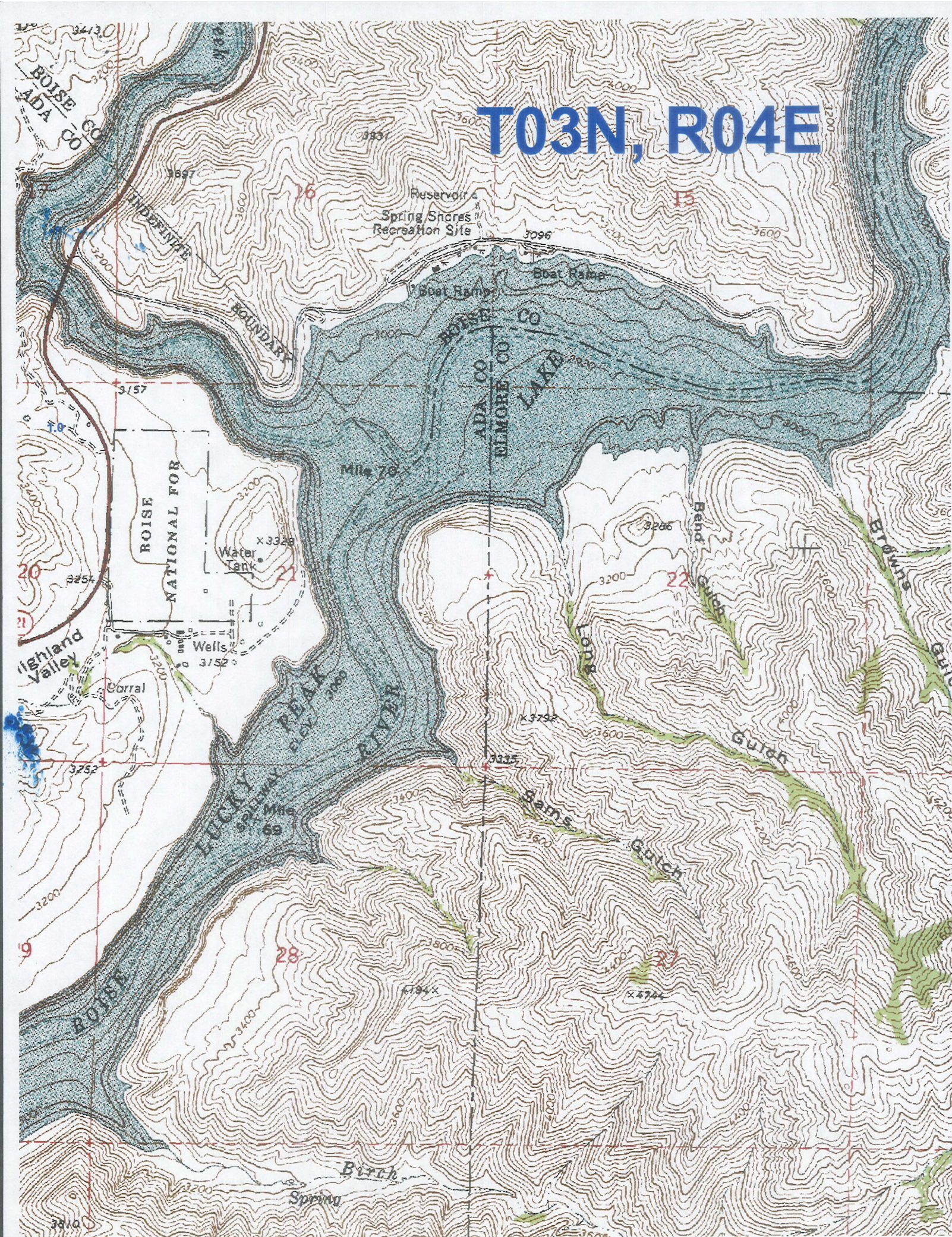


T03N, R04E



Digital OrthoPhoto Quadrangle Image

The image you are viewing is 800 pixels wide by 600 pixels high. Each pixel represents 2 by 2 meters of earth. The image was photographed on 02 Jul 1998 by the National Aerial Photography Program and digitized by the USGS DOQ Program on 25 Jul 2000. The USGS DOQ below is projected in Universal Transverse Mercator (UTM) Zone 11 on the North American datum of 1983.



