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Documents
In File

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A65-02971
Date Received: 11/23/1988
Receipt No: X999999
Received By: DE JH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: D. JOHN CAREY 408-867-9262
Address: 15320 PEACH HILL RD.
SARATOGA, CA 95070

2. Date of Priority: DEC 01, 1966

3. Source: COLD CREEK Trib. to: BOULDER CREEK

4. Point of Diversion:

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

5. Description of diverting works:
DIRT DAM W/OUTLET

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			245.00
IRRIGATION	04/15	10/15	1.240		245.00
FISH PROP. STORAGE	01/01	12/31	1.240		245.00

7. Total Quantity Appropriated is:
1.240 C.F.S. (and/or) 245.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	03E	1	SE	NW		IRR FS	22.0

A65-02971

Page 1

Date: 12/09/88

MICROFILMED

SEP 21 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	03E	1	NE	SW		IRR FS	31.0
			NW	SE		IRR FS	9.0
						Section Acres	62.0
						Total Acres	62.0

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:

A65-02963,12007,02653,03118,06960,06956,06957.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ 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: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MILLEMANN, PITTENGER, McMAHAN & PEMBERTON, LLP
ATTORNEYS AT LAW
706 NORTH FIRST
POST OFFICE BOX 1066
MCCALL, IDAHO 83638

RECEIVED

MAY 17 2001

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

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

May 16, 2001

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

Re: SRBA/D. John Carey and Teresa Carey

Dear Ms. Sherman:

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

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

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

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

Sincerely,

BRIAN L. McMAHAN

BLM/plp
cc: Client



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 9, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

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

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

Gentlemen:

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

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

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

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

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

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Returned Mail

#####

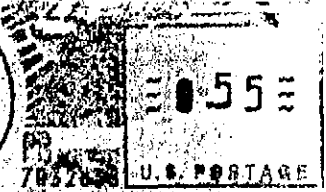
Millemann Pittenger & Mc Mahan
May 9, 2001
Page 2 of 2

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

Water Right Holder's Signature

Telephone No.

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



ADDRESS SERVICE
REQUESTED

RECEIVED

MAY - 7 2001

Department of Water Resources

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

Weilminster



NO MAIL
RECEPTACLE

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

P.O. Box 1066



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

July 7, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

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

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

Dear Mr. McMahan:

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

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

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

Please contact me if I can be of further service.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosures:

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

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

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

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

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

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

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

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

Sincerely,

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

COPY

RECEIVED

NOV 24 2000

Department of Water Resources

RECEIVED

DEC 12 2000

WATER RESOURCES
WESTERN REGION

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

In Re SRBA

Case No. 39576

A. Subcase 65-02971

(Insert water right number from the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: D. John Carey
Address: c/o Millemann, Pittenger & McMahan, LLP; Attn: Brian L. McMahan
or Steven J. Millemann P.O. Box 1066, McCall, ID 83638
Daytime Phone: (208) 634-7641

Name & Address of Attorney, if any:

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

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: United States of America acting through the Dept. of Interior, Bureau of Reclamation
Address: 1150 N. Curtis Road
Boise, ID 83706-1234

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

- ☒ General Provisions Basin 65 irrigation and other Part I Separate Stream Administration
1. ☐ Name and Address
 2. ☐ Source
 3. ☐ Quantity
 4. ☐ Priority Date
 5. ☐ Point(s) of Diversion
 6. ☐ Instream Flow Description
 7. ☐ Purpose(s) of Use
 8. ☐ Period of Year
 9. ☐ Place of Use
 10. ☐ Recommendation
- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Valley)

Steven J. Millemann, duly sworn, upon oath, deposes and says:
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

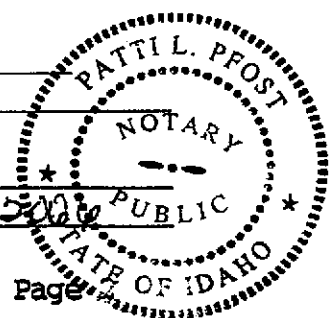
Steven J. Millemann
(Attorney signing in representative capacity)

