

POOR ORIGIN

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REC'D - CIVIL RIGHTS
OCT 18 1995

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: A65-02943K
Date Received: 11/23/1988
Receipt No:
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			106.90

7. Total Quantity Appropriated is:
C.F.S. (and/or) 406.90 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
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

14. Remarks:

WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.

THIS CLAIM REPRESENTS A TRANSFER OF 106.9 ACRE FEET OF STORAGE FOR IRRIGATION FROM THE ORIGINAL PLACE OF USE IN DECREE 65-02943C TO THE PLACE OF USE LISTED IN THIS CLAIM.

IT IS ASSUMED THAT THE 106.9 AF STORAGE RIGHT WAS RETAINED BY OSBORN RANCH INC. ON 09/09/1976 WHEN AFORESAID SOLD ALL PROPERTIES TOGETHER WITH 300 AF OF THE TOTAL 406.9 AF TO FRANK AND DIANE THOMAS.

IT IS FURTHER ASSUMED THAT IRRIGATION OF 48.5 ACRES OF THE ORIGINAL PLACE OF USE WAS ABANDONED AT THE TIME OSBORN RANCH INC. RETAINED THE 106.9 AF (ASSUMED). THESE ACRES ARE ASSUMED (NO SUPPORTING EVIDENCE OF RECORD) TO BE AS FOLLOWS:

T18N R03E SECTION 36 NESW(16 ACRES) ALTA VISTA SUBDIVISION
NWSW(16.5 ACRES) ALTA VISTA SUBDIVISION
SESW(16 ACRES) ALTA VISTA SUBDIVISION

THE ORIGINAL DECREE LISTED 184 ACRES IRRIGATED WITH THE 406.9 ACRE FEET OF STORAGE WATER, THUS 406.9AF DIVIDED BY 184 ACRES EQUALS 2.21 ACRE FEET PER ACRE IRRIGATED; THUS 106.9 AF DIVIDED BY 2.21 AF/ACRE EQUALS 48.4 (48.5) ACRES OF LAND THAT CAN BE TRANSFERRED UNDER 65-02943C.

THE LANDS LISTED IN THIS SRBA CLAIM ARE FOR IRRIGATED ACRES OF THE CLAIMANT.

SINCE IT APPEARS THAT OSBORN RANCH INC. RETAINED 106.9 AF OF STORAGE WATER ON 09/09/1976 AND A PERIOD OF 12 YEARS HAS LAPSED,

14. Remarks: Continued

A QUESTION ARISES AS TO WHETHER THE 106.9 AF RIGHT HAS BEEN FORFEITED FROM NON-USE. IT IS THE RESPONSIBILITY OF THE CLAIMANT AND/OR REPRESENTATIVE TO SUBMIT EVIDENCE THAT THE RIGHT HAS NOT BEEN FORFEITED FROM NON-USE. SEE FILE # A65-02943C. ELR *****

THIS CLAIM IS A SPLIT OF 65-02943C.
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

vs

A & C CORP., ET AL.

Decree Defendant

MICROFILMED
OCT 18 1996

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 Lacey, by Date: 3/27/89
Becky Mullenbaum, Attorney. Date: _____
IA - Fact

State of Idaho)
County of Ada) ss.

Subscribed and sworn (or affirmed) before me this 27th day
of March 19 89

Eldon L. Roush
Notary Public

Seal

Residing at _____ Residing at Boise, Idaho
My Commission Expires September 8, 1994
My Commission Expires _____

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: A65-02943K
Date Received: 3/29/1989
Receipt No: W002496
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: D JOHN CAREY 208-634-7641
Address: % STEVEN JMILLEMANN ATTORNEY
PO BOX 1318
MCCALL ID 83638

AND/OR

Name: TERESA CAREY 208-634-7641
Address: % STEVEN J MILLEMAN ATTORNEY
PO BOX 1318
MCCALL ID 83638

2. Date of Priority: DEC 31, 1949

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

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IRRIGATION FROM STORAGE	04/15	10/15			106.90