63-31367

POD

Field Exam: 2/13/02



Inside pumphouse. Well used for domestic and commercial purposes (csaxton 2/13/02).

63-31367

POD

Field Exam: 2/13/02



Inside pumphouse. Well used for domestic and commercial purposes (csaxton 2/13/02).

63-31367

POD

Field Exam: 2/13/02



Looking South. Pump house that holds domestic and commercial well (csaxton 2/13/02).

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 63-31367
Date Received: 1/8/2002
Receipt No: X111111
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

UNITED STATES OF AMERICA ACTING THROUGH Phone: (208)387-0835

USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID USA 83724

2. Date of Priority: 01/01/1962

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	04E	21	NE SW	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	01/01	12/31	0.11	
DOMESTIC	01/01	12/31	0.08	1.8

7. Total Quantity Appropriated is:
0.19 C.F.S. and/or 1.8 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 3

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
03N	04E	20	NE	SE		DOMESTIC	
03N	04E	21	NW	SW		DOMESTIC	
			NW	SW		COMMERCIAL	
			SE	NW		COMMERCIAL	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

DOMESTIC IS INTERNAL USE FOR 3 HOMES AT THE LUCKY PEAK NURSERY.
COMMERCIAL USE IS AN OFFICE BUILDING AND SEEDLING OPERATION INCLUDING A GREEN HOUSE
AT THE LUCKY PEAK NURSERY.

15. Basis of Claim: Beneficial Use

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 63-31367
Date Received: ~~-12/11/2001~~
Receipt No: 1-8-02
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JAN 08 2002

WATER RESOURCES
WESTERN REGION

1. Name of Claimant(s)

US DEPT OF AGRICULTURE Phone:
BOISE NATIONAL FOREST
1249 S VINNELL WAY #200
BOISE ID USA 83709

2. Date of Priority: 01/01/1962

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	04E	21	NE SW	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
COMMERCIAL	01/01	12/31	0.11	
DOMESTIC	01/01	12/31	0.08	1.8

7. Total Quantity Appropriated is:
0.19 C.F.S. and/or 1.8 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 3

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
03N	04E	20	NE SE	DOMESTIC	
03N	04E	21	NW SW	DOMESTIC	
			NW SW	COMMERCIAL	
			SE NW	COMMERCIAL	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

DOMESTIC IS INTERNAL USE FOR 3 HOMES AT THE LUCKY PEAK NURSERY.
COMMERCIAL USE IS AN OFFICE BUILDING AND SEEDLING OPERATION INCLUDING A GREEN HOUSE
AT THE LUCKY PEAK NURSERY.

15. Basis of Claim: Beneficial Use

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 XX wish to receive and pay a small annual
fee for monthly copies of the docket sheet.

Number of attachments: 2

For Organizations:

I do solemnly swear or affirm that I am David D Rittenhouse, Forest Supervisor of
USDA FS BOISE NF _____, that I have signed the foregoing
Title
Organization
document in the space below as FOREST SUPERVISOR of
Title
USDA FS BOISE NF _____ and that the statements contained in the
Organization
foregoing document are true and correct. Don Rittenhouse
Signature of Authorized Agent
FOREST SUPERVISOR, BOISE NF, USDA
Title and Organization

010702
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 7th
of January 2002

Don Fuller

Notary Public
Boise, ID
Residing
My commission Expires 1/16/08
NOTARY PUBLIC
STATE OF IDAHO
COUNTY OF ADA
DON FULLER

T03N, R04E

Roise National Forest

Spring Shores Recreation Site

Roise River

Roise Valley

Roise National Forest

Spring Shores Recreation Site

Roise River

Roise Valley

03/01/2002

RECEIVED

APR 10 2002

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

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

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

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

Water right number: 63-31367

UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724
Telephone Number: (208)387-0835

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

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

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

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

DATE: 4-8-2002 SIGNATURE: Linda R. Moore SMS
Please print your name: Linda R. Moore

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

02/20/2002

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

RIGHT NUMBER: 63-31367

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.19 CFS
2.5 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR COMMERCIAL USE SHALL NOT
EXCEED 2,500 GALLONS PER DAY.

