

Priority  
Proof for  
stock that  
used pasture  
irrigated

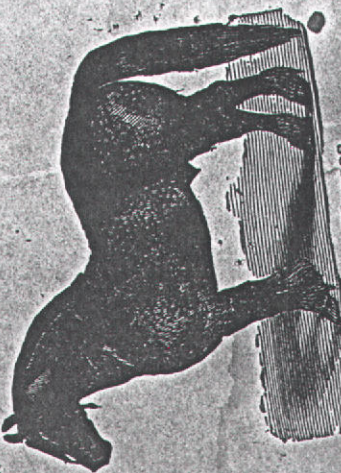
ARTHUR WATSON

Telephone Elliott 2744

April 20 1922

Seattle, Wash.,

M



G. W. LOVEBERRY

General Teaming Horses  
For Sale or Hire

RAINIER STABLES, DR.  
A First Class Boarding Stable

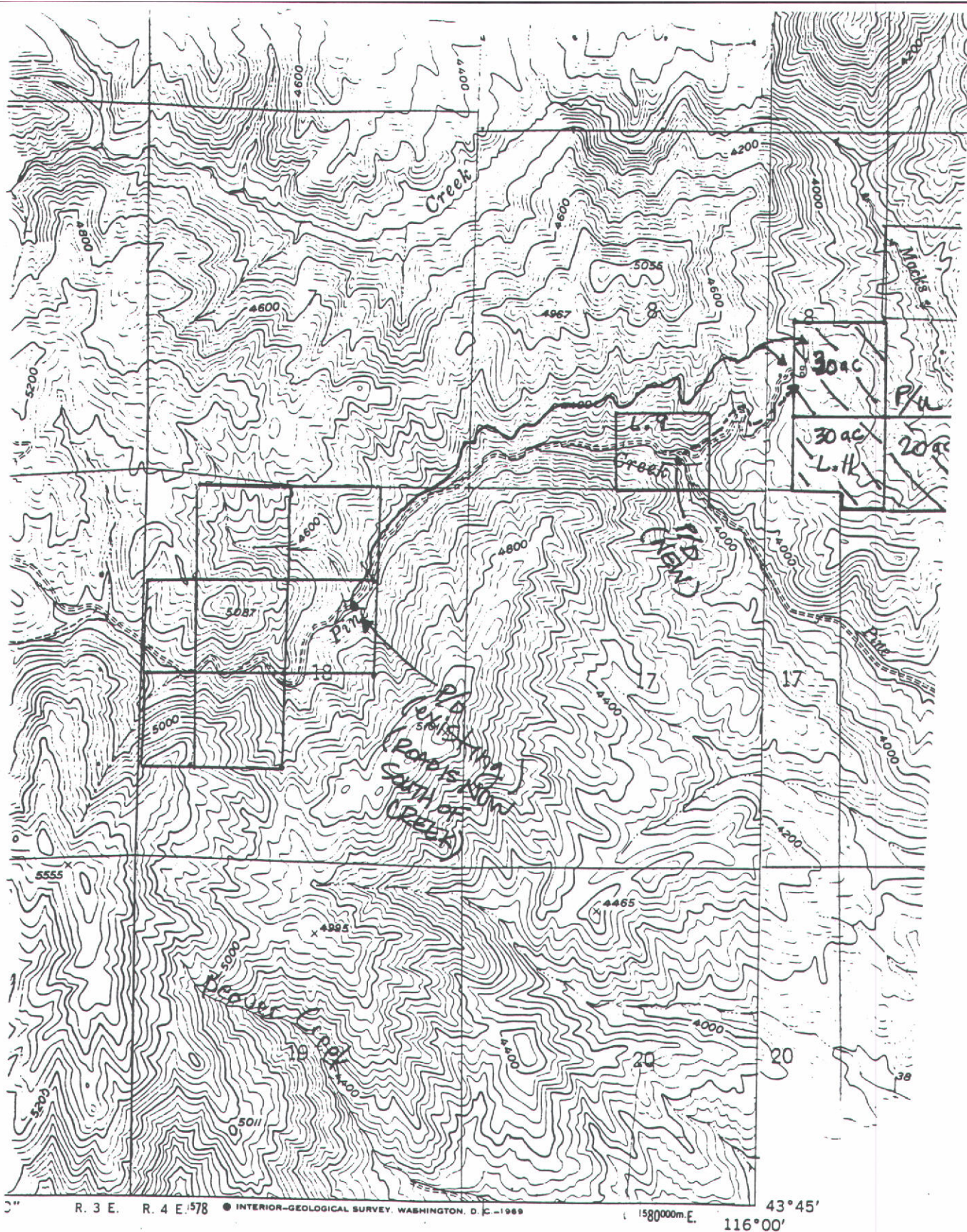
TO 2114 WESTERN AVENUE

Payment on  
Bullion \$100 be paid  
Dec 150  
One us \$100 calls for  
Note, Balance of the calls for  
\$50 put of the  
Pay Bullion \$50 put of the  
Rainier Stables  
attention

MICROFILMED  
OCT 07 1996

we have received  
money





# ROAD CLASSIFICATION

Light-duty ..... Unimproved dirt =====

5N4E



QUADRANGLE LOCATION

SHAHER BUTTE, IDAHO  
N4345-W11600/7.5

1957

A63-4138

PHOTOS TAKEN: 9/12/2001



PHOTO #1  
POINT OF DIVERSION  
IN T5N, R4E, S9, SESW



PHOTO # 2  
DIVERSION  
STRUCTURE AND  
VALVE TO DITCH AND  
PIPE LINE

A63-4138

PHOTOS TAKEN: 9/12/2001



PHOTO #3  
LOWER END OF DITCH  
SYSTEM ABOVE THE  
PLACE OF USE



PHOTO # 4  
PART OF THE NEW  
PIPE SYSTEM USED AT  
THE MIDDLE OF THE  
DELIVERY SYSTEM

A63-4138

PHOTOS TAKEN: 9/12/2001



PHOTO #5  
PART OF THE PLACE OF  
USE LOOKING EAST  
FROM THE HOUSE



PHOTO # 6  
PART OF THE PLACE  
OF USE LOOKING  
NORTH EAST FROM  
THE ROAD. DELIVERY  
DITCH IN THE  
FOREGROUND

463-4138

Idaho Dept. of Water Resources  
Place of Use Comparison Report

No overlaps

1/31/2002

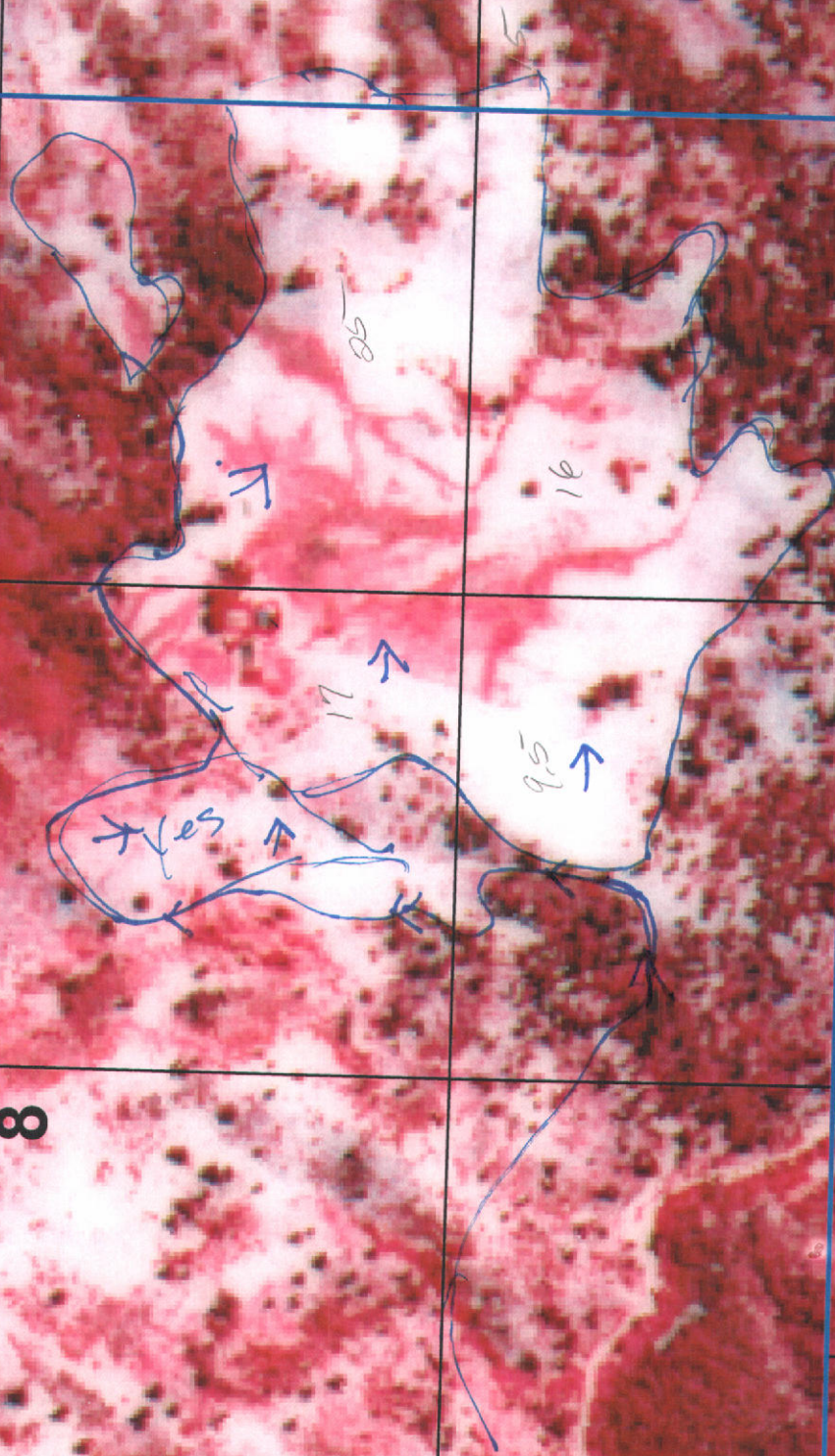
| Type  | WR #     | Owner                                 | Source      | TRS     | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE | Total |
|-------|----------|---------------------------------------|-------------|---------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| Claim | 63 7613A | J PRESTON ATKINSON,                   | MACKS CREEK | 05N04E9 |      |      |      |      |      |      |      |      |      |      | 0.5  |      |      |      |      |      | 0.5   |
| Claim | 63 7613C | ELIZABETH L DIPP, JUERGEN DIPP,       | MACKS CREEK | 05N04E9 |      |      |      |      |      |      |      | 0.3  |      |      |      |      |      |      |      |      | 0.3   |
| Claim | 63 7613D | MARVENNA S HODGINS, MARILYN E DAWSON, | MACKS CREEK | 05N04E9 |      |      |      |      |      |      | 0.7  |      |      |      | 0.5  |      |      |      |      |      | 1.2   |
| Rec   | 63 7613A | J PRESTON ATKINSON,                   | MACKS CREEK | 05N04E9 |      |      |      |      |      |      |      |      |      |      | 0.5  |      |      |      |      |      | 0.5   |
| Rec   | 63 7613C | ELIZABETH L DIPP, JUERGEN DIPP,       | MACKS CREEK | 05N04E9 |      |      |      |      |      |      | 0.25 |      |      |      |      |      |      |      |      |      | 0.25  |
| Rec   | 63 7613D | MARVENNA S HODGINS, MARILYN E DAWSON, | MACKS CREEK | 05N04E9 |      |      |      |      |      |      | 0.7  |      |      |      | 0.5  |      |      |      |      |      | 1.2   |
| Right | 63 2721  | ALFRED MERK,                          | MACKS CREEK | 05N04E9 |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 3    |      | 3     |
| Right | 63 7613  | FLOYD AUDETTE,                        | MACKS CREEK | 05N04E9 |      |      |      |      |      |      | 1    |      |      |      | 1    |      |      |      |      |      | 2     |
| Claim | 63 2852  | WOMYNS COMMUNITY PRODUCTIONS INC.,    | PINE CREEK  | 05N04E9 |      |      |      |      |      |      |      |      |      |      | 20   |      |      |      |      |      | 20    |
| Claim | 63 4138  | WOMYNS COMMUNITY PRODUCTIONS INC.,    | PINE CREEK  | 05N04E9 |      |      |      |      |      |      |      |      |      |      | 20   |      |      |      |      |      | 20    |
| Right | 63 2852  | WOMYNS COMMUNITY PRODUCTIONS INC.,    | PINE CREEK  | 05N04E9 |      |      |      |      |      |      |      |      |      |      | 20   |      |      |      |      |      | 20    |
| Right | 63 4138  | WOMYNS COMMUNITY PRODUCTIONS INC.,    | PINE CREEK  | 05N04E9 |      |      |      |      |      |      |      |      |      |      | 20   |      |      |      |      |      | 20    |

