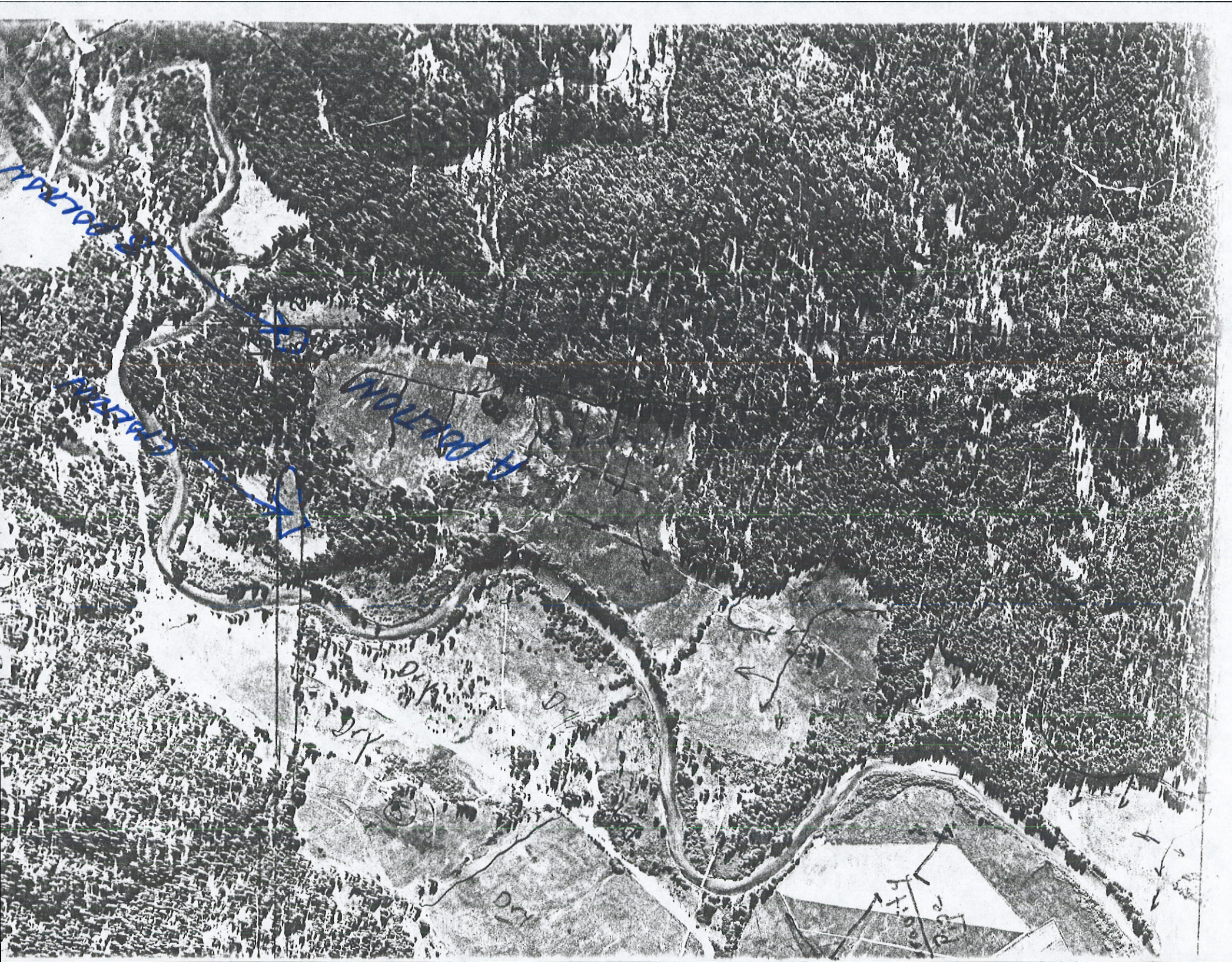


A65-11213C



UNPROCESSED

SEP 24 1992



65-7042

REFER TO LARGER

SCALE MAP

MAP

Polkton

Polkton

0.2 14 13

23 24

27.4

15.7

*A POLKTON
-5 AC IN THE
NEAR*

(5)

SCOTT
MOUNTAIN
SUB.

