

A63-313B

PHOTOS TAKEN 10/16/2001



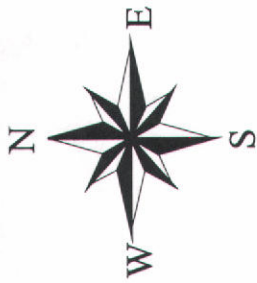
PHOTO #1
DIVERSION STRUCTURE
100 YDS BELOW POD
THAT IS SHARED WITH
63-311 & 63-314



PHOTO #2
POU LOOKING WEST
FROM THE DITCH

IDAHO DEPARTMENT OF WATER RESOURCES

T07N, R05E, S02



1987 NAPP PHOTO

POINT OF DIVERSION



PLACE OF USE



1/4 1/4 LINES



SECTION LINES

6 ACRES

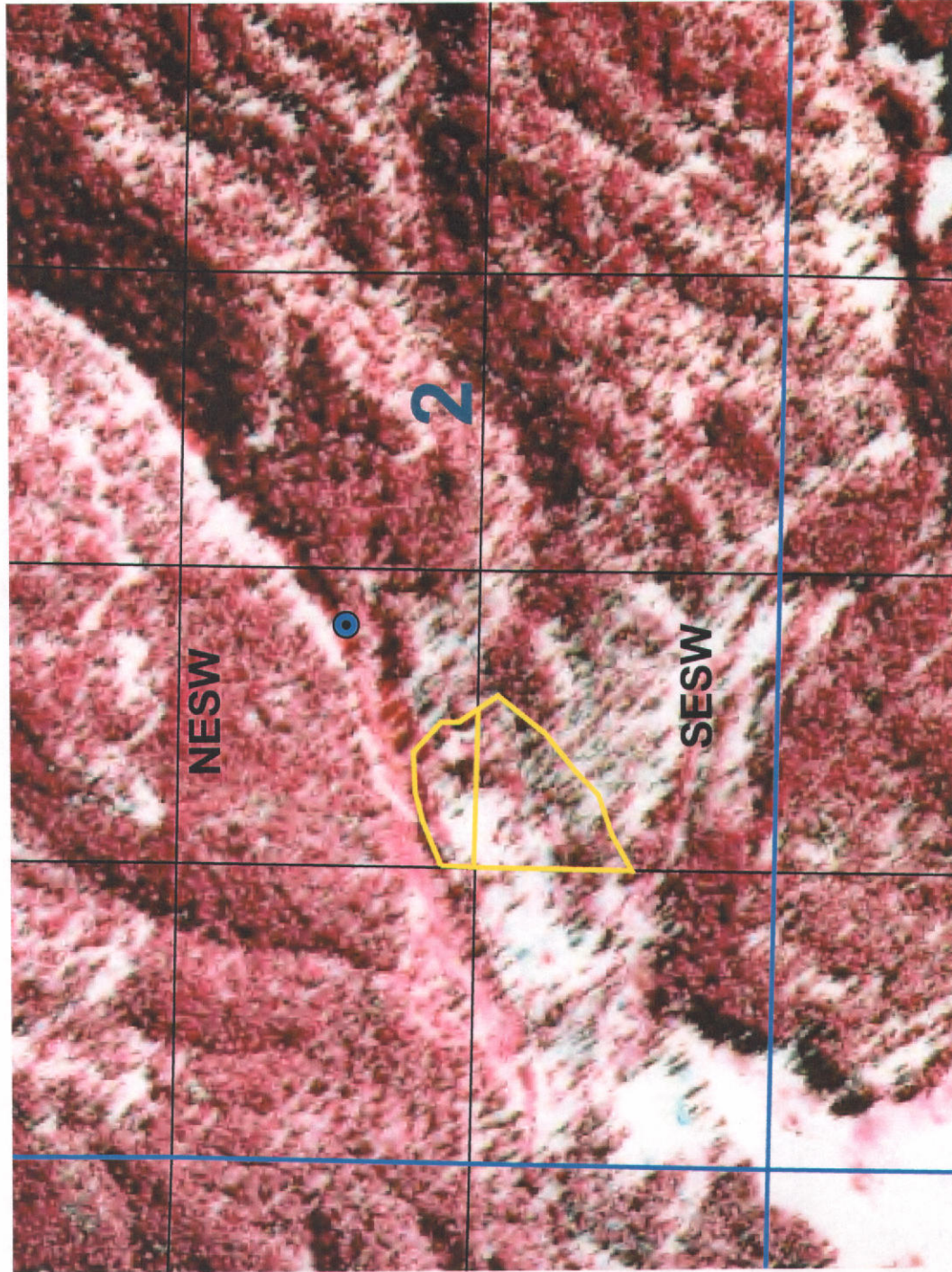
6 SECTION NUMBERS

