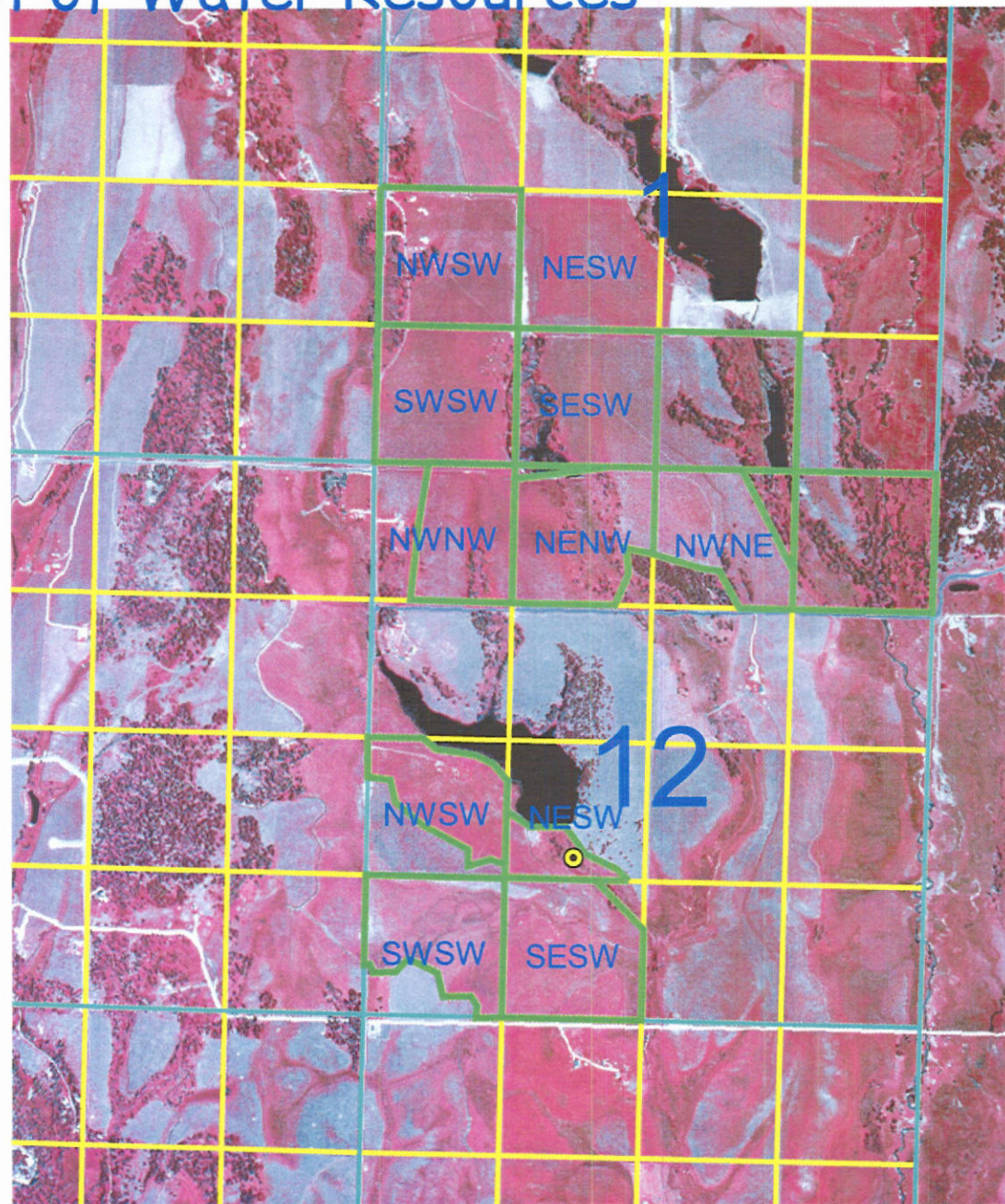
Prepared by: Sue Bock

Date: 07/15/1999

-  Place of Use
-  Point of Diversion
-  Section lines
-  1/4 1/4 lines



0 0.25 0.5 0.75 Miles



1987 NAPP Photo

State of Idaho

License and Certificate of Water Right

Water License No. R-741

Amount 350 acre feet

Water District No.

Priority December 19, 1945

THIS IS TO CERTIFY that

JOHN SHAW

to construct a reservoir and store and made application for a permit to appropriate the

of Lake Fork, Idaho

public waters of the State of Idaho, dated December 4, 1944; that Permit No. R-741

was issued under said application; that Certificate of Completion of works, with a storage capacity of

350 acre feet, was issued thereunder on February 11, 1950 showing that said works

were completed on the 25th day of January, 1950 and that on the 2nd

day of January, 1951

JOHN SHAW

of Lake Fork

State of Idaho

made proof to the satisfaction of the

State Reclamation Engineer

of Idaho, of the right to use the waters of Jug Creek, Boulder Creek

a tributary of Louis Creek, and thence for the purpose of irrigation and domestic use

under Use Permit No. R-741 of the Department of Reclamation

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,

and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

of Licenses at page 4878 on the 10th day of January, 1952

The right hereby confirmed dates from December 19, 1945

The Point of Diversion is located in 10 1/2 N. 34 E. 17 1/2 Sec. 17, T. 4 N., R. 3 E., Valley County

in the NE 1/4 of 1/4 Sec. 17, T. 4 N., R. 3 E., Valley County

That the amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes and shall not exceed 350 acre feet per annum.

Description and location of use:

Tract	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
18 N.	3 E.	35	NE 1/4	40	34
			SE 1/4	40	40
		36	NE 1/4	40	40
			SW 1/4	40	30
			SE 1/4	40	20
			SW 1/4	40	20
Number of Acres Actually Irrigated -					184

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

10th day of January, 1952

1952

MARK R. KULP

State Reclamation Engineer

(SEAL)



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK E. KULP, STATE RECLAMATION ENGINEER

BOISE

January 4, 1952

RE: Permit No. 12-741

Mr. John Shaw
Lake Fork
Idaho

Dear Mr. Shaw:

We now have on file the report of our field engineer
on examination for beneficial use under your Permit No. 12-741.

This report shows that you have irrigated 184 acres
in the NE 1/4 Section 25, NE 1/4 Section 36, Township 18 North,
Range 3 East, B.M.

Therefore, upon receipt of the statutory fee of \$12.00,
which is at the rate of \$2.00 for each 40 acre subdivision in
which the land is located, a license will be issued for the stor-
age of 250 acre feet of water from Jug Creek in your reservoir
in Lot 3, Section 5, Township 17 North, Range 4 East, B.M.

Very truly yours,

MARK E. KULP
State Reclamation Engineer

By: *Jeanne L. Anderson*
Chief Clerk

A:76

*Enclosed is a check for \$12.00 which
will cover the statutory fee. Thanks
John Shaw*

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. B-761

REPORT ON PROOF OF Beneficial use

John Shaw, Lake Fork, Idaho

350 ac ft
max

App. 350 a. f.

184 acres
6-40's

R. H.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. B-741This proof is for Beneficial use

In Water District No. _____

1. Name of applicant John Shaw, Lake Fork, Idaho2. Source of water supply: Jug Creek
outlet3. Location of point of diversion: Is in Sec. 36 Lot 3of Section 5T. 17 N. R. 4 E. County of Valley

4. Describe works as they exist, giving dimensions and capacities of same: Dam is located in Lot 3, Sec. 36, T. 17 N., R. 4 E. N.E.M., and is in bed of Jug Creek, tributary of Louis Creek, tributary of Boulder Creek. The dam is 37 feet high, by 454 feet long by 20 feet wide on the crest. Slope is approximately 3-1 upstream and 2-1 downstream. Freshboard is approximately 42 feet. There is no riprap. The outlet pipe is 2 feet in diameter by 180 feet long, tipped in tar, has 5 concrete collars 6 feet square. The spillway lies approximately 110 yards North of the NE and of the dam in the shallow saddle. It is approximately 20 feet wide by 160 feet long. The bottom is sandy, granite-like structure.

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 35, and SW $\frac{1}{4}$ Section 36, Township 18 North, Range 3 East, R.M.See map

water is taken out of Boulder ca farther upstream. Part of it is delivered thru the Boulder Fring Outlet. The outlet is by 2 in. diameter pipe in R. 8.50 station. Total capacity of reservoir is 11,185 acre feet.