7. Total Quantity Appropriated is:
C.F.S. (and/or) 406.90 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
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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
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Section Acres						40.0
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T18N R03E SECTION 36 NESW(16 ACRES) ALTA VISTA SUBDIVISION
NWSW(16.5 ACRES) ALTA VISTA SUBDIVISION
SESW(16 ACRES) ALTA VISTA SUBDIVISION

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MICROFILMED
SEP 8 1996

14. Remarks: Continued

A QUESTION ARISES AS TO WHETHER THE 106.9 AF RIGHT HAS BEEN FORFEITED FROM NON-USE. IT IS THE RESPONSIBILITY OF THE CLAIMANT AND/OR REPRESENTATIVE TO SUBMIT EVIDENCE THAT THE RIGHT HAS NOT BEEN FORFEITED FROM NON-USE. SEE FILE # A65-02943C. ELR *****

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15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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): _____ Date: _____

_____ Date: _____

MICROFILMED
OCT 18 1995

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.

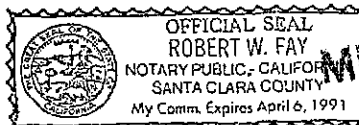
DATED this 22 day of November, 1988.

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

POOR ORIGIN

T. 17

4962

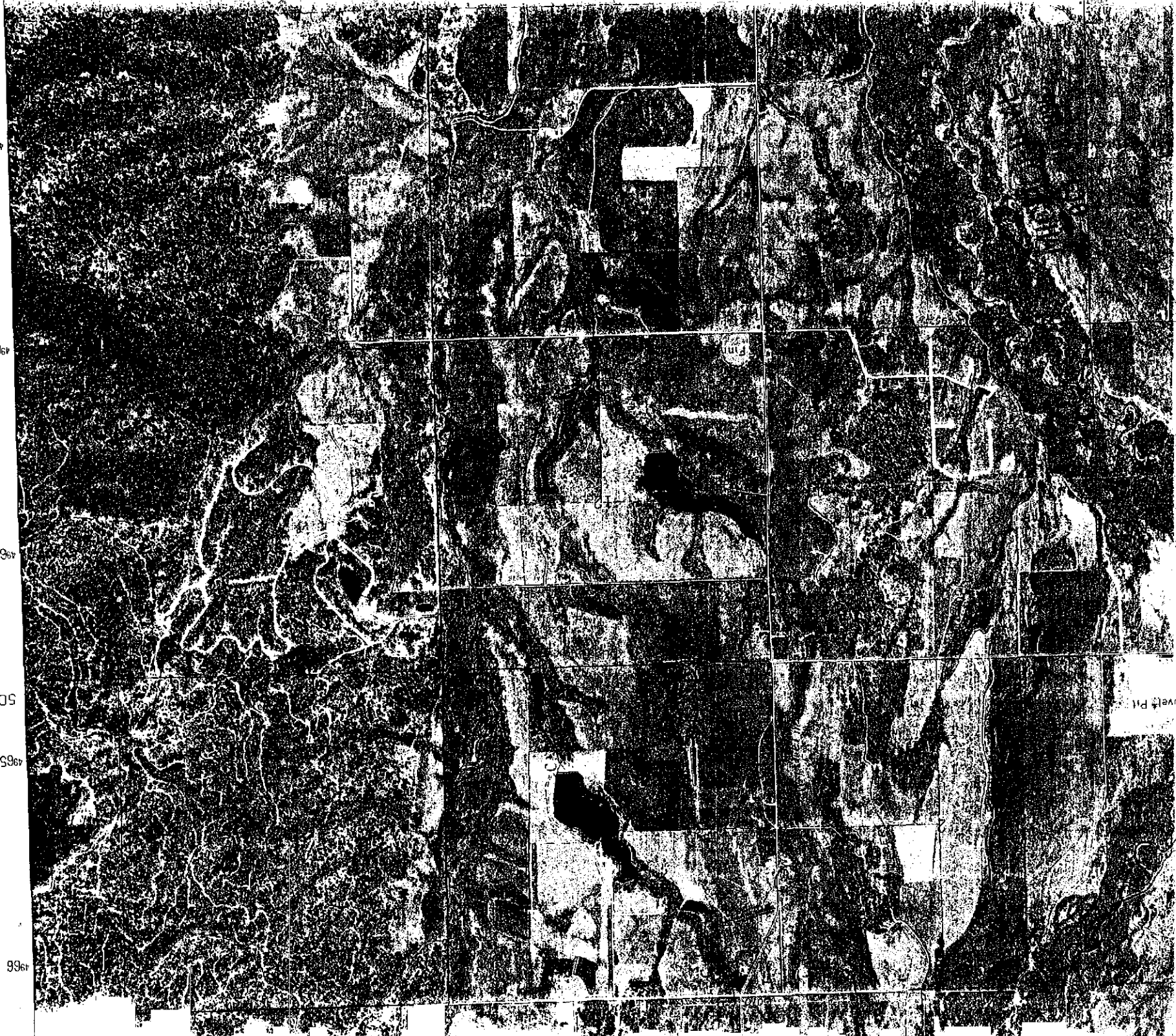
4963

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4966



MILLEMANN, PITTENDER, 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. PITTENDER
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 ^{PD}	65-06960 ^{PD}	65-10371 ^{PD}	65-03118 ^{obj in the canal}
65-02967E ^{or PD}	65-02971 ^{obj}	65-02513 ^{PD}	65-06956 ^{obj}
