

6N 5E

20D.

NW, SW, SE

Sec 23

AUG 20 1992

MICROFILMED

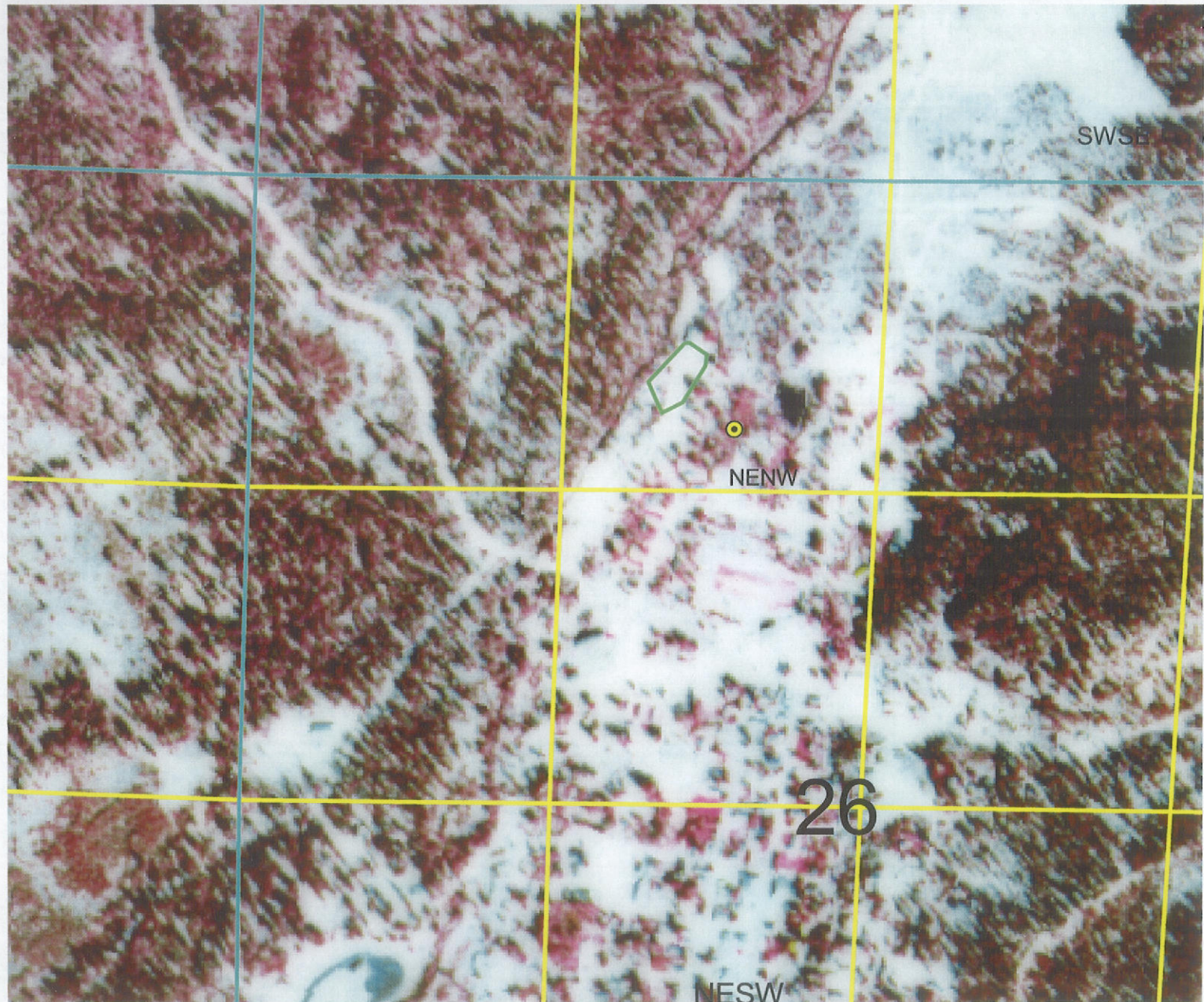
LAND



IDAHO DEPT OF WATER RESOURCES

Claim No(s) 63-31427
T06N, R05E, Sec 26
Prepared by: Maria Minicucci
February 12, 2002

-  Place of use
-  Point of diversion
-  Section Lines
-  Quarter quarter lines



400 0 400 800 Feet

1987 NAPP

23

26

35

SRBA Claim Number A63

Date of Photos 11/08/2001

Photographer T. D. W. C. C.