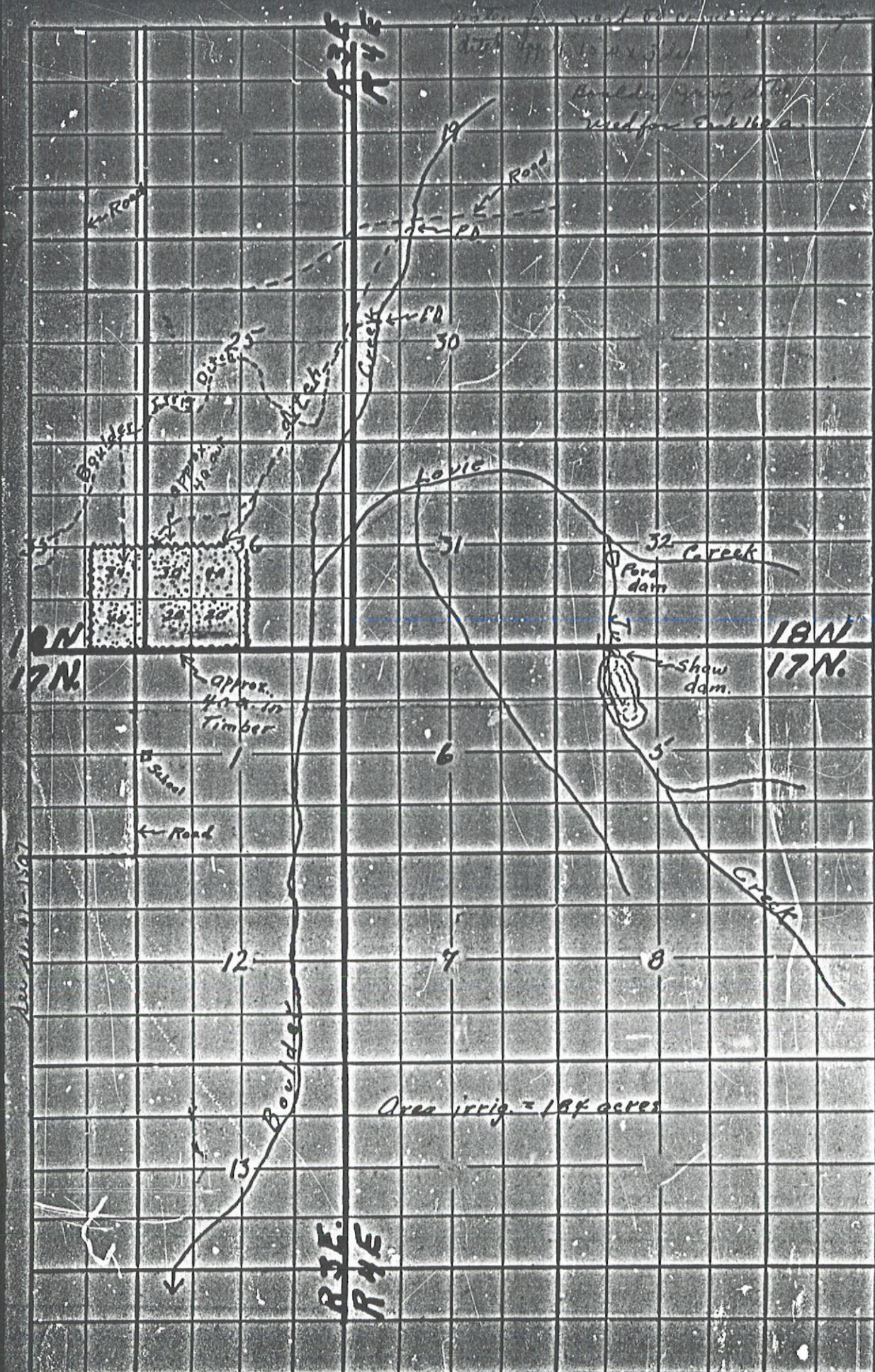
(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Payette River

Remarks: The Armo gate broke when first opened, and an attempt was made to hold the water by blocking the outlet with filled sacks and with poles. The gate must have been cracked at the time it was installed. At present, there is no trash rack over the outlet. There should be more rock around the outlet gate and there should be rock riprap at the lower end of the outlet pipe in the stream bed. There is no rock riprap on the face of resist wave action. This dam appears to be well built, and when finished, should be a very good dam.

This examination was made on the 21stday of August1961(Signed) E. H. Humphrey

Examiner



NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 11 A.M. on the 2nd day of January 1951
at McCall County of Valley State of Idaho, before

A.A. Anderson my lawful agent will be submitted of the

application to beneficial use of 350 acres of the waters of Butt

Creek in accordance with the terms and conditions of Permit No. R-744

heretofore issued by the Dept of Reclamation of the State of Idaho

The name and position address of the person or corporation holding said permit are

John Hunt Asst Genl. Mgr

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 350 acres plus

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) NE 1/4 and SE 1/4 of the SE 1/4 Sect 35

Trp 18 N Rng 3 E

all of the SW 1/4 Sect 36 Trp 18 N

of the SW 1/4 Rng 3 E

240 acres

The name of the canal or ditch or other works by which said water is conducted to such place of

use is private ditch in mine

The right to take water from such works is based upon Permit No. R-744

The source of supply from which such water is diverted is Butt Creek

19-1945

The date of priority which said user is prepared to establish is Dec 4 1944

Mark R. Neely

State Reclamation Engineer

RECEIVED
DEC 18 1989

Department of Water Resources
Western Regional Office

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: A65-02934C

Date Received: 12-12-89

Receipt No.: W2496

Received By: JKW

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

1. Name: D. JOHN CAREY (208) 634-7641
Address: c/o STEVEN J. MILLEMAN, ATTORNEY
P. O. Box 1318
McCall, ID 83638

AND/OR

Name: TERESA CAREY (208) 634-7641
Address: c/o STEVEN J. MILLEMAN, ATTORNEY
P. O. Box 1318
McCall, ID 83638

2. Date of Priority: Dec. 19, 1945

3. Source: JUG CREEK Trib. to: LOUIE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
17N	04E	5		3	VALLEY

5. Description of diverting works:
HEADGATES, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION FROM STORAGE	04/15	10/15			350.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 350.00 A.F.A.

8. Total consumptive use is acre feet per annum.

MICROFILMED
OCT 18 1995

9. Non-irrigation uses: None

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	03E	1	NW	SW		IRR FS	40.0
			SW	SW		IRR FS	40.0
			SE	SW		IRR FS	40.0
			SW	SE		IRR FS	40.0
						Section Acres	160.0
		12	NE	NE		IRR FS	40.0
						Section Acres	40.0
						Total Acres	200.0

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:
65-02967, 65-02934, 65-02943

14. Remarks:

WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.

THIS CLAIM REPRESENTS A TRANSFER OF 350.0 ACRE FEET OF STORAGE
FOR IRRIGATION FROM THE ORIGINAL PLACE OF USE IN DECREE 65-02934
TO THE PLACE OF USE LISTED IN THIS CLAIM.
ON 12/02/1985, a SIGNED TRANSFER OF WATER RIGHTS FROM OSBORN
RANCH, INC. OF 546.3 ACRE FEET STORAGE RIGHTS FROM JUG CREEK RES.
TO D. JOHN CAREY AND TERESA CAREY WAS PRESENTED TO THIS AGENT.
THIS INSTRUMENT DID NOT SPECIFY FROM WHICH OF OSBORNS STORAGE
RIGHTS THIS TRANSFER OCCURED FROM.
SINCE THERE ARE OTHER CLAIMS AGAINST 65-02934 (A65-02934A,
02934B) TOTALING 497.67 ACRE FEET, AND THE TOTAL STORAGE RIGHT
FOR 65-02934 IS 350.0 ACRE FEET, A QUESTION ARISES AS TO WHICH OF
THE CLAIMS ARE LEGITIMATE AND WHICH ARE NOT.
IT IS THE RESPONSIBILITY OF THE CLAIMANT OR THEIR REPRESENTATIVE
TO PROVIDE SUPPORTING EVIDENCE FOR THEIR CLAIM(S).
SEE FILE 65-02943C. ELR *****

THIS ALL OF 65-02934.
WHEN THIS CLAIM AND ALL OTHER CLAIMS ARE COMBINED, THE RATE OF
DIVERSION SHALL NOT EXCEED 0.02 CFS.