2852 disallowed

9-12-01  
A03-2852  
- 4138

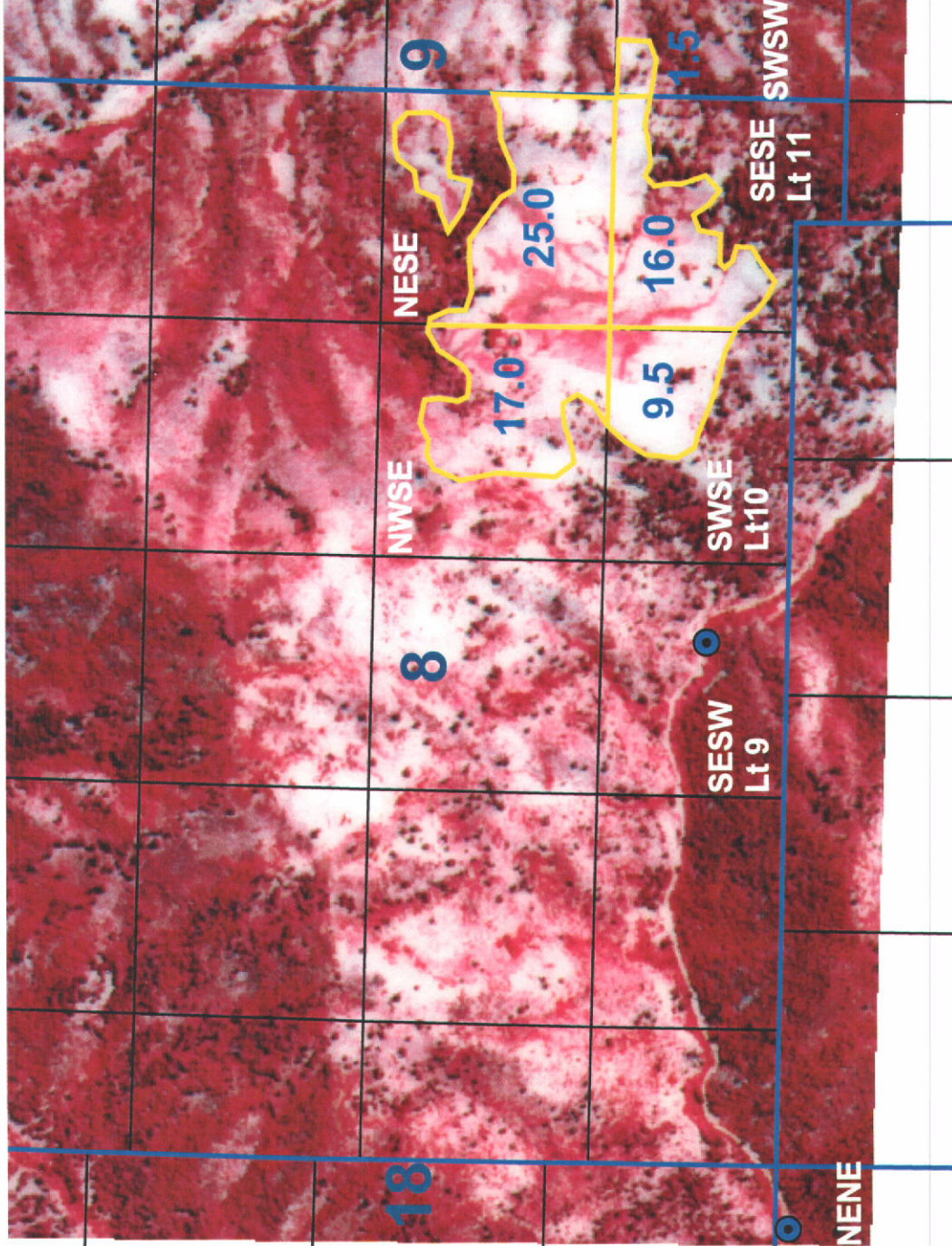
T05N, R04E

8



# IDAHO DEPARTMENT OF WATER RESOURCES

## T05N, R04E, S8 & S9



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-4138

OWNER(S) : WOMYNS COMMUNITY

DATE: JANUARY 31, 2002

by: Mel Schulte

0 0.25 0.5 0.75 1 1.25 Miles

0

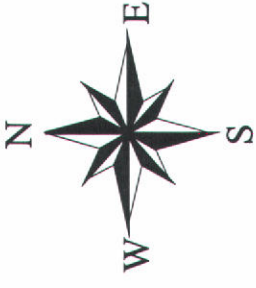
0.25

0.5

0.75

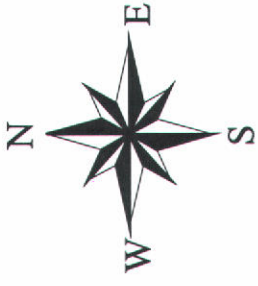
1

1.25 Miles



# IDAHO DEPARTMENT OF WATER RESOURCES

## T05N, R04E, S8 & S9



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

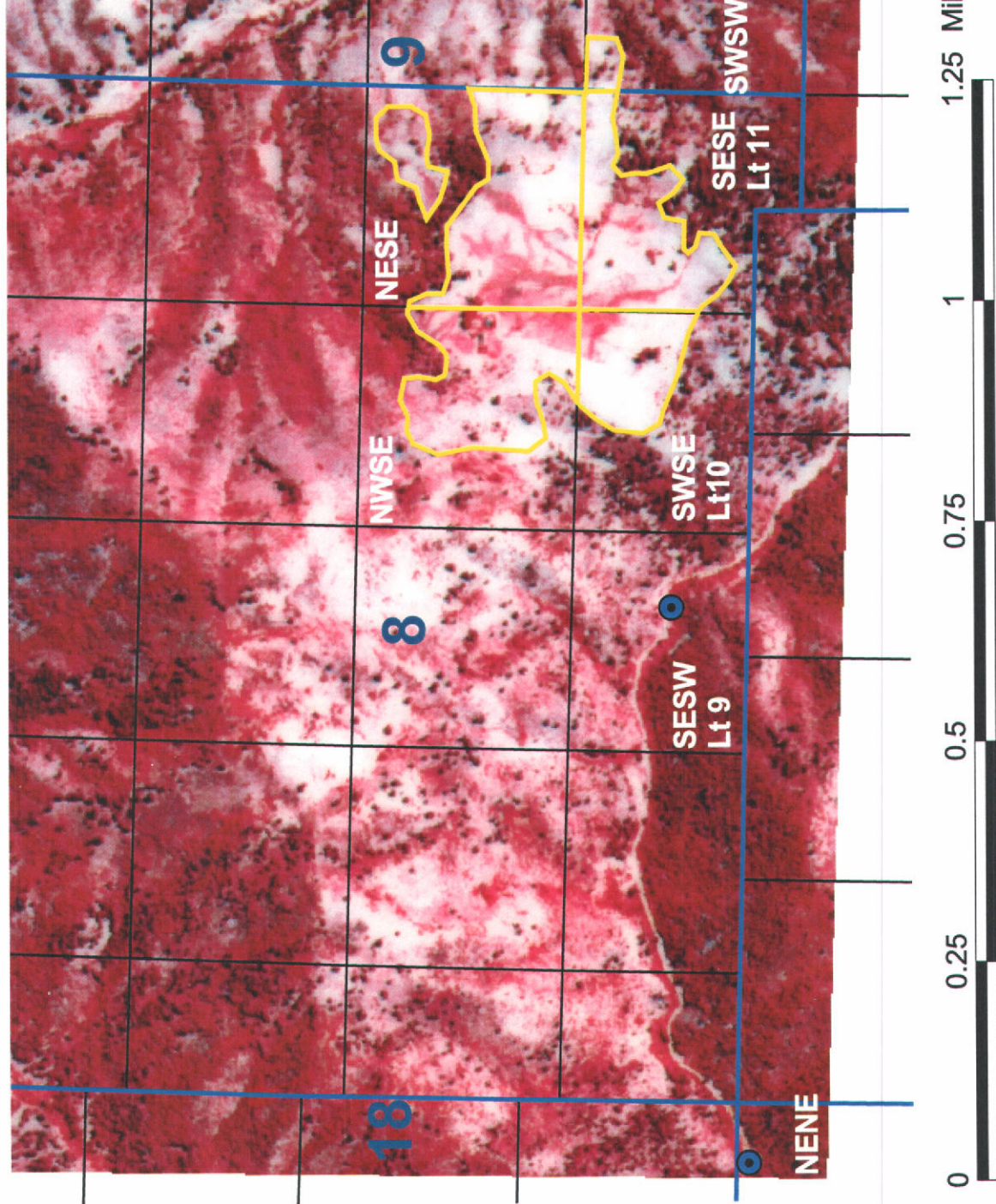
6 SECTION NUMBERS

CLAIM(S): 63-4138

OWNER(S) : WOMYNS COMMUNITY

DATE: JANUARY 31, 2002

by: Mel Schulte





State of Idaho

# DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

August 15, 2001

WOMYNS COMMUNITY  
PRODUCTIONS INC  
PO BOX 8874  
BOISE, ID 83707

Re: Claim No(s) 63-4138

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the **"Priority Date"** as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled **"Evidence of Priority"** which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. ~~Field exams to verify~~ claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section  
Department of Water Resources  
Western Region Office

JS:lh  
Enclosures

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: **A63-04138**  
Date Received: 5/18/1989  
Receipt No: W002878  
Received By: \_\_\_\_\_

**AMENDED**

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

**AMENDED**

1. Name: WOMYN'S COMMUNITY PRODUCTIONS INC 208-392-4253  
Address: PO BOX 8874  
BOISE ID 83707

2. Date of Priority: AUG 16, 1912

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05N      | 04E   | 8       |        | SE     | SW  | 9   | BOISE  |
|          |       | 18      |        | SW     | NE  |     | BOISE  |

5. Description of diverting works:  
CREEK DIVERSION TO DITCH & PUMP AND PIPE LINE TO DITCH.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 2.000 |      | 280.00 |
| STOCKWATER | 01/01 | 12/31 | 0.050 |      |        |

7. Total Quantity Appropriated is:  
2.000 C.F.S. (and/or) 280.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
S/100 RANGE CATTLE, 4 HORSES.

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|--------|-----|-----|-------|-------|
| 05N      | 04E   | 8       |        |     |     | STOCK |       |
|          |       |         | NE     | SE  |     | IRR   | 30.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 05N      | 04E   | 8       | SE     | SE  |     | IRR           | 30.0  |
|          |       |         |        |     |     | Section Acres | 60.0  |
|          |       | 9       |        |     |     | STOCK         |       |
|          |       |         | SW     | SW  |     | IRR           | 20.0  |
|          |       |         |        |     |     | Section Acres | 20.0  |
|          |       |         |        |     |     | Total Acres   | 80.0  |

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:  
A63-02852

14. Remarks:

OWNERSHIP CHANGED BY LH 6/8/94.  
AMENDED PER TRANSFER APPROVED 10/8/1998. MTS.  
THIS RIGHT WHEN COMBINED WITH A63-02852 IS LIMITED TO A TOTAL  
ANNUAL DIVERSION RATE OF 4.0 CFS AND A TOTAL ANNUAL DIVERSION  
VOLUME OF 280 AF.

15. Basis of Claim: STATUTORY CLAIM

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 \_\_\_\_\_

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: A63-04138  
Date Received: 5/18/1989  
Receipt No: W002878  
Received By: \_\_\_\_\_

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

1. Name: WOMYN'S COMMUNITY PRODUCTIONS INC 208-345-7067  
Address: 1409 N 5TH ST  
BOISE ID 83702

2. Date of Priority: AUG 16, 1912

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05N      | 04E   | 18      | SE     | NW     | NE  |     | BOISE  |

5. Description of diverting works:  
CONCRET STRUCTURE, STEEL HEAD GATE, PIPED 1500', DITCH 1 1/8 MI.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 2.000 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.050 |      |        |

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

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/100 RANGE CATTLE, 4 HORSES.

**MICROFILMED**

JUL 25 1994

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|--------|-----|-----|-------|-------|
| 05N      | 04E   | 8       |        |     |     | STOCK |       |
|          |       |         | NE     | SE  |     | IRR   | 30.0  |
|          |       |         | SE     | SE  |     | IRR   | 30.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 60.0  |
|          |       | 9       |            |     | STOCK         |       |
|          |       |         | SW         | SW  | IRR           | 20.0  |
|          |       |         |            |     | Section Acres | 20.0  |
|          |       |         |            |     | Total Acres   | 80.0  |

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:  
A63-02852

14. Remarks:  
OWNERSHIP CHANGED BY LH 6/8/94.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

MICROFILMED

JUL 25 1994

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 \_\_\_\_\_

MICROFILMED  
JUL 25 1994

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 63-4138  
Date Received: 5/18/89  
Receipt No: W002878  
Received By:

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

1. Name of Claimant(s): WOMYNS COMMUNITY PRODUCTIONS INC Phone: (208) 385-9468  
DBA PINE CREEK RANCH  
PO BOX 8874  
BOISE ID USA 83707

2. Date of Priority: 08/16/1912

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 05N      | 04E   | 8       | SE SW 9               | BOISE  |      |
| 05N      | 04E   | 18      | SW NE                 | BOISE  |      |

5. Description of diverting works:

CREEK DIVERSION TO DITCH & PUMP AND PIPE LINE TO DITCH.