Legal Description T6NRSE 523 NENW

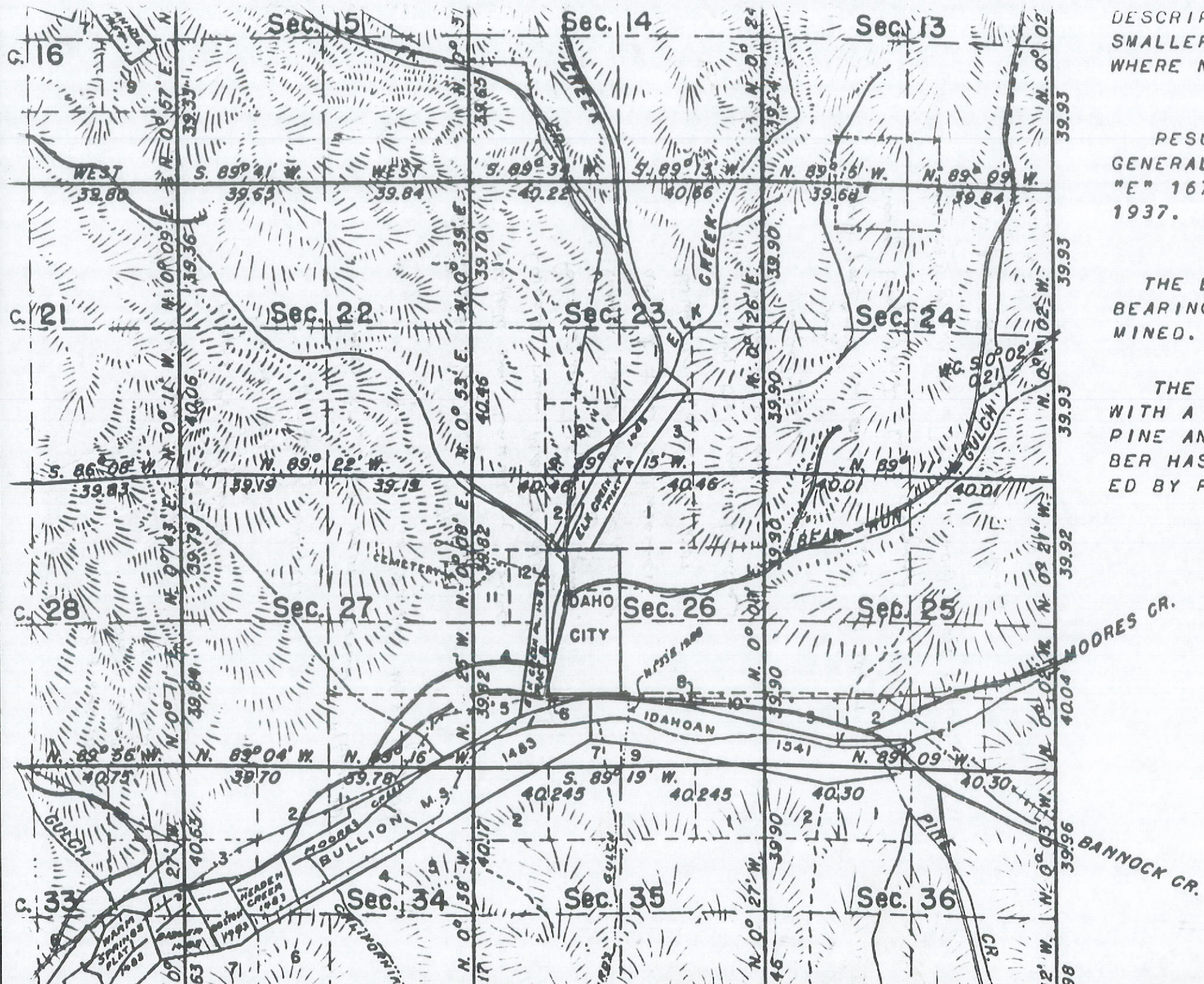
① Point of Diversion
GPS measurement
location "HAWKPD"



② Place of use.
Irrigation of
yards at
trailer park.



THE ENTIRE
WITH A SCATTE
PINE AND FIR.
BER HAS BEEN
ED BY FIRE.