65-02653 ^{obj}	65-02941 ^{obj}	65-02934C ^{or}	65-02943K ^{or}
65-10372 ^{PD 10-00}			

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

#####

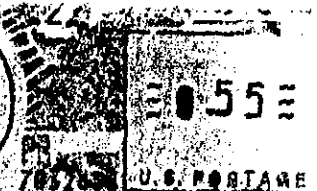
Millemann Pittenger & Mc Mahan
May 9, 2001
Page 2 of 2

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 83720-0088



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

Weilmunster



NO MAIL
RECEIPT

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



CERTIFICATE OF INCORPORATION
OF

JUG CREEK RESERVOIR, INC.

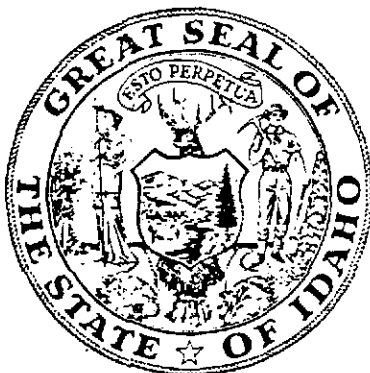
I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that
duplicate originals of Articles of Incorporation for the incorporation of _____

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

AJ0749NP
No. R65-02943K

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

DATE: 09/22/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	D JOHN CAREY	12/31/1949	IRRIGATION STORAGE	01-01 12-31		106.90 AFA
C	TERESA CAREY		IRRIGATION FROM STORAGE	04-15 10-15		106.90 AFA
	C/O STEVEN J MILLEMAN ATTY					
	PO BOX 1318					
	MC CALL ID 83638					
	(208) 634-7641					
				TOTAL DIVERSION:		106.90 AFA

Water Source: JUG CREEK

Tributary to: LOUIE CREEK

Stage: DECREED

Point(s) of Diversion:

T17N R04E S05 Lot03(NENW)

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	:	
17N	03E	12	:	40																:	
																			TOTAL ACRES	:	200.0

POU County: VALLEY

Other Rights: 65-02967, 65-02934

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

Remarks: POU1 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS. 65-02967E, 65-02934C.