15. Basis of Claim: DECREED

MICROFILMED
OCT 18 1996

RECEIVED

DEC 12 1989

SPECIAL POWER OF ATTORNEY

Department of Water Resources
Western Regional Office

STATE OF CALIFORNIA)
County of SANTA CLARA) ss

DSC
D. JOHN

KNOW ALL MEN BY these presents, that I, ~~JOHN D.~~ CAREY, of 15320 Peach Hill Road, City of Saratoga, County of SANTA CLARA, State of California, do hereby make, constitute and appoint STEVEN J. MILLEMANN, of the Law Offices of Steven J. Millemann, P. O. Box 1318, City of McCall, County of Valley, State of Idaho, as my true and lawful attorney in fact, for me, and in my name, place and stead. The Power granted to the above-named person is LIMITED to the following:

1. For the purpose of preparing, executing and filing all documents required by the Idaho Department of Water Resources to establish water rights on my Idaho property.
2. The rights, powers and authority of said attorney in fact shall not be terminated until revoked by me.

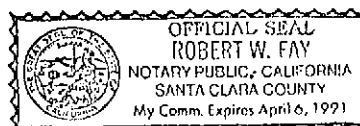
DATED this 22 day of November, 1988.

D. John
JOHN D. CAREY
D. JOHN
DSC

STATE OF CALIFORNIA)
County of SANTA CLARA) ss.

SUBSCRIBED AND SWORN to before me this 22 day of November, 1988.

Robert W. Fay
Notary Public for California
Residing at:
Commission Expires:



MICROFILMED
OCT 18 1996

File # 50
Variable 200
250.00

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: A65-02934C
Date Received: 11/23/1988
Receipt No: W2496
Received By: EJA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: D. JOHN CAREY 208-634-7641
Address: % STEVEN J. MILLEMAN, ATTORNEY
P.O. BOX 1318
MCCALL, ID 83638

AND/OR

Name: TERESA CAREY 208-634-7641
Address: % STEVEN J. MILLEMAN, ATTORNEY
P.O. BOX 1318
MCCALL, ID 83638

2. Date of Priority: DEC 31, 1949

3. Source: JUG CREEK Trib. to: LOUIE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
17N	04E	5		3	VALLEY

5. Description of diverting works:
HEADGATES, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION FROM STORAGE	04/15	10/15			350.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 350.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A65-02934C

Page 1

Date: 03/27/89

MICROFILMED
OCT 18 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	03E	1	NW	SW		IRR FS	40.0
			SW	SW		IRR FS	40.0
			SE	SW		IRR FS	40.0
			SW	SE		IRR FS	40.0
Section Acres							160.0
		12	NE	NE		IRR FS	40.0
Section Acres							40.0
Total Acres							200.0

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:
65-02967, 65-02934, 65-02943

14. Remarks:

WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.

 THIS CLAIM REPRESENTS A TRANSFER OF 350.0 ACRE FEET OF STORAGE
 FOR IRRIGATION FROM THE ORIGINAL PLACE OF USE IN DECREE 65-02934
 TO THE PLACE OF USE LISTED IN THIS CLAIM.
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 RANCH INC. OF 546.3 ACRE FEET STORAGE RIGHTS FROM JUG CREEK RES.
 TO D. JOHN CAREY AND TERESA CAREY WAS PRESENTED TO THIS AGENT.
 THIS INSTRUMENT DID NOT SPECIFY FROM WHICH OF OSBORNS STORAGE
 RIGHTS THIS TRANSFER OCCURED FROM.
 SINCE THERE ARE OTHER CLAIMS AGAINST 65-02934 (A65-02934A, 02934B
) TOTALING 497.67 ACRE FEET, AND THE TOTAL STORAGE RIGHT FOR
 65-02934 IS 350.0 ACRE FEET, A QUESTION ARISES AS TO WHICH OF THE
 CLAIMS ARE LEGITIMATE AND WHICH ARE NOT.
 IT IS THE RESPONSIBILITY OF THE CLAIMANT OR THEIR REPRESENTATIVE TO
 PROVIDE SUPPORTING EVIDENCE FOR THEIR CLAIM(S).
 SEE FILE 65-02943C. ELR *****

 THIS IS A SPLIT OF 65-02967.
 WHEN THIS CLAIM AND ALL OTHER CLAIMS ARE COMBINED, THE RATE OF
 DIVERSION SHALL NOT EXCEED 0.02 CFS.

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

Decree date:

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

Decree Defendant

vs

16. Signature(s)

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

Number of attachments: _____

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): D. John Carey, by Date: 3/29/89

Stan. Miller Date: _____

State of Idaho)

County of Ada)

SS.

Attorney-in-Fact

Subscribed and sworn (or affirmed) before me this 27th day

of March 19 89

Eldon L. Roush
Notary Public

Seal

Residing at Eldon L. Roush

Residing at Boise, Idaho

My Commission Expires September 8, 1994

T17

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50'

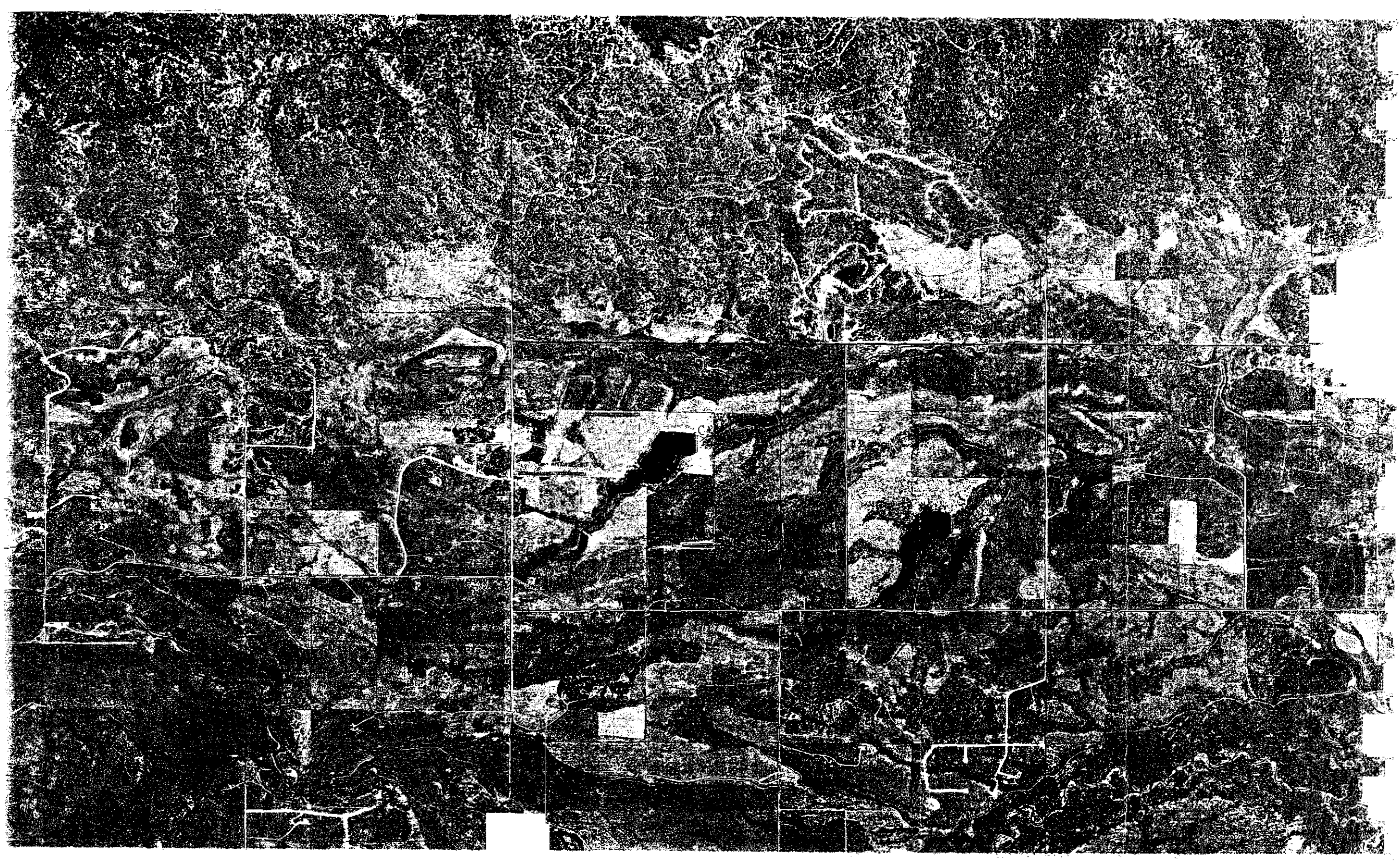
4964

4963

4962



Level Pit



TRANSFER OF WATER RIGHTS

OSBORN RANCH, INC., an Idaho corporation, and WARREN OSBORN and TESSIE M. OSBORN, husband and wife, Grantors, hereby grant and convey to D. JOHN CAREY and TERESA CAREY, husband and wife, Grantee, of 15320 Peach Hill Road, Saratoga, California 95070, for good and other valuable consideration, all of Grantors right, title and interest in and to their water rights from the storage water located in Jug Creek Reservoir. Said reservoir being located in the NE 1/4 of the NW 1/4 of Section 5, Township 17 N., Range 4 E., B.M., Valley County, Idaho.