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 63-31427
Date Received: 4/3/1989
Receipt No: C006148
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ELK CREEK CORP Phone: (208) 392-4911
PO BOX 401
IDAHO CITY ID USA 83631

2. Date of Priority: 01/01/1960

3. Source: ELK CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	05E	23	NW SW SE	BOISE	

5. Description of diverting works:

Pump, 5 HP, hose and sprinklers.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.04	

7. Total Quantity Appropriated is:
0.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	05E	23	SE	SW	IRRIGATION	2
					Section Acres	2
					Total Acres	2

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: 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

Renumbered See 63-31427

Ident. Number 63-4921

Date Received: 4/3/1989

Receipt No: C006148

Received By:

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

1. Name of Claimant(s): ELK CREEK CORP
PO BOX 401
IDAHO CITY ID USA 83631

Phone: (208) 392-4911

2. Date of Priority: 01/01/1960

3. Source: ELK CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	05E	23	NW SW SE	BOISE	

5. Description of diverting works:

PUMP, 5 HP, HOSE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.04	

7. Total Quantity Appropriated is:
0.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	05E	23	SE SW		IRRIGATION	2
Section Acres						2
Total Acres						2

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:

Address changed by DB 11/13/2001

15. Basis of Claim: Statutory Claim

Snake River Basin Adjudication
Change in Address of Notice of Claim

RECEIVED
NOV 07 2001
WATER RESOURCES
WESTERN REGION

Claim Number(s):

A63-040048 A63-04921

Previous Mailing Address:

737 N 7TH

Boise Idaho

83702

New Mailing Address:

Box 401

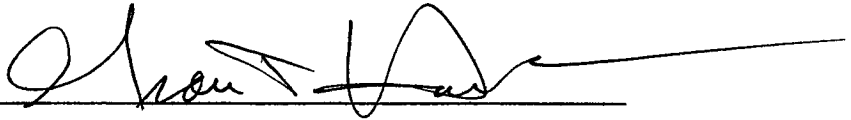
Idaho city Idaho

83631

Telephone Number:

(208) 392 4911

Signature of Claimant(s):



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

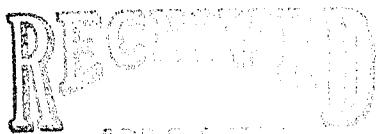
Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177

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: A63-04921
Date Received: 4/03/1989
Receipt No: C006148
Received By: SO



**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**
Department of Water Resources
Western Regional Office

1. Name: ELK CREEK CORP. 208-342-3563
Address: 737 NORTH 7TH STREET
BOISE, ID 83702

2. Date of Priority: JAN 01, 1960

3. Source: ELK CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	05E	23	NW	SW	SE		BOISE

5. Description of diverting works:
PUMP, 5 HP, HOSE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	05E	23	SE	SW		IRR	2.0

Section Acres 2.0

Total Acres 2.0

A63-04921

Page 1

Date: 04/20/89

MICROFILMED

AUG 20 1992

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: 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: A63-04921

Date Received:

Receipt No: COD 6/48

Received By: _____

APR 03 1989

Department of Water Resources

Western Regional Office

Department of Water Resources

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

1. Name: ELK CREEK CORP. 208-342-3563
Address: 737 NORTH 7TH STREET
BOISE, ID 83702

2. Date of Priority: JAN 01, 1960

3. Source: ELK CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	05E	23	NW	SW	SE		BOISE

5. Description of diverting works:
PUMP, 5 HP, HOSE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	05E	23	SE	SW		IRR	2.0