SUBSCRIBED AND SWORN to before me on 11-21-2009

Patti L. Pfoest
NOTARY PUBLIC FOR IDAHO

Residing at: McCall, Idaho

My Commission Expires: 9/22/2012



INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on 11-22, 2000, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: D. John Carey
Address: c/o Millemann, Pittenger & McMahan, LLP, Box 1066, McCall, ID 83638

3. One copy to the party who filed the objection at the following address:

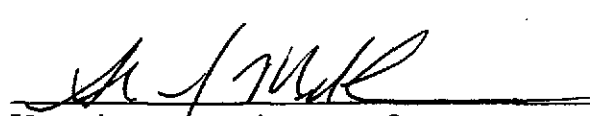
Name: United States of America acting through the Dept. of Interior, Bureau of Reclamation
Address: 1150 N. Curtis Road, Boise, ID 83706-1234

4. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Your signature or signature of attorney
mailing on your behalf - Steven J. Millemann

AJ0749NP
No. R65-02971

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

DATE: 09/21/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	D JOHN CAREY 15320 PEACH HILL RD SARATOGA CA 95070 (408) 867-9262	12/01/1966	IRRIGATION IRRIGATION STORAGE IRRIGATION FROM STORAGE FISH PROP. STORAGE	04-15 10-15 01-01 12-31 04-15 10-15 01-01 12-31	1.240 CFS	245.00 AFA 245.00 AFA 245.00 AFA
TOTAL DIVERSION:					1.240 CFS	245.00 AFA

Water Source: COLD CREEK

Tributary to: BOULDER CREEK

Stage: DECREED

Point(s) of Diversion:

T17N R03E S01

NWSE

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	:																	:							
								22				31								09				62.0			
																				TOTAL ACRES				62.0			

Place of use location for IRRIGATION is the same location as described for: IRRIGATION FROM STORAGE

POU County: VALLEY

Conditions of Approval:

W38 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- BOULDER MEADOWS IRRIGATION INC.

Remarks: QNT THIS RIGHT WHEN COMBINED WITH 65-03118 SHALL PROVIDE NO MORE
THAN .02 CFS/ACRE AT HEADGATE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

Comments: 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 SRBA

Audit: 09/21/99 SBOCK

DATE: 03/05/99
PAGE: 53

QNT W38

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:36:02
03/10/99
107

PAGE: 16
PROFILE REPORT

CLAIM NUMBER: A65-02971

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C D	JOHN CAREY	12/01/1966	IRRIGATION	04-15 10-15	1.24 CFS	245.00 AFA
			IRRIGATION FROM STORAGE	04-15 10-15		245.00 AFA
			FISH PROP. STORAGE	01-01 12-31	1.24 CFS	245.00 AFA
TOTAL DIVERSION:					1.24 CFS	245.00 AFA

Water Source: COLD CREEK

Tributary to: BOULDER CREEK

Stage: DECREED

Point(s) of Diversion:

T17N R03E S01

NWSE

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	Lt	Ac	Lt	Ac	:			
17N	03E	1	:									22	:	31	:									09	:	62.0	
																							TOTAL ACRES		:	62.0	

Place of use location for IRRIGATION is the same location as described for: IRRIGATION FROM STORAGE

POU County: VALLEY

Non-Irrigation Uses: STOCKWATER

Other Rights: A65-02963,12007,02653,03118,06960,06956,06957.

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

92
CLAIM NUMBER: A65-02971

LAST: HOLLENBECK
ADDRESS: BOX 345
CITY: LUCILLE
PHONE NUMBER: 208-000-0000

FIRST: L K
STATE: ID ZIP: 83452

OWNER CODE: O

LAST: CAREY
ADDRESS: 15320 PEACH HILL RD
CITY: SARATOGA
PHONE NUMBER: 408-867-9262

FIRST: D JOHN
STATE: CA ZIP: 95070

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A65-02971 PRIORITY DATE: 12-01-1966 STAGE: D