GEN WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 65-02934C, 65-02943A, 65-02943B,
65-02943J, 65-02943L, 65-02943R, 65-02943P, 65-02943X, 65-02967A,
65-02967B, 65-02967E, 65-02943Q

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

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

=====

Comments: Date: 07/16/1999 User-ID: SBOCK Subject: THIS SPLIT
THIS RIGHT IS A SPLIT OFF OF 65-02943C. 106.9 AF WAS RETAINED
FROM THIS RIGHT BY OSBORN AND SOLD TO CAREY. BECAUSE THE NATURE
OF THIS WATER IS STORAGE, THE WATER CAN BE MOVED FROM THE
ORIGINAL ACRES DECREED. WHICH CAREY ACCOMPLISHED THROUGH THE
EXCHANGE WITH ROSEBERRY IRR. DIST. ALL 106.9 AF OF THIS RIGHT
BELONGS TO CAREY. THE REMAINED OF THIS RIGHT, 300 AF, WAS SOLD
TO THOMAS. THOMAS CONVEYED TO HUFFMAN 72 ACRES AND THE ASSOC.
WATER RIGHTS WERE NOT RESERVED, SO HUFFMAN HAS A VAILD CLAIM,
65-02943J, BIECHNER'S CLAIM IS NOT VALID AS WATER HAS NOT BEEN
DELIVERED SINCE ALTA VISTA SUB. WAS DEVELOPED. MUCH OF THE
THOMAS WATER STAYED WITH THE SUB. AT THE TIME THOMAS QUIT CLAIMED
TO HOLLENBEAK, THOMAS DID OWN 10 LOTS, OR APPROX. 40 ACRES
THE WATER ASSOC. WITH THESE ACRES COULD HAVE BEEN TRANSFERED
TO HOLLENBEAK AND SUBSEQUENTELY TO KANTOLA ET.AL.

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

Audit: 09/22/99 SBOCK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:06:04
07/13/99
20

PAGE: 20
PROFILE REPORT

CLAIM NUMBER: A65-02943K

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	D JOHN CAREY	12/31/1949	IRRIGATION FROM STORAGE	04-15 10-15		106.90 AFA
C	TERESA CAREY					
TOTAL DIVERSION:						~~406.90 AFA~~

Water Source: JUG CREEK

Tributary to: LOUIE CREEK

Stage: DECREED

Point(s) of Diversion:

T17N R04E S05 Lot03(

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	:																	:
17N	03E	12	:	40																:
																			TOTAL ACRES	200.0

POU County: VALLEY

Non-Irrigation Uses: NONE

Other Rights: 65-02967, 65-02934

Remarks: GEN WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.

THIS CLAIM REPRESENTS A TRANSFER OF 106.9 ACRE FEET OF STORAGE FOR IRRIGATION FROM THE ORIGINAL PLACE OF USE IN DECREE 65-02943C TO THE PLACE OF USE LISTED IN THIS CLAIM.
IT IS ASSUMED THAT THE 106.9 AF STORAGE RIGHT WAS RETAINED BY OSBORN RANCH INC. ON 09/09/1976 WHEN AFORESAID SOLD ALL PROPERTIES TOGETHER WITH 300 AF OF THE TOTAL 406.9 AF TO FRANK AND DIANE THOMAS.
IT IS FURTHER ASSUMED THAT IRRIGATION OF 48.5 ACRES OF THE ORIGINAL PLACE OF USE WAS ABANDONED AT THE TIME OSBORN RANCH INC. RETAINED THE 106.9 AF (ASSUMED). THESE ACRES ARE ASSUMED (NO SUPPORTING EVIDENCE OF RECORD) TO BE AS FOLLOWS:
T18N R03E SECTION 36 NESW(16 ACRES) ALTA VISTA SUBDIVISION
NWSW(16.5 ACRES) ALTA VISTA SUBDIVISION
SESW(16 ACRES) ALTA VISTA SUBDIVISION
THE ORIGINAL DECREE LISTED 184 ACRES IRRIGATED WITH THE 406.9 ACRE FEET OF STORAGE WATER, THUS 406.9AF DIVIDED BY 184 ACRES EQUALS 2.21 ACRE FEET PER ACRE IRRIGATED; THUS 106.9 AF DIVIDED BY 2.21 AF/ACRE EQUALS 48.4 (48.5) ACRES OF LAND THAT CAN BE TRANSFERRED UNDER 65-02943C.
THE LANDS LISTED IN THIS SRBA CLAIM ARE FOR IRRIGATED ACRES OF THE CLAIMANT.