CLAIM(S): 63-313B

OWNER(S): KEYES, MARY

DATE: DECEMBER 4, 2001

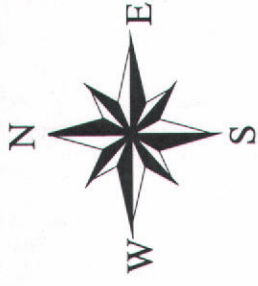
by: Mel Schulte



0 0.25 0.5 0.75 1 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

T07N, R05E, S02



1987 NAPP PHOTO

POINT OF DIVERSION



PLACE OF USE



1/4 1/4 LINES



SECTION LINES

6 ACRES

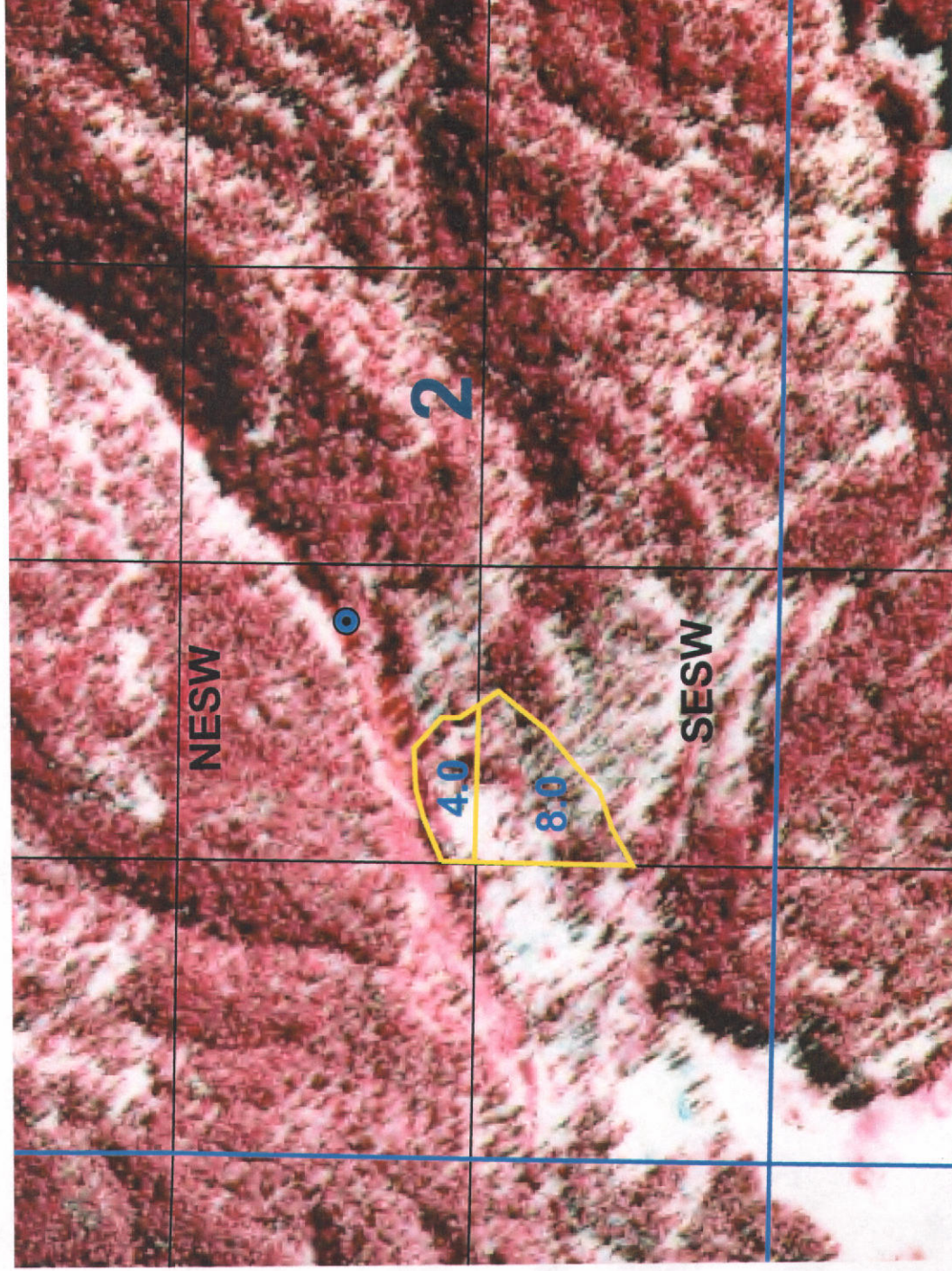
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CLAIM(S): 63-313B