B. WR RECORD: # 65-02971 PRIORITY DATE: 12-01-1966 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:

12-01-1966

REVIEWED BY SB

DATE 6/10/99

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
A65-02971	17N	03E	1		NW	SE			VALLEY		

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

WR RECORDS IN SAME 40 ACRE TRACT
65-11260

SOURCE: COLD CREEK

TRIB: BOULDER CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-02971	17N	03E	1		NW	SE			VALLEY		

OTHER WR RECORDS WITH SAME WR POD

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

65-11260

SOURCE: COLD CREEK

TRIB: BOULDER CREEK

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

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

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

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

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

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

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

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

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM Dave) Y() N()

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

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

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

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

SOURCE: COLD CREEK

TRIB: BOULDER CREEK

REVIEWED BY: SB DATE: 6/10/99

=====

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

A. ROOT WATER RIGHT NUMBERS: A65-02971

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	SE	NW		CAREY, D JOHN	A65-02971 / 22.0	65-02971 / 22.0	30.0		
			SE	NW		BOULDER MEADOWS IRRIGATION	INCA65-02963 / 22.0	65-02963 / 22.0			
			SE	NW		BOULDER MEADOWS IRRIGATION	INCA65-12007 / 19.0	65-12007 / 19.0			
			SE	NW		LANG, FRED A	A65-07260 /	65-07260 /			
			SE	NW		LANG, FRED A	65-07260 /	- /			22
			SE	NW		BOULDER IRRIGATION CO	A65-02308 / 22.0	65-02308 / 22.0			
			SE	NW		LANG, FRED A		65-12881 / 7.5			
17N	03E	1	NE	SW		CAREY, D JOHN	A65-02971 / 31.0	65-02971 / 31.0	38.0		
			NE	SW		BOULDER MEADOWS IRRIGATION	INCA65-02963 / 31.0	65-02963 / 31.0			
			NE	SW		BOULDER MEADOWS IRRIGATION	INCA65-12007 / 38.0	65-12007 / 38.0			
			NE	SW		CAREY, D JOHN	A65-03118 / 38.0	65-03118 / 38.0			31
			NE	SW		BOULDER IRRIGATION CO	A65-02308 / 31.0	65-02308 / 31.0			
17N	03E	1	NW	SE		CAREY, D JOHN	A65-02971 / 9.0	65-02971 / 9.0	20.0		
			NW	SE		BOULDER MEADOWS IRRIGATION	INCA65-02963 / 9.0	65-02963 / 9.0			
			NW	SE		BOULDER MEADOWS IRRIGATION	INCA65-12007 / 10.0	65-12007 / 10.0			9
			NW	SE		BOULDER IRRIGATION CO	A65-02308 / 9.0	65-02308 / 9.0			

ADDITIONAL POU FOUND

TOTAL ACRES A65-02971 62.00 62.00 88.00

POU COUNTY: VALLEY

62

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
A65-02971	COLD CREEK	CAREY, D JOHN	1.240	0.020	245.00	3.95
A65-02308	BOULDER CREEK	BOULDER IRRIGATION CO	24.000	0.020		
A65-02963	BOULDER CREEK	BOULDER MEADOWS IRRIGATION INC	6.180	0.022		
A65-03118	BOULDER CREEK	CAREY, D JOHN	1.600	0.020		
A65-12007	BOULDER CREEK	BOULDER MEADOWS IRRIGATION INC			80.00	0.22

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A65-02971	FISH PROP. STORAGE	CAREY, D JOHN	FROM 01-01 TO 12-31	1.240 CFS	245.00 AF/A
A65-07260	DOMESTIC	LANG, FRED A	FROM 01-01 TO 12-31	0.040 CFS	
65-07260	DOMESTIC	LANG, FRED 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: A65-02963,12007,02653,03118,06960,06956,06957.

Boulder Meadows Irr.