184 acres
decreed.
All total

300 AF
40 Thomas

200 H. H. H.

No limited

EXP 5/10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:06:04
07/13/99
21

PAGE: 21
PROFILE REPORT CONTINUED

CLAIM NUMBER: A65-02943K

Remarks: SINCE IT APPEARS THAT OSBORN RANCH INC. RETAINED 106.9 AF OF
STORAGE WATER ON 09/09/1976 AND A PERIOD OF 12 YEARS HAS LAPSED,
A QUESTION ARISES AS TO WHETHER THE 106.9 AF RIGHT HAS BEEN
FORFEITED FROM NON-USE. IT IS THE RESPONSIBILITY OF THE CLAIMANT
AND/OR REPRESENTATIVE TO SUBMIT EVIDENCE THAT THE RIGHT HAS NOT
BEEN FORFEITED FROM NON-USE. SEE FILE # A65-02943C. ELR *****

THIS CLAIM IS A SPLIT OF 65-02943C.
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

11:04:31
07/13/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A65-02943K

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

OWNER CODE: C

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

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 106.9 ACRE FEET OF STORAGE
FOR IRRIGATION FROM THE ORIGINAL PLACE OF USE IN DECREE 65-02943C
TO THE PLACE OF USE LISTED IN THIS CLAIM.
IT IS ASSUMED THAT THE 106.9 AF STORAGE RIGHT WAS RETAINED BY
OSBORN RANCH INC. ON 09/09/1976 WHEN AFORESAID SOLD ALL
PROPERTIES TOGETHER WITH 300 AF OF THE TOTAL 406.9 AF TO FRANK
AND DIANE THOMAS.
IT IS FURTHER ASSUMED THAT IRRIGATION OF 48.5 ACRES OF THE
ORIGINAL PLACE OF USE WAS ABANDONED AT THE TIME OSBORN RANCH INC.
RETAINED THE 106.9 AF (ASSUMED). THESE ACRES ARE ASSUMED (NO
SUPPORTING EVIDENCE OF RECORD) TO BE AS FOLLOWS:
T18N R03E SECTION 36 NESW(16 ACRES) ALTA VISTA SUBDIVISION
NWSW(16.5 ACRES) ALTA VISTA SUBDIVISION
SESW(16 ACRES) ALTA VISTA SUBDIVISION
THE ORIGINAL DECREE LISTED 184 ACRES IRRIGATED WITH THE 406.9
ACRE FEET OF STORAGE WATER, THUS 406.9AF DIVIDED BY 184 ACRES
EQUALS 2.21 ACRE FEET PER ACRE IRRIGATED; THUS 106.9 AF DIVIDED
BY 2.21 AF/ACRE EQUALS 48.4 (48.5) ACRES OF LAND THAT CAN BE

CLAIM REMARKS (CONT'D):

TRANSFERED UNDER 65-02943C.
THE LANDS LISTED IN THIS SRBA CLAIM ARE FOR IRRIGATED ACRES OF
THE CLAIMANT.
SINCE IT APPEARS THAT OSBORN RANCH INC. RETAINED 106.9 AF OF
STORAGE WATER ON 09/09/1976 AND A PERIOD OF 12 YEARS HAS LAPSED,
A QUESTION ARISES AS TO WHETHER THE 106.9 AF RIGHT HAS BEEN
FORFEITED FROM NON-USE. IT IS THE RESPONSIBILITY OF THE CLAIMANT
AND/OR REPRESENTATIVE TO SUBMIT EVIDENCE THAT THE RIGHT HAS NOT
BEEN FORFEITED FROM NON-USE. SEE FILE # A65-02943C. ELR *****