OWNER(S): KEYES, MARY

DATE: DECEMBER 4, 2001

by: Mel Schulte



0 0.25 0.5 0.75 1 Miles

T07N, R05E

2

clear creek

to 3rd

diversion
structure

100 ft

ditch

tail

5.0

T07N, R05E

Smith

2

4600

Smith

4848

Cre

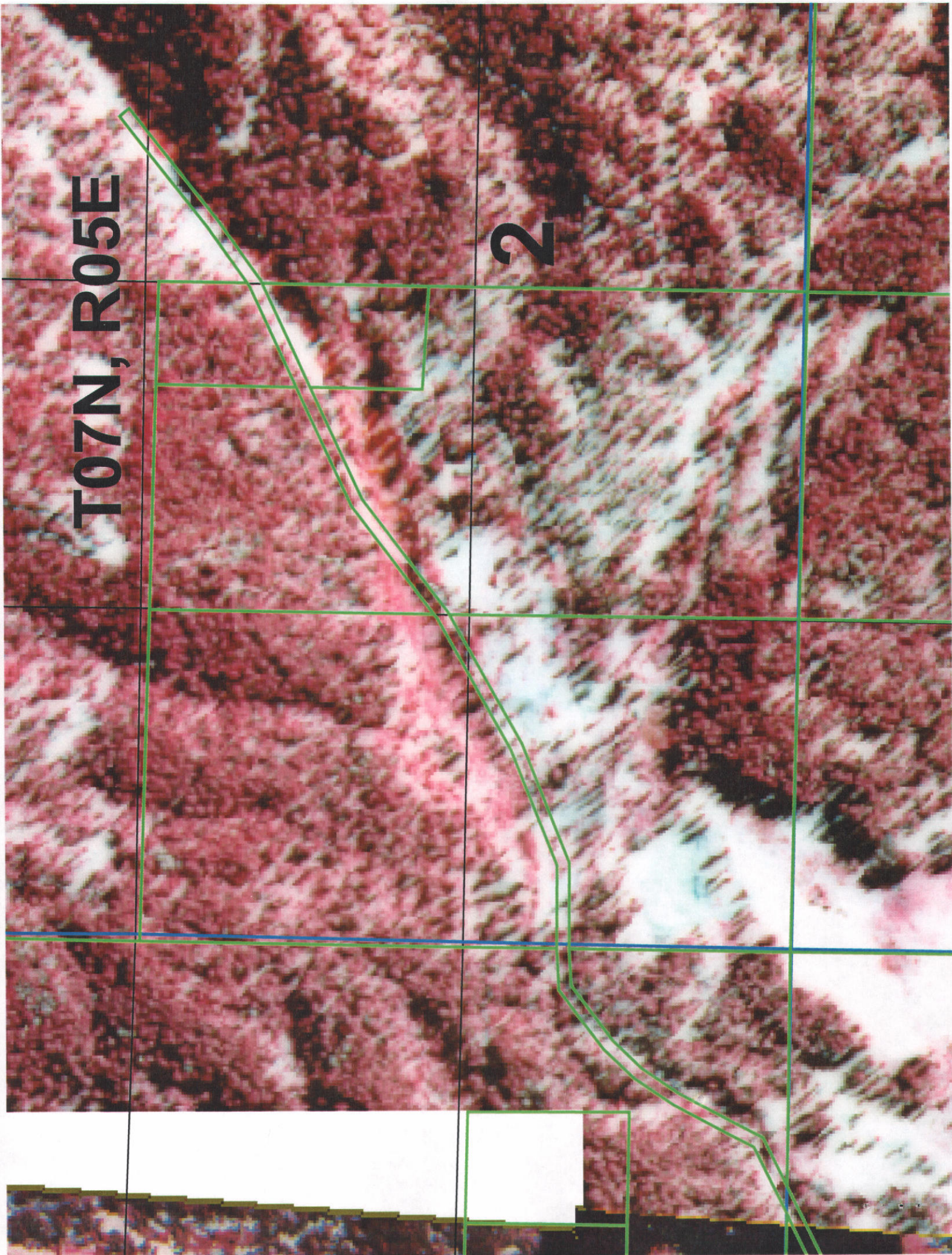