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 4/15 | 10/15 | 2      | 280        |
| STOCKWATER | 1/01 | 12/31 | 0.05   |            |

7. Total Quantity Appropriated is:  
2 C.F.S. and/or 280 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 05N      | 04E   | 8       | NE SE      |     | STOCKWATER    |       |
|          |       |         | SE SE      |     | IRRIGATION    | 30    |
|          |       |         |            |     | IRRIGATION    | 30    |
|          |       |         |            |     | Section Acres | 60    |
| 05N      | 04E   | 9       | SW SW      |     | STOCKWATER    |       |
|          |       |         |            |     | IRRIGATION    | 20    |
|          |       |         |            |     | Section Acres | 20    |
|          |       |         |            |     | Total Acres   | 80    |

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:

OWNERSHIP CHANGED BY LH 6/8/94  
AMENDED PER TRANSFER APPROVED 10/8/1998. MTS  
THIS RIGHT WHEN COMBINED WITH A63-02852 IS LIMITED TO A TOTAL ANNUAL DIVERSION RATE  
OF 4.0 CFS AND A TOTAL ANNUAL DIVERSION VOLUME OF 280 AF  
Address change by DB 7/18/2001

15. Basis of Claim: Statutory Claim

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: A63-04138  
Date Received: 5/18/1989  
Receipt No: W002878  
Received By: DE JAL

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JULIUS N. JAMES 208-392-4258  
Address: HC 33, BOX 4015  
BOISE, ID 83706

OR

Name: VIRGINIA M. JAMES 208-392-4258  
Address: HC 33, BOX 4015  
BOISE, ID 83706

2. Date of Priority: AUG 16, 1912

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05N      | 04E   | 18      | SE     | NW     | NE  |     | BOISE  |

5. Description of diverting works:  
CONCRET STRUCTURE, STEEL HEAD GATE, PIPED 1500', DITCH 1 1/8 MI.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 2.000  |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.050  |      |        |

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

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/100 RANGE CATTLE, 4 HORSES.

10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 05N      | 04E   | 8       |     |    |     |     | STOCK         |       |
|          |       |         | NE  |    | SE  |     | IRR           | 30.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 30.0  |
|          |       |         |     |    |     |     | Section Acres | 60.0  |
|          |       | 9       |     |    |     |     | STOCK         |       |
|          |       |         | SW  |    | SW  |     | IRR           | 20.0  |
|          |       |         |     |    |     |     | Section Acres | 20.0  |
|          |       |         |     |    |     |     | Total Acres   | 80.0  |

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:  
A63-02852

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 \_\_\_\_\_

130<sup>00</sup>

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

RECEIVED  
MAY 13 1989

Ident. Number: A63-04138  
Date Received: 5-18-89  
Receipt No: 4002878  
Received By: [Signature]

Department of Water Resources  
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JULIUS N. JAMES 208-392-4258  
Address: HC 33, BOX 4015  
BOISE, ID 83706  
OR  
Name: VIRGINIA M. JAMES 208-392-4258  
Address: HC 33, BOX 4015  
BOISE, ID 83706

2. Date of Priority: AUG 16, 1912  
3. Source: PINE CREEK Trib. to: GRIMES CREEK  
4. Point of Diversion:

|          |       |         |        |        |        |     |        |
|----------|-------|---------|--------|--------|--------|-----|--------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
| 05N      | 04E   | 18      | SE     | NW     | NE     |     | BOISE  |

5. Description of diverting works:  
CONCRET STRUCTURE, STEEL HEAD GATE, PIPED 1500', DITCH 1 1/8 MI.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 2.000  |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.050  |      |        |

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

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/100 RANGE CATTLE, 4 HORSES.

MICROFILMED  
AUG 20 1992

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 05N      | 04E   | 8       |        |     |     | STOCK         |       |
|          |       |         | NE     | SE  |     | IRR           | 30.0  |
|          |       |         | SE     | SE  |     | IRR           | 30.0  |
|          |       |         |        |     |     | Section Acres | 60.0  |
|          |       | 9       |        |     |     | STOCK         |       |
|          |       |         | SW     | SW  |     | IRR           | 20.0  |
|          |       |         |        |     |     | Section Acres | 20.0  |
|          |       |         |        |     |     | Total Acres   | 80.0  |

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:  
A63-02852

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): Virginia M James Date: 3-14-1989  
Julius D James Date: 3-14-1989

State of Idaho )  
County of Bose ) SS.

Subscribed and sworn (or affirmed) before me this 14<sup>th</sup> day  
of March 19 89

Anna Baumhoff  
Notary Public

Seal

Residing at Bose Idaho  
My Commission Expires 12-7-1994

**SNAKE RIVER BASIN ADJUDICATION  
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Claim Number(s): #63-2852 / #63-15120 / #63-4138

Previous Mailing Address: \_\_\_\_\_

New Mailing Address: \_\_\_\_\_

Womyn's Community Productions  
dba PINE CREEK Ranch *NEW*

P.O. Box 8874

Boise, ID 83707

*NEW Number*  
\*  
Telephone Number: \_\_\_\_\_

CONTACTS: SUZANNE McCorkle / Heidi FINNEGAN  
(208) 385-9468

Signature of Claimant(s): \_\_\_\_\_

Suzanne McCorkle, Secretary/Manager, OWNER.  
Heidi Finnegan, OWNER,

Please return this completed form to:

Adjudication Bureau  
Idaho Dept. of Water Resources  
1301 N. Orchard St.  
Boise, ID 83706-2237  
Ph. 1/800/451-4129 or  
FAX 208/327-5400

Adjudication Bureau  
Idaho Dept. of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082  
Ph. 208/334-2190 or  
FAX 208/334-2348

Adjudication Bureau  
Idaho Dept. of Water Resources  
1341 Fillmore St., Ste. 200  
Twin Falls, ID 83301-3380 or  
FAX 208/736-3037

Adjudication Bureau  
Idaho Dept. of Water Resources  
900 N. Skyline, Ste. A  
Idaho Falls, ID 83402-3653 or  
FAX 208/525-7177

SS  
ADDRESS FM  
Revised 12/13/1999

IDWR Use Only:  
Data Entry: DB

Date: 7-18-01



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

July 18, 2001

WOMYN'S COMMUNITY PRODUCTIONS INC  
DBA PINE CREEK RANCH  
PO BOX 8874  
BOISE ID 83707

Re: Notice of Claim to a Water Right No. 63-4138 & 63-2852

Dear Claimant(s):

Enclosed are copies of the above referenced claims, which reflect the change in address.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

Thank you for your patience and cooperation, as we have had several ownership and address changes to process. If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington". The signature is written in dark ink and is positioned above the typed name and title.

Denise Buffington  
Office Specialist 1  
Adjudication Section  
Western Region Office

DB:db

Enclosure



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

DATE OF CLOSING: 6/2/94

RECEIVED  
JUN 07 1994  
Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township \_\_\_\_\_ Range \_\_\_\_\_  
Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_, BM.  
Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_  
If you have additional legal descriptions, please attach separate sheet.

RECEIVED

JUN 08 1994

WATER RESOURCES  
WESTERN REGION

☐ 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: AL3-02852, AL3-04138, AL3-15120

☐ Name and Address of Former Owner/Claimant(s)(Seller): JULIUS JAMES & VIRGINIA JAMES

☐ New Owner/Claimant (Purchaser): WOMYN'S COMMUNITY PRODUCTIONS, INC

☐ New Mailing Address: 1409 N. 5th St  
Boise ID 83702

☐ New Telephone Number: (208) 345-7067

☐ 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: \_\_\_\_\_

(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): [Signature] Date 6/2/94

☐ Signature of Former Owner/Claimant(s): [Signature] Date 6-1-94  
[Signature] Date 6-1-94

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

## FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 6-8-94 By: [Signature]

Further Action Needed:

Further Action Taken

Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry

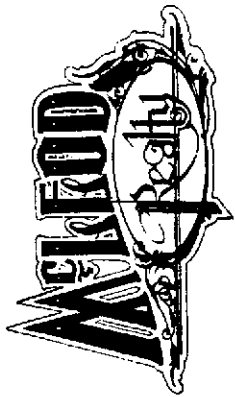
Date: 6-8-94 By: [Signature]

Claim Numbers of Split, if any:

MICROFILMED

JUL 25 1994

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



1403 W. Franklin Street  
Boise, Idaho 83702-5097

RECEIVED  
JUN 08 1994  
WATER RESOURCES  
WESTERN REGION

MICROFILMED

JUL 20 1994

Joan -  
There are 3 water rights...  
one for the spring and two  
for the ditch water. 1 water  
for animals 2 water for irrigation.  
♡ Maggie

1/30/1989

## SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

James

CLAIM IDENT. NO.

A63-04138

DATE RECEIVED

5-18-89

CK #

4306

AMOUNT

\$205 (130 for the claim)

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ \*
2. Is a priority date entered? ☒ YES ☐ NO ☐ \*
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ \*
- See Adjudication Memos #1 and #4 to determine if a Permit is required.
3. (a) Is a source entered? ☒ YES ☐ NO ☐ \*
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO ☐ \*
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ \*
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ \*
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ \*
- Is the period of use included? ☒ YES ☐ NO ☐ \*
- Is a quantity claimed for each use? ☒ YES ☐ NO ☐ \*
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ \*
8. If required is a consumptive use entered? ☒ YES ☐ NO ☐ \*
- Is the consumptive use correct? ☒ YES ☐ NO ☐ \*
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO ☐ \*
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ \*
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ \*
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ \*
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ \*
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO ☐ \*
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ \*
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO ☐ \*
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ \*
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ \*
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ \*
20. Is the fee enclosed correct? ☒ YES ☐ NO ☐ \*
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO ☐ \*
22. Should this claim be receipted and data entered? ☒ YES ☐ NO ☐ \*

Claim checked by: [Signature]Date: 7-14-89Claim must be returned to claimant: ☒ (Yes) ☐ (No)Claimant must be notified of modifications: ☒ (Yes) ☐ (No)

Receipt Prepared by: MMH  
 Claim data entered by: MMH  
 Sent to claimant by: MMH

Date: 5-18-89  
 Date: 5-18-89  
 Date: 5-18-89

Checked by: MMH Date: 5-18-89

Comments: \_\_\_\_\_

MICROFILMED

AUG 20 1992

January 22, 2000

RECEIVED

JAN 25 2000

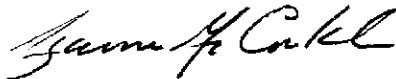
WATER RESOURCES  
WESTERN REGION

Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082

Re: Change of mailing address

Please change our mailing address to P.O.Box 8874, Boise, ID, 83707 for water rights #63-15120, #A63-02852, and #A63-04138. All correspondence regarding the Snake River Adjudication should also be sent to this address.

Thank you for your prompt attention in this matter.



Suzanne McCorkle  
Womyn's Community Productions  
dba Pine Creek Ranch

\* address is already P.O. Box 8874 on  
A63-02852 and A63-04138.

eg

1-25-2000



State of Idaho  
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

August 10, 1994

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

RECEIVED

OCT 29 1996

WATER RESOURCES  
WESTERN REGION

Nancy Paul  
HC 33  
Box 4096  
Boise ID 83706

RE: Pine Creek Complaint

Dear Mrs. Paul,

On August 9, 1994, I conducted a field investigation on the Pine Creek diversion for the old Julius James farm, which is now owned by Womyn's Community Productions Inc. This farm has a license for 2.0 cfs (100 inches) of water for irrigation of 80 acres. The priority date on this license is 3/15/1964. Mr. James also filed a statutory claim for the same acres and source, the only difference being an earlier priority date listed of 8/16/1912.

The Pine Creek diverting works for the Womyn's Community Productions consisted of a sand-bag dam. The flow being diverted into their ditch at the time of the investigation was 5 gallons per minute which equals 2 inches of water or .04 cfs. The Womyn's Community Productions were definitely not exceeding their licensed amount. The diversion point and delivery system has not changed since the 7/6/1971 field exam conducted by Idaho Department of Water Resources for the Womyn's licensed right. The ponds referenced in your letter were not found.

After doing a water rights search I found that you have a beneficial use claim for domestic use listing Pine Creek and Grimes Creek as the source of water. The priority date that you claimed was 3/31/1952. This date is senior to Womyn's 3/15/1964 licensed priority but not their 8/16/1912 statutory claim priority. However these two claims, your beneficial use claim and Womyn's statutory claim, still need to be verified in the Snake River Basin Adjudication review. Additional evidence of priority will be required at that time (see the enclosed pamphlet).

In your letter, you also referenced the Whithead's water rights from Pine Creek, which did not show up in the water right query. If this party is diverting from Pine Creek, they will need to file for a water right.

If you have any questions, please let me know.

Sincerely,

*Lori Graves*

Lori Graves  
Sr. Water Resource Agent

Encl: Evidence of priority pamphlet

cc: Womyn's Community Productions Inc.

Bureau of Reclamation

Records - Woodrow Wilson Homestead Act  
Jo Cullison - homesteaded Pine Creek  
in 1902?



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

June 7, 1994

Re: Notices of Claim to a Water Right Nos. A63-02852, A63-04138,  
A63-15120

Womyn's Community Productions Inc.  
1409 N. 5th St.  
Boise, ID 83702

Claimant(s):

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims please feel free to contact this office.

Sincerely,

Adjudication Staff  
Department of Water Resources  
Western Region Office  
(208) 334-2190

LH:1

cc: Julius & Virginia James

MICROFILMED  
JUL 25 1994

# The United States of America,

To all in whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Boise, Idaho,**

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,

"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

**Jesse D. Cullison**

has been established and duly consummated, in conformity to law, for the north half of the southeast quarter and the lot eleven of Section eight and the southwest quarter of the southwest quarter of Section nine in Township five north of Range four east of the Boise Meridian, Idaho, containing one hundred fifty-six and fifteen-hundredths acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the **TWENTIETH**

day of **JUNE** in the year of our Lord one thousand nine hundred and **NINETEEN** and of the Independence of the United States the one hundred and **FORTY-THIRD.**

By the President:

*Woodrow Wilson*  
By *P. Le Roy*, Secretary.