Section Acres 2.0

Total Acres 2.0

A63-04921

Page 1

Date: 03/17/89

MICROFILMED

AUG 20 1992

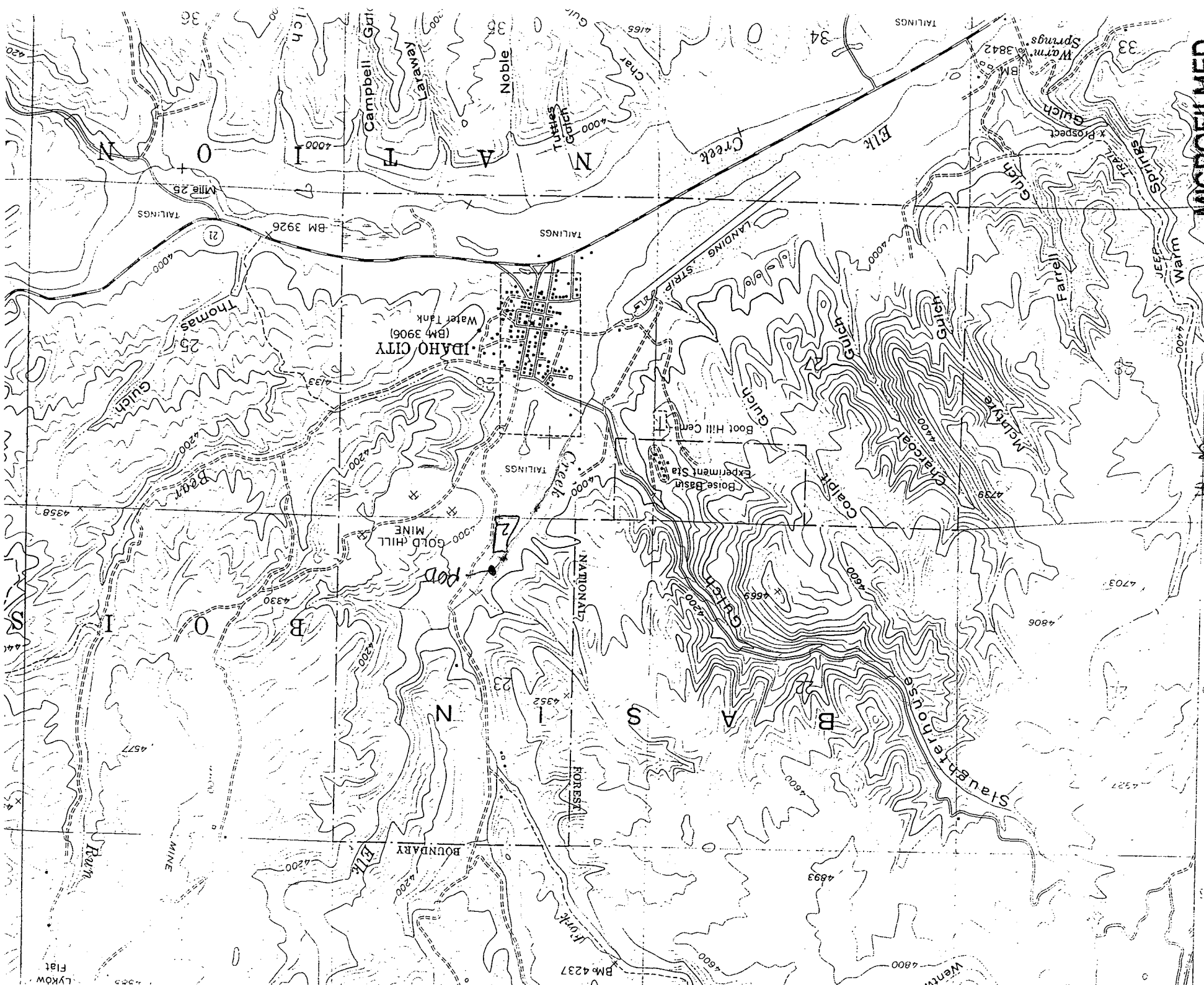
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of March 19 89.

Barbara Ann Menga
Notary Public

Seal

Residing at Caldwell, Idaho
My Commission Expires Lifetime



MICROFILMED

AUG 20 1992

201
NW, SW, SE
SEC 23

04 SE

CLAUDE V. MARCUS
CRAIG MARCUS
BARRY MARCUS
GALE M. MERRICK
GARY L. MONTGOMERY
ROBERT C. MONTGOMERY

LAW OFFICES
MARCUS, MERRICK & MONTGOMERY

MARCUS BUILDING
737 NORTH 7TH STREET
BOISE, IDAHO 83702-5595

TELEPHONE
(208) 342-3563
TELEFAX
(208) 342-2170

March 31, 1989

Adjudication Bureau
Idaho Department of Water Resources
Statehouse Office
Statehouse Mail
Boise, ID 83720

RECEIVED
APR 03 1989

Department of Water Resources

Gentlemen:

Please file the enclosed Notice of Claim to Water Right forms. Enclosed is a check for \$52.00 for each of the two notice of claims. Please contact me if there are any questions. Also, would you please send me a conformed copy of the notice of claims after they are filed. (*mailed Conformed Copies 4/13/89 RM*)

Sincerely,

MARCUS, MERRICK & MONTGOMERY

Robert C. Montgomery *bm*
Robert C. Montgomery

RCM:bm
Encs.

