

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

RECEIVED

APR 12 2006

DEPARTMENT OF
WATER RESOURCES

James M. Davies
Box 392
Ketchum, ID 83340

Re: Evidence of priority and SRBA claims based on beneficial use

March 30, 2006

Dear Claimant:

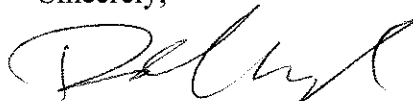
My name is Dan Narsavage, and I am in the process of reviewing claims to water rights in the Snake River Basin Adjudication (SRBA) along Mann Creek near Weiser, Idaho. You have received this letter because I have determined that either:

- You have submitted an SRBA claim to a water right out of Mann Creek based on beneficial use and have not yet supplied evidence of priority, or
- I have suggested that you submit an SRBA claim to a water right out of Mann Creek based on beneficial use and supply evidence of priority for said claim.
- I have suggested that you amend a current SRBA claim in your name to be based on beneficial use and supply evidence of priority for said claim.

As the claim review process in basin 67 is coming to a close, I am writing to you to inform you that this is your final opportunity to submit a claim to a water right and/or provide me with evidence of priority to support them. Without sufficient evidence to support the priority date for your water right, I will have no choice but to disallow your water right.

I look forward to hearing from you in the near future. Please call, write, or email me on or before **May 1, 2006** so that I may avoid disallowing your water rights. I understand that the goals of this letter may not be clear to you. If this is the case, please call me (**208-287-4885**) and I will gladly discuss your specific situation with you in greater detail. Thank you very much for your time.

Sincerely,



Daniel L. Narsavage
GIS Specialist

Telephone: 208-287-4885
E-mail: Dan.Narsavage@idwr.idaho.gov

Enclosures:

- Notice of Claim to a Water Right...
- Pamphlet: "Evidence of Priority..."
- Map

Dear Dan:

In reference to your letter dated March 30 2006 I submit the following documents. They are stapled and numbered lower right hand corner to coincide with descriptive material listed below:

1. Deed Jensen to me with Tarter the mortgage. (Jensen only owned the place a few months)
2. Priority date 6.1.23 in N.D Nellie + George Tarter conveyed to TWP 12 N From 13 N. See P 3A connection.
2B wrongly submitted TWP in Application claim as of letter dated 5.9.02 (whose mistake? My submission was later)
3. My submission of change of ownership dated 5.24.93 mistakenly using TWP 13 N taken from Application claim profile dated 1.23.01 (see P 3B)
3A Finally showing change from TWP 13 N TO 12 N
3B Historical, in that TWP is caught as wrong from a profile report dated 2/5/85 (By this time George is 80 years old still moving water with a shovel)
- 4 Maps showing pits of diversion and approximate acreage of use.
- 4A. Re-ap of ownership change of water rights if applicable.

Please advise me what further evidence you require, and what fee amount, if any, for re-filing. This has been a long morning.

Yours very Truly
Jim Davies

208 726 3259 E-mail IRDJM@cox.net

(Optional)

Recorded ☐
 Microfilmed ☐
 Indexed ☐

Platted ☐
 Deed Card ☐
 Compared ☐

Key Punched ☐
 Master File ☐
 Abstracted ☐

To Treasurer ☐

APP

(DO NOT WRITE ABOVE THIS LINE)

DEPARTMENT OF
WATER RESOURCES**WARRANTY DEED**

DAVID J. JENSEN and CHERYL JENSEN, husband and wife,
 of Fulton County of Sonoma
 hereby CONVEYS, GRANTS and WARRANTS TO

GRANTOR(S)
 State of ~~Kalif~~
 California:

JAMES M. DAVIES

Box 392, Ketchum, Idaho 83340

GRANTEE(S)

whose current address is ~~1709 Deer Creek Road, Weiser, Id. 83672~~

for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION Dollars (\$10.00)

the following described tract(s) of land in Washington

County, State of Idaho:

IN WASHINGTON COUNTY, IDAHO:

TOWNSHIP 12 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:

Section 6: Lots 5 and 6, Lot 7 EXCEPT the following: Beginning at the southwest corner of said Section 6; thence East along the south line to the right of way fence of Highway #95; thence North along said right of way fence 223 feet; thence westerly and south along the south bank of a gulch 716 feet to a point 200 feet north of the south line of said Section 6; thence South 41 feet; thence West 100 feet; thence southwesterly to the point of beginning;

TOWNSHIP 12 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN:

Section 1: Lots 1, 2, 3, and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;

TOWNSHIP 13 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:

Section 30: SE $\frac{1}{4}$ SE $\frac{1}{4}$;Section 31: Lots 1, 2, and 3, N $\frac{1}{2}$ of Lot 4, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

EXCEPT right of way for Highway #95.

SUBJECT TO that certain Mortgage dated February 13, 1990, wherein the Mortgagor is David J. Jensen and Cheryl Jensen, husband and wife, and the Mortgagee is George Tarter, aka George D. Tarter, and Nellie Tarter, husband and wife, recorded February 15, 1990, as Instrument No. 148770 official records of Washington County, Idaho, to secure an indebtedness in the original principal sum of \$130,000.00.

Location of above described property 1709 Deer Creek Road

House No.

Street

1

SCHEDULE A

File No. 9208 (T90141)

Policy No. H 574051

Amount of Insurance \$ 210,000.00

Premium \$ 814.50

Date of Policy January 24, 1991,
at 2:00

~~am~~
p.m.

1. Name of Insured:

JAMES M. DAVIES.

Shows T & R

2. The estate or interest in the land which is covered by this policy is:

Fee simple.

3. Title to the estate or interest in the land is vested in:

JAMES M. DAVIES.

4. The land referred to in this policy is described as follows:

IN WASHINGTON COUNTY, IDAHO:

TOWNSHIP 12 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:

Section 6: Lots 5 and 6, Lot 7 EXCEPT the following: Beginning at the southwest corner of said Section 6; thence East along the south line to the right of way fence of Highway #95; thence North along said right of way fence 223 feet; thence westerly and south along the south bank of a gulch 716 feet to a point 200 feet north of the south line of said Section 6; thence South 41 feet; thence West 100 feet; thence south-westerly to the point of beginning;

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Section 30: SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 31: Lots 1, 2, and 3, N $\frac{1}{2}$ of Lot 4, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

EXCEPT right of way for Highway #95.

/A

DATE 6/23/93 TIME 15:24:54

COMPUTER ASSISTED TAX SYSTEM
DELINQUENT AND/OR DUE TAX LIST
TX8557

PAGE 1

PARCEL INFORMATION	BANK CODE	LEGAL DESCRIPTION	YEAR	BILL NO	TAX	PENALTY	INTEREST	COST	TOTAL
RP 12N04W063600 A DAVIES, JAMES M P O BOX 392 KETCHUM ID 83340		LOT 5-6 TN-2 S6T12R4 102.52 ACRES	91	5866	18.38	.37	3.56		22.31*
									\$22.31
RP 12N05W010000 A DAVIES, JAMES M P O BOX 392 KETCHUM ID 83340		LOTS 1-2-3-4 S1/2NE SE1/4 S1T12R5 439.26 ACRES	91	5978	818.05	16.36	158.28		992.69*
									\$992.69
RP 13N04W309000 A DAVIES, JAMES M P O BOX 392 KETCHUM ID 83340		SESE; S30T13R4; 40 ACRES	91	6810	5.37	.11	1.04		6.52*
									\$6.52
RP 13N04W310000 A DAVIES, JAMES M P O BOX 392 KETCHUM ID 83340		E1/2NE S31T13R4 80 ACRES	91	6817	21.79	.44	4.22		26.45*
									\$26.45
RP 13N04W310600 A DAVIES, JAMES M P O BOX 392 KETCHUM ID 83340		W1/2NE; E1/2NW; N1/2 OF LOT 4; 91 NESW; W1/2SE; LOTS 1,2,3; S31T13R4; 400.50 ACRES	91	6816	149.00	2.98	28.84		180.82*
									\$180.82