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

PRIORITY DATE: 01/01/1962

POINT OF DIVERSION:

T03N R04E S21 SWNESW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.080 CFS 1.80 AFY
COMMERCIAL	01/01 12/31	0.110 CFS 0.70 AFY

PLACE OF USE:

DOMESTIC Within ADA County

T03N R04E S20 NESE
T03N R04E S21 NWSW

T03N R04E S20 SESE

COMMERCIAL Within ADA County

T03N R04E S21 NESW

T03N R04E S21 NWSW

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 IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

COMMERCIAL USE 1 NURSERY, 1 SEEDLING PROCESSING PLANT
DOMESTIC USE IS FOR 3 HOMES, 1 ADMINISTRATIVE COMPLEX.

02/14/2002

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

RIGHT NUMBER: 63-31367

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.19 CFS
2.5 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR COMMERCIAL USE SHALL NOT
EXCEED 2,500 GALLONS PER DAY.

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

PRIORITY DATE: 01/01/1962

POINT OF DIVERSION:

T03N R04E S21 SWNESW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.080 CFS 1.80 AFY
COMMERCIAL	01/01 12/31	0.110 CFS 0.70 AFY

PLACE OF USE: DOMESTIC Within ADA County

T03N R04E S20	NESE	T03N R04E S20	SESE
T03N R04E S21	NWSW		

COMMERCIAL Within ADA County

T03N R04E S21	NESW	T03N R04E S21	NWSW
---------------	------	---------------	------

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 IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

DOMESTIC USE 3 HOMES, 1 ADMINISTRATIVE COMPLEX
COMMERCIAL USE 1 NURSARY, 1 SEEDLING PROCESSING PLANT

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31367 V1

WATER RIGHT NUMBER: 63-31367 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE 550 W FORT ST MSC 033 BOISE, ID 83724 (208)387-0835

Priority Date: 01/01/1962

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.080 CFS	1.80 AF
COMMERCIAL	01/01 to 12/31	0.110 CFS	0.70 AF
	<u>Total Diversion:</u>	0.190 CFS	2.50 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SW1/4	Sec. 21, Twp 03N, Rge 04E, B.M.
ADA County		

Place of UseDOMESTIC Within ADA County

T03N R04E S20	NESE	T03N R04E S20	SESE
T03N R04E S21	NWSW		

COMMERCIAL Within ADA County

T03N R04E S21	NESW	T03N R04E S21	NWSW
---------------	------	---------------	------

Conditions of Approval:

1. C18 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.
2. N06 THE QUANTITY OF WATER UNDER THIS RIGHT FOR COMMERCIAL USE SHALL NOT EXCEED 2,500 GALLONS PER DAY.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31367 V1

1. Explanatory DOMESTIC USE 3 HOMES, 1 ADMINISTRATIVE COMPLEX
2. Explanatory COMMERCIAL USE 1 NURSARY, 1 SEEDLING PROCESSING PLANT

Comments:

1. csaxton 2/13/2002 POU

Comment: Claimed Commercial POU is SENW Section 21. However, field exam indicates commercial use is actually 40 acre tract below and is being recommended as NESW.

2. csaxton 2/14/2002 Commercial Vol

Comment: Diversion Volume for commercial use calculated from information provided by Clark Fleege - Nursery manager.

3. csaxton 2/14/2002 POU - DOMESTIC

Comment: DOMESTIC USE POU IN BOTH NESE AND SESE OF SECTION 20.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	2/14/2002 11:30:16 AM	csaxton	2/14/2002 11:30:16 AM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	2/14/2002 11:30:16 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31367 V1

Contacts	2/13/2002 2:57:32 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam 2/13/02
POD	2/13/2002 2:58:23 PM	csaxton	Edited point location
POD	2/13/2002 2:59:08 PM	csaxton	Edited point location
POD	2/13/2002 2:59:48 PM	csaxton	Edited PLS



2-13-02 : Confirmed that Domestic and commercial use described in Claim is still accurate from FS contact Dan

: No Priority Evidence Recommend diminishes use

2-14-02 : Spoke with Clark Fekce about Volume for commercial use.