**MICROFILMED**

**OCT 07 1994**

*P. C. Samar*, Recorder of the General Land Office.

**CERTIFIED** (SEAL)

to be a true copy of a document on  
file in the Idaho State Office

**SEP 06 1994**

*Diane Hartman*  
**BUREAU OF LAND MANAGEMENT**

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

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 63-04138

273 OCT 15 PM 1:01

DISTRICT COURT - SRBA  
TWIN FALLS CO. IDAHO  
FILED

NAME AND ADDRESS: WOMYNS COMMUNITY PRODUCTIONS  
INC  
DBA PINE CREEK RANCH  
PO BOX 8874  
BOISE, ID 83707

SOURCE: PINE CREEK TRIBUTARY: GRIMES CREEK

QUANTITY: 1.78 CFS  
241.50 APY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL  
NOT EXCEED 13,000 GALLONS PER DAY.  
THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE  
FIELD HEADGATE.

PRIORITY DATE: 08/16/1912

POINT OF DIVERSION: T05N R04E S08 LOT 8 (SESW) Within Boise County  
S18 NENE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 04-01 TO 10-31 | 1.78 CFS               |
|                               | Stockwater     | 01-01 TO 12-31 | 241.50 APY<br>0.05 CFS |

PLACE OF USE: Irrigation Within Boise County  
T05N R04E S08 NESE 25.0 NWSE 17.0  
LOT 10 (SWSE) 9.5 LOT 11 (SESE) 16.0  
S09 SWSW 1.5  
69.0 Acres Total

Stockwater Within Boise County  
T05N R04E S08 NESE NWSE  
LOT 10 (SWSE) LOT 11 (SESE)  
S09 SWSW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR  
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL  
USE.

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. I.C. SECTION 42-1412(6).



**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0091

Phone: (208) 327-7900 FAX: (208) 327-7866

DICK KEMPTORCHINA  
GOVERNOR

KARL J. DAPHER  
DIRECTOR

## FAX Transmittal Cover Sheet

Number of pages including this one: 3

Date: 6-11-03

To: Jan Shurte

Fax No.: \_\_\_\_\_

From: Becky Harvey

Fax. No.: \_\_\_\_\_

Phone No.: 327-7881

Subject: Withdrawal of Objection - 63-4138.

In Addition: There is now a way to research water rights over the Internet. The system is a graphical or text query system and can be accessed from the IDWR home page:

<http://www.idwr.state.id.us>

From that link, select "Snake River Basin Adjudication" toward the lower left hand of the screen. Then select "Map" or "Text" on the next page.

"TEXT" lets you search water rights via Name, Legal, Source, etc.

Enter in the information you know. Information can be entered under more than one tab. After you have completed entering your information, select "Search"

"MAP" allows you to search water rights graphically.

Use the tools on the Left side of the screen to Zoom in and out. To find out what each button does, hold the cursor over the button for a second. To the Right side of the screen are different layers that can be turned on or off. As you zoom in to your place in question, different layers will appear on the right side of the screen.

A HELP function is available within the application or you can call 1-800-451-4129 or (208)327-7906 for help.

RECEIVED

MAR 21 2003

Department of Water Resources

**Name of Party:**

UNITED STATES OF AMERICA

**Attorney Name and Address:**

THOMAS L. SANSONETTI  
Assistant Attorney General  
United States Department of Justice  
Environment and Natural Resources Division

DAVID L. NEGRI  
United States Department of Justice  
Environment and Natural Resources Division  
General Litigation Section  
550 W. Fort St. MSC033  
Boise, ID 83724  
(208) 331-5943

Counsel for the United States of America

**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 Number: 39576

) Subcase: 63-04138

) NOTICE BY THE UNITED STATES OF  
) WITHDRAWAL OF OBJECTION

**DESCRIPTIVE SUMMARY**

This is a notice by the United States of its withdrawal of the objection filed on behalf of the United States Department of Agriculture, Forest Service for subcase number 63-04138.

**SCANNED**

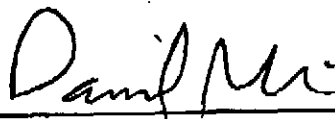
**NOTICE**

The United States hereby notices the Court of the withdrawal of the United States' objection to water right claim number 63-04138.

Dated this 20<sup>th</sup> day of March, 2003.

Respectfully submitted,

UNITED STATES OF AMERICA

A handwritten signature in dark ink, appearing to read "David L. Negri", is written over a horizontal line.

David L. Negri  
United States Department of Justice

**SCANNED**  
**MAR 21 2003**

**Certificate of Service**

I certify that on March 20, 2003, I caused to be served a true and correct copy of the **NOTICE BY THE UNITED STATES OF WITHDRAWAL OF OBJECTION - 63-04138** to the addresses listed below, by U.S. mail, postage prepaid:

Original by facsimile to:

Clerk of the District Court  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, ID 83303-2707

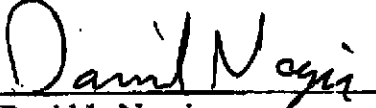
Copies to:

Womyns Community Productions Inc  
DBA Pine Creek Ranch  
P.O. Box 8874  
Boise, ID 83707

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

United States Department of Justice  
Environment and Natural Resources Division  
General Litigation Section  
550 W. Fort St. MSC 033  
Boise, ID 83724

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720

  
David L. Negri

RECEIVED

JAN 31 2003

Department of Water Resources

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: 63-04138

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: United States of America, Acting through the USDA Forest Service

Address: 550 West Fort Street  
MSC 033  
Boise, Idaho 83724

Daytime Phone: (208) 331-5943

Name and Address of Attorney, if any:

David L. Negri  
550 West Fort Street  
MSC 033  
Boise, Idaho 83724

**C. CLAIMANT OF WATER RIGHT AS LISTED IN THE DIRECTOR'S REPORT**

Name: Womyns Community Productions Inc

Address: DBA Pine Creek Ranch  
P.O. Box 8874  
Boise, ID 83707

SF.1 Objection

*USFS will  
withdraw obj  
per claimant  
call - 3-28-03*

Subcase: 63-04138

Page 1

D. I object to the following elements as recommended in the Director's Report.  
(Please check the appropriate box(es)).

1. ☐ **Name and Address**  
Should be:
2. ☐ **Source**  
Should be:
3. ☐ **Quantity**  
Should be:
4. ☐ **Priority Date**  
Should be:
5. ☒ **Point(s) of Diversion**  
Should be: See E below.
6. ☐ **Instream Flow Description**  
Should be:
7. ☐ **Purpose(s) of Use**  
Should be:
8. ☐ **Period of Year**  
Should be:
9. ☐ **Places of Use**  
Should be:

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

One point of diversion shown on the Directors Report Recommendation, the NENE of Section 18, T5N, R4E, is on National Forest System Land. The claimant is not authorized to occupy and use National Forest System land for this purpose.

F. VERIFICATION (Must be Completed)

State of Idaho )  
County of Ada ) ss.

Michael Collette , duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

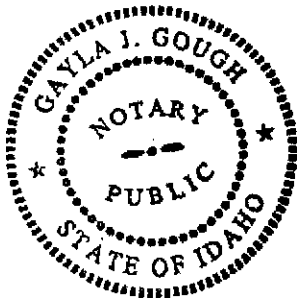
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Michael Collette  
(Signature of person filing objections)

Daniel M. [Signature]  
(Attorney signing in representative capacity)

Subscribed and sworn before me on:

January 30, 2003  
[Signature]  
Gayla J. Gough



Notary Public for: Idaho  
Residing at: Kuna, Idaho  
Commission Expires: 11/17/2004

## INSTRUCTIONS FOR MAILING

You must mail the objection 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.

### G. CERTIFICATE OF MAILING

I certify that on 1/30/03, I mailed the original and copies of this objection, 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:

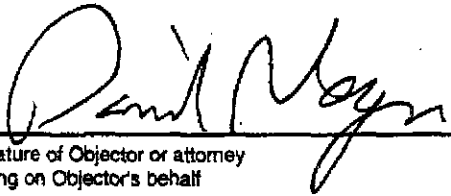
Name: Womyns Community Productions Inc  
Address: DBA Pine Creek Ranch  
P.O. Box 8874  
Boise, ID 83707

3. Copies to:

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

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

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

  
\_\_\_\_\_  
Signature of Objector or attorney  
mailing on Objector's behalf

02/26/2002

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

RIGHT NUMBER: 63-4138

NAME AND ADDRESS: WOMYNS COMMUNITY PRODUCTIONS INC  
DBA PINE CREEK RANCH  
PO BOX 8874  
BOISE ID 83707

SOURCE: PINE CREEK

TRIBUTARY: GRIMES CREEK

QUANTITY: 1.78 CFS  
241.5 AFY

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

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 08/16/1912

POINT OF DIVERSION:

T05N R04E S8 SESW Lot 8 Within BOISE County

T05N R04E S18 NENE Within BOISE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| STOCKWATER            | 01/01 12/31          | 0.050 CFS               |
| IRRIGATION            | 04/01 10/31          | 1.780 CFS<br>241.50 AFY |

PLACE OF USE: STOCKWATER Within BOISE County

T05N R04E S08 NESE  
T05N R04E S08 Lot 10 SWSE  
T05N R04E S09 SWSW

T05N R04E S08 NWSE  
T05N R04E S08 Lot 11 SESE

IRRIGATION Within BOISE County

|                           |      |                           |      |
|---------------------------|------|---------------------------|------|
| T05N R04E S08 NESE        | 25.0 | T05N R04E S08 NWSE        | 17.0 |
| T05N R04E S08 Lot 10 SWSE | 9.5  | T05N R04E S08 Lot 11 SESE | 16.0 |
| T05N R04E S09 SWSW        | 1.5  |                           |      |

69 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. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

STOCKWATER, 69 HORSES AND RANGE CATTLE  
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.

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

CLAIM NO(s). A03-4138

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: 8-16-1912  
(If the priority date, based on your exam, seems questionable, explain below.)

affidavit, 1924 logging contract

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

Source found: \_\_\_\_\_

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

Township 5N Range 4E Section 8 1/4 1/4 SE 1/4 SW 1/4  
Township 11 Range 11 Section 18 1/4 1/4 NE 1/4 NE

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

Diversion dam in creek diverts to a structure with a gate valve that regulates the flow to a ditch and flexible pipe system. Both pipes and ditches are used. The pipe system was recently installed to lessen the conveyance losses.

6. ~~X~~ No Change - WATER USES

□ Different uses, (list uses found):

|       |              |      |            |    |              |        |             |     |              |     |
|-------|--------------|------|------------|----|--------------|--------|-------------|-----|--------------|-----|
| * Use | <u>Inv.</u>  | From | <u>4-1</u> | To | <u>10-31</u> | Amount | <u>1.78</u> | CFS | <u>241.6</u> | AFA |
| Use   | <u>Stock</u> | From | <u>1-1</u> | To | <u>12-31</u> | Amount | <u>.05</u>  | CFS |              | AFA |
| Use   |              | From |            | To |              | Amount |             | CFS |              | AFA |

\* Same rates allowed in T-4991

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount 1.78 CFS 241.5 AFA

☐ Changes found, the new total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA \_\_\_\_\_

8. ☐ No Change - NON-IRRIGATION USES:

☐ **Changes Exam found:**

Domestic # of homes: \_\_\_\_\_ Stock # 657 List types: \_\_\_\_\_

Additional comments:

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

Use: In. Township 5N Range 4E Section 8  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE -17  
Use: \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Section "  $\frac{1}{4}$  NE  $\frac{1}{4}$  SE -25  
Use: \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Section "  $\frac{1}{4}$  SW  $\frac{1}{4}$  SE L10 -9.5  
Use: \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Section "9  $\frac{1}{4}$  SE  $\frac{1}{4}$  SE L11 -16  
9 SW SW 1.5

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

This claim is recommended in place of license 63-2852  
in order to recognize the earliest priority date

C18, N5, N8, Conveyance loss, Exp-stock QNT - .02 @

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☐ Shown on GIS Layout☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 9-12-01

FIELD EXAMINER: \_\_\_\_\_

Print Name \_\_\_\_\_

                      
Signature

IN THE MATTER OF )  
NOTICE OF CLAIM TO )  
A WATER RIGHT NO. (S) )

1403-4138

## AFFIDAVIT

State of Idaho )  
County of Ada )

Suzanne McCorkle

being first duly sworn,

deposes and says: I attest that the former owners, Virginia +  
Jesse James (now of Cascade), had knowledge from previous  
owners of the farming activities that occurred at Pine Creek  
Ranch going back to 1912. I have seen the wagon road  
and were told by the James' which areas were planted in  
corn to sell by wagon to the miners in Idaho City. The  
AND PLACERVILLE  
vegetables were irrigated with a hand-dug ditch made  
by the homesteaders

In addition, attached is a copy of a timber  
agreement between Boise Payette Lumber and Jesse  
Cullison referring to the irrigation ditches in 1924.

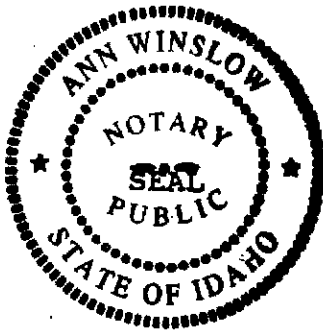
*Suzanne McCorkle*  
(Signature)

Subscribed and sworn to before me this  
day 23rd of January, 192002.