THIS CLAIM IS A SPLIT OF 65-02943C.
WHEN THIS CLAIM AND ALL OTHER CLAIMS ARE COMBINED, THE RATE OF
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: # A65-02943K PRIORITY DATE: 12-31-1949 STAGE: D

B. WR RECORD: # 65-02943A PRIORITY DATE: 12-31-1949 STAGE: D
65-02943B PRIORITY DATE: 12-31-1949 STAGE: D
65-02943C PRIORITY DATE: 12-31-1949 STAGE: D
65-02943D PRIORITY DATE: - - STAGE:
65-02943X PRIORITY DATE: 12-31-1949 STAGE: D

- C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N(☐)
- D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(☐) N(☒)
- E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y(☐) N(☒)
- F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?
- PROOF OF BENEFICIAL USE SUBMITTED N/A(☒) Y(☐) N(☐)
- FIELD EXAM COMPLETED N/A(☒) Y(☐) N(☐)
- FIELD EXAM SENT TO STATE OFFICE N/A(☒) Y(☐) N(☐)
- LICENSE ISSUED N/A(☒) Y(☐) N(☐)
- * IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.
- G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A(☒) Y(☐) N(☐)
- * FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.
- H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N(☐)

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:

12-31-1949
REVIEWED BY Sam B. [Signature]

DATE _____

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
A65-02943K	17N	04E	5				3		VALLEY		

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

WR RECORDS IN SAME 40 ACRE TRACT

65-02934
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
65-02943A	17N	04E	5				3		VALLEY		
65-02943A	18N	04E	19		SE	SW			VALLEY		
65-02943B	17N	04E	5				3		VALLEY		
65-02943C	17N	04E	5				3		VALLEY		
65-02943X	17N	04E	5				3		VALLEY		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

65-02316
65-02934
65-02943A
65-02943B
65-02943C
65-02943X
65-02967
65-04047

R65-02316
R65-02943A
R65-02967A
R65-02967B
R65-04047

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

SOURCE: JUG CREEK
JUG CREEK
JUG CREEK
JUG CREEK

TRIB: LOUIE CREEK
LOUIE CREEK
LOUIE CREEK
LOUIE CREEK

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

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 Dec 1) Y() N()

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

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: water exchanged w/ Roseberry, leaving POD
adjusted to avoid confusion

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		NE	NW	3		VALLEY		

SOURCE: _____ TRIB: _____

REVIEWED BY: Dee Bode DATE: 7/15/99

=====

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

A. ROOT WATER RIGHT NUMBERS:

A65-02943A

A65-02943E

A65-02943X

A65-02943B

A65-02943J

A65-02943K

R65-02943N

R65-02943P

R65-02943A

R65-02943B

R65-02943J

R65-02943X

A65-02943L

A65-02943N

A65-02943P

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, D JOHN	A65-02943K / 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	A65-02967E / 40.0	- /			
			NW	SW		CAREY, TERESA	A65-02934C / 40.0	- /			
			NW	SW		GREMS, LESLIE A	65-11245 /	- /			
17N	03E	1	SW	SW		CAREY, D JOHN	A65-02943K / 40.0	- /			37.0
			SW	SW		CAREY, D JOHN	A65-02967E / 40.0	- /			
			SW	SW		CAREY, TERESA	A65-02934C / 40.0	- /			
17N	03E	1	SE	SW		CAREY, D JOHN	A65-02943K / 40.0	- /			28.0
			SE	SW		CAREY, D JOHN	A65-02967E / 40.0	- /			
			SE	SW		CAREY, TERESA	A65-02934C / 40.0	- /			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
17N	03E	1	SW	SE		CAREY, D JOHN	A65-02943K / 40.0	- /		19.0	
			SW	SE		CAREY, D JOHN	A65-02967E / 40.0	- /			
			SW	SE		CAREY, TERESA	A65-02934C / 40.0	- /			
17N	03E	12	NE	NE		CAREY, D JOHN	A65-02943K / 40.0	- /		19.0	
			NE	NE		CAREY, D JOHN	A65-02941 / 2.0	65-02941 / 2.0			
			NE	NE		CAREY, D JOHN	A65-02967E / 40.0	- /			
			NE	NE		CAREY, TERESA	A65-02934C / 40.0	- /			
			NE	NE		FRISBIE, EDWARD		65-02513 / 2.0			