: Clark said Nursery used around 500 gal/day Based on experience from running a smaller Nursery that used 350 Gal/day

As far as other commercial use - @ max capacity there are 10 employees @ 15 g/day per person

$$50 \dots \left(15 \frac{g}{day} \right) (10 \text{ employees}) = 150 g/day$$

$$500 g/day \text{ For Nursery} = 500 g/day$$

$$= \underline{650 g/day}$$

$$\frac{(650 g/day)}{(646,315 g/day)} = \frac{X}{(1,9835 AF/day)}$$

$$X = 0.00199 AF/day$$

$$\left(0.00199 \frac{af}{day} \right) \left(365 \frac{day}{yr} \right) = 0.7 \frac{af}{yr}$$

: Greenhouse and Seedling Processing Plant is Commercial

: 3 homes and administrative complex is Domestic

Gal/day

Livestock (per animal):

Cattle (range)	12
Cattle (dairy)	35
Goat	2
Hog	4
Horse	12
Mule	12
Sheep	2

Chickens (per 100)	5-10
Turkeys (per 100)	10-18

Motels:

With bath, toilet & kitchen facilities (per bed)	50
With bed & toilet (per bed)	40

Parks:

Overnight with flush toilets (per camper)	25
Trailers with individual bath units (per camper)	50

Picnic:

With bathhouses, showers & flush toilets (per picnicker)	20
With toilet facilities only (per picnicker)	10

Restaurants:

With toilet facilities (per patron)	7-10
Without toilet facilities (per patron)	3
With bars & cocktail lounge (additional per patron)	2

Schools:

Boarding (per pupil)	75-100
Day with cafeteria, gyms & showers (per pupil)	25
Day with cafeteria, no gyms or showers (per pupil)	20
Day without cafeteria, gym or showers (per pupil)	15

Service stations (per vehicle)	10
--------------------------------	----

Stores (per toilet room)	400
--------------------------	-----

Swimming pools (per swimmer)	10
------------------------------	----

Theaters:

Drive-in (per car space)	5
Movie (per auditorium seat)	5

Workers:

Construction (per person/shift)	50
Day (per person/shift)	15

Date 11 sig.

Claim

Doc Source EDWR Field
Examiners Handbook

15-782 500 SHEETS, FILLER 5 SQUARE
42-381 50 SHEETS, EYE-GLASS 5 SQUARE
42-382 100 SHEETS, EYE-GLASS 5 SQUARE
42-383 100 SHEETS, EYE-GLASS 5 SQUARE
42-384 100 SHEETS, EYE-GLASS 5 SQUARE
42-385 100 SHEETS, EYE-GLASS 5 SQUARE
42-386 100 SHEETS, EYE-GLASS 5 SQUARE
42-387 100 SHEETS, EYE-GLASS 5 SQUARE
42-388 100 SHEETS, EYE-GLASS 5 SQUARE
42-389 100 SHEETS, EYE-GLASS 5 SQUARE
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42-395 100 SHEETS, EYE-GLASS 5 SQUARE
42-396 100 SHEETS, EYE-GLASS 5 SQUARE
42-397 100 SHEETS, EYE-GLASS 5 SQUARE
42-398 100 SHEETS, EYE-GLASS 5 SQUARE
42-399 100 SHEETS, EYE-GLASS 5 SQUARE
42-400 100 SHEETS, EYE-GLASS 5 SQUARE
Made in U.S.A.