*Ann Winslow*  
(Notary Public)

Residing at Boise

My Commission Expires 4/27/06



Jesse D. Cullison a  
bachelor

-to-

Boise Payette Lumber  
Company, a corporation

A G R E E M E N T  
Dated Nov. 3, 1924  
Filed Jan. 16 1925  
Book 7 Miscellaneous  
Page 485  
Consideration \$950.00

Sells unto the party of the second part, all the timber and other trees over 12 inches in diameter, standing, growing and being on the certain tracts of land situated in Boise County, Idaho, bounded and described as follows, to-wit:

N $\frac{1}{2}$  of SE $\frac{1}{4}$  and Lot 11 Section 8; and the  
SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 9, Township 5 North,  
Range 4 East B. M.

with full and free liberty of entry and right of way over and across said premises for the said purchaser, its servants, agents, workmen and teams, in, through over and upon the premises for the purpose of felling, cutting down and carrying away said timber and trees, with the right and privilege of constructing, maintaining and operating logging roads, and any facility necessary for the cutting down and handling of said trees and timber, being upon or growing upon said lands.

Also granting to said purchaser the right and privilege of constructing, maintaining and operating logging roads and other facility necessary for the cutting down, handling and removing of said trees and timber standing and growing upon the lands, and in whatsoever manner and according to whatsoever regulations the said Boise Payette Lumber Company may devise or adopt Also grants the right and privilege of crossing irrigation ditches for the purpose of constructing railroads, spurs, etc, provided however, that they shall install and maintain bridges or culverts at all crossing and use reasonable efforts to prevent the retarding of the water flow in such ditches used for irrigation. Agrees to build a ditch equal in capacity and efficiency to the present ditch of the vendor, if it becomes necessary to cut the present ditch in railroad construction. Agrees to repair all damages to fences on the above described lands. This agreement shall remain in full effect and force until July 1, 1926, unless sooner revoked by mutual consent.

Acknowledged on the 10th day of Nov. 1924, by Jesse D. Cullison, a single man, before A. H. McKinnon, Notary Public in and for the County of King, State of Washington. (SEAL)

Acknowledged on the 3rd day of Nov. 1924, by C. A. Barton

Vice President of the corporation that executed the foregoing instrument, before Norman H. Young, a Notary Public, in and for the County of Ada, State of Idaho. (SEAL)

-----

-6-

Jesse D. Cullison, a  
single man

-to-

George Delbert Lewis

WARRANTY DEED  
Dated July 25, 1930  
Filed July 26, 1930  
Book 43 Deeds Page 578  
Consideration \$10.00

Conveys by Warranty Deed the following described property, situate in the County of Boise, State of Idaho, to-wit:

N $\frac{1}{2}$  of SE $\frac{1}{4}$  and Lot 11, Section 8; and the  
SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 9, in Township 5 North,  
Range 4 East Boise Meridian, Idaho, containing  
156.15 acres.

Acknowledged on the 25th day of July 1930, by Jesse D. Cullison, a single man, before H. E. Neal, a Notary Public in and for the County of Ada, State of Idaho. (SEAL)

-----

For Water Rights on Pine Creek Ranch

~~1007~~ AJO749NP

# A63-15120

H A63-02852

H A63-04138

RECEIVED

SEP 09 1994

WATER RESOURCES  
WESTERN REGION

for

Wong's Community Productions, Inc

MICROFILMED  
OCT 07 1996

Priority  
Proof for  
stock that  
used pasture  
irrigated

ARTHUR WATSON

April 20 1922

Telephone Elliott 2744

Seattle, Wash.

M

STABLES, DR.

RAINIER, Boarding Stable

A First Class Boarding Stable  
2114 WESTERN AVENUE

G. W. LOVERBERRY



General Farming Horse  
For Sale or Hire

Pay Bullman \$100.00 for  
Horse us \$100.00 for  
Call for 50 pack of  
Rainier Stables  
attention

FINAL

-1-

United States of America  
By Woodrow Wilson, President  
M. P. LeRoy, Secretary  
L. Q. C. Lamar, Recorder of  
the General Land Office (SEAL)

PATENT  
Dated June 20, 1919  
Filed Oct. 25, 1919  
Book 6 Patents Page 336

-to-

JESSE D. CULLISON

Pursuant to the Act of Congress of May 20, 1862,  
"To Secure Homesteads to Actual Settlers on the Public  
Domain," and the acts supplemental thereto, the claim  
of JESSE D. CULLISON, has been established and duly con-  
summated for the

N $\frac{1}{2}$  of SE $\frac{1}{4}$  and Lot 11, of Section 8; and the  
SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 9, in Township 5 North,  
Range 4 East Boise Meridian, Idaho, containing  
156.15 acres.

-2-

Albert Cullison

WARRANTY DEED  
Dated Oct. 23, 1919  
Filed Oct. 24, 1919  
Book 40 Deeds Page 605  
Consideration \$1,000.00

-to-

Jesse D. Cullison

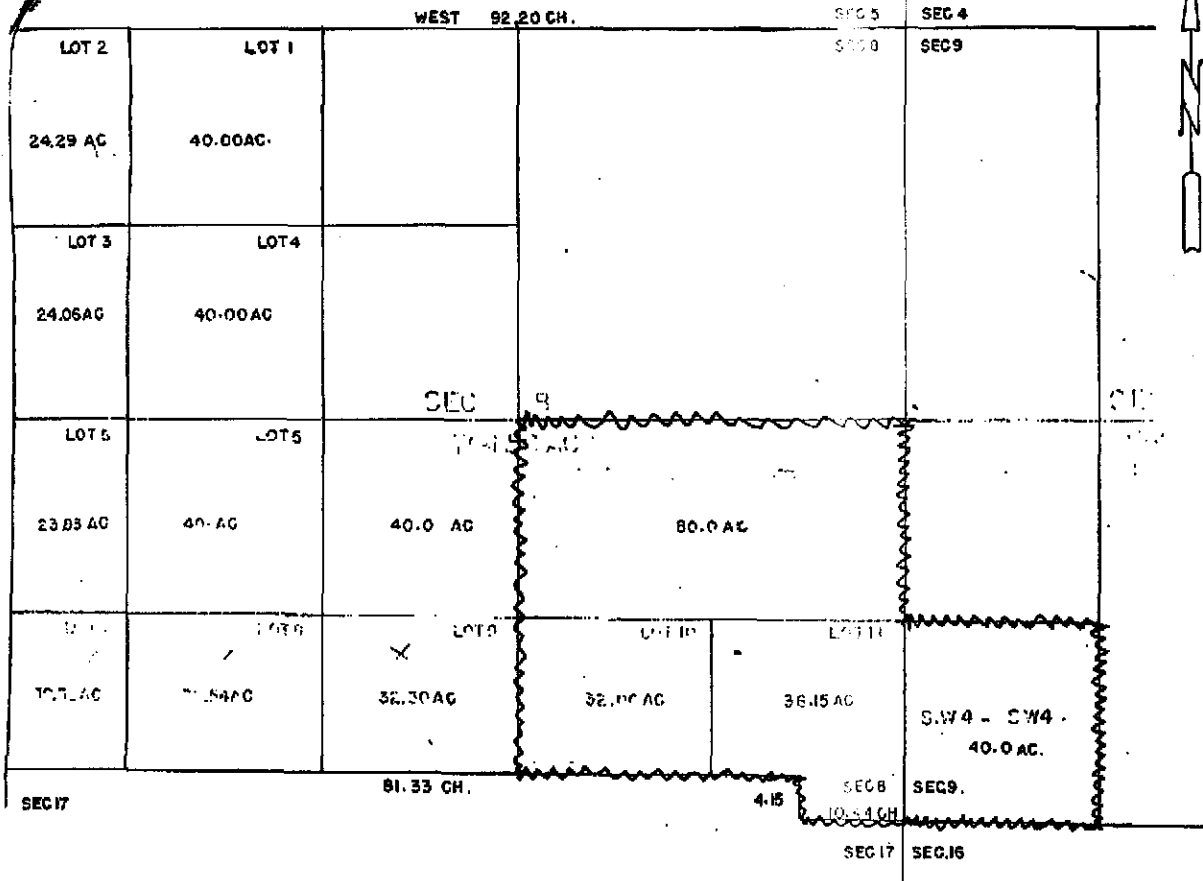
Conveys by Warranty Deed the following lots, pieces  
or parcels of land, situate in County of Boise, State of  
Idaho, to-wit:

N $\frac{1}{2}$  of SE $\frac{1}{4}$  and Lot 11 of Section 8; and the  
SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 9, in Township 5 North,  
Range 4 East Boise Meridian, Idaho, containing  
156.15 acres. I. R. S. \$1.00.

Acknowledged on the 23rd day of October 1919, before  
W. Scott Neal, a Notary Public in and for the County of  
Ada, State of Idaho. (SEAL)

The sketch below is made solely for the purpose of assisting in locating said premises and the Company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.

PLAT.  
SHOWING SECTIONS 8 AND 9.  
TOWNSHIP 5 N. RANGE 4E 8.M.



x: Boundary Lines

The above sketch copied from { County Assessor's Map—Vol. .... Page ....  
City Engineer's Map No. ....  
Recorded Plat ..... Vol. .... Page ....  
Unrecorded Plat ..... No. ....

September 17, 2001

TO: IDWR  
Mel Shulte  
Via Fax: 334-2348

Mel,

Thank you for the meeting last Wednesday. I am enclosing the copies of the patent on our land. This should satisfy the additional documentation that was requested for the adjudication process. Please let us know if any other information is required.

Also, please advise us of your estimate of irrigated acres when completed. As previously discussed we have a third water right which you thought might have already been decreed. If possible please send us a copy of this.

I can be contacted at (208)393-5812 if you need anything.

Sincerely,



Heide Finnegan  
Pine Creek Ranch

PO Box 8874

83707

Wells Fargo Bank Northwest, N.A.  
W. Boise Business Banking Center  
6850 Fairview Avenue  
MAC #U1840-012  
Boise, ID 83704  
FAX: 208-323-9340

**Wells Fargo Bank**

# Fax

|        |                   |        |                 |
|--------|-------------------|--------|-----------------|
| TO:    | IDWR - Mel Shulte | FROM:  | Heide Finneberg |
| FAX:   | 334-2348          | DATE:  | 9/17/01         |
| PHONE: | 334-2190          | PHONE: | 393-5812        |
| REF:   | Pine Creek Ranch  | PAGES: | 4               |

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If this transmission has reached you in error, you are asked to notify us as soon as possible at the telephone number shown above, and destroy the facsimile documents. Thank you for your cooperation.

**Comments:**

Western

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**

TRANSFER NO. 4991  
WATER RIGHT NO(S). 63-02852/63-04138

**RECEIVED**  
**OCT 13 1998**

WATER RESOURCES  
WESTERN REGION

This is to certify that: **WOMYNS COMMUNITY PRODUCTIONS INC**  
**PO BOX 8874**  
**BOISE ID 83707**

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| Right No. 63-02852 :  |                      |                       |                      |
| IRRIGATION            | 04/15 to 10/15       | * 2.00 CFS            | 280.0 AF             |
| Priority: 03/15/1964  |                      |                       |                      |
| Right No. 63-04138 :  |                      |                       |                      |
| IRRIGATION            | 04/15 to 10/15       | 2.00 CFS              | 280.0 AF             |
| Priority: 08/16/1912  |                      |                       |                      |
| <b>TOTAL:</b>         |                      | <b>** 4.00 CFS</b>    | <b>** 280.0 AF</b>   |

SOURCE

PINE CREEK

TRIBUTARY OF

GRIMES CREEK

LOCATION OF POINT(S) OF DIVERSION: Lot 9( SESW), Sec. 8, Township 05N, Range 04E  
SWNE , Sec. 18, Township 05N, Range 04E  
BOISE County

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 05N                              | 04E        | 8          | NESE 30      | SESE 30      |              | 60           |
|                                  |            | 9          | SWSW 20      |              |              | 20           |
| Total number of acres irrigated: |            |            |              |              |              | 80           |

CONDITIONS OF APPROVAL AND REMARKS

1. Approval of Transfer 4991 does not confirm Statutory Claim 63-04138, and use of the claim and Right 63-02852 will be evaluated through review and recommendations of the SRBA.
2. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

TRANSFER NO. 4991  
WATER RIGHT NO(S). 63-02852/63-04138

CONDITIONS OF APPROVAL AND REMARKS

- \*\* 3. The total instantaneous diversion of water from all points of diversion under Transfer 4991 shall not exceed 4.00 cfs, nor total combined annual volume of 280.0 af delivered to the field headgate.
- 4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- \*\* 5. Rights 63-02852 and 63-04138 when combined shall not exceed a total annual maximum diversion volume of 280.0 af at the field headgate.
- \* 6. The portion of Right 63-02852 used for conveyance losses is 0.40 cfs.
- 7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
- 8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- 9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 10. Approval of Transfer 4991 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 8<sup>th</sup> day of

October, 1998

J. Glen Saylor  
Chief, Water Allocation Bureau

## MEMORANDUM

**TO:** Files 63-02852 & 63-04138

**FROM:** Pam Skaggs/State Office

**SUBJECT:** Transfer 4991

**DATE:** September 29, 1998

---

Transfer 4991 adds a new point of diversion and corrects the legal description of the existing point of diversion under Rights 63-02852 and 63-04138.