ADDITIONAL POU FOUND

TOTAL ACRES A65-02943K 200.00 143.00

POU COUNTY: VALLEY

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

Y() N(☒)

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

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-02943K	JUG CREEK	CAREY, D JOHN			406.90	2.03
A65-02934C	JUG CREEK	CAREY, TERESA			350.00	1.75
A65-02941	WILHELM CREEK	CAREY, D JOHN			100.00	0.57
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	

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
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

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. _____;

() NAPP, IDWR NO. _____; () ASCS PHOTO; () OTHER _____

NOTES: All rights conveyed do not exceed 5.0 of 1 acre
184 acres vested under lease all of these acres
went to Thomas Queen the Sals from Osborn,
as there is no acre limitation on Osborn's right,
Becker had no right.
Huffman has valid claim.
Some of Kantor's deeds are valid for
a portion of what they claimed. See
individual files.

RECOMMENDATIONS:

TOTAL ACRES: 200 _____ N/A()

REVIEWED BY: 313 _____

DATE: 7/15/99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-02943K IRRIGATION FROM STORAGE	FROM 04-15 TO 10-15		106.90 AF/A
TOTAL DIVERSION RATE/VOLUME			406.90 AF/A

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
----------------	---------------------------	------------------------	------------------------

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: 12

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

12

CLAIM NUMBER: A65-02943K

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 = 406.90 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:

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 FROM STORAGE	04-15	10-15	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
					106.90		0.0	
TOTAL FOR THIS RIGHT								

NON-IRRIGATION USES CLAIMED: NONE

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

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

EXP FOLLO

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-02943

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
A65-02943D	A65-02943A		R65-02943A		65-02943A	
A65-02943M	A65-02943B		R65-02943B		65-02943B	
-	A65-02943E		R65-02943J		65-02943C	
-	A65-02943J		R65-02943X		65-02943X	
-	A65-02943K		-		-	
-	A65-02943L		-		-	
-	A65-02943N		-		-	
-	A65-02943P		-		-	
-	A65-02943X		-		-	

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 EXAMINER
Y	Y() N()

NOTES:

Sped added up 65-02943C Hoffman, Aug, 1980
Kentosa

=====

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

=====

GIS photo see 65-029342

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

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:04:31
07/13/99

PAGE: 19
QUICKLOOK INFORMATION

19
CLAIM NUMBER: A65-02943K

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	Y				<i>Droneau</i> addic. <i>date</i>	<i>DB</i> 7-15-99		
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM								
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

INTEROFFICE MEMORANDUM

TO: FILE
FROM: SUE BOCK
SUBJECT: SUMMARY OF 65-02943C SPLIT
DATE: 07/19/99

On July 2, 1999, Dave Tuthill, Don Shaff, Susan Hamlin, Jan Shurte, and myself had a meeting to discuss this split and associated rights. For reference, we referred to a summary conclusion prepared by Eldon Roush 2/23/1989.

Sept 9, 1976, Osborn Ranch Inc. sells property listed in R850 and 300 af of the total 406.85 af storage water to Frank and Diane Thomas. During the meeting we determined the 300 af sold was entirely from this right, even though other rights covered this same property. This is storage water and it can be moved around much easier than direct flow.

Osborn retains 106.5 af of storage.

Sept 10, 1976, Frank and Diane Thomas complete development of the Alta Vista Subdivision in the NE1/4SW1/4, NW1/4SW1/4, and SE1/4SW1/4 of Sec 36, T18N, R03E, and maintain ownership of lots until sold.

The Thomas' purchased a total of 240 acres, 184 of which were decreed with irrigation. Of the 300 af of water they purchased from Osborn 184 acres of irrigation were covered - $300\text{af} / 184\text{ acres} = 1.63\text{af/acre}$.