Said water rights consist of 546.30 acre feet, more or less, for irrigation purposes.

Grantors warrant that no prior conveyance or transfer of said water right has been made, save and except a trade of said water right with the Roseberry Irrigation District for the 1985 irrigation season.

IN WITNESS WHEREOF, Grantors have executed this Agreement and caused its corporate name to be hereto affixed by its duly authorized officers, this 2nd day of ~~November~~ ^{December}, 1985.

OSBORN RANCH, INC.

Warren Osborn
Warren Osborn

By: Warren Osborn
Warren Osborn, President

Tessie M. Osborn
Tessie M. Osborn

ATTEST:

By: Tessie M. Osborn
Tessie M. Osborn, Secretary

MICROFILMED
OCT 18 1996

P.O. BOX A.O.
McCALL, IDAHO 83638

PHONE: (208) 634-7118

200 EAST PARK ST.

KILLEN AND PITTENGER, P.A.

LAW OFFICES OF

1 STATE OF IDAHO)
2 County of Valley) ss.

3 On this 2nd day of ~~November~~ ^{December}, 1985, before me, a Notary
4 Public in and for said State, personally appeared WARREN
5 OSBORN and TESSIE M. OSBORN, President and Secretary respectively
6 of OSBORN RANCH, INC., an Idaho corporation, and known or
identified to me to be the persons who executed the within
instrument on behalf of said corporation, and acknowledged
to me that said corporation executed same.

7 IN WITNESS WHEREOF, I have hereunto set my hand and
8 notary seal the day and year first written in this certificate.

9 *William Z. Cole*
10 Notary Public for Idaho
11 Residing at: Cascade

12 STATE OF IDAHO)
13 County of Valley) ss.

14 On this 2nd day of ~~November~~ ^{December}, 1985, before me, a Notary
15 Public in and for said State, personally appeared WARREN
16 OSBORN and TESSIE M. OSBORN, known or identified to me to be
the persons whose names are subscribed to the within and
foregoing instrument and acknowledged to me that they
17 executed the same.

18 IN WITNESS WHEREOF, I have hereunto set my hand and
19 notarial seal the day and year in this Certificate first
above written.

20 *William Z. Cole*
21 Notary Public for Idaho
22 Residing at: Cascade

SPECIAL POWER OF ATTORNEY

STATE OF CALIFORNIA)
County of SANTA CLARA) ss

DSC
D. JOHN

KNOW ALL MEN BY these presents, that I, ~~JOHN D.~~ CAREY, of 15320 Peach Hill Road, City of Saratoga, County of SANTA CLARA State of California, do hereby make, constitute and appoint STEVEN J. MILLEMANN, of the Law Offices of Steven J. Millemann, P. O. Box 1318, City of McCall, County of Valley, State of Idaho, as my true and lawful attorney in fact, for me, and in my name, place and stead. The Power granted to the above-named person is LIMITED to the following:

1. For the purpose of preparing, executing and filing all documents required by the Idaho Department of Water Resources to establish water rights on my Idaho property.
2. The rights, powers and authority of said attorney in fact shall not be terminated until revoked by me.

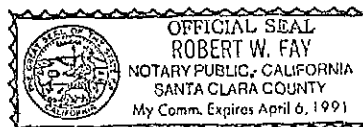
DATED this 22 day of November, 1988.

D. John
~~JOHN D.~~ CAREY
D. JOHN
DSC

STATE OF CALIFORNIA)
County of SANTA CLARA) ss.

SUBSCRIBED AND SWORN to before me this 22 day of November, 1988.

Robert W. Fay
Notary Public for California
Residing at:
Commission Expires:



MICROFILMED
OCT 18 1996

WESTERN REGION

OWNER (S): Cooley

CLAIM NUMBERS: 65-02931C 65-02943H 65-02942E 65-02941

AGENT: Sue Bock DATE _____

				NE				NW				SW				SE			
RIGHT NO	TSP	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
		</																	

POLYGON CREATED ON 332

POLYGON # () () () () UPDATED BY sue

ATTRIBUTES OF B65-POU.SHP (74) (75) () () ()

ATTRIBUTES OF B65-POD.SHP (68) (72) () () ()

☒ B65-DBPOU.DBF UPDATED BY sue

☒ B65-DBPOD.DBF UPDATED BY sue

NOTES:

Idaho Dept of Water Resources

Claim No(s): 65-02934C,
65-02943K, 65-02941,
65-02967E

Claimant(s) Carey

T17N, R03E, S 1, 12

Prepared by: Sue Bock

Date: 07/15/1999



Place of Use



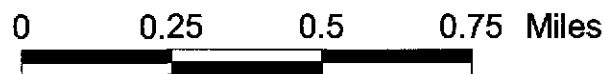
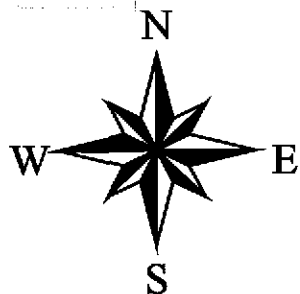
Point of Diversion



Section lines



1/4 1/4 lines



1987 NAPP Photo

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

Idaho 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 ¹⁰	65-06960 ¹⁰	65-10371 ¹⁰	65-03118 ^{obj in the canal}
65-02967E ¹⁰	65-02971 ^{obj}	65-02513 ¹⁰	65-06956 ^{obj}
65-02653 ^{obj}	65-02941 ^{obj}	65-02934C ¹⁰	65-02943K ¹⁰
65-10372 ¹⁰			

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

#####

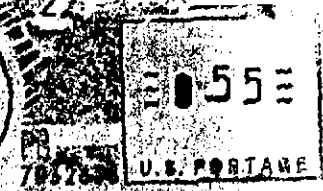
Millemann Pittenger & Mc Mahan
May 9, 2001
Page 2 of 2

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

RECEIVED

SEP 26 2000

WATER RESOURCES
WESTERN REGION

McCall, Idaho
Sept. 25, 00

Dear John:

I am enclosing a copy of the Certificate of Incorporation for the Jug Creek Reservoir share-holders. I would appreciate it if you would get it to the proper place in your department.

Thank you.

Del Catlin
Del Catlin

State of Idaho

Department of State

CERTIFICATE OF INCORPORATION OF

JUG CREEK RESERVOIR, INC.

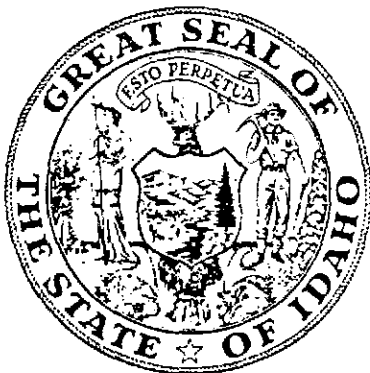
I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of Articles of Incorporation for the incorporation of _____

JUG CREEK RESERVOIR, INC.

duly signed pursuant to the provisions of the Idaho Nonprofit Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Incorporation and attach hereto a duplicate original of the Articles of Incorporation.

Dated _____ September 3, 1985 _____, 19 _____.



Pete T. Cenarrusa

SECRETARY OF STATE

Vicki Rast

Corporation Clerk

DATE: 09/22/99
PAGE: 1

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

AJ0749NP
No. R65-02934C

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

DATE: 09/22/99
PAGE: 2

=====

Comments: Date: 07/16/1999 User-ID: SBOCK Subject: POU
CAREY OWNS THIS RIGHT SOLEY. BIECHNER AND HUFFMAN FILED ON THIS
CLAIM, BUT THEIR FILINGS HAD NO BASIS. THIS RIGHT WAS
DECREED FOR 192 ACRES, CAREY HAS CALIMED 200 WHICH IS OKAY AS
LONG AS HE DOES NOT EXCEED 192 ACRES OF IRR. FROM THIS RIGHT.
THE WATER HAS ALSO BEEN MOVED THROUGH AN ACCOMPLISHED CANGED IN
POU, IN EXCHANING WATER WITH ROSEBERRY IRR. DIST.