GARDEN
VALLEY
EST. #1

8.7

(10)

DRY

(7)

(8)

(7)

(7)

(8)

(3)

32.5

(8)

31.1

(3)

(8)

(7)

(7)

60.7

24

BOIST

Idaho Dept. of Water Resources

Claim No(s): 65-11213C

Claimant(s): Sellars

T10N, R04E, S 23

Prepared by: Sue Bock

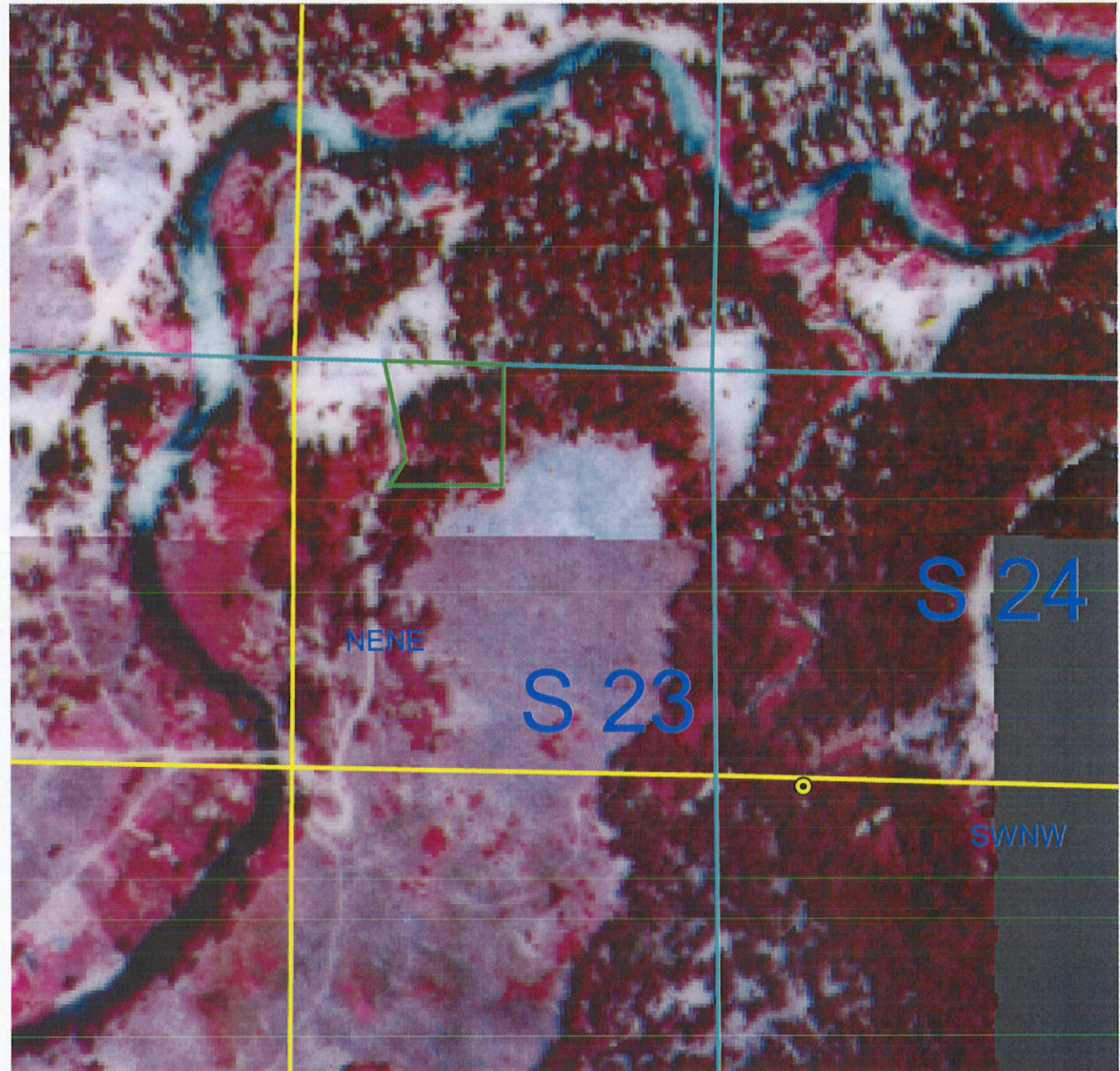
Date: 10/18/1999

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



1987 NAPP Photo

0

0.3

0.6 Miles



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: A65-11213C
Date Received: 4/24/1990
Receipt No: C016766
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONALD R. SELLARS 208-343-7673
Address: 4000 ROSE HILL
BOISE, ID 83705
OR
Name: WYLIA LEE SELLARS 208-343-7673
Address: 4000 ROSE HILL
BOISE, ID 83705
2. Date of Priority: JUN 01, 1887
3. Source: LIGHTNING CREEK Springs Trib. to: PAYETTE RIVER, MIDDLE FORK SINKS
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 10N | 04E | 24 | NW | SW | NW | | BOISE |
5. Description of diverting works:
DITCH FROM CK. 150' TO HEADGATE W/PIPE TO 2400' TO DITCH GRAV. IRR.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.080 | | |
7. Total Quantity Appropriated is:
0.080 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 7.5 Acre Feet Per Annum.
9. Non-irrigation uses:

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: A65-11213C
Date Received: 4-24-90 *CA*
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONALD R. SELLARS 208-343-7673
Address: 4000 ROSE HILL
BOISE, ID 83705

OR

Name: WYLIA LEE SELLARS 208-343-7673
Address: 4000 ROSE HILL
BOISE, ID 83705

2. Date of Priority: JUN 01, 1887

3. Source: LIGHTNING CREEK SPRINGS Trib. to: PAYETTE RIVER, MIDDLE FORK SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10N	04E	24	NW	SW	NW		BOISE

5. Description of diverting works:
DITCH FROM CK. 150' TO HEADGATE W/PIPE TO 2400' TO DITCH GRAV. IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.080		

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

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	04E	23	NE	NE	IRR	3.0
Section Acres						3.0
Total Acres						3.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
65-12827

14. Remarks:
SOURCES FOR THIS RIGHT ARE LIGHTNING CREEK & SPRINGS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

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): *Donald G. Keller* Date: 4-24-90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 24th day

of April 19 90

Carter Futchler
Notary Public

Seal

Residing at Eagle, Id