The applicant is adding a pump in the creek at a location nearer the place of use to circumvent the aging ditch system when necessary. The original ditch system requires a lot of maintenance and may at times be unable to supply the needed flow to the irrigated acres.

Review of the records and region staff review raises questions of the actual historical use of the licensed right and claimed right together. Without any definitive evidence the questions were deferred to the adjudication investigation. This transfer simply adds the second point of diversion and the SRBA will determine the extent of use under these combined rights.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include non-confirmation of claim & SRBA evaluation of combined right use, multiple points of diversion/measuring devices, combined limits, conveyance losses for Right 63-02852, irrigation overlap, right-of-way and standard transfer conditions.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

APPLICANT Womyn's

TRANSFER NO. 4991

INITIAL ALLOCATION REVIEW BY igl  
SRBA SUPERVISOR REVIEW BY \_\_\_\_\_

DATE 1/2/97  
DATE \_\_\_\_\_

1. Right number(s) 63-2852(L) 63-4138(S)

2. Type of right  
☐ Decree ☒ License ☐ Statutory Claim  
☐ SRBA Beneficial Use Claim

3. Purpose of transfer  
☒ Change P/D ☐ Add P/D ☐ Change P/U  
☐ Change N/U ☐ Change Source ☐ Split Right  
☐ Other: \_\_\_\_\_

4. Check Existing Right:  
☒ Source ☐ Priority ☐ Amount ☐ Purpose  
☒ Period ☐ SRBA Claim  
☒ Description of original point(s) of diversion  
☒ Description of original place of use  
☒ Overlapping rights on original place of use

5. Check Proposed Right for amount of land &/or water transferred:

☒ Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion recorded P/D not consistent w/ application map
- d. ☒ Description of place of use
- e. ☐ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ See Special use permit for related info  
Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: NOTE. New P/D established for greater system efficiency. May also enable more acres to be irrigated? - Acres reduced. See memo

i.    Existing rights from same source, on land water is being transferred to; right number(s): NONE

j.    SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) P/D changed on claim from NENW to SENWNE.  
A63-4138 adds Stockwater

k.    Comment letters    Yes    No  
If yes    Water District #     
   Other, see #2 below for name and address

PUBLICATION REVIEW BY   

1. Legal Notice electronically sent to DWRO3::VAULT    Yes

2. COMMENT LETTERS

Watermaster recommendation requested on \_\_\_\_\_, Received on \_\_\_\_\_

Other comments letters - send to the following name(s) & address(es):  
\_\_\_\_\_

3. Transfer published correctly?    Yes    No  
4. Affidavit of publication received?    Yes    No  
5. Protests received?    Yes    No; Acknowledgement sent?    Yes  
6. Copies made for Region file (see attached supplemental page)?    Yes

RECOMMENDED ACTION

1.    Approve  
2.    Deny due to \_\_\_\_\_

3. Conditions (special conditions in Water Districts) \_\_\_\_\_

4. By \_\_\_\_\_ Date \_\_\_\_\_

# MEMORANDUM

May 27, 1997

TO: Transfer 4991, Womyn's Community Productions  
63-02842 and 63-04138

FROM: Cindy Hodges *CH*

RE: Review Analysis

## Purpose

The purpose of the transfer is to establish an additional point of diversion from Pine Creek for use under the above rights. The existing conveyance ditch has excessive percolation losses at low flows. A pump situated in Pine Creek significantly closer to the property is proposed to lift a smaller portion of the licensed flow directly into the lower reaches of the ditch or possibly directly into the head distribution ditch. The original diversion and ditch will be used while natural flows are adequate. The transfer will also correct the original point of diversion, which is recorded as NENW S18 and claimed in SRBA as NWNE S18. Maps provided by applicant show that the diversion is located in NESWNE S18.

## Historical Use, Overlaps, SRBA claims

Both the license 63-02852 and the statutory claim 63-04138 show the irrigation of 80 acres with a rate of flow of 2.0 cfs each. These are presumed to be duplicate records, with claim 4138 reflecting an earlier date of priority. License 2852 notes .4 cfs conveyance losses, which supports the above statement that the ditch is not efficient. SRBA claims show the change in P/D, and A63-04138 shows the addition of stockwater.

Use within the past 10 years seems limited to about 55 acres. A USFS photo dated summer 1988 which was brought in by applicants evidences the irrigated acres. Total acres were measured by me using a planimeter. Continuing irrigation use within the past 5 years has been evidenced with irrigation supply receipts and system consulting fees. IDWR staff also visited the area in 1994 in response to a complaint and found visual evidence that irrigation had occurred that year (see Western complain file - Nancy Paul). Applicants provided a schematic map which shows the distribution of delivery ditches throughout the irrigated area. These ditches are also visible on the USFS photo.

Evidence of priority found in A63-04138 tends to verify the existence of this farm back to the early 1900's. That particular evidence by itself does not verify irrigation to 1912, as claimed in A63-04138, but is strong enough to support the validity of the claim to at least before the date of the overlapping license. I believe the statutory claim was filed only to supersede the later-

in-time license. Use under the two rights as recorded is non-additive and otherwise overlaps completely. Applicants have presumed that all 4.0 cfs from both rights will be available. I explained the maximum irrigation rate of flow and recommended that an excessive flow worksheet be completed and submitted, but that has not been received.

#### Recommendation

There is adequate information to support the validity of the above right(s) up to 55 acres. A suggested rate of flow is 1.5 cfs (1.1 plus 0.4 conveyance loss originally awarded by the license). The two should be conditioned together with a maximum acreage and rate of flow limitation. SRBA verification may determine the validity of the 1912 claim. P/U may need to be modified slightly to include a few acres in NSW S9.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 4991

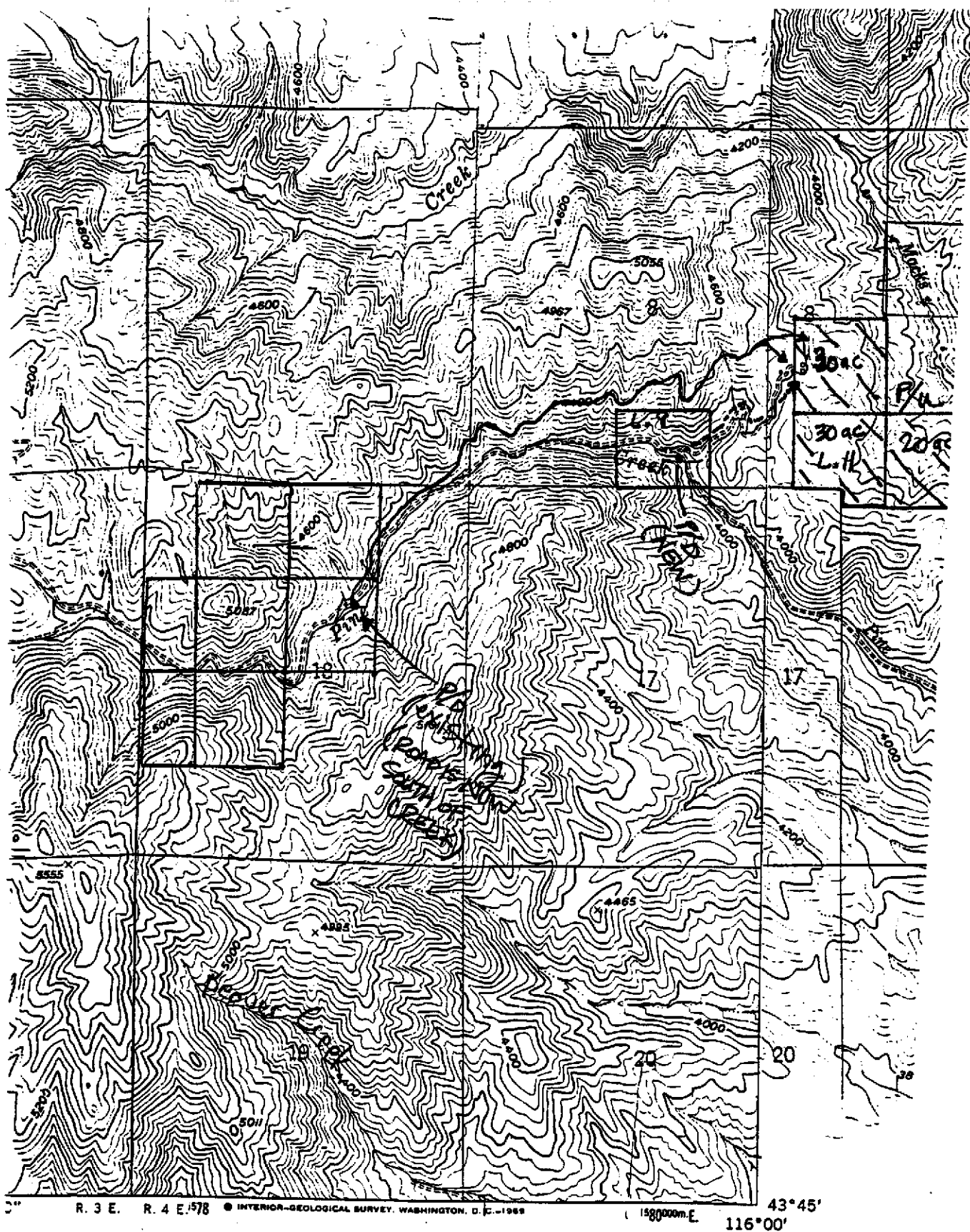
Notice is hereby given that Womyn's Community Productions of PO Box 8874, Boise, Idaho, 83707 have applied to the Department of Water Resources to add a point of diversion to the following water right(s) pursuant to I.C. §42-222. Rights are diverted from Pine Creek Tributary to Grimes Creek within N½ S18, T05N R04E, Boise County, and conveyed by ditch to irrigate approximately 80 acres within E½ S08 and W½ S09, T05N R04E. An additional pumped point of diversion proposed within Lot 9 (SESW) S08, T05N R04E.

|                  |           |                 |
|------------------|-----------|-----------------|
| Right No.        | 63-02852  | 63-04138        |
| Basis            | License   | Statutory Claim |
| Date of Priority | 3/15/1964 | 8/16/1912       |
| Amount           | 2.0 cfs   | 2.0 cfs         |

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest fee of \$25.00, on or before February 3, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Idaho World on January 15 and 22, 1997.



# ROAD CLASSIFICATION

Light-duty ————— Unimproved dirt - - - - -



QUADRANGLE LOCATION

SHAFAER BUTTE, IDAHO  
N4345—W11600/7.5

1957

5N4E

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of applicant Womyn's Community Productions Inc. Phone 208-392-4253  
Post Office address P.O. Box 8874 Boise ID 83707

### A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion      ☒ Add diversion point(s)      ☐ Change place of use

- ☐
- Change nature of use
- ☐
- Change period of use
- ☐
- Other \_\_\_\_\_

2. Describe the reason for the proposed changes Sherl Chapman, consultant, noted problems with our current design & construction of original system. Due to age, it may be inadequate to convey our water rights. He suggested we apply for a second point of diversion. Also correct

3. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

| 1. Right Number             | Priority                    | Amount<br>(cfs/ac-ft)       | Nature<br>of Use            | Period of Use                                              |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|------------------------------------------------------------|
| <u>A63-04138</u>            | <u>Aug 16, 1962</u>         | <u>2.000 cfs</u>            | <u>Irrigation</u>           | <u>3/15</u> to <u>11/15</u>                                |
| <u>                    </u> | <u>                    </u> | <u>.05 cfs</u>              | <u>stock water</u>          | <u>1/1</u> to <u>12/31</u>                                 |
| <u>A63-02852</u>            | <u>Mar 15, 1964</u>         | <u>2.000 cfs</u>            | <u>Irrigation</u>           | <u>4/15</u> to <u>10/15</u>                                |
| <u>                    </u> | <u>                    </u> | <u>                    </u> | <u>                    </u> | <u>                    </u> to <u>                    </u> |

2. Total amount of water being transferred 100 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

Source of water Pine Creek tributary to Grimes Creek

**Point(s) of Diversion:**

Acknowledge all changes MD 4-18-97 gbr

[illegible]

**Lands irrigated or place of use:**

[illegible]

## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-02852

STAGE: LICENSE

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 04/15 to 10/15       | 2.00 CFS              |

| <u>SOURCE</u> | <u>TRIBUTARY OF</u> |
|---------------|---------------------|
| PINE CREEK    | GRIMES CREEK        |

Priority: 03/15/1964

LOCATION OF POINT(S) OF DIVERSION:NENW , Sec. 18, Township 05N, Range 04E  
BOISE CountyPLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 05N                              | 04E        | 8          | NESE 30      | SESE 30      |              | 60           |
|                                  |            | 9          | SWSW 20      |              |              | 20           |
| Total number of acres irrigated: |            |            |              |              |              | 80           |

CONDITIONS/REMARKS:

1. .4 CFS IS FOR CONVEYANCE LOSS.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 4991

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

(Attach one copy for each right)

## A. DESCRIPTION OF RIGHT AS RECORDED

## 1. Right evidenced by:

a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_

in case of \_\_\_\_\_ vs. \_\_\_\_\_

dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_

b. License No. 63-2852 issued by the Idaho Department of Water Resources.c. Claim No. AL3-02852 on file with the Idaho Department of Water Resources.

d. Transfer No. \_\_\_\_\_ which produced this right.