Date: 07/16/1999 User-ID: SBOCK Subject: VOLUME
ALL CAREY'S RIGHT COMBINED WILL NOT EXCEED 5.0 AF/ACRE

Date: 09/21/1999 User-ID: SBOCK Subject: STORAGE
YEAR ROUND STORAGE FOR IRR WAS ADDED TO THIS RIGHT SINCE IT IS
NO LONGER A GEN PROVISION IN THE SR8A

Audit: 09/22/99 SBOCK

AJ5809NP
No. A65-02934C

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/05/99
PAGE: 29

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TERESA CAREY % STEVEN J MILLEMAN ATTORNEY PO BOX 1318 MCCALL ID 83638 (208) 634-7641	12/19/1945	IRRIGATION FROM STORAGE	04-15 10-15		350.00 AFA
				TOTAL DIVERSION:		350.00 AFA

C D JOHN CAREY
% STEVEN J MILLEMAN ATTORNEY
PO BOX 1318
MCCALL ID 83638
(208) 634-7641

Water Source: JUG CREEK

Tributary to: LOUIE CREEK

Stage: DECREED

Point(s) of Diversion:

T17N R04E S05 Lot03 (GEN)

VALLEY County

Place of use Legal Description for: IRRIGATION FROM STORAGE

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
17N	03E	1	:											40	40	40		40		160.0
17N	03E	12	:	40																40.0
TOTAL ACRES																			200.0	

POU County: VALLEY

Non-Irrigation Uses: NONE

Other Rights: 65-02967, 65-02934, 65-02943

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

~~A65-02934A~~ A65-02934B A65-02943A A65-02943B A65-02943E A65-02943J A65-02943K A65-02943X A65-02967A A65-02967B
A65-02967C A65-02967D A65-02967E

Remarks: GEN WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.

THIS CLAIM REPRESENTS A TRANSFER OF 350.0 ACRE FEET OF STORAGE
FOR IRRIGATION FROM THE ORIGINAL PLACE OF USE IN DECREE 65-02934
TO THE PLACE OF USE LISTED IN THIS CLAIM.
ON 12/02/1985, A SIGNED TRANSFER OF WATER RIGHTS FROM OSBORN
RANCH INC. OF 546.3 ACRE FEET STORAGE RIGHTS FROM JUG CREEK RES.
TO D. JOHN CAREY AND TERESA CAREY WAS PRESENTED TO THIS AGENT.
THIS INSTRUMENT DID NOT SPECIFY FROM WHICH OF OSBORNS STORAGE
RIGHTS THIS TRANSFER OCCURRED FROM.
SINCE THERE ARE OTHER CLAIMS AGAINST 65-02934 (A65-02934A, 02934B
) TOTALING 497.67 ACRE FEET, AND THE TOTAL STORAGE RIGHT FOR
65-02934 IS 350.0 ACRE FEET, A QUESTION ARISES AS TO WHICH OF THE

Decreed
for 192
acres

POOL, EIV
EXP. FLOW

C95

AJ5809NP
No. A65-02934C

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/05/99
PAGE: 30

Remarks:

CLAIMS ARE LEGITIMATE AND WHICH ARE NOT.
IT IS THE RESPONSIBILITY OF THE CLAIMANT OR THEIR REPRESENTATIVE TO
PROVIDE SUPPORTING EVIDENCE FOR THEIR CLAIM(S).
SEE FILE 65-02943C. ELR *****

THIS IS A SPLIT OF 65-02967.
WHEN THIS CLAIM AND ALL OTHER CLAIMS ARE COMBINED, THE RATE OF
DIVERSION SHALL NOT EXCEED 0.02 CFS.

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
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:08
03/10/99

PAGE: 1
GENERAL INFORMATION

18
CLAIM NUMBER: A65-02934C

LAST: OSBORN RANCH INC FIRST:
ADDRESS: BOX 209
CITY: NEW MEADOWS STATE: ID ZIP: 83654
PHONE NUMBER: 208-000-0000

OWNER CODE: O

LAST: CAREY FIRST: TERESA
ADDRESS: % STEVEN J MILLEMAN ATTORNEY
PO BOX 1318
CITY: MCCALL STATE: ID ZIP: 83638
PHONE NUMBER: 208-634-7641

OWNER CODE: C

LAST: CAREY FIRST: D JOHN
ADDRESS: % STEVEN JMILLEMANN ATTORNEY
PO BOX 1318
CITY: MCCALL STATE: ID ZIP: 83638
PHONE NUMBER: 208-634-7641

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.

THIS CLAIM REPRESENTS A TRANSFER OF 350.0 ACRE FEET OF STORAGE
FOR IRRIGATION FROM THE ORIGINAL PLACE OF USE IN DECREE 65-02934
TO THE PLACE OF USE LISTED IN THIS CLAIM.
ON 12/02/1985, A SIGNED TRANSFER OF WATER RIGHTS FROM OSBORN
RANCH INC. OF 546.3 ACRE FEET STORAGE RIGHTS FROM JUG CREEK RES.
TO D. JOHN CAREY AND TERESA CAREY WAS PRESENTED TO THIS AGENT.
THIS INSTRUMENT DID NOT SPECIFY FROM WHICH OF OSBORNS STORAGE
RIGHTS THIS TRANSFER OCCURED FROM.
SINCE THERE ARE OTHER CLAIMS AGAINST 65-02934 (A65-02934A, 02934B
) TOTALING 497.67 ACRE FEET, AND THE TOTAL STORAGE RIGHT FOR
65-02934 IS 350.0 ACRE FEET, A QUESTION ARISES AS TO WHICH OF THE
CLAIMS ARE LEGITIMATE AND WHICH ARE NOT.
IT IS THE RESPONSIBILITY OF THE CLAIMANT OR THEIR REPRESENTATIVE TO
PROVIDE SUPPORTING EVIDENCE FOR THEIR CLAIM(S).
SEE FILE 65-02943C. ELR *****

THIS IS A SPLIT OF 65-02967.
WHEN THIS CLAIM AND ALL OTHER CLAIMS ARE COMBINED, THE RATE OF

PAGE: 2
GENERAL INFORMATION

19
CLAIM NUMBER: A65-02934C

CLAIM REMARKS (CONT'D):

DIVERSION SHALL NOT EXCEED 0.02 CFS.

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:

A. AJ CLAIM: # A65-02934C PRIORITY DATE: 12-19-1945 STAGE: D

B. WR RECORD: # 65-02934 PRIORITY DATE: 12-19-1945 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:

12-19-1945

REVIEWED BY SB

DATE 7/12/99

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
A65-02934C	17N 04E	5				3		VALLEY		

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

WR RECORDS IN SAME 40 ACRE TRACT

65-02943A
65-02943B
65-02943C
65-02943X
65-02967

* 13 A PREFIX CLAIMS WITH THIS POD

SOURCE: JUG CREEK

TRIB: LOUIE 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
65-02934	17N 04E	5				3		VALLEY		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

65-02943A
65-02943B
65-02943C
65-02943X
65-02967

***** NONE

***** 13 A PREFIX CLAIMS IN SAME 40 ACRE TRA

SOURCE: JUG CREEK

TRIB: LOUIE 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:

Water is exchanged w/ Roseberry We decided
to leave the P.O.D. at Roseberry rather than
confuse the address.

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
17N	04E	5				3		VALLEY		
				NE NW						

SOURCE: JUG CREEK

TRIB: LOUIE CREEK

REVIEWED BY: SB

DATE: 7/15/99

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

A. ROOT WATER RIGHT NUMBERS: A65-02934A
A65-02934B
A65-02934C

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
17N	03E	1	NW	SW		CAREY, TERESA	A65-02934C / 40.0	- /			40.0
			NW	SW		BIGELOW, ROBERT B	65-17331 /	- /			
			NW	SW		BIGELOW, ROBERT B	A65-17331 /	- /			
			NW	SW		GREMS, LESLIE A	A65-11245 /	65-11245 /			
			NW	SW		CAREY, D JOHN	A65-02943K / 40.0	- /			
			NW	SW		CAREY, D JOHN	A65-02967E / 40.0	- /			
			NW	SW		BOULDER IRRIGATION CO	A65-02308 / 0.5	- /			
			NW	SW		GREMS, LESLIE A	65-11245 /	- /			
17N	03E	1	SW	SW		CAREY, TERESA	A65-02934C / 40.0	- /			37.0
			SW	SW		CAREY, D JOHN	A65-02943K / 40.0	- /			
			SW	SW		CAREY, D JOHN	A65-02967E / 40.0	- /			
17N	03E	1	SE	SW		CAREY, TERESA	A65-02934C / 40.0	- /			28.0
			SE	SW		CAREY, D JOHN	A65-02943K / 40.0	- /			
			SE	SW		CAREY, D JOHN	A65-02967E / 40.0	- /			
17N	03E	1	SW	SE		CAREY, TERESA	A65-02934C / 40.0	- /			19.0
			SW	SE		CAREY, D JOHN	A65-02943K / 40.0	- /			
			SW	SE		CAREY, D JOHN	A65-02967E / 40.0	- /			
17N	03E	12	NE	NE		CAREY, TERESA	A65-02934C / 40.0	- /			19.0
			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		FRISBIE, EDWARD		65-02513 / 2.0			