4800

Pioneerville

Clear

T07N, R05E

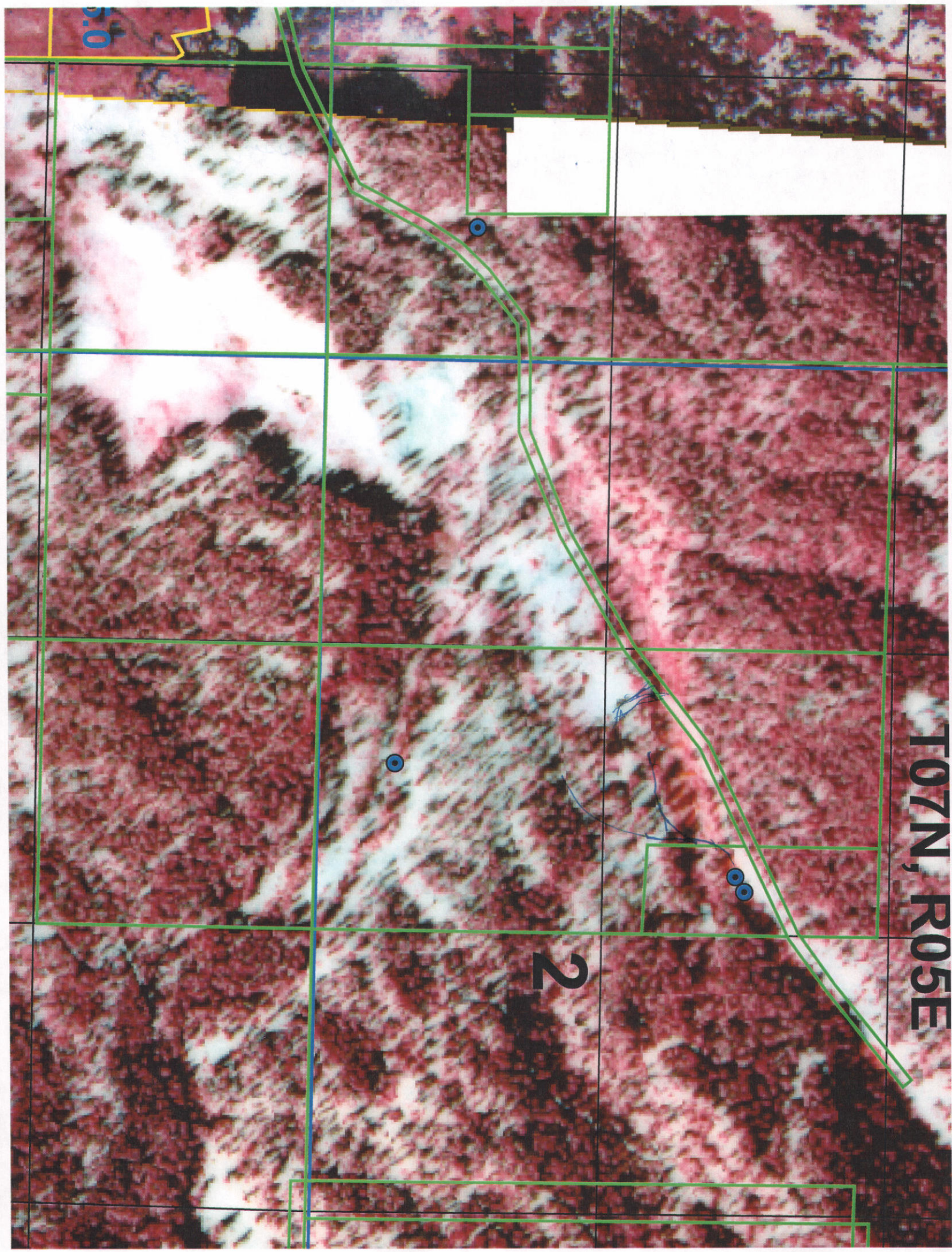
2



T07N, R05E

2

5.0



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 63-313B
Date Received: 10/9/2001
Receipt No: *W028406*
Received By: *MTS*

