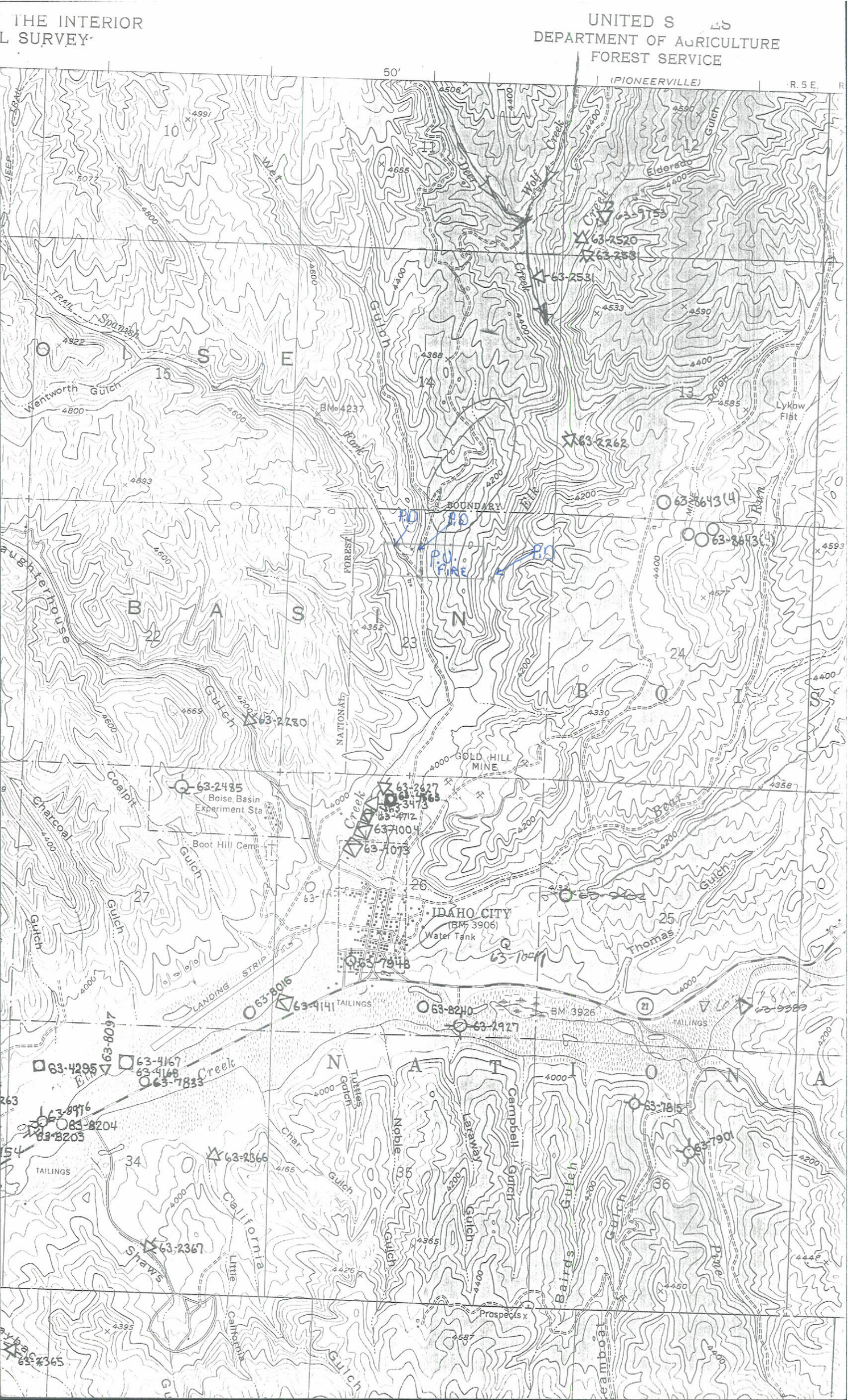

THE INTERIOR
L SURVEY
UNITED S
DEPARTMENT OF AGRICULTURE
FOREST SERVICE
50'
(PIONEERVILLE)
R. 5 E.
BOISE
BASIN
BOUNDARY
NATIONAL FOREST
P.O.
P.O. FIRE
IDAHO CITY
(BM 3906)
Water Tank
GOLD HILL MINE
Boise Basin Experiment Sta
Boot Hill Cem
LANDING STRIP
TAILINGS
BM 3926
Wentworth Gulch
Spanish Trail
Wet Gulch
Dry Gulch
Wolf Creek
Eldorado Gulch
Lykbw Flat
Charcoal Gulch
Coalpit Gulch
Thomas Gulch
Slaterhouse Gulch
Turkey Gulch
Noble Gulch
Lafayette Gulch
Campbell Gulch
Baird Gulch
Shaws Gulch
Little California Gulch
California Gulch
Prospects
63-2520
63-2531
63-2262
63-2280
63-2485
63-2627
63-3473
63-4712
63-1004
63-4073
63-8016
63-4141
63-8240
63-2927
63-4295
63-4167
63-4168
63-7833
63-8097
63-8976
63-8204
63-8203
63-2366
63-2367
63-7815
63-7901

State of Idaho

License and Certificate of Water Right

Permit
Water License No. 18302
Water District No.

Amount 8.0 c. f. s.
Priority May 25, 1936

THIS IS TO CERTIFY that LOUIE L. PACKER
of Idaho City, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 25, 1936 19 ; that Permit No. 18302 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 8.0 second feet, was issued thereunder on February 25, 1942 19 , showing that said works were completed on the 24th day of July, 19 41 ; and that on the 24th day of July, 19 41 ,

LOUIE L. PACKER

of Idaho City, State of Idaho, made proof to the satisfaction of the of Spanish Gulch of Idaho, of the right to use the waters of Elk Creek, and Right Fork and Left Fork tributary of Moore's Creek, for the purpose of Mining under Use Permit No. 18302 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 4089 , on the 25th day of February ,19 42;

The right hereby confirmed dates from May 25, 1936 ,19 ;

The Point of Diversion is located No. 1, SW¼NW¼ Sec. 13; No. 2, NW¼NE¼, Sec. 15; No. 3, in the ¼ ¼, Sec. SW¼SE¼, Sec. 15, Twp. 6 N., Rge. 3 E. B. M. B.M. Boise County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 8.0 cubic feet per second. (4 c.f.s. from Elk Creek; 2 c.f.s from Right fork Spanish Gulch; and 2 c.f.s. from Left fork Spanish Gulch)

Description and location of use: SW¼NE¼, E½SE¼ Sec.15; S½SW¼ Sec.14; N½NW¼ Sec.23; T. 6 n., R.3 E B M

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 25th day of February ,19 42

63 2520

E. V. BIRC.
Commissioner of Reclamation

(SEAL)