RECEIVED
APR 13 1989

Department of Water Resources
Western Regional Office

MICROFILMED

AUG 20 1992

1/23/1988

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Elk Creek Corp CLAIM IDENT. NO. A63-04921

DATE RECEIVED 4-3-89 CK # 1027 AMOUNT \$ 520.00 ⁰⁰⁰⁶¹⁴⁸

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates?	☒	☐	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required)	☒	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
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.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered?	☐	☒	
Is the consumptive use correct?	☐	☒	
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.	☒	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☐	☒	
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.)	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	☒	☐	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
18. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
19. Was this claim filed on time, or was an extension granted?	☒	☐	*
20. Is the fee enclosed correct?	☒	☐	*
21. If this claim is based on an existing water right, has the identification number been entered?	☒	☐	
22. Should this claim be receipted and data entered?	☒	☐	

Claim checked by: RatDate: 4-3-89

Claim must be returned to claimant:

(Yes) (No)

Claimant must be sent a copy of amended claim for approval:

(Yes) (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

Comments:

MICROFILMED

AUG 20 1992

08/09/2002

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

RIGHT NUMBER: 63-31427

NAME AND ADDRESS: ELK CREEK CORP
PO BOX 401
IDAHO CITY ID 83631

SOURCE: POND

TRIBUTARY: ELK CREEK

QUANTITY: 0.02 CFS

PRIORITY DATE: 04/01/1960

POINT OF DIVERSION:

T06N R05E S26 NENW Within BOISE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.020 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T06N R05E S26 NENW 0.5