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

1. Name of Claimant(s)

MARY KEYES Phone: (208)468-0962

2702 PASCOE LANE
NAMPA ID USA 83686

2. Date of Priority: 01/01/1911

3. Source: CLEAR CREEK Trib. to: GRIMES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	05E	2	NE SW	BOISE	

5. Description of diverting works:

DAM IN CREEK TO DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.4	

7. Total Quantity Appropriated is: .40 CFS

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
07N	05E	2	NE SW	IRRIGATION	10
			SE SW	IRRIGATION	10
Section Acres					20
Total Acres					20

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:

14. Remarks:

15. Basis of Claim: Decreed

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): Mary M. Keys Date: 10/13/01

Date:

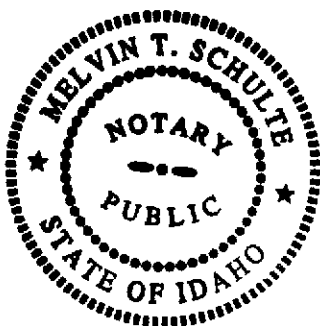
State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 15th
of October 2001 Melvin T. Schulte

Notary Public

Residing at Boise, Idaho

My commission Expires 7-24-2006



02/28/2002

NOTICE OF ERROR
REPLY

RECEIVED

APR - 2 2002

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to ~~recommend~~ ^{comment on} your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 5, 2002

Water right number: 63-313B

MARY KEYES
2702 PASCOE LANE
NAMP A ID 83686

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3/30/02 SIGNATURE: Mary M. Keys

Please print your name: Mary M. Keys

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

RECEIVED

APR 03 2002

WATER RESOURCES
WESTERN REGION

02/26/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-313B
NAME AND ADDRESS: MARY KEYES
2702 PASCOE LANE
NAMPA ID 83686

SOURCE: CLEAR CREEK TRIBUTARY: GRIMES CREEK

QUANTITY: 0.32 CFS
THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE FIELD
HEADGATE.

PRIORITY DATE: 01/01/1911

POINT OF DIVERSION:
T07N R05E S2 NESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.320 CFS

PLACE OF USE: IRRIGATION Within BOISE County
T07N R05E S02 NESW 4.0 T07N R05E S02 SESW 8.0

12 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A63-313B

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☒ No Change ADDRESS
☐ NEW ADDRESS: _____
2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: 1-11-1911
(If the priority date, based on your exam, seems questionable, explain below.)

as decreed.

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:
Source found: _____

4. ☒ No Change — POINT OF DIVERSION the decree is ambiguous
☐ Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

From the POD a ditch flows West about 100 yds to a diversion structure that divides the water into two ditches. one serves 63-314 and the other delivers water to this claim and 63-311. Irrigation is by gravity well flooding.

6. ☒ No Change - WATER USES

☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☒ Changes found, the new total is, Amount .32 CFS _____ AFA

8. ☐ No Change - NON-IRRIGATION USES:

1.02 cfs per acre at the field headgate.

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☐ No Change — PLACE OF USE: (If changed, list below.)

Use: <u>PRR</u> Township <u>7N</u> Range <u>5E</u> Section <u>2</u> <u>1/4 NE</u> <u>1/4 SW</u> = <u>4 ac</u>
Use: <u>"</u> Township <u>"</u> Range <u>"</u> Section <u>2</u> <u>1/4 SE</u> <u>1/4 SW</u> = <u>8 ac</u>
Use: _____ Township _____ Range _____ Section _____ <u>1/4</u> <u>1/4</u> _____
Use: _____ Township _____ Range _____ Section _____ <u>1/4</u> <u>1/4</u> _____

Remarks: (Comments pertinent to field examination) See additional attachment

Flow rate in excess of 1"/acre is for conveyance loss. No conveyance loss estimate completed due to complex nature of system and minimal amount of excessive flow (4")