ADDITIONAL POU FOUND

TOTAL ACRES A65-02934C

200.00

143.00

POU COUNTY: VALLEY

200
=

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
A65-02934C	JUG CREEK	CAREY, TERESA			350.00	1.75
A65-02308	BOULDER CREEK	BOULDER IRRIGATION CO	24.000	0.020		
A65-02941	WILHELM CREEK	CAREY, D JOHN			100.00	0.57
A65-02943K	JUG CREEK	CAREY, D JOHN			406.90	2.03
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
65-17331	DOMESTIC	BIGELOW, ROBERT B	FROM 01-01 TO 12-31	0.040 CFS	
65-17331	STOCKWATER	BIGELOW, ROBERT B	FROM 01-01 TO 12-31	0.020 CFS	
A65-17331	DOMESTIC	BIGELOW, ROBERT B	FROM 01-01 TO 12-31	0.040 CFS	
A65-17331	STOCKWATER	BIGELOW, ROBERT B	FROM 01-01 TO 12-31	0.020 CFS	
A65-11245	DOMESTIC	GREMS, LESLIE A	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-11245	DOMESTIC	GREMS, LESLIE A	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A

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

Y(☒) N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 65-02967, 65-02934, 65-02943

limited to 5.0 AF over all right

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 POB: () ORTHOPHOTOQUAD, IDWR NO. _____; () TOPOGRAPHIC QUAD, IDWR NO. _____;
() NAPP, IDWR NO. _____; () ASCS PHOTO; () OTHER _____

NOTES: All rights combined do not exceed 505/acre. Carey has moved the P.O.D., which is permissable with storage notes. He exchanges w/ Roseberry & doesn't to have been doing. See Deeds 1970 which would indicate an Accompanish Change in P.O.D. Carey did claim 200 Acres on this right & was bought for 192 & he is the only holder on this right, so he will be limited to 192 acres.

The split #1's are staying as a means of being able to send this out in the future. I am afraid that if I take this claim back to the whole pg, there may be confusion.

RECOMMENDATIONS:

TOTAL ACRES: 192 N/A ()
REVIEWED BY: AB DATE: 7/14/98

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-02934C IRRIGATION FROM STORAGE	FROM 04-15 TO 10-15		350.00 AF/A
TOTAL DIVERSION RATE/VOLUME			350.00 AF/A

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-02934 IRRIGATION FROM STORAGE	FROM 04-15 TO 10-15		350.00 AF/A
TOTAL DIVERSION RATE/VOLUME			350.00 AF/A

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: 10

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

27

CLAIM NUMBER: A65-02934C

NOTES:

AJ CLAIM TOTAL DIVERSION RATE:

CFS

WR ROOT RIGHT TOTAL DIVERSION RATE:

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 = 350.00 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 (X)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
IRRIGATION FROM STORAGE	04-15	10-15	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
					350.00		0.0	
TOTAL FOR THIS RIGHT					350.00		0.0	

NON-IRRIGATION USES CLAIMED: NONE

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

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

P001, E14
EXP F04

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 *N/A*

ROOT WATER RIGHT NUMBER: 65-02934

TOTAL DIVERSION RATE OF WR SPLITS DATABASE EXAMINER CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-02934A		-		65-02934	
-	A65-02934B		-		-	
-	A65-02934C		-		-	

TOTAL CFS

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
Y EXAMINER
Y() N()

NOTES:

*Owner received entire right. Baseline & Haythorn
had no basis to file on the claim.
Left split numbers. Saw it did not get even more
confusing*

AUTHENTICATION:

SIGNATURE: *Joe Boer* DATE: *7/15/99*

NAME OF FIELD EXAMINER: TITLE:

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 <u>Transfer of Water</u>	DATE <u>12/2/85</u> <u>Osborn to Carey (2)</u>	☒ 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 <u>8/21/51</u>	<u>3</u>	
☒ WATER RIGHT LICENSE	DATE LICENSE SIGNED <u>11/10/52</u>	<u>1</u>	
() 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

00:00:08
03/10/99

PAGE: 16
QUICKLOOK INFORMATION

33
CLAIM NUMBER: A65-02934C

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				2	Done a case log	SB 7/5/99		
POINT OF DIV				2	[Handwritten squiggle]	[Handwritten squiggle]		
SOURCE				2				
PLACE OF USE	Y			2				
DIV. AMOUNT CFS/VOLUME				2				
CONSUMPTIVE USE	-			2				
PURPOSES OF USE				2				
PERIOD OF USE				2				
BASIS OF CLAIM				2				
REMARKS	Y			2				

BARCODE UPDATED
WHOM/DATE

(SEAL)

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LIBRARY

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 275

ON PROOF OF

Shaw Lake, 1911, Idaho

7

DEPARTMENT OF RECLAMATION
REPORT OF ENGINEER

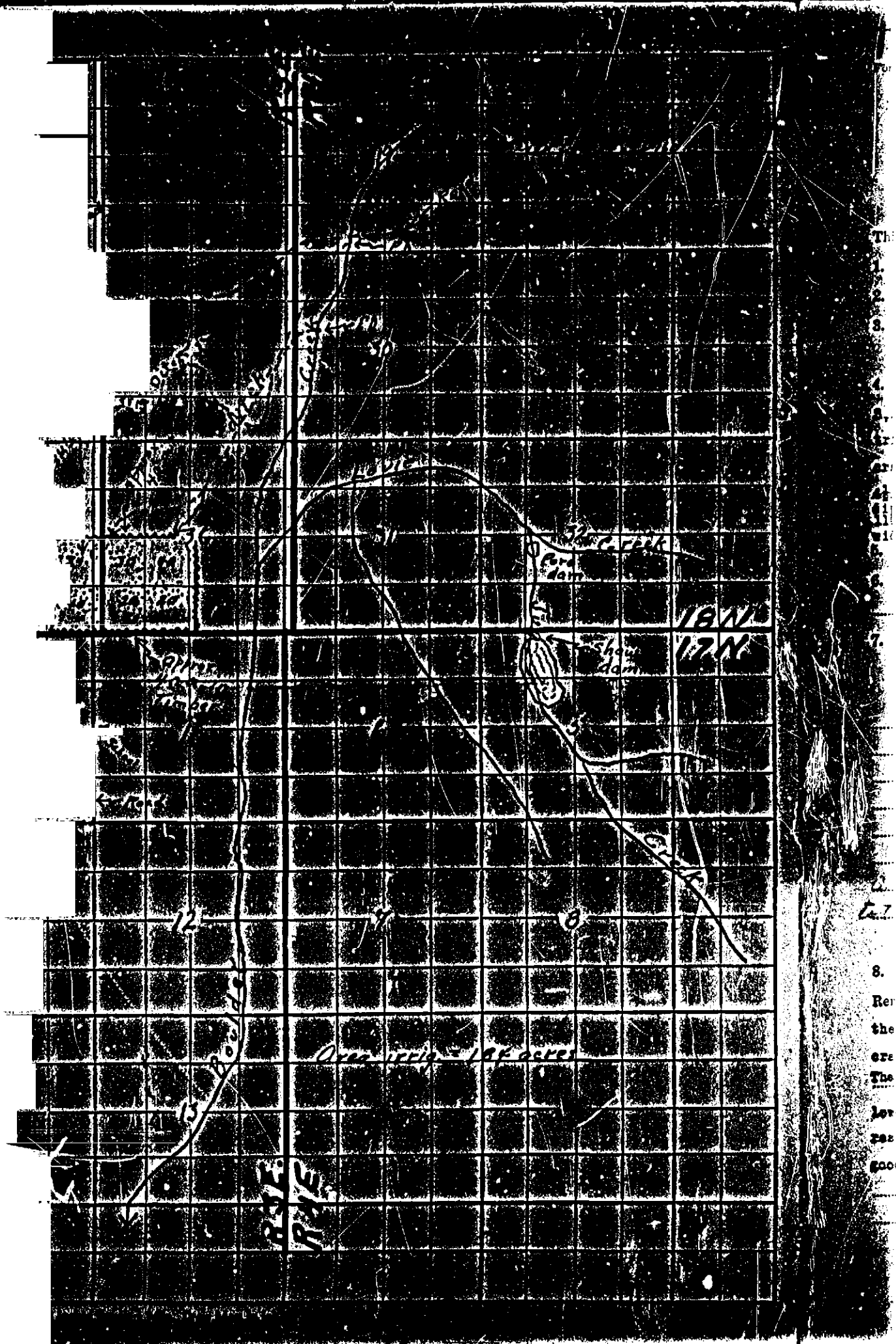
1. Name of project: *Colorado River*
2. Source of water supply: *Colorado River*
3. Purpose of project: *Irrigation*
4. Description of the work: *The outlet pipe is 3 feet in diameter by 100 feet long, tipped in top by concrete collar 3 feet square. The spillway lies approximately 100 feet north of the dam and of the dam in the shallow saddle hole is approximately 100 feet wide by 100 feet long. The bottom is sand, critical like structure.*
5. Water is used for: *Irrigation*