May 10, 1977, Frank and Diane Thomas convey the E1/2SE1/4 of Sec 35, T18N, R03E to Phyllis Huffman. Huffman receives about 72 acres, 70 of which were decreed for irrigation. There is no language in the warranty deed retaining the water rights. $70\text{ acres} \times 1.63\text{ af/acre} = 114.1\text{ af}$ belonging to Huffman. Huffman has filed on other claims, but there is no validity to her filings as this was the only right the Thomas' could convey.

Leaving the Thomas' with 185.9 af.

Nov 9, 1977, Frank and Diane Thomas convey the SW1/4 SW1/4 of Sec 36, T18N, R03E to David and Colleen LeClair. Of the 40 acres, 22 were decreed with irrigation and there is no language in the warranty deed retaining the water rights. $22 \text{ acres} \times 1.63 \text{ af} = 35.86 \text{ af}$.

Leaving Thomas with $185.9 - 35.86 = 150.04$.

Prior to Feb 25, 1981, Thomas has sold all but 10 of the 34 lots in the Alta Vista Subdivision.

At this point all water other than the 10 lots in Thomas' possession should have stayed with the lands. From the 120 acres in the Alta Vista Subdivision, 92 acres were decreed with irrigation, or 76.6% of the land was irrigated.

The 10 remaining lots are as follows:

Lot 3, 2.45 acres; Lot 7, 1.89 acres; Lot 16, 2.86 acres; Lot 24, 4.9 acres; Lot 25 4.71 acres; Lot 26, 5.04 acres; Lot 27, 5.03 acres; Lot 28, 3.6 acres; Lot 29, 6.8 acres; Lot 34, 2.45 acres. **Total 10 lots 39.75 acres ~40 acres.** $40 \text{ acres} \times 76.6\% = 30.6$ irrigated acres still retained by Thomas. $30.6 \text{ acres} \times 1.63 \text{ af} = 49.9 \text{ af}$ of water left in Thomas' name.

Water retained by Alta Vista 92 irrigated acres - 30.6 (Thomas) = 61.4 acres
 $61.4 \text{ acres} \times 1.63 \text{ af} = 100.1$

Feb 25, 1981, Diane Thomas Richards, AKA Diane Thomas and the Estate of Frank R. Thomas, Deceased, quitclaim deeds 220 af storage water of license #R850 to Loren K and Diana Hollenbeak. Diane Thomas Richards retains 80 af of license #R850.

Sept 21, 1984, Hollenbeak in turn quit claimed 44 acre feet each to Kantola, Frisbie, Duncan, Willey, and Kitchens, (Kantola later assumed Frisbie's 44 af).

Kantola has filed on 88 af on this claim.

Frisbie is out of the picture.

Duncan did not file on this claim, which Dave T. indicated would call for second-round notice.

Willey did not file on this claim, which Dave T. indicated would call for second-round notice.

Kitchens did file on this claim (65-02943H) and later withdrew claim.

Subsequently Duncan, Willey, and Kitchens filed an application for permit, 65-13058, to cover their lands.

49.9 af should be divided as follows:

Kantola 20 af

Duncan should receive second round notice for 10 af

Willey should receive second round notice for 10 af.

Kitchens withdrew their claim.

Biechner was the only party to file claims in the Alta Vista Subdivision. His claims included 65-02934A, 65-02943E, 65-02967C, and 65-03001. The Thomas' did not own any portion of rights 65-02934A or 65-02967C; therefore, Biechner should not have filed on these claims. 65-02943E and 65-03001, were appurtenant to the land, but according to the Ivan Phelps the water master for Basin 65, the water has not been used on the land since Alta Vista was developed. The ditches are in ill repair and can not deliver water. A local realtor also confirmed lack of surface water rights.

Kantola/McGovern's 65-02943L had 20 af which was split in half when they sold to Tollemache (65-02943M).

Tollemache then split to Brittingham leaving Tollemache (65-02943N) with 7.5 af., and Brittingham with 2.5 af.