My Commission Expires 3-21-94



UNRECORDED

SEP 24 1992

Date Received 4-24-90
CA

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Lester R. Jellison () 3437673
Name of Claimant Phone Number
4000 Rose Hill Boise Idaho 83707
Mailing Address City State Zip
Boise 7724-19-1989
County(s) where place of use is located Date claim originally due
945-11213
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline

(Eldon Danner is vitally manager) thought he
was to take care of claiming of water rights.
I do have claim on spring # 4512849.

Claimant requests an extension to 4-24-90, 19 90
Donald R. Jellison 4-24, 19 90
Signature Date of request

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [] granted] [☒ denied] for the following reasons:

Proper notice describing need to file claims
was mailed to this address 2/3/89.

and if granted the filing deadline is extended to _____, 19 _____

Signed this 28 day of April, 19 90

David B. Shaw
Director or his designated agent

DAVID B. SHAW

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

MICROFILMED

SEP 24 1992

WESTERN REGION

OWNER (S): Selland

CLAIM NUMBERS: 65-11213C

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
P.O.D.				TOWNSHIP				RANGE				SEC.				SOURCE			

POLYGON CREATED ON 332

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

ATTRIBUTES OF B65-POU.SHP (1124) () () () ()

ATTRIBUTES OF B65-POD.SHP (1123) (1124) () () () ()
SL

✓ B65-DBPOU.DBF UPDATED BY sue

✓ B65-DBPOD.DBF UPDATED BY sue

NOTES:

AJ5809NP
No. R65-11213C

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/27/99
PAGE: 163

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WYLIA LEE SELLARS	06/01/1887	IRRIGATION	04-01 11-01	0.08 CFS	
C	DONALD R SELLARS					
	4000 ROSE HILL			TOTAL DIVERSION:	0.08 CFS	
	BOISE ID 83705					
	(208) 343-7673					

Water Source: LIGHTNING CREEK
SPRINGS

Tributary to: PAYETTE RIVER, MIDDLE FORK
SINKS

Stage: DECREED

Point(s) of Diversion: T10N R04E S24 NWSWNW

BOISE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	:	---
10N	04E	23	:	03																:	3.0
																				TOTAL ACRES	3.0

POU County: BOISE

Other Rights: 65-12827

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A65-11213A A65-11213B A65-11213C R65-11213A R65-11213B

Other Water Rights Listing Overlapping Place(s) of Use:
A65-07989 A65-11213 A65-11213A A65-11213B A65-11213C R65-07989 R65-11213A R65-11213B

Remarks: GEN SOURCES FOR THIS RIGHT ARE LIGHTNING CREEK & SPRINGS.