6. State whether or not water has been turned by work of diversion.
7. Acreage subdivided of lands to be irrigated: *100 acres* (Describe manner and place of canal, other than irrigation)
8. Section 45 and 46, Township 18 North, Range 1 East, 10th

Section 45 and 46, Township 18 North, Range 1 East, 10th
Section 45 and 46, Township 18 North, Range 1 East, 10th
Section 45 and 46, Township 18 North, Range 1 East, 10th

(Submit map on attached plat showing location and details of above description.)
9. What large stream would the water here appropriated finally reach? *Colorado River*
Remarks: *The Arroyo gate broke when first opened, and an attempt was made to hold the water by blocking the outlet with filled sacks and with poles. The gate must have been cracked at the time it was installed and at present there is no fresh rock over the outlet. There should be more rock around the outlet gate and there should be rock riprap at the lower end of the outlet pipe in the stream bed. There is no rock riprap on the face of canal near section. This dam appears to be well built, and when finished, should be a very good dam.*

10. Name of engineer: *W. H. Thompson*
11. Date: *1917*



ONE OF FOUR
OFFICE OF THE
COMMISSIONER OF
THE LAND OFFICE
WASHINGTON, D. C.

TO THE
SPECIAL AGENT
IN CHARGE
OF THE
LAND OFFICE
WASHINGTON, D. C.

FROM
THE
SPECIAL AGENT
IN CHARGE
OF THE
LAND OFFICE
WASHINGTON, D. C.

RE
YOUR
LETTER
OF
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INST.

AND
IN
REPLY
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TRANSFER OF WATER RIGHTS

OSBORN RANCH, INC., an Idaho corporation, and WARREN OSBORN and TESSIE M. OSBORN, husband and wife, Grantors, hereby grant and convey to D. JOHN CAREY and TERESA CAREY, husband and wife, Grantee, of 15320 Peach Hill Road, Saratoga, California 95070, for good and other valuable consideration, all of Grantors right, title and interest in and to their water rights from the storage water located in Jug Creek Reservoir. Said reservoir being located in the NE 1/4 of the NW 1/4 of Section 5, Township 17 N., Range 4 E., B.M., Valley County, Idaho.

Said water rights consist of 546.30 acre feet, more or less, for irrigation purposes.

Grantors warrant that no prior conveyance or transfer of said water right has been made, save and except a trade of said water right with the Roseberry Irrigation District for the 1985 irrigation season.

IN WITNESS WHEREOF, Grantors have executed this Agreement and caused its corporate name to be hereto affixed by its duly authorized officers, this 2nd day of ~~November~~ ^{December}, 1985.

OSBORN RANCH, INC.

Warren Osborn
Warren Osborn

By Warren Osborn
Warren Osborn, President

Tessie M. Osborn
Tessie M. Osborn

ATTEST:

By: Tessie M. Osborn
Tessie M. Osborn, Secretary

1 STATE OF IDAHO)
2 County of Valley) ss.

3 On this 2nd day of ~~November~~ ^{December}, 1985, before me, a Notary
4 Public in and for said State, personally appeared WARREN
5 OSBORN and TESSIE M. OSBORN, President and Secretary respectively
6 of OSBORN RANCH, INC., an Idaho corporation, and known or
identified to me to be the persons who executed the within
instrument on behalf of said corporation, and acknowledged
to me that said corporation executed same.

7 IN WITNESS WHEREOF, I have hereunto set my hand and
8 notary seal the day and year first written in this certificate.

9 *Arleand Zolt*
10 Notary Public for Idaho
11 Residing at: Cascade

12 STATE OF IDAHO)
13 County of Valley) ss.

14 On this 2nd day of ~~November~~ ^{December}, 1985, before me, a Notary
15 Public in and for said State, personally appeared WARREN
16 OSBORN and TESSIE M. OSBORN, known or identified to me to be
the persons whose names are subscribed to the within and
foregoing instrument and acknowledged to me that they
17 executed the same.

18 IN WITNESS WHEREOF, I have hereunto set my hand and
19 notarial seal the day and year in this Certificate first
above written.

20 *Arleand Zolt*
21 Notary Public for Idaho
22 Residing at: Cascade

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 166

INDICATES TOTAL

SOURCE: JUG CREEK

TRIBUTARY TO: LOUIE CREEK

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
65-2934	OSBORN RANCH INC. BOX 209, NEW MEADOWS, IDAHO 83654 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2943, 65-2967 & 65-2308 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	12/19/1945	IRRIGATION FROM STCR	4/15 10/15	350.00 AFA --- CFS	LOT 3 S 5 T17N R 4E	NESE(38) SESE(40) S35 T18N R 3E NWSW(34) NWSW(34) SWSW(22) SESW(24) S36 T18N R 3E *192*	LICENSE
65-2937	HEIKKILA, VERNON & STOKES, WILLIAM S. & STOKES, ELIZABETH C. BOX 961, MC CALL, IDAHO 83638	9/17/1946	IRRIGATION FROM STCR	4/15 10/15	66.79 AFA --- CFS	NESW S32 T18N R 4E	NENE(34) NWNE(25) S35 T18N R 3E SENE(35) NESE(12) SESE(22) S36 T18N R 3E *128*	LICENSE
65-2943X	HEIKKILA, VERN ROUTE #1, BOX 94, MC CALL, IDAHO 83638 REMARKS: WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.	12/31/1949	IRRIGATION FROM STCR	4/15 10/15	125.00 AFA --- CFS	LOT 3 S 5 T17N R 4E	NENE(34) NWNE(25) S35 T18N R 3E SENE(35) S36 T18N R 3E *94*	LICENSE
65-2943C	OSBORN RANCH, INC. BOX 209, NEW MEADOWS, IDAHO 83654 REMARKS: WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.	12/31/1949	IRRIGATION FROM STCR	4/15 10/15	406.90 AFA --- CFS	LOT 3 S 5 T17N R 4E	NESW(34) NWSW(34) SWSW(22) SESW(24) S36 T18N R 3E NESE(32) SESE(38) S35 T18N R 3E *184*	LICENSE
65-2943A	SHAW, JOHN ROUTE 1, BOX 102, MC CALL, IDAHO 83638 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2316 & 65-2967 SHALL PROVIDE NO MORE THAN 5.0 AFA/ACRE. WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.	12/31/1949	IRRIGATION FROM STCR	4/15 10/15	125.00 AFA --- CFS	LOT 3 S 5 T17N R 4E SESW S19 T18N R 4E	NWNE(26) NESE(33) S25 T18N R 3E *59*	LICENSE
65-2943B	WILLARD, WILLIAM ROUTE #1, MC CALL, IDAHO 83638 REMARKS: WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.	12/31/1949	IRRIGATION FROM STCR	4/15 10/15	125.00 AFA --- CFS	LOT 3 S 5 T17N R 4E	SWNE(16) SESE(33) S35 T18N R 3E *49*	LICENSE

September 28, 1990

Edward G. Burton, P.C.
PO Box 1318
McCall, ID 83638-1318

RE: Notice of Claim to a Water Right, A65-02934C
D. John Carey

Dear Mr. Burton:

I have received your letter requesting an amendment of the
priority date on the above claim.

Enclosed is your copy of the amended Notice of Claim. If I can
be of further assistance, don't hesitate to contact me.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosure

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OCT 18 1996

RECEIVED
DEC 12 1989

LAW OFFICES OF
STEVEN J. MILLEMAN, P. A.
POST OFFICE BOX 1318
McCALL, IDAHO 83638-1318

Department of Water Resources
Western Regional Office

STEVEN J. MILLEMAN
JAMES C. WEAVER
EDWARD G. BURTON, P. C.