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout *See attached*

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 10-16-2001

*C18,
QNT-E28
Exp - Con. loss.*

FIELD EXAMINER: _____

Print Name

Mel Schulte

Signature

A63-313B

PHOTOS TAKEN 10/16/2001

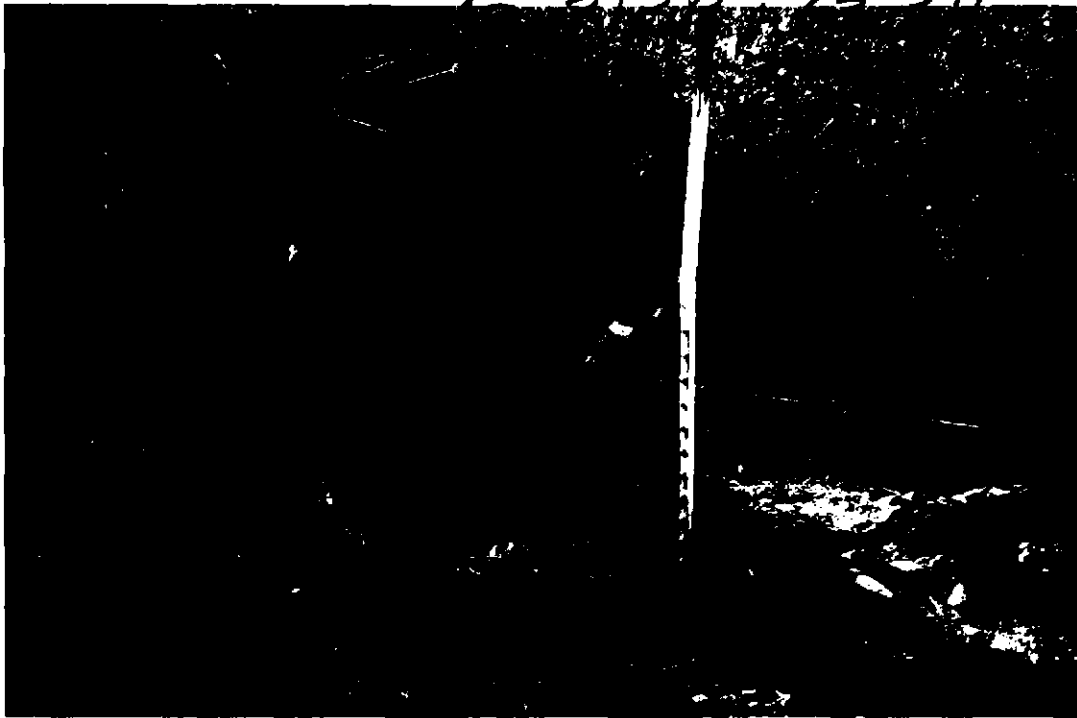


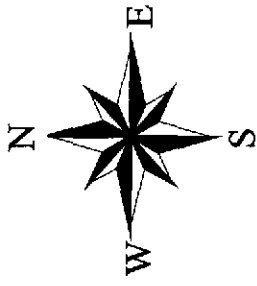
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IDAHO DEPARTMENT OF WATER RESOURCES

T07N, R05E, S02



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

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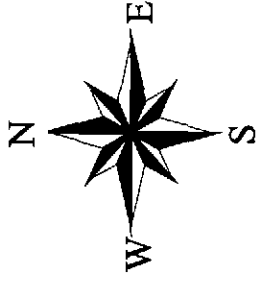
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0 0.25 0.5 0.75 1 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