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

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

Audit: 03/26/99 JSHURTE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

21:00:19
06/30/99

PAGE: 1
GENERAL INFORMATION

230
CLAIM NUMBER: A65-11213C

LAST: SELLARS
ADDRESS: 4000 ROSE HILL
CITY: BOISE
PHONE NUMBER: 208-343-7673

FIRST: WYLIA LEE
STATE: ID ZIP: 83705

OWNER CODE: C

LAST: DUNDAS
ADDRESS: 1828 SAN JACINTO STREET
CITY: LOS ANGELES
PHONE NUMBER: 208-000-0000

FIRST: ROY B
STATE: CA ZIP: 90026

OWNER CODE: O

LAST: SELLARS
ADDRESS: 4000 ROSE HILL
CITY: BOISE
PHONE NUMBER: 208-343-7673

FIRST: DONALD R
STATE: ID ZIP: 83705

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN SOURCES FOR THIS RIGHT ARE LIGHTNING CREEK & SPRINGS.

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: # A65-11213C PRIORITY DATE: 06-01-1887 STAGE: D

B. WR RECORD: # 65-11213 PRIORITY DATE: 06-01-1887 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:

06-01-1887

REVIEWED BY JB

DATE 10/18/99

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
A65-11213C	10N 04E	24	NW	SW	NW			BOISE		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A65-11213A R65-11213A
A65-11213B R65-11213B

WR RECORDS IN SAME 40 ACRE TRACT
65-09668A

SOURCE: LIGHTNING CREEK
SPRINGS

TRIB: PAYETTE RIVER, MIDDLE FORK
SINKS

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
65-11213	10N 04E	24		SW	NW			BOISE		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A65-11213A R65-11213A
A65-11213B R65-11213B

65-09668A

SOURCE: LIGHTNING CREEK
SPRINGS

TRIB: PAYETTE RIVER, MIDDLE FORK
SINKS

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

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

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

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

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

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

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

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

I. HOW WAS THE POD AND SOURCE VERIFIED?

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

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

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (1)

TWP. 10N	RGE. 04E	SEC. 24	1/4 NW	1/4 SW	1/4 NW	LOT	POD FLAG	COUNTY BOISE	DIVERSION NAME	DIVERSION NBR
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: LIGHTNING CREEK

TRIB: PAYETTE RIVER, MIDDLE FORK

REVIEWED BY: JB

DATE: 10/18/99

=====

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

A. ROOT WATER RIGHT NUMBERS:	A65-11213B
	A65-11213A
	A65-11213C
	R65-11213A
	R65-11213B
	R65-11213C

B. POJ LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10N	04E	23	NE	NE		SELLARS, WYLIA LEE	A65-11213C / 3.0	- /			
			NE	NE		MC INALLY, JAMES T	A65-07989 / 1.0	65-07989 / 1.0			
			NE	NE		INNOVATIVE LAND MANAGEMENT	A65-11213A / 22.0	- /			
			NE	NE		MC INALLY, JAMES T	R65-07989 / 1.0	- /			
			NE	NE		INNOVATIVE LAND MANAGEMENT	R65-11213A / 22.0	- /			
			NE	NE		MC INALLY, ELIZABETH	R65-11213B / 2.0	- /			
			NE	NE		SELLARS, WYLIA LEE	R65-11213C / 3.0	- /			
			NE	NE		MC INALLY, ELIZABETH	A65-11213B / 2.0	- /			
			NE	NE		DUNDAS, ROY B.		65-11213 / 27.0			
			NE	NE		SELLARS, DONALD R		65-12827 / 0.8			

ADDITIONAL POJ FOUND

TOTAL ACRES A65-11213C 3.00

POJ COUNTY: BOISE

3

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
A65-11213C	LIGHTNING CREEK SPRINGS	SELLARS, WYLIA LEE	0.080	0.026		
A65-07989	LIGHTNING CREEK	MC INALLY, JAMES T	0.030	0.030	3.00	3.00
R65-07989	LIGHTNING CREEK	MC INALLY, JAMES T	0.030	0.030	3.00	3.00
R65-11213A	LIGHTNING CREEK	INNOVATIVE LAND MANAGEMENT	1.280	0.027		
A65-11213A	LIGHTNING CREEK	INNOVATIVE LAND MANAGEMENT	1.280	0.027		
R65-11213B	LIGHTNING CREEK	MC INALLY, ELIZABETH	0.050	0.025		
A65-11213B	LIGHTNING CREEK	MC INALLY, ELIZABETH	0.050	0.025		
R65-11213C	LIGHTNING CREEK SPRINGS	SELLARS, WYLIA LEE	0.080	0.026		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 65-12827