$W_1 = 339590 \text{ E}$
(well 1) 277383 N

$W_3 (W_2) = 339513 \text{ E}$
(well 2) 277312 N

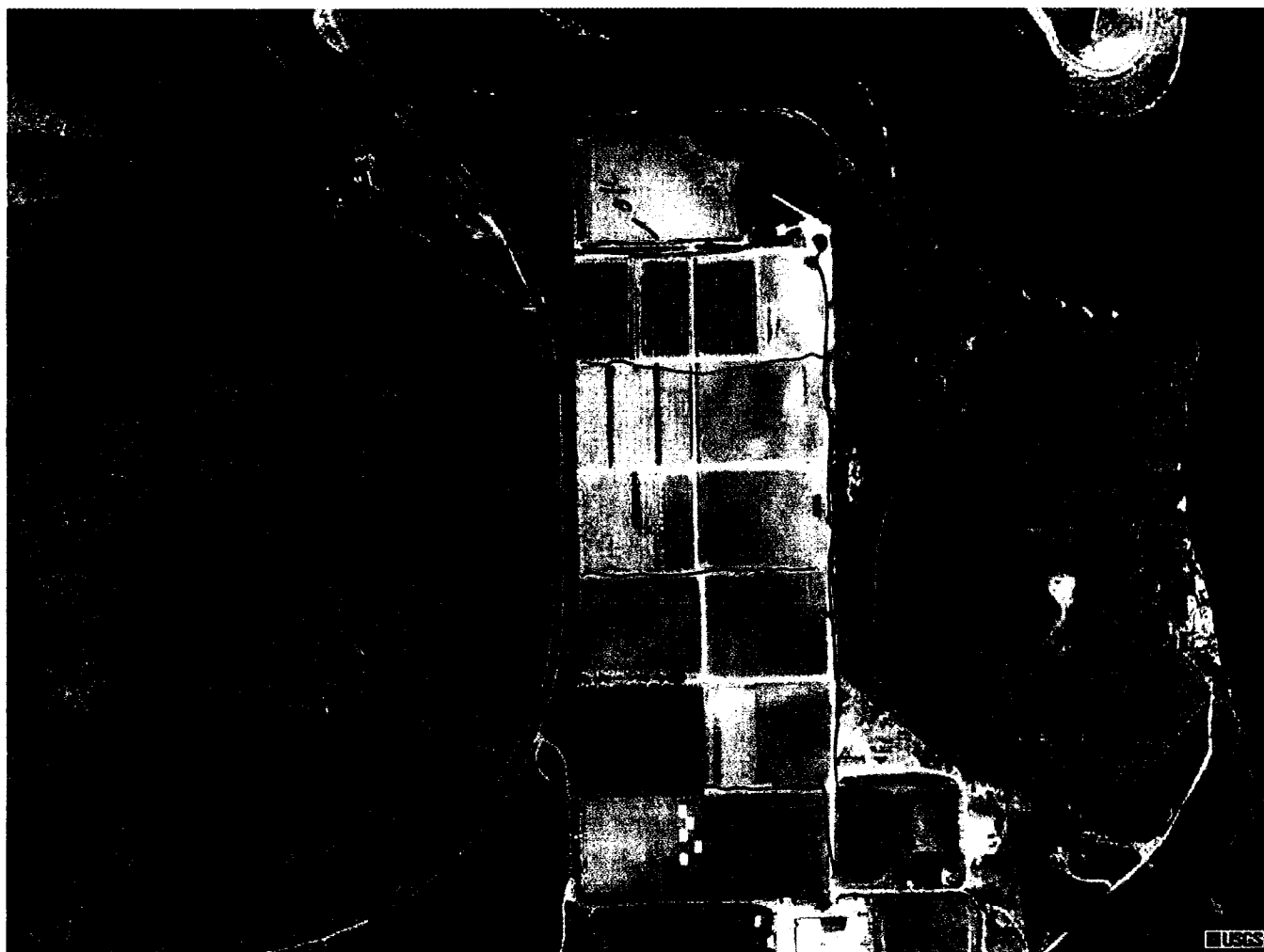
Surface $= 339756 \text{ E}$
 277637 N

Domestic $= 339483 \text{ E}$
 277215 N

GPS Data for Forest Service Nursery
Taken 2/13/02

Digital OrthoPhoto Quadrangle Image

The image you are viewing is 800 pixels wide by 600 pixels high. Each pixel represents 2 by 2 meters of earth. The image was photographed on 02 Jul 1998 by the National Aerial Photography Program and digitized by the USGS DOQ Program on 25 Jul 2000. The USGS DOQ below is projected in Universal Transverse Mercator (UTM) Zone 11 on the North American datum of 1983.





United States
Department of
Agriculture

Forest
Service

Lucky Peak Nursery

15169 E. Highway 21
Boise, ID 83716
(208) 343-1977
FAX: (208) 389-1416

File Code: 7410

December 17, 2001

Date:

RECEIVED

JAN 08 2002

WATER RESOURCES
WESTERN REGION

Mel Schulte, Senior Water Rights Agent
Adjudication Section
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Dear Mr. Schulte:

Accompanying this letter please find three signed and notarized water right claims for the use of water from the Snake River Basin at the Lucky Peak Nursery, a unit of the Boise National Forest. Regarding Claim Identification Number 63-31367, a well was drilled at the Nursery in 1962. The purpose of this well was to provide water for three on-site residences, the office/shop complex, and the seedling production and processing facilities.