T07N, R05E, S02



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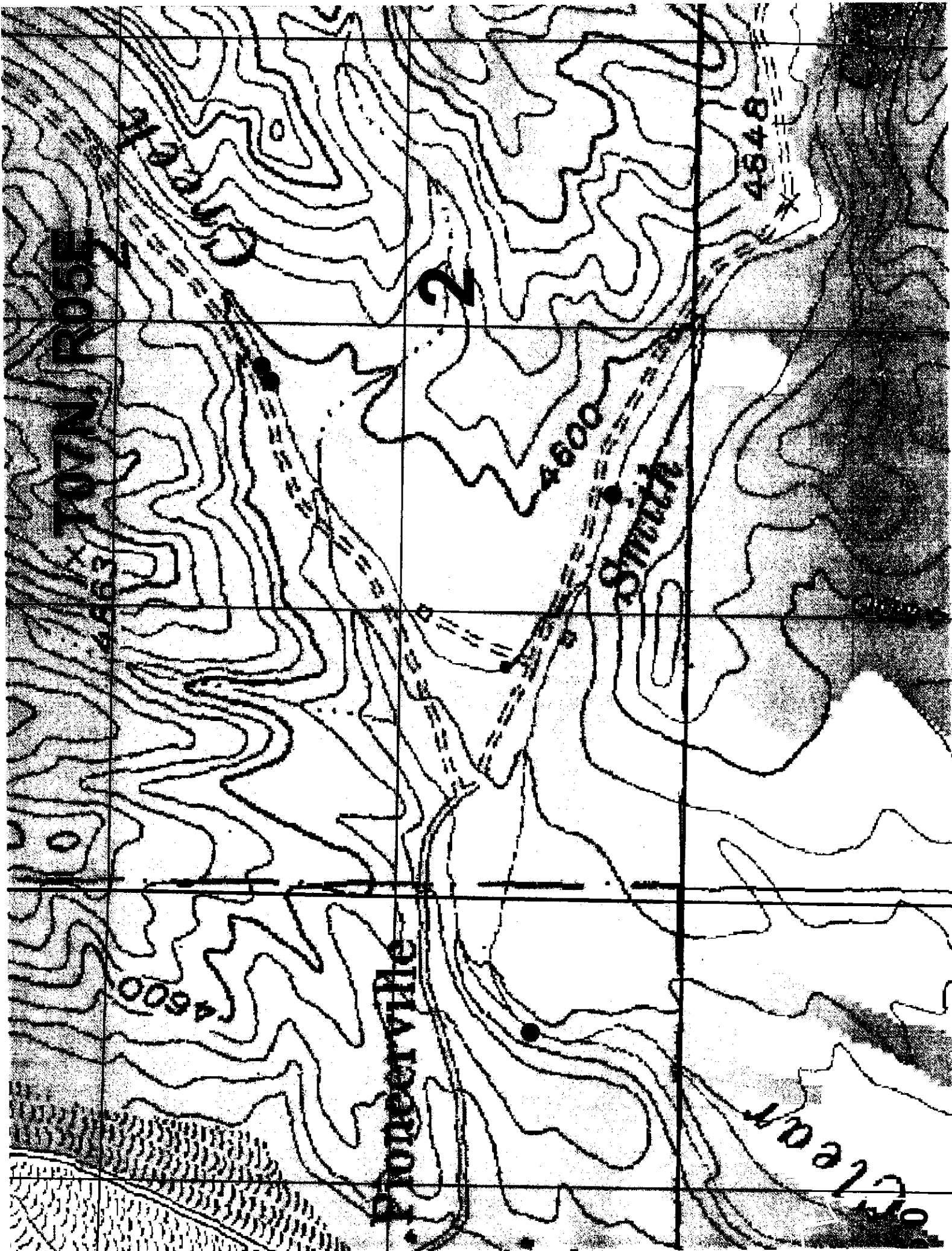
by: Mel Schulte



0 0.25 0.5 0.75 1 Miles







Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NENE	NWSE	SWSE	SESE	Total
Claim	63 2168	BETTY M BERMENSOLO,	CLEAR CREEK	07N05E2											14						14
Claim	63 311	BETTY M BERMENSOLO,	CLEAR CREEK	07N05E2											40						40
Claim	63 313A	THOMAS D KRAUS, ELIZABETH F KRAUS,	CLEAR CREEK	07N05E2									10								10
Claim	63 313B	MARY KEYES,	CLEAR CREEK	07N05E2									10			10					20
Right	63 2168	ISAAC VAN WINKLE,	CLEAR CREEK	07N05E2											14						14
Right	63 311	ISAAC VAN WINKLE,	CLEAR CREEK	07N05E2											X						0
Right	63 313	MABEL ARBAUGH,	CLEAR CREEK	07N05E2									X			X			X		0
Right	63 314	C R PONCIA,	CLEAR CREEK	07N05E2																	0
Claim	63 15195	THOMAS D KRAUS, ELIZABETH F KRAUS,	GROUND WATER	07N05E2									X								0
Claim	63 28574	ERNEST F KEYS, IDAHO PACIFIC DEVELOPMENT CO,	GROUND WATER	07N05E2									X								0
Right	63 28574	IDAHO PACIFIC DEVELOPMENT CO, ERNEST F KEYS,	GROUND WATER	07N05E2									X								0
Claim	63 15232	BOISE CASCADE CORP,	UNNAMED STREAMS	07N05E2	X	X	X	X	X		X	X						X	X		0

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, U. S. DISTRICT COURT OF BOISE.

ISAAC VAN WINKLE,

Plaintiff,

-v.-

DECEASED.

LEWIS ARBAUGH AND
MABEL ARBAUGH,

Defendants.