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: Overlaid on map

RECOMMENDATIONS:

TOTAL ACRES: 602 N/A()

REVIEWED BY: JB

DATE: 6/10/99

A. AJ CLAIMED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-02971	IRRIGATION FROM STORAGE	FROM 04-15 TO 10-15		245.00 AF/A
A65-02971	IRRIGATION	FROM 04-15 TO 10-15	1.240 CFS	~~245.00 AF/A~~
A65-02971	FISH PROP. STORAGE	FROM 01-01 TO 12-31	~~1.240 CFS~~	245.00 AF/A
	TOTAL DIVERSION RATE/VOLUME		1.240 CFS	245.00 AF/A

B. WR RECORDED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-02971	IRRIGATION FROM STORAGE	FROM 04-15 TO 10-15		245.00 AF/A
65-02971	IRRIGATION	FROM 04-15 TO 10-15	1.240 CFS	245.00 AF/A
65-02971	FISH PROP. STORAGE	FROM 01-01 TO 12-31	1.240 CFS	245.00 AF/A
	TOTAL DIVERSION RATE/VOLUME		1.240 CFS	245.00 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: 9

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

100

CLAIM NUMBER: A65-02971

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 1.240 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 1.240 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 102 x 0.02 CFS/ACRE = 1.24 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 = 245.00 AF/A

ACRES 102 x DIVERSION VOL. AF/A FOR AREA 3 = Decreased for 245
TOTAL DIVERSION VOLUME 186 AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

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

NOTES:

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION FROM STORAGE	04-15	10-15			245.00		0.0	
IRRIGATION	04-15	10-15	1.240		~~245.00~~		0.0	
FISH PROP. STORAGE	01-01	12-31	~~1.240~~		245.00		0.0	
TOTAL FOR THIS RIGHT			1.240		245.00		0.0	

NON-IRRIGATION USES CLAIMED: STOCKWATER

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

REVIEWED BY: _____ DATE: _____
=====

FLAG: _____
=====

STANDARD CONDITIONS (CODE):

*QNT Remark based on Adj meeting
on 6/10/99.*

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

ACCEPTED AS CLAIMED	NEEDS REVIEW
()	()
()	()
()	()

TITLE:

See 65-02652

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

00:00:08
03/10/99

PAGE: 15
QUICKLOOK INFORMATION

106
CLAIM NUMBER: A65-02971

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE					Done	SB		
POINT OF DIV				2	[Handwritten squiggle]	6-10-99		
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								

BARCODE UPDATED
WHOM/DATE

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. MILLEMAN, 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:



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

Ident. Number: A65-02971
Date Received:
Receipt No: exempt
Received By: _____

NOV 28 1988
No ✓
Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER FEDERAL LAW

1. Name: ~~L. K. HOLLENBECK~~ D. JOHN CAZEY (408)
Address: ~~BOX 345~~ 15320 Peach Hill Rd. 867-9262
~~LUCILLE, ID~~ 83452
Saratoga, California 95070

2. Date of Priority: DEC 01, 1966

3. Source: COLD CREEK Trib. to: BOULDER CREEK

4. Point of Diversion:

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

5. Description of diverting works:

DIRT DAM WITH OUTLET

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			245.00
IRRIGATION	04/15	10/15	1.240		245.00
FISH PROP. STORAGE	01/01	12/31	1.240		245.00

7. Total Quantity Appropriated is:

1.240 C.F.S. (and/or) 245.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	03E	1	SE	NW		IRR FS	22.0
			NE	SW		IRR FS	31.0
			NW	SE		IRR FS	9.0

Section Acres 62.0

Total Acres 62.0

A65-02971

Page 1

Date: 11/18/88

MICROFILMED

SEP 21 1992

11. Place of use in counties: VALLEY

12. Do you own the property listed above as place of use? ~~NO~~ YES

13. Other Water Rights Used:

A65-02963; A65-12007; A65-02653; ~~A65-02477~~; A65-63118;

14. Remarks: A-65-06960; A65-06956; A65-66957

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): D. John Zurey, Jr. Date: 11/22/88
Sharon M. McCallum Date: _____

State of Idaho)
County of Valley) Attorney - in - Fact
SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of November 19 88 William E. Doney
Notary Public

Seal

Residing at McCall, Id
My Commission Expires 1-28-92