## 2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice☐ Warranty Deed☐ Other \_\_\_\_\_3. Source of water Pine Creek tributary to Grimes Creek4. Date or priority 3-15-64

## 5. Water is used for the following purpose:

amount 2.000cfs for irrigation purposes from 4/15 to 10/15

(cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

(cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

(cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

6. Total amount of water under right \_\_\_\_\_ cubic feet per second and/or 200 acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | 1/4           | 1/4           | 1/4           | 1/4           | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---------------|---------------|---------------|---------------|------|------|------|--------|--------------------------|
|     | <del>SE</del> | <del>NW</del> | <del>NE</del> | <del>SW</del> | 18   | 5N   | 4E   | Boise  | Original Diversion Point |
| 9   | <del>SE</del> | <del>SE</del> | <del>SW</del> | <del>SW</del> | 8    | 5N   | 4E   | Boise  | New Diversion Point      |

## 8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 5N   | 4E   | 8    |        |        |        | 30     |        |        |        |        |        |        |        |        |        |        | 30     |        | 60     |
|      |      | 9    |        |        |        |        |        |        |        |        |        | 20     |        |        |        |        |        |        | 20     |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 80

## 9. Describe any other water rights used for the same purpose as described above

AL3-04138

## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-04138

STAGE: STATUTORY CLAIM

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION<br/>RATE</u> |
|-----------------------|----------------------|---------------------------|
| IRRIGATION            | 03/15 to 11/15       | 2.00 CFS                  |

| <u>SOURCE</u> | <u>TRIBUTARY OF</u> |
|---------------|---------------------|
| PINE CREEK    | GRIMES CREEK        |

Priority: 08/16/1912

LOCATION OF POINT(S) OF DIVERSION:NENW , Sec. 18, Township 05N, Range 04E  
BOISE CountyPLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 05N                              | 04E        | 8          | NESE 30      | SESE 30      |              | 60           |
|                                  |            | 9          | SWSW 20      |              |              | 20           |
| Total number of acres irrigated: |            |            |              |              |              | 80           |

CONDITIONS/REMARKS:

Identification No. \_\_\_\_\_  
Claim No. 3-41529  
Map No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant JULIUS N. and/or VIRGINIA M. JAMES  
post office address 5002 Bloom Boise, Idaho
2. The point of diversion is in NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  Section 18 Township 5 N  
Range 4 E 8.M. located on Pine Creek  
(name of source)  
tributary to Grimes Creek in Boise County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
  - a. Date of priority claimed: August 16, 1912 amount: 2.0 c.f.s. or \_\_\_\_\_ acre feet  
\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
Total claimed 2.0 c.f.s. or \_\_\_\_\_ acre feet.
  - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed  
use irrigation period of use from Mar. 15 to Nov. 15 (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive).
4. Description of diverting works:
  - a. Surface water diverting work and/or headgate material is composed of:  
wooden head gate with rock diversion length is 2 feet height is 1 feet;  
width at bottom is 2 feet width at top is 2 feet; explain any increase in diversion capacity since structure was first built giving dates and estimated capacities known:  
concrete structure with Armco Steel Screw type head gate with machined face, with lock, installed in 1970 - 71
  - b. Underground water diverting works: is well flowing or pumped \_\_\_\_\_ depth of well is \_\_\_\_\_ feet diameter of well is \_\_\_\_\_ inches type of pump is \_\_\_\_\_ capacity of pump is \_\_\_\_\_ give name and address of well driller: \_\_\_\_\_

- b. Do you get water through a ditch owned by several users? no If yes, give the name of the ditch \_\_\_\_\_ The other users and their respective interests in the ditch (known) \_\_\_\_\_
6. Where water is used for stock watering, give number of each kind of stock watered four horses  
sixty-five cattle
7. Where water is used for domestic or municipal purposes give number of families served \_\_\_\_\_  
name of town supplied \_\_\_\_\_
8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities \_\_\_\_\_
9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation  
contact Mr. Roy A. White 1305 McKinney Lane, Boise, Idaho 375-6139, for  
verifications of priority date, if necessary. See filing #8661 for information  
on original filing

State of Idaho

County of Ada

ss.

Be it known that the undersigned, being duly sworn, deposes and says that ~~he~~, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Julius M. James

Claimant

Sworn to before me this 23 Feb 1972

Virginia M. James

Donna M. James

Notary Public

Residing at Boise Idaho

My commission expires 2-18-1974

For Department Use Only

Received by Jeff Date 3-23-72 Exception tried by \_\_\_\_\_ Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
claimant by: 63 556  
Prelim. check by JEH Date 23 Feb 72  
Fee received by JEH Date 3-23-72 Fee \$1000 # 1017  
Approved for publication by JEH  
Published in Idaho Date 2-18-1972

attach well logs. Has there been any change in pump or motor since it was first completed? Explain.

c. Conveying works: length of ditch to place of use is 5940 feet; width of ditch at top is 5 feet; width of bottom of ditch is 2 feet; depth of water is 3 feet; grade of ditch per 1000 feet is \_\_\_\_\_ feet; material through which ditch passes is de-composed granite and earth; maximum length of pipe line to first place of use is \_\_\_\_\_ feet; diameter of pipe line is \_\_\_\_\_ inches; type of pipe \_\_\_\_\_; grade of pipe per 1000 feet is \_\_\_\_\_.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible.

during 1970-71, the ditch was re-built to meet ASCS specifications

d. If water is stored: name of reservoir \_\_\_\_\_; total capacity of reservoir is \_\_\_\_\_ acre feet; active capacity of reservoir is \_\_\_\_\_ acre feet; year construction commenced \_\_\_\_\_; year completed \_\_\_\_\_; date first used \_\_\_\_\_; period of storage is from \_\_\_\_\_ to \_\_\_\_\_; is reservoir drained each year \_\_\_\_\_; is reservoir on or off stream \_\_\_\_\_; explain \_\_\_\_\_.

if feeder canal is used give maximum carrying capacity \_\_\_\_\_ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions \_\_\_\_\_.

has there been any enlargement of the reservoir since it was first built \_\_\_\_\_; if so, give date and describe \_\_\_\_\_.

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

| TWP. | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 5 N  | 4 E   | 8    |        |        |        |        |        |        |        |        |        |        |        |        | 30     |        | 30     |        | 60     |
|      |       | 9    |        |        |        |        |        |        |        |        | 20     |        |        |        |        |        |        |        | 20     |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated 80

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

A63-4138

PHOTOS TAKEN: 9/12/2001



PHOTO #1  
POINT OF DIVERSION  
IN T5N, R4E, S9, SESW



PHOTO #2  
DIVERSION  
STRUCTURE AND  
VALVE TO DITCH AND  
PIPE LINE

A63-4138

PHOTOS TAKEN: 9/12/2001

PHOTO #3  
LOWER END OF DITCH  
SYSTEM ABOVE THE  
PLACE OF USE



PHOTO # 4  
PART OF THE NEW  
PIPE SYSTEM USED AT  
THE MIDDLE OF THE  
DELIVERY SYSTEM



A63-4138

PHOTOS TAKEN: 9/12/2001



PHOTO #5  
PART OF THE PLACE OF  
USE LOOKING EAST  
FROM THE HOUSE

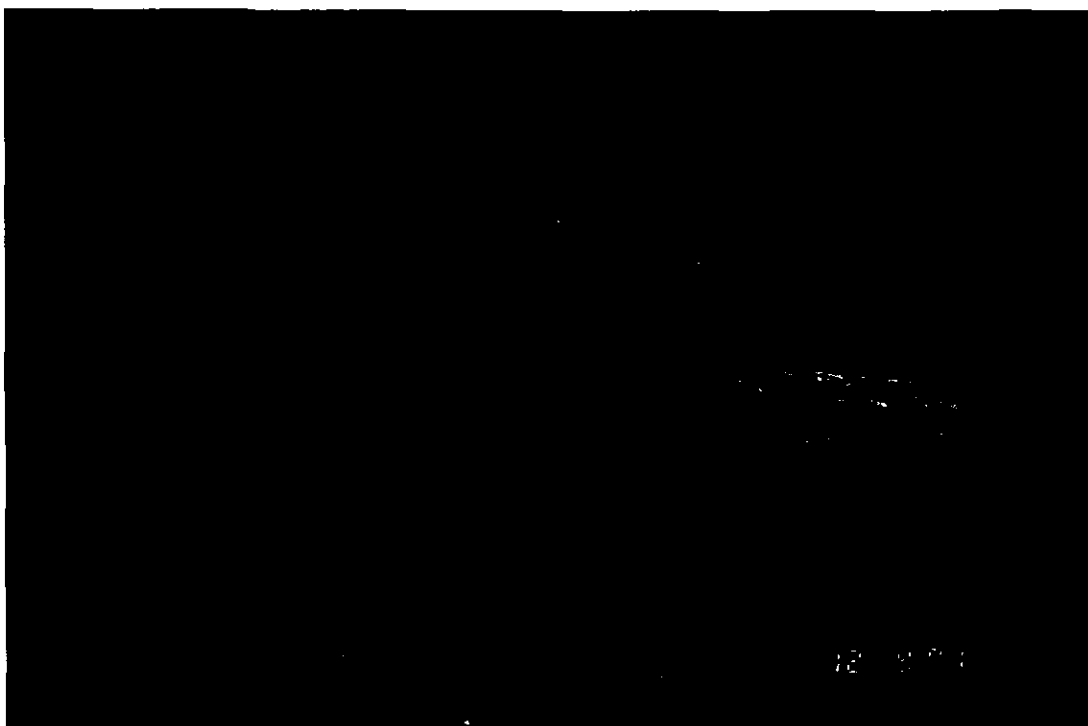


PHOTO # 6  
PART OF THE PLACE  
OF USE LOOKING  
NORTH EAST FROM  
THE ROAD. DELIVERY  
DITCH IN THE  
FOREGROUND

463-4138

1/31/2002

Page 1

Idaho Dept. of Water Resources  
Place of Use Comparison Report

No overlaps

| Type  | WR #    | Owner                             | Source     | TRS     | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE | Total |
|-------|---------|-----------------------------------|------------|---------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| Claim | 63 2852 | WOMYNS COMMUNITY PRODUCTIONS INC, | PINE CREEK | 05N04E8 |      |      |      |      |      |      |      |      |      |      |      |      | 30   |      |      | 30   | 60    |
| Claim | 63 4138 | WOMYNS COMMUNITY PRODUCTIONS INC, | PINE CREEK | 05N04E8 |      |      |      |      |      |      |      |      |      |      |      |      | 30   |      |      | 30   | 60    |
| Right | 63 2852 | WOMYNS COMMUNITY PRODUCTIONS INC, | PINE CREEK | 05N04E8 |      |      |      |      |      |      |      |      |      |      |      |      | 30   |      |      | 30   | 60    |
| Right | 63 4138 | WOMYNS COMMUNITY PRODUCTIONS INC, | PINE CREEK | 05N04E8 |      |      |      |      |      |      |      |      |      |      |      |      | 30   |      |      | 30   | 60    |
|       |         |                                   |            |         |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |
|       |         |                                   |            |         |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |

2852 disallowed

463-4138

Idaho Dept. of Water Resources  
Place of Use Comparison Report

1/31/2002

No overlaps

| Type  | WR #     | Owner                                 | Source      | TRS     | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE | Total |
|-------|----------|---------------------------------------|-------------|---------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| Claim | 63 7613A | J PRESTON ATKINSON,                   | MACKS CREEK | 05N04E9 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 0.5   |
| Claim | 63 7613C | ELIZABETH L DIPPL, JUERGEN DIPPL      | MACKS CREEK | 05N04E9 |      |      |      |      |      |      | 0.3  |      |      |      |      |      |      |      |      |      | 0.3   |
| Claim | 63 7613D | MARVENNA S HODGINS, MARILYN E DAWSON, | MACKS CREEK | 05N04E9 |      |      |      |      |      |      | 0.7  |      |      |      |      |      |      |      |      |      | 1.2   |
| Right | 63 2721  | ALFRED MERK                           | MACKS CREEK | 05N04E9 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 3     |
| Right | 63 7613  | FLOYD AUDETTE,                        | MACKS CREEK | 05N04E9 |      |      |      |      |      |      | 1    |      |      |      |      |      |      |      |      |      | 2     |
| Claim | 63 2852  | WOMYNS COMMUNITY PRODUCTIONS INC,     | PINE CREEK  | 05N04E9 |      |      |      |      |      |      |      |      |      |      | 20   |      |      |      |      |      | 20    |
| Claim | 63 4136  | WOMYNS COMMUNITY PRODUCTIONS INC,     | PINE CREEK  | 05N04E9 |      |      |      |      |      |      |      |      |      |      | 20   |      |      |      |      |      | 20    |
| Right | 63 2852  | WOMYNS COMMUNITY PRODUCTIONS INC,     | PINE CREEK  | 05N04E9 |      |      |      |      |      |      |      |      |      |      | 20   |      |      |      |      |      | 20    |
| Right | 63 4136  | WOMYNS COMMUNITY PRODUCTIONS INC,     | PINE CREEK  | 05N04E9 |      |      |      |      |      |      |      |      |      |      | 20   |      |      |      |      |      | 20    |