This cause having heretofore come on regularly for trial before the court, without adjournment the plaintiff amended complaint and the separate answers and cross-complaint, the defendants (each and every of the allegations of each and every of the separate cross complaints of the separate defendants, by stipulation of the parties, being deemed denied for the purpose of the suit); Messers. F. W. Oppenheimer and J. H. Lebert appearing as attorneys for the plaintiff and Messers. J. E. Haines and B. L. Hodges, appearing as attorneys for the defendants and cross-complaints; and the court, having heard the evidence adduced by the plaintiff and each of the defendants and cross-complaints, and being fully informed and advised in the premises and having filed its Findings of Fact and Conclusions of Law herein.

NOW, in consideration thereof and of the laws and statutes in that behalf provided.

IT IS ORDERED, ADJUDGED AND DECREED, That the plaintiff and each of the defendants and cross-complaints herein named, do have judgment respectively for a right to use the waters of Clear Creek and its tributaries, situated in Boise County, State of Idaho, to the extent of their needs for irrigation and domestic use and watering of live-stock upon the land described after each appropriation, respectively, the following number of inches of water (measured under a Four (4) inch pressure) set opposite each name, each fifty (50) inches thereof to be evenly split to a flow of One (1) cubic foot per second, as prescribed by the law of Idaho, the priorities of said appropriations to be from the time hereinafter named, to-wit:

Name of Party	Priority of Appropriation	Amount of Inches	Description of land in allotment or sub-division to which water is appurtenant	Area of Land
Isaac Van Vinkle	Jan. 1, 1894	75.	SW 1/4, 2, 7N, 5E. SE 1/4, 11, 7N, 5E. NE 1/4, 10, " "	120
Lewis Arbaugh	Jan. 1, 1916	80	SW 1/4, 11, 7N, 5E. SE 1/4, 10, 7N, 5E. NE 1/4, 10, 7N, 5E	160
Mabel Arbaugh	Jan. 1, 1911	20	W 1/2 SE, 2, 7N, 5E. SW 1/4, 2, 7N, 5E	160

2. The plaintiff and the defendant, Lewis Arbaugh, shall have placed under the direction of the State Engineer of the State of Idaho, at their respective points of diversion and the Three (3) taps as referred to in the Findings of Fact and Conclusions of Law heretofore filed, the amount of water to be diverted under the provisions of this decree and said plaintiff and defendant shall each pay One-half (1/2) the cost for having installed said headgate and taps.

3. The plaintiff shall have charge of and keep in repair at his own expense, the headgate at the point of diversion of the waters of Clear Creek to the headgate of the defendant, Lewis Arbaugh; and the defendant, Lewis Arbaugh, shall have charge of and keep in repair, the headgate installed at the point of diversion of the waters for his own use and the ^{Court Ditch} ditch from said point of diversion at his own headgate; and the plaintiff is especially enjoined and restrained from closing the headgate at the point of diversion for any purpose other than for repairs to the ditch and headgate or when there is danger of serious injury to the ditch on account of freezing during cold weather, and then only for such time as may reasonably be required to make the necessary repairs, or until it is reasonably safe to again turn the water into the ditch.

4. Each and every party hereto, his agent, and attorneys, employees, privies and successors, in interest are hereby enjoined and restrained from interfering, in any manner with the right of prior appropriation of the waters of Clear Creek as herein decreed, and from obstructing, using and wasting the waters of said

stream or in any way interfering with any dam, dike or levee herein-
before referred to other than their own and respective gates and
tanks, to the injury of any other appropriators.

5. Each party hereto shall pay all own costs and disburse-
ments herein.

Dated this 1st day of October, 1917.

Charles P. McCarthy.
District Judge.

Filed October 8, 1917, and recorded in Book 4 of Judgments, on
page 517.

W. R. Gules.
Recorder

WILLIAM CORRIAN
Deputy

STATE OF IDAHO,) ss.
County of Boise,)

I hereby certify the foregoing to be a full, true and correct copy of the

Decree recorded in my office of Book of Judgments.

No. 4, page 517, and of the whole thereof.

In witness whereof I have hereunto set my hand and affixed my official seal, at Idaho
City, Idaho, this 24th day of April, 1903.

By Frances Elliott
Deputy.

WILLIAM CORRIAN
Ex-Officio Recorder.





#15

Corner of NW corner of
lawn, at driveway & ditch crossing under driveway

352954

320323

Deadgates to Reyes & Poncia ditches 100 yds
below POD

#16 353052
320451

POD for Reyes, Poncia ditch

#17 353146
320462