0.5 ACRES TOTAL

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

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

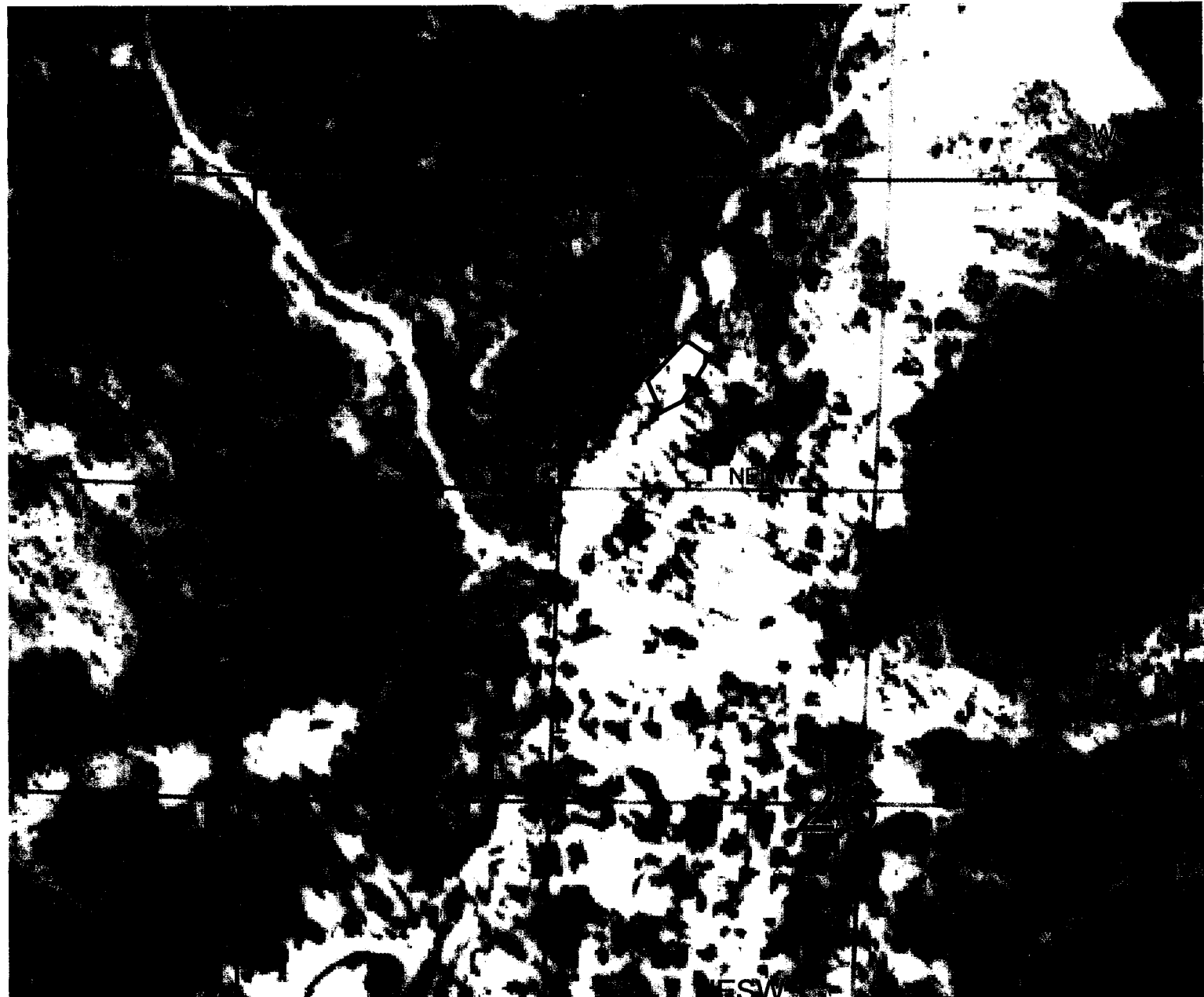
EXPLANATORY MATERIAL: Beneficial Use

IRRIGATION USE IN MOBILE HOME PARK.

IDAHO DEPT OF WATER RESOURCES

Claim No(s) 63-31427
T06N, R05E, Sec 26
Prepared by: Maria Minicucci
February 12, 2002

-  Place of use
-  Point of diversion
-  Section Lines
-  Quarter quarter lines



400 0 400 800 Feet



1987 NAPP

63-31427

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4921 V1

WATER RIGHT NUMBER: 63-4921 V1

Owner Type Name and Address
 Original Owner WINIFRED PROFFER
 PO BOX 134
 IDAHO CITY, ID 83631
 Current Owner ELK CREEK CORP
 PO BOX 401
 IDAHO CITY, ID 83631
 (208) 392-4911

OK

Priority Date: 42/04/1962

Basis: Beneficial Use

Status: Active

4-1-1960 per claim filed + evidence in file.
 BEGINNING OF IRRIG.
 SEASON.

Source

POND

Tributary

MORES CREEK

Beneficial Use

IRRIGATION

From To

04/15 to 10/15

Diversion Rate

0.020 CFS

Annual Volume

4-1 to 10-31

Total Diversion:

0.020 CFS

Location of Point(s) of Diversion

POND

BOISE County

NW1/4SW1/4SE1/4

NENW

Sec. 26, Twp 06N, Rge 05E, B.M.

26

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
06N	05E	26	.5				.5

Total Acres: 0.5

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.

Remarks:

EXP: IRRIGATION USE IN
 TRAILER
 MOBILE HOME PARK.