If you have any questions regarding this matter, please contact Clark Fleege, Manager, Lucky Peak Nursery at 343-1977.

Sincerely,

DAVID D. RITTENHOUSE
Forest Supervisor

Notary Public for the
State of Idaho
Residing in Boise, Idaho
My Commission Expires: 07-06-06

SEAL
NOTARY PUBLIC
STATE OF IDAHO
COUNTY OF ADA
DON FULLER



ACKNOWLEDGEMENT

STATE OF IDAHO)
ss)
COUNTY OF ADA)

On this 7th day of January, 2002, before me, Don Fuller, notary public, personally appeared David D. Rittenhouse, Forest Supervisor, Boise National Forest, United States Department of Agriculture, Forest Service, the signer of the within instrument who acknowledged to me that he executed the foregoing instrument by duly delegated authority



63-31367

POD

Field Exam: 2/13/02

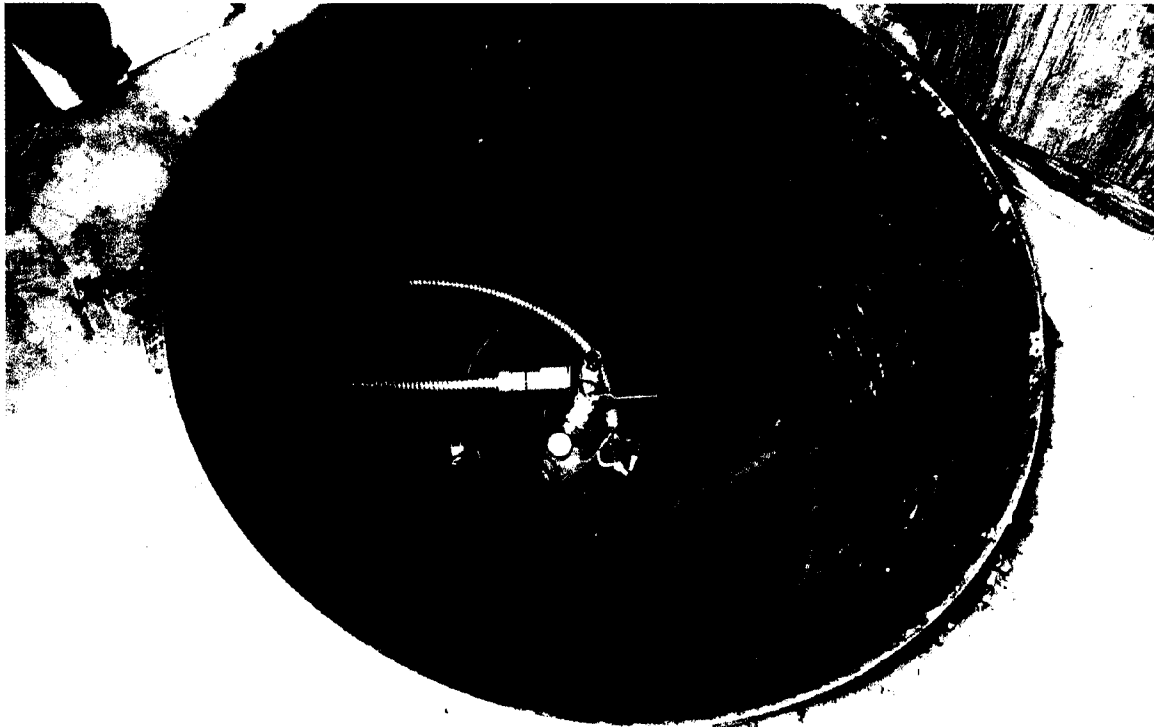


Inside pumphouse. Well used for domestic and commercial purposes (csaxton 2/13/02).

63-31367

POD

Field Exam: 2/13/02



Inside pumphouse. Well used for domestic and commercial purposes (csaxton 2/13/02).

63-31367

POD

Field Exam: 2/13/02



Looking South. Pump house that holds domestic and commercial well (csaxton 2/13/02).