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF LICENSED WATER RIGHT

No. 183

THIS IS TO CERTIFY THAT LOUIE L. PACKER, of Idaho City, Idaho, is the owner of and using a certain water right for Four (4) cubic feet per second of the waters of Elk Creek, County of Boise, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 18302, and license issued thereunder by the Department of Reclamation of the State of Idaho, said License being dated February 25, 1942, and bearing date of priority of May 25, 1936, for the purpose of mining in the N½ NW¼ Section 23, Township 6 North, Range 5 East, B.M., Boise County, Idaho.

That said License is recorded in the Department of Reclamation of the State of Idaho, in Volume 7 of Licenses, at page 4099.

That now, upon the application of said applicant, LOUIE L. PACKER, for a Certificate of Change of Point of Diversion, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is hereby confirmed.

That said change in point of diversion shall not modify in effect said license, water right, or place of use. Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

Four (4) cubic feet per second
of the waters of Elk Creek,
with priority of May 25, 1936.

That said water right is to be used for mining purposes upon the N½ NW¼ Section 23, Township 6 North, Range 5 East, B.M.

That the water right above described is now described as being diverted from a point located in the SW¼ NW¼ Section 13, Township 6 North, Range 5 East, B.M.

That said water right will hereafter be described as being diverted from a point located in the SW¼ SW¼ Section 12, Township 6 North, Range 5 East, B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 27th day of August, 1945.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

520

Form 2)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE IDAHO

REPORT OF ENGINEER

Permit No. [illegible]

This proof is for [illegible] Beneficial Use In Water District No.

1. Name of applicant [illegible]

2. Source of water supply [illegible] Fork of Spanish Creek, 2 sec. ft.

3. Location of point of diversion is in the [illegible] of Section
T. 6 N. R. 5 E. County of [illegible]

4. Describe works as they exist, giving dimensions and capacities of same: The Elk Creek diversion includes an earth and rock dam 55Ft. long X 4Ft. high diverting through Headgate 4Ft. wide X 3Ft. deep X 4Ft. long, to a ditch 3Ft. wide X 1½Ft. deep.