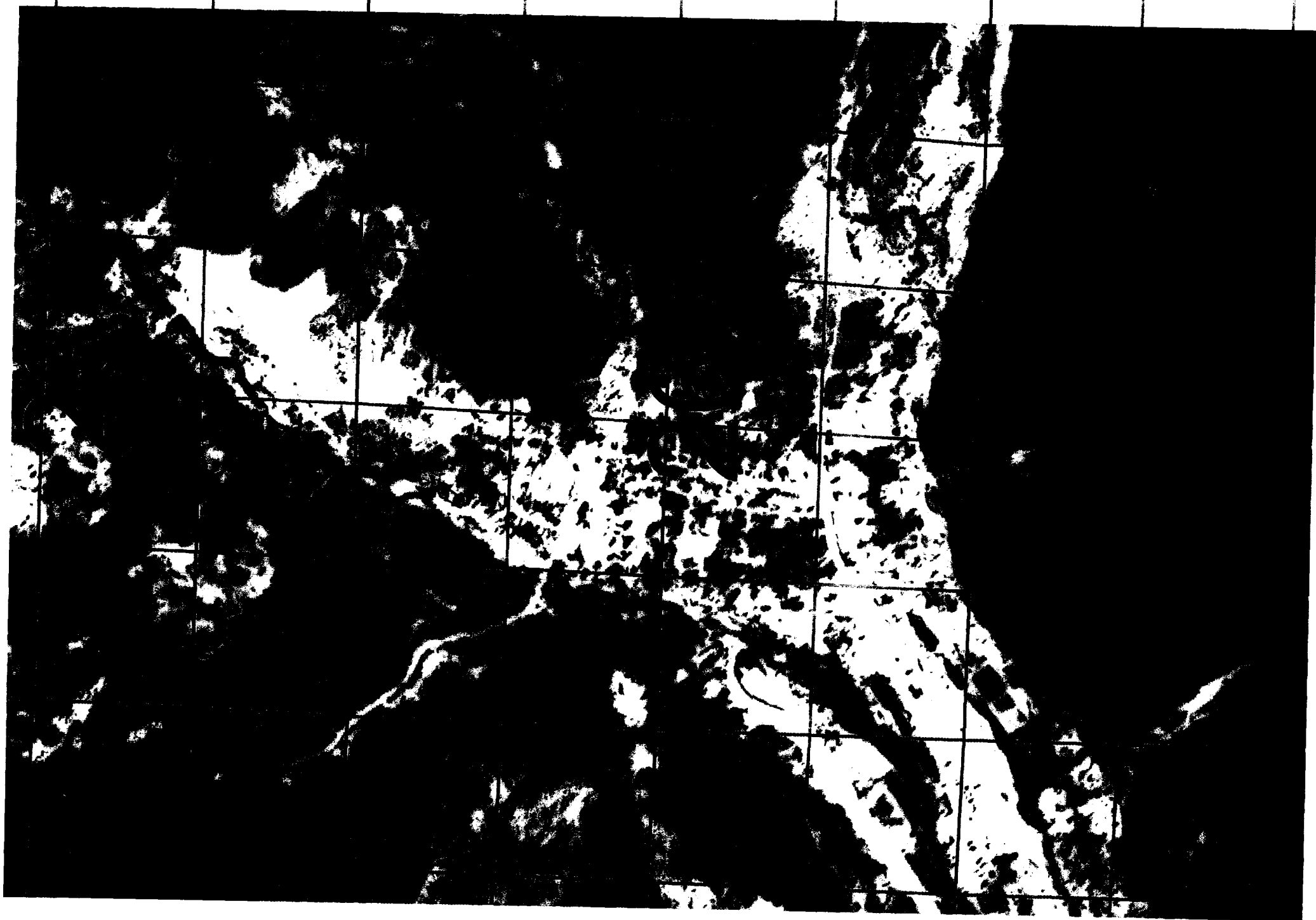
Comments:

1. Iharris 2/19/2002 Field Exam
 Comment: Field exam conducted 11/8/2001 by M. Minicucci.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4921 V1

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: S
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



SRBA Claim Number A63

Date of Photos 11/08/2001

Photographer T. N. V. C. C.

Legal Description T6N R5E S23 NENW

① Point of Diversion

GPS measurement

location "HAWKPD"