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

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

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(☒) N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N(☒)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

NOTES:

TOTAL ACRES: 3 N/A ()
REVIEWED BY: 30 DATE: 10/19/99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-11213C IRRIGATION	FROM 04-01 TO 11-01	0.080 CFS	
TOTAL DIVERSION RATE/VOLUME		0.080 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-11213 IRRIGATION	FROM 04-01 TO 11-01	1.350 CFS	
65-11213 STOCKWATER	FROM 01-01 TO 12-31	0.060 CFS	3.50 AF/A
65-11213 DOMESTIC	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
TOTAL DIVERSION RATE/VOLUME		1.450 CFS	3.50 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

239

CLAIM NUMBER: A65-11213C

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 0.080 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 1.450 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 3 x 0.02 CFS/ACRE = .06 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y(☒) N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ 7.5 AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

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

NOTES:

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
IRRIGATION	04-01	11-01	DATABASE 0.080	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 7.5	EXAMINER _____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT				_____		_____		_____

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

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: 65-11213

TOTAL DIVERSION RATE OF WR SPLITS DATABASE 1.450 EXAMINER _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-11213A	1.280	R65-11213A	1.280	65-11213	1.450
-	A65-11213B	0.050	R65-11213B	0.050	-	
-	A65-11213C	0.080	R65-11213C	0.080	-	
TOTAL CFS		1.410		1.410		1.450

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE (Y/N) Y
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE N FIELD EXAMINER Y() N()

NOTES:

Original Domestic component not claimed

AUTHENTICATION:

SIGNATURE: SB DATE: 10/18/99

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()
(X) OTHER <u>GIS map</u>	DATE <u>10/18/99</u>	Y(~~X~~) 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

21:00:19
06/30/99

PAGE: 16
QUICKLOOK INFORMATION

245
CLAIM NUMBER: A65-11213C

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					SB	SB		
POINT OF DIV				N		10-8-99		
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

21:13:11
06/30/99
246

CLAIM NUMBER: A65-11213C

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

MEMORANDUM

September 17, 1997

TO: CLAIM FILE NOS. A65-11213A, A65-11213B & A65-11213C

FROM: JAN SHURTELL

RE: WATER DELIVERY COMPLAINT

On September 11, 1997, I received a phone call from Norene Shapel concerning a letter sent to her dated September 8, 1997, from Elizabeth and James McInally. Since I had spoke with Elizabeth McInally in February, 1997, I did recall some of the situation. This memo is being written to document what I have been told concerning this situation and what I have told those involved in case of future involvement by personnel of the Department.

When Elizabeth McInally first called it was concerning the fact that she did not receive her portion of Water Right No. 65-11213 as claimed under Claim No. A65-11213B. At that time she relayed to me that her understanding was that there had been a ditch from the creek and a pipeline used for irrigation of her property. It appeared to her that when the subdivision was developed about 4 years previously that the delivery system to her property had been covered up or destroyed. In the file for A65-11213B there was a copy of a letter from the previous owner of the subdivision land to the previous owner of McInally's property, Eldon Downs. This letter concerned some ditch repairs of which Eldon was to pay 2.1739% (assumed to be based on his 2 acres). This indicated that the Downs property had some interest in the ditch for the 2 acres which is now owned by McInally's. I advised Ms. McInally that the 5 year forfeiture time period was coming up and the water needed to be used again prior to this to avoid forfeiture or she should file an extension of time to avoid forfeiture. The last letter in the file was from Ms. McInally indicating that a neighbor, Mr. Shapel, was willing to help her get the water to her property.

Then, on September 3, 1997, Maria Minicucci received a call from Elizabeth McInally on her office day. She also sent an extension of time to avoid forfeiture form to her and could not recall what exactly she had told her that day.