PHONE (208) 634-7641
FAX (208) 634-4516
ABA/NET: BURTON.E.G

5 December 1989

Ms. Jan Shurte, Adjudication Supervisor
Department of Water Resources
Western Region
Adjudication Section
2735 Airport Way
Boise, ID 83705

Re: 1. Amended Notice of Claim to a Water Right,
Ident. Number: A65-02934C;
2. Related Notices of Claim to Water Rights
Ident. Numbers: A65-02943K, and A65-02967E; and
3. Comment on A65-02934A, A65-02934B, A65-02967C
and A65-02967D

Jug Creek, Tributary to Louie Creek
Valley County
Snake River Adjudication

Dear Ms. Shurte:

As a follow-up to our letter of October 6, 1989, we are submitting with this letter an Amended Notice of Claim to a Water Right Identification Number A65-02934C, pursuant to Idaho Code 42-1409(4), on behalf of D. John Carey. We enclose a copy of the Amended Notice, which please have conformed and returned in the enclosed return envelope. We also enclose two affidavits.

In the past Mr. Roush of your department identified this Carey Claim A65-02934C as conflicting with A65-02934B and A65-02934A, filed by Dr Phyllis Huffman and Mr. & Mrs. Biechner, respectively. Mr. Roush invited us to try to resolve this with your Section before the final Report is issued. We trust you will agree on the basis of the filings to date and your Department's review of A65-02943C that these claims A65-02934B and A65-02934A of Dr. Huffman and Mr. & Mrs. Biechner are invalid and should be rejected.

It appears that in one document Osborn Ranch, Inc, sold some 240 acres and the right to 300 acre feet of water, as such, to a Mr. & Mrs. Thomas, without referencing a claim number (see Exhibit F to "Decree 65-02943C, Findings of Record ----Summary Conclusion," Roush, 02/23/1989). The position of the Department thus appears to be that the

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OCT 18 1996

Thomas water rights to 300 acre feet are derived under 65-02943. If so, the water rights of Dr. Huffman and the Biechners must also be derived exclusively under 65-02943, because Dr. Huffman's and the Biechners' lands are part of the same 240 acres purchased by the Thomases from Osborn. Any water rights appurtenant to their properties must come out of what-ever water rights were conveyed to Thomases, their grantors. It follows that neither Dr. Huffman nor the Biechners can claim any water rights under 65-02934 or 65-02967.

Should it be asserted to the contrary that some of the 300 acre feet transferred to Thomas arose from claims 65-02934 or 65-02967, then the amount of water from 65-02943 included in the 300 acre feet would go down acre foot for acre foot, and the water rights which would therefore have been retained by Osborn from 65-02943 would increase accordingly, and would have been available to transfer to Carey. Thus, from whatever claim it is said to arise, the water available to Dr. Huffman and to the Biechners remains a pro-rata share of the 300 acre feet transferred to Thomases, and the water retained by Osborn and transferred to Mr. Carey remains 546.3 acre feet.

Mr. Roush requested confirmation of the actual use of the Osborn/Carey water. I enclose the affidavits of Warren Osborn and Gretel Kleint, which establish that the water in question has been used by the Roseberry Irrigation District.

Under these circumstances the Carey claim to 350 acre feet under Water Right Identification Number A65-02934C ; to 106.9 acre feet under Water Right Identification Number 65-02943 K; and to 89.4 acre feet under Water Right Identification Number A65-02967E, should all be allowed as valid, and in full. We should also note that the Carey claim to 65-02934 is thus to the whole claim, not a split.

We would appreciate your prompt review of this matter and confirmation of your current position on these claims.

Very truly yours,
Law Offices of Steven J.
Millemann, P. A.

by: 
Edward G. Burton, P. C.

cc: D. John Carey
enclosures (4)

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OCT 18 1996

12-5-89
Pg. 2

RECEIVED
DEC 13 1989

AFFIDAVIT

Department of Water Resources
Western Regional Office

STATE OF IDAHO)
 (ss.
County of Valley)

WARREN OSBORN, being first duly sworn upon oath, deposes and says as follows:

1. I reside at P.O. Box 209, New Meadows, Idaho.
2. As of December 2, 1985, I was the principal in OSBORN RANCH, INC., an Idaho Corporation, which transferred its interest in a ranch in Valley County, together with a 546.3 acre feet of appurtenant water rights to John and Theresa Carey.
3. Prior to December 9, 1976, I possessed a vested right to 846.3 acre feet of water, from storage in the Jug Creek Reservoir.
4. This water right was assigned to Osborn Ranch, Inc. in 1970.
5. In 1976, Osborn Ranch, Inc. sold a portion of its property to Frank and Dianne Thomas, together with 300 acre feet of my 846.3 acre feet of water. My understanding is that the Thomases subsequently subdivided part or all of this property into the Alta Vista Estates; however, I have no personal knowledge regarding the nature of the agreements reached between the Thomas' and the purchasers of lots in Alta Vista Estates.
6. Between September 9, 1976 and December 2, 1985, on which date Osborn Ranch, Inc. transferred the balance of its property in the area to John and Theresa Carey, I, on behalf of Osborn Ranch, Inc., entered into annual lease agreements with the Roseberry Irrigation District, leasing the water to them, for their use.
7. When Osborn Ranch, Inc. sold the balance of its property in the area to John and Theresa Carey, it specifically transferred along therewith 546.3 acre feet of water, which represented the entire balance of the water rights which Osborn Ranch, Inc. possessed appurtenant to its property in that area.

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OCT 18 1996

8. I have made no other transfers of these water rights or of properties to which these water rights were appurtenant, other than the Thomas and Carey transfers.

FURTHER your Affiant saith naught.

Warren Osborn
WARREN OSBORN

SUBSCRIBED AND SWORN TO before me this 11th day of ^{April}~~March~~, 1989.

Thelma L. Doney
NOTARY PUBLIC FOR IDAHO
Residing at:

MICROFILMED
OCT 18 1996

RECORDED
DEC 12 1988

Department of Water Resources
Western Regional Office

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: A65-02934C

Date Received:

Receipt No.:

Received By:

AFFIDAVIT OF GRETEL KLEINT

STATE OF IDAHO)
 (ss.
County of Valley)

GRETEL KLEINT, being first duly sworn upon oath, deposes and
says as follows:

1. I am Secretary-Treasurer of the Roseberry Irrigation
District, which is engaged in water distribution for irrigation
in Valley County, Idaho, and have custody of its financial and
other records.

2. The records of the District indicate that in the
following years the following volumes of water were purchased and
used by the Roseberry Irrigation District from D. John Carey or
his predecessor in title, Warren Osborne:

<u>Year</u>	<u>Acre-feet</u>
1979	174.4
1980	686.4
1981	547.0
1982	248.5
1983	447.0
1984	
1985	447.0
1986	547.0
1987	438.0
1988	537.0
1989	540.2

DATED this 24 day of December, 1989.

MICROFILMED
OCT 18 1996

Gretel M. Kleint
GRETEL KLEINT

SUBSCRIBED AND SWORN to before me this 8th day of
December, 1989.

Walter McCally
NOTARY PUBLIC FOR IDAHO
Residing at: McCall, Id
Commission Expires: 1-28-92

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OCT 18 1996

Affidavit-Pg. 2-G. Kleint

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OCT 10 1989

LAW OFFICES OF
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POST OFFICE BOX 1318
McCALL, IDAHO 83638-1318

Department of Water Resources
Western Regional Office

STEVEN J. MILLEMANN
JAMES C. WEAVER
EDWARD G. BURTON, P. C.

PHONE (208) 634-7641
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MacNET: TedBurton
Fax: (208) 634-4516

October 6, 1989

Department of Water Resources
Western Region
Adjudication Section
2735 Airport Way
Boise, ID 83705

Re: Erratum in Notice of Claim to a Water Right
Ident. Number: A65-02934C
Jug Creek, Trib. to Louie Creek
Valley County
Snake River Adjudication

Gentlefolk:

I am assisting D. John Carey with his claims to water rights affecting his ranch property in Valley County, Idaho. In connection with review the files, an error has come to my attention in one claim as drafted up by your office.

Water right identification number A65-02934C was drafted by you, and filed, with a Date of Priority of December 31, 1949, when in fact this claim has a Date of Priority of December 19, 1945, the date for A65-02934, the original claim.

Please let us know whether you can accept this letter as an amendment to the Notice of Claim, or whether a formal Amended Claim needs to be filed.

Very truly yours,
Law Offices of Steven J.
Millemann, P. A.

by: 
Edward G. Burton, P. C.

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