2852 disallowed

9-12-01  
A03-2852  
- 4138



## POINT OF DIVERSION

## PLACE OF USE

**1/4 1/4 LINES**

## SECTION LINES

6 ACRES

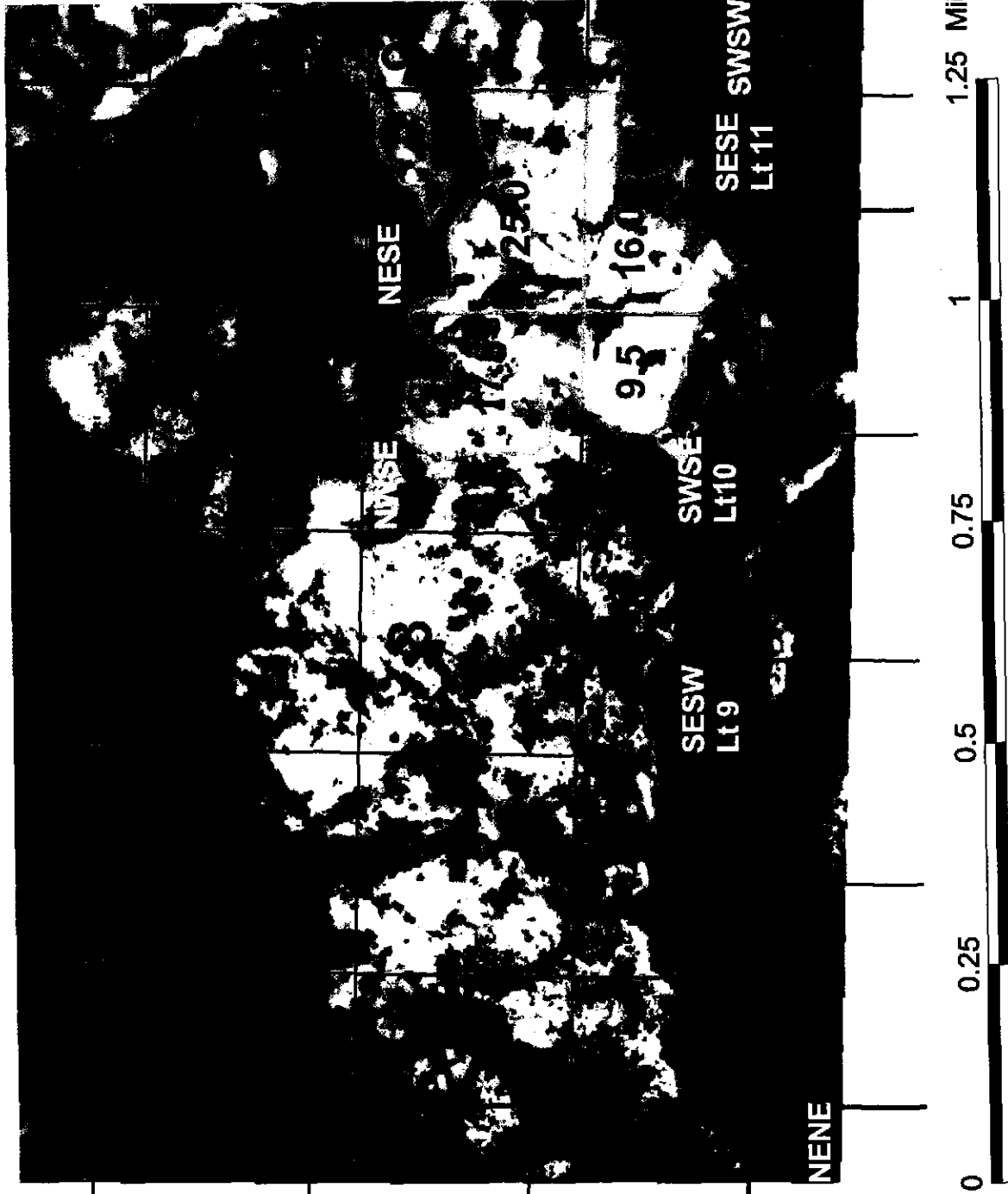
## 6 SECTION NUMBERS

**CLAIM(S): 63-4138**

**OWNER(S) : WOMYNS COMMUNITY**

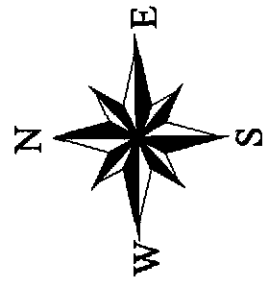
DATE: JANUARY 31, 2002

by: Mel Schulte



# IDAHO DEPARTMENT OF WATER RESOURCES

## T05N, R04E, S8 & S9



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

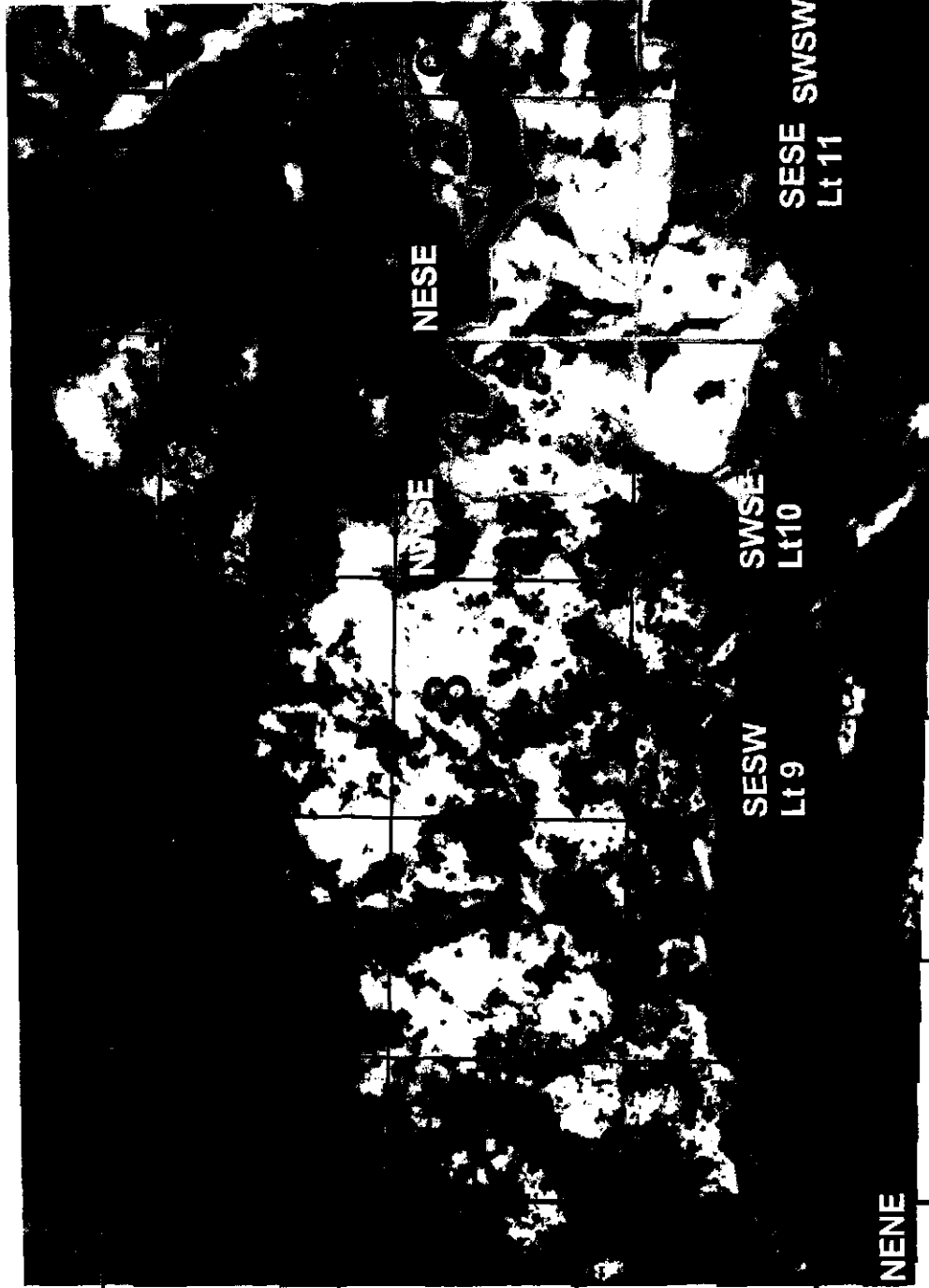
6 SECTION NUMBERS

CLAIM(S): 63-4138

OWNER(S) : WOMYNS COMMUNITY

DATE: JANUARY 31, 2002

by: Mel Schulte



0 0.25 0.5 0.75 1 1.25 Miles



# ESTIMATING CONVEYANCE LOSS

1/5/95



FIELD EXAMINER: Mel Schulte

FIELD EXAM DATE: 9-12-01

FOR CLAIM(S) 463-4138

FORMULA:  $S = (W)(i)(0.0667)$

Where: S = Loss in CFS per Mile  
W = The top width of the high water mark in feet  
i = The loss rate in feet per day (see table)  
0.0667 is a factor used to convert to CFS per mile

| TABLE: | Type of Soil                | Loss Rate i (Ft/Day) |
|--------|-----------------------------|----------------------|
|        | Medium clay loam.....       | 0.5 to 1.5           |
|        | Impervious clay.....        | 0.5                  |
|        | Medium soils.....           | 1.0                  |
|        | Somewhat pervious soils.... | 1.5 to 2.0           |
|        | Gravel.....                 | 2.5 to 5.0           |

5 to 1.5

## WORK SHEET

W = (2.05 FT) i = (3.2 FT/DAY) (0.0667)

S = .41 CFS/MILE

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = (.41 CFS/MILE) (1 MILE)

CONVEYANCE LOSS = .41 CFS

1.0' top to bottom at #2

1.5 at #1

## TOP OF DITCH = W

Section 1 = 2.5  
Section 2 = 1.6  
Section 3 =         

Total.... = 4.1

/2or 3... = 2.05 = W

## MAP MEASUREMENT

Length in Inches =          = A

Map Scale:          In. = 1 Mile = B

A/X : B/5,280 = Ft./5,280 = Mile

| BASIN | Sequence Number | Split Suffix | Basis           | Status | Priority Date | RATE | Source List              | Water Use List         | Owner List                                                                      | Version Number | Source Table                 |
|-------|-----------------|--------------|-----------------|--------|---------------|------|--------------------------|------------------------|---------------------------------------------------------------------------------|----------------|------------------------------|
| 63    | 2852            |              | License         | Active | 3/15/1964     |      | PINE CREEK               | IRRIGATION             | WOMYNS COMMUNITY PRODUCTIONS INC (Current)                                      |                | wrAdjudicationClaim          |
| 63    | 4138            |              | Statutory Claim | Active | 8/16/1912     |      | PINE CREEK               | IRRIGATION, STOCKWATER | WOMYNS COMMUNITY PRODUCTIONS INC (Current)                                      |                | wrAdjudicationClaim          |
| 63    | 4741            |              | Beneficial Use  | Active | 1/1/1945      | 0.04 | PINE CREEK               | DOMESTIC               | GRANT-MC KENZIE, EARLDEAN (Current)                                             |                | wrAdjudicationClaim          |
| 63    | 15187           |              | Beneficial Use  | Active | 3/31/1952     | 0.04 | GRIMES CREEK, PINE CREEK | DOMESTIC               | PAUL, NANCY A (Current); PAUL, RONALD O (Current)                               |                | wrAdjudicationClaim          |
| 63    | 4741            |              | Statutory Claim | Active | 1/1/1945      | 0.04 | PINE CREEK               | DOMESTIC               | GRANT-MC KENZIE, EARLDEAN (Current)                                             | 1              | wrAdjudicationRecommendation |
| 63    | 15187           |              | Beneficial Use  | Active | 3/31/1952     | 0.04 | GRIMES CREEK, PINE CREEK | DOMESTIC               | PAUL, NANCY A (Current); PAUL, RONALD O (Current)                               | 1              | wrAdjudicationRecommendation |
| 63    | 2852            |              | License         | Active | 3/15/1964     |      | PINE CREEK               | IRRIGATION             | WOMYNS COMMUNITY PRODUCTIONS INC (Current)                                      |                | wrWaterRight                 |
| 63    | 4138            |              | Statutory Claim | Active | 8/16/1912     |      | PINE CREEK               | IRRIGATION             | WOMYNS COMMUNITY PRODUCTIONS INC (Current)                                      |                | wrWaterRight                 |
| 63    | 4741            |              | Statutory Claim | Active | 1/1/1945      | 0.04 | PINE CREEK               | DOMESTIC               | GRANT, EARL (Current); MORRISON, EARLDEAN (Current); MORRISON, GEORGE (Current) |                | wrWaterRight                 |



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

August 15, 2001

WOMYNS COMMUNITY  
PRODUCTIONS INC  
PO BOX 8874  
BOISE, ID 83707

Re: Claim No(s). 63-4138

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. ~~claims in this area are now being conducted by Department personnel.~~ Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section  
Department of Water Resources  
Western Region Office

JS:lh  
Enclosures

A63-02852 & A63-04138

## Issues

1. Irrigation components are identical - if both <sup>are</sup> recommended as claimed = 200" for 80 acres from same source.
2. 4138 has 1912 priority, 2852 a 1964 priority
3. Are excessive flows required?
4. Has POU been reduced to 55 acres (see memo in transfer 499).

## Possible solutions.

1. Recommend 4138 if 1912 priority date is ~~not~~ verified. OR
2. Disallow license 2852 in favor of 4138 with earlier priority.  
a - conveyance loss in excess of 1"/acre  
OR To be allowed as was licensed.
3. Recommend both with excessive flow calculation to justify more than 1"/acre.