On September 11, 1997, Norene Shapel called concerning a letter her son had received from Elizabeth McInally. This letter indicated that Ms. McInally was to receive water by September 15th or she would seek legal council with IDWR. After speaking with Maria and Dave Tuthill (to whom the letter had been cc'd), I told

Mrs. Shapel that the deadline was not a Departmental deadline and that Ms. McNally could speak with our attorneys, however, the Department does not give legal counsel to one wateruser in a water dispute. At that time Mrs. Shapel informed me that her understanding of the water situation is that previously the ditch did come from Lightning Creek and irrigated the plateau upon which the subdivision sits and that seepage water from the irrigation of the plateau flowed underground and downhill to come out of a rock outcropping area just above the McNally's land. At one time a perforated pipe had been put into this outcropped area to collect this seepage water and was used to irrigate the land now owned by Ms. McNally. She stated there never had been a ditch or pipeline from the ditch that actually delivered irrigation water to the McNally's land.

On September 12, 1997, Grant Yearsley, the developer of the subdivision, called to discuss the problem. He reiterated what Mrs. Shapel had told me and added that he felt the McNally's did have a portion of the water right, however, they did not have a vehicle with which to get the water. There was an idea to try and put back in the seepage pipe to get the wastewater to them, however, he was not sure they would now try to complete that idea. He also stated that when the new irrigation system was put in when the subdivision was built, they did not see any indication of a ditch or pipeline from the ditch going to the McNally's property.

Attached to this file is a copy of the field map showing the irrigation system and the blue line map showing the outline of the irrigated property. I cannot tell from these maps whether the lands of the McNally's were included under this right. It is unclear in the drawings, however, according to the letter from Eldon Downs it appears that land was paying part of the ditch costs which would indicate it received water somehow. Whether it was from a ditch via a pipeline or from seepage I cannot tell. This appears to me to be a civil matter on a ditch/pipeline delivery dispute. This memo will be placed in the above files for future use.



65-7143

REFER TO LARGER SCALE MAP

PORTMAN

0.2 14 13

274

(4)

(5)

SCOTT
MOUNTAIN
SUB.

(4)

DRY

GARDEN
VALLEY
EST. #1

(4)

(10)

(8)

DRY

32.5

(8)

(8)

(7)

31.1

(3)

(8)

(7)

(7)

PORTMAN
NE

B 015108

60%

24

65-17713
 J. D. No. _____ Map No. _____
 Fee Paid _____ Receipt No. _____

My Commission Expires Dec. 12, 1960

RECEIVED

SEP 09 1997

Department of Water Resources

September 8, 1997

Mark Shapel
13 Apple Blossom Rd
Garden Valley, ID 83622

RECEIVED

SEP 16 1997

WATER RESOURCES
WESTERN REGION

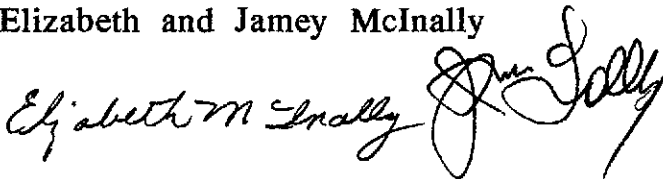
Re: Interruption of water. Ident. Number A65-11213B

Dear Mr. Shapel

We are requesting you turn our water to our property by September 15, 1997. As you know we have been requesting the water to be open all summer. We are now requesting in writing please respond within one week. If necessary we will be seeking legal council with the Idaho Department of Water Resources.

Sincerely,

Elizabeth and Jamey McInally



c.c. Grant Yearsley, Developer
Dave Tuthill, Adjudication Bureau Chief

Idaho Dept. of Water Resources

Claim No(s): 65-11213C

Claimant(s): Sellars

T10N, R04E, S 23

Prepared by: Sue Bock

Date: 10/18/1999

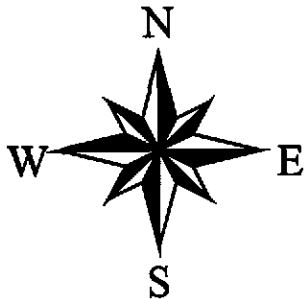


 **Place of Use**

 **Point of Diversion**

 **Section lines**

 **1/4 1/4 lines**



0

0.3

1987 NAPP Photo

0.6 Miles



IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

RECEIVED
MAY 09 2001
WATER RESOURCES
WESTERN REGION

UNDELIVERABLE
NO ADDRESSES
NO FORWARDING
ORDER ON FILE
DONALD R. SEARS
4000 ROSEN HILL
BOISE, ID 83705

65-11213C
65-11213C

45455 7-22-01

|||||



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