CALCULATIONS VALID THROUGH: JULY 30, 1993

NUMBER OF PARCELS LISTED 5

PENALTY: 2.00%

91 .189699

TOTAL DUE:

Due \$1,228.19

1B

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-10761

See page 3A

WATER RIGHT NUMBER: 67-10761

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NELLIE A TARTER 1709 DEER CREEK RD WEISER, ID 83672 (208)549-0086
Current Owner	GEORGE D TARTER 1709 DEER CREEK RD WEISER, ID 83672 (208)549-0086

Priority Date: 06/01/1923

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
DEER CREEK	MANN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.050 CFS	
IRRIGATION	4/01 to 5/30	0.140 CFS	
	<u>Total Diversion:</u>	0.190 CFS	

Location of Point(s) of Diversion

DEER CREEK SW1/4SE1/4NE1/4 Sec. 1, Twp 13N, Rge 05W, B.M.
WASHINGTON County

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	05W	1				X												X	

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	05W	1				4.2												2.8	7.0

Total Acres: 7

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-10761

WATER RIGHT NUMBER: 67-10761

Owner Type Name and Address
 Current Owner NELLIE A TARTER
 1709 DEER CREEK RD
 WEISER, ID 83672
 (208)549-0086
 Current Owner GEORGE D TARTER
 1709 DEER CREEK RD
 WEISER, ID 83672
 (208)549-0086

*Tarter to Jensen
to pub...*

Priority Date: 06/01/1923
 Basis: Beneficial Use
 Status: Active

Source Tributary
 DEER CREEK MANN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.050 CFS	increase to .10 CFS from 5
IRRIGATION	4/01 to 5/30	0.140 CFS	change use date to 4/1 Oct. 30
<u>Total Diversion:</u>		0.190 CFS	

Location of Point(s) of Diversion

DEER CREEK SW1/4SE1/4NE1/4 Sec. 1, Twp 13N, Rge 05W, B.M.
 WASHINGTON County

Place of Use

STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	SW	SF
13N	05W	1	NE	NW	SW	SE	NE	NW	SW	SE	NE		
						X							

= vident 107

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE
13N	05W	1	NE	NW	SW	SE	NE	NW	SW	SE	NE
						4.2					

Total Acres: 7

Remarks:

1. General AC. IRR.=7.0.

*Submitted
 wrongly
 dated 5.9.02 letter
 WRONG Township
 as a result*

WRONG Twp.

2A

RECEIVED

APR 12 2006

DEPARTMENT OF
WATER RESOURCES

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: Jan 15
Feb 1991

LEGAL DESCRIPTION OF PROPERTY: Township 13 N Range 4 W
Section 31, NE NW 1/4 of NW SW 1/4 of SW SW 1/4, Govt. Lot _____, BM. and NW SE
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A67 - 04053
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): owner of record George D. Tarter + Nellie Tarter who sold
To: David J. Jensen
- ☐ New Owner/Claimant (Purchaser): James M Davies
- ☐ New Mailing Address: Box 342
Ketchum Id. 83340
- ☐ New Telephone Number: (208) 726 - 3259
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Warranty Deed Copy
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): James M Davies Date 5.24.93
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

3

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-10761

Conditions of Approval:

1. AC. IRR.=7.0.
2. Changed claimed POU Twp from 13N to 12N. Map in claim file, submitted by claimant, shows the area where Joslin Ditch crosses Deer Creek in 12N 05W. DLN, 12/21/2005

Remarks:Comments:Dates and Other Information:

Claim Received Date: 10/12/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

AJ5809NP
No. A67-10761

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/23/01
PAGE: 2

OWNER CODE: C
NAME & ADDRESS: GEORGE D TARTER
C NELLIE A TARTER
1709 DEER CREEK ROAD
WEISER ID 83672
(208) 549-0086

PRIORITY DATE: 06/01/1923
WATER USE: IRRIGATION
STOCKWATER

USE PERIOD FROM TO: 04-01 05-30
01-01 12-31

DIVERSION RATE: 0.140 CFS
0.050 CFS

DIVERSION VOLUME: 24.00 AFA

Water Source: DEER CREEK
Tributary to: MANN CREEK
SWSENE

Point(s) of Diversion: T13N R05W S01

Stage: BENEFICIAL USE
WASHINGTON County

Place of use Legal Description for: IRRIGATION
NE

NENE		NWNE		SWNE		SENE		NENE		NWNE		SWNE		SENE		SUM	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	T	R	S	Lt	Ac	Lt	Ac	Lt	Ac
13N	05W	1							04								
TOTAL ACRES: 7.0																	

Place of use Legal Description for: STOCKWATER
NE

NENE		NWNE		SWNE		SENE		NENE		NWNE		SWNE		SENE		SUM	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	T	R	S	Lt	Ac	Lt	Ac	Lt	Ac
13N	05W	1							S								
TOTAL ACRES: 7.0																	

POU County: WASHINGTON
Non-Irrigation Uses: S/150 RANGE.
Other Rights: NONE

Remarks: GEN AC. IRR.=7.0.
Dates: Exam Made Date:
Misc: Water District Number:

Verified Date: 02/05/1985
Objection Filed Date:

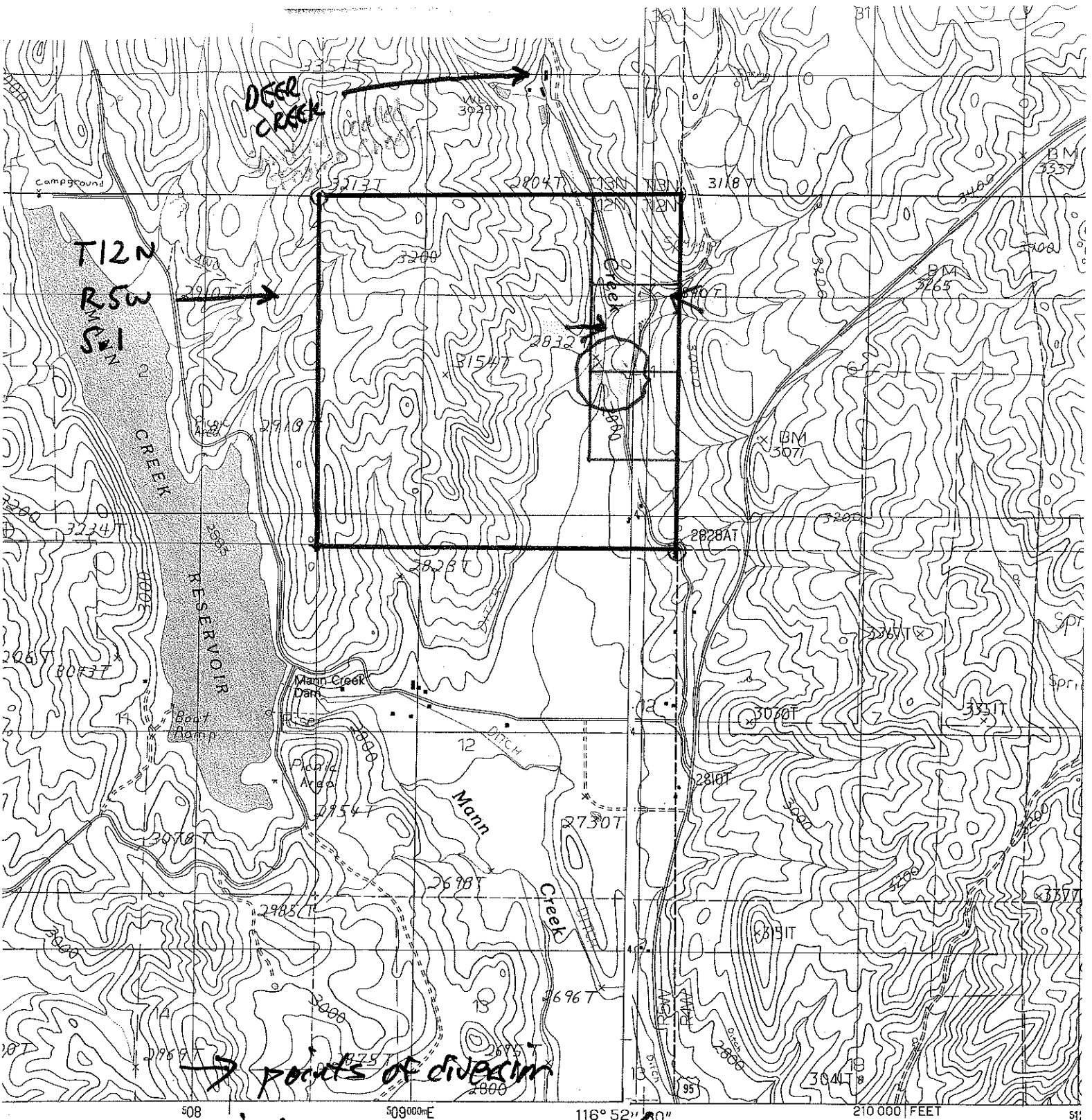
Field Inspection Flag:
Presumption Flag:

Evidentiary:
1.23.01
Shows Catching
T13N mistake;
Should be T12N

Change of ownership?
Came the Township From 13N to 12N

3B

3B



- | | |
|---|-----------------|
| 3 | 1 Monroe Butte |
| | 2 Sargill Peak |
| | 3 Hopper Creek |
| 5 | 4 Olds Ferry NE |
| | 5 Midvale Hill |
| | 6 Porters Flat |
| | 7 Weiser North |
| 3 | 8 Mann Creek SE |

*Circle enclosed approximate
decrease irrigated.*

Improved Road
Unimproved Road
Trail

○ Interstate Route ◻ U.S. Route ○ State Route

MANN CREEK NW, IDAHO
PROVISIONAL EDITION 1987

PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
CONTROL BY USGS, NOS/NO.
COMPILED FROM AERIAL PHOTOGRAPHS TAKEN 1
FIELD CHECKED 1984 MAP EDITED 1
PROJECTION TRANSVERSE MERCATOR
GRID: 1000-METER UNIVERSAL TRANSVERSE MERCATOR ZONE
10,000-FOOT STATE GRID TICKS IDAHO, WEST ZONE
UTM GRID DECLINATION 0°08' EA
1987 MAGNETIC NORTH DECLINATION 17°30' EA
VERTICAL DATUM NATIONAL GEODETIC VERTICAL DATUM OF 1
HORIZONTAL DATUM 1927 NORTH AMERICAN DATUM
To place on the predicted North American Datum of 1983
move the projection lines as shown by dashed corner ticks
(16 meters north and 78 meters east)
There may be private inholdings within the boundaries of a
Federal and State Reservations shown on this map



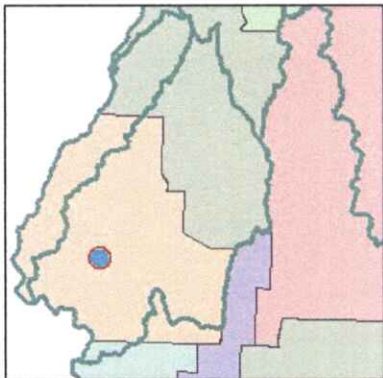
Idaho Department of Water Resources

Adjudication Claim:

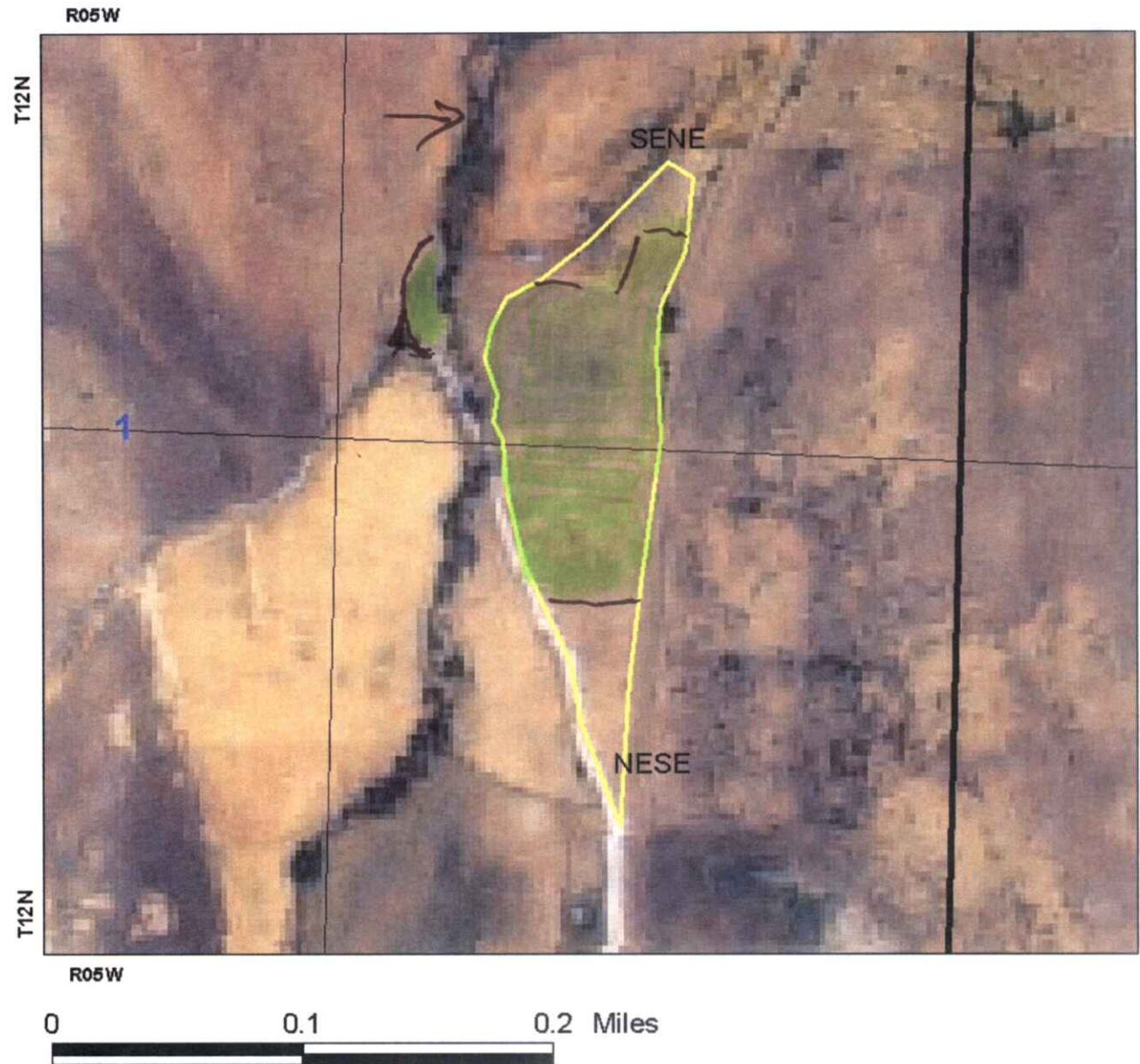
67-10761

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



Prepared by D. Narsavage
On Thursday, March 30, 2006
1987/88 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

2006

DEPARTMENT OF
WATER RESOURCES

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

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
67-10761	67 10761				

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

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

OR

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

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

Nellie A and Geo. J. Tarter (Deceased)
 1709 Depr Grede Rd. weber, Id.

4. New Owner/Claimant(s)

James Davies

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Box 392

City, State and ZIP Code

Ketchum Id. 83340

New Telephone Number

() 208 726 3259

5. Date you acquired the property

Approx Jan. 24 1991 (Title ins.)