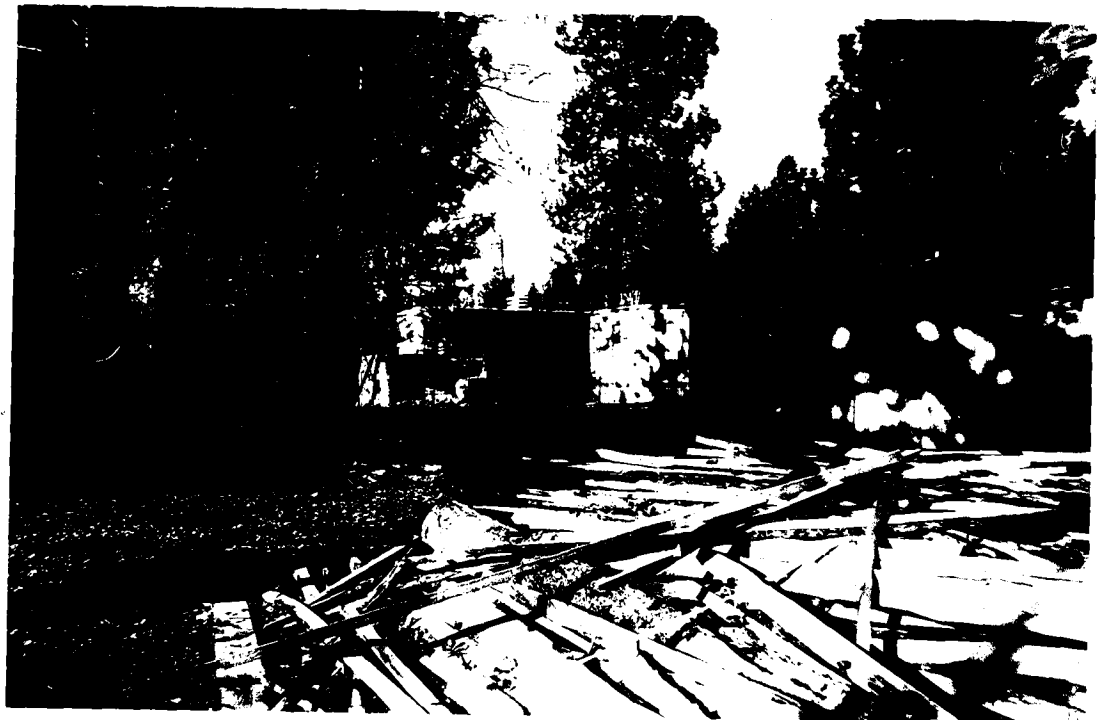


② Place of use.

Irrigation of

yards at

trailer park.



**IDWR FIELD EXAM
COMMUNICATION DOCUMENTATION**

Claim Number(s) A63-04004, A63-04921

Contact Person Mr. ? Hawk ~~342-3563~~ 342-3563 : ATTORNEYS

392-4960 9/17/2001 3:00 busy 4:00 busy

Date/Time of Exam

392-4911 (2000 phone book)

IDWR Employee/Agent M. Minicucci

Directions to Property

ID CITY
PO BOX 401
83631

11/05/2001:

Now a trailer park. (Previously a saw mill)

City drinking water.

Pumping out of ponds(s)

1 big pond - not used. prop. line through middle

1 Little one + creek diversion

Proffers owned this property but did not live there.

\$ Nov. 7, 2001

Late morning

Bought property
in 1988

Info to determine measurement method

No measurement req'd

Miscellaneous 9/19/2001: Barry Marcus (ATTORNEY) will return call.

9/19/2001: Mr. Marcus: Returned call. Mr. Hawk lives in Idaho City. Please forward Evidence of Property Letter info to Mr. Hawk.

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

AFFIDAVIT

A63-04004B)
A63-04921)
)
State of Idaho)
County of _____)

Grant Hawl being first duly sworn,

deposes and says: that the trailer park
located on this property was
developed in the early 1960's
as a logging camp.

Grant Hawl
(Signature)

Subscribed and sworn to before me this
day 7 of Nov, 1901.

SEAL

(Notary Public)

Residing at _____.

My Commission Expires _____.

11/8/2001

Hawk

A63-04004B

A63-04921

Water Right is neither of claimed statutory claims.

Located in S26 (not 23, as in 63-04921)

Orig. house + 63-04004 claimed correctly
by Wilson/Breiding.

Claimants indicated that property was first
developed by B/C as a lumber mill, including
housing for workers. ~~This is~~ Water diverted
at that time for log washing as well as use
in gardens @ employee housing. Trailer park
has been in continuous use.

Water right claim should have B/U #,
other claims s/B withdrawn.

A63-04004B

A63-04921

w/ MR. Hawk

11/07/2001: Small pond on east.

Pumped to gardens in
trailer park.

← $\frac{1}{2}$ acre of irrigation

Photo 8: GPS near location "Hawk PD"

9: POV of trailers west of pond.

Claimant's knowledge is that
property was leased by Boise
Cascade from Mrs. Proffer
for use as logging camp.
Trailer homes were moved in
at that time for workers'
residences (although not
actually the same trailers
as now located on
property).

Small pond ^{which} not on USGS quad. ON west
side of large pond shown on quad.

Located @ end of Northside Road, past Placer St, which
is past H.School (Centerville Road).



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

ELK CREEK CORP
737 NORTH 7TH STREET
BOISE, ID 83702

Re: Claim No(s). 63-4004B,

63-4921

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