The Spanish Fork diversion has a rock and earth check 10Ft. long X 2Ft. high; Headgate 12"X 12"X 6Ft long, and a ditch of 2Ft. width X 1 Ft. depth.

5. Water is used for mining and milling

6. State whether or not water has been turned into works of diversion Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

(Submit map on attached plat, showing location and details of above description.

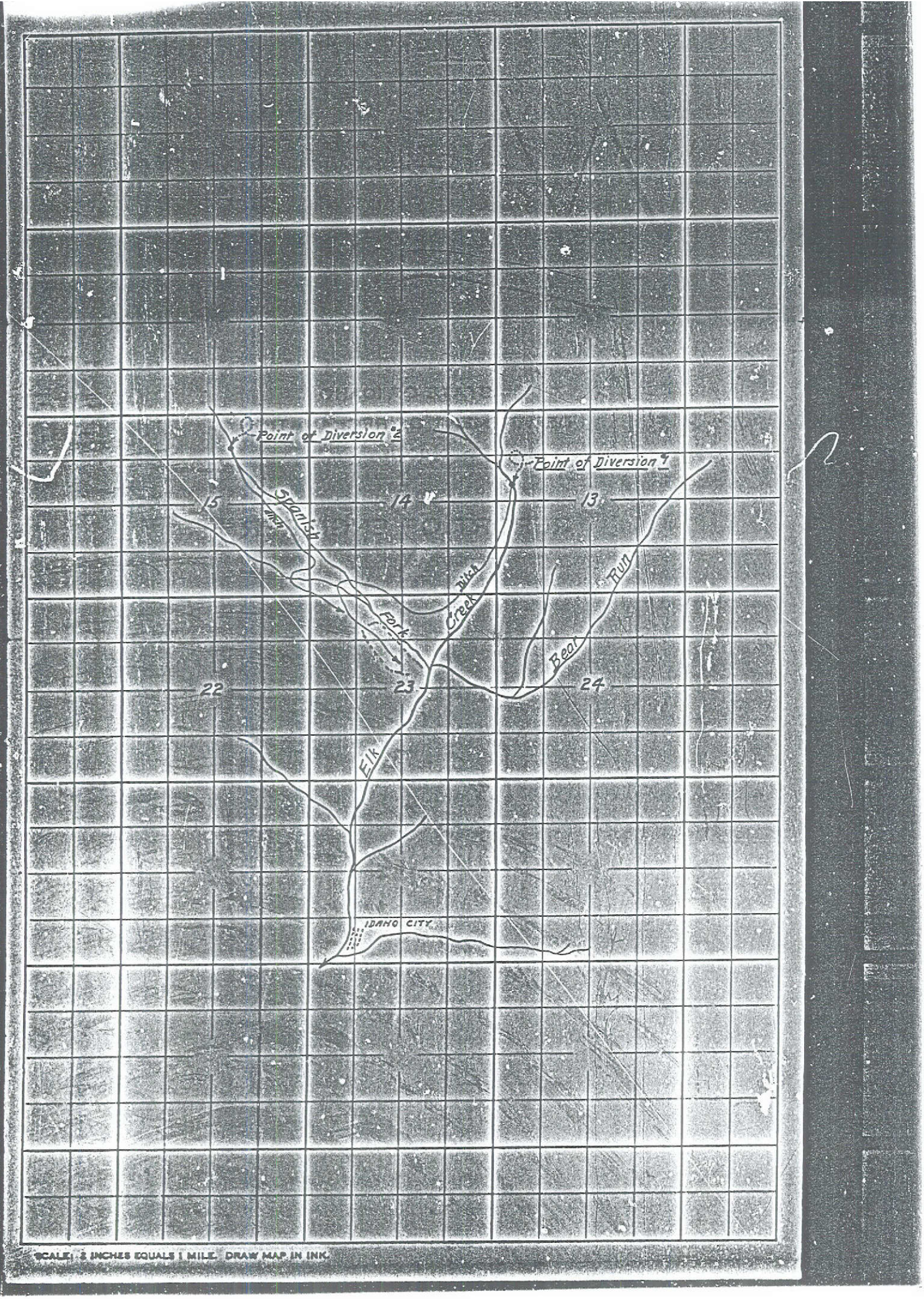
8. What large stream would the water here appropriated finally reach? Boise River

Remarks

The operation plant includes 1200 feet of steel slip joint pipe, and one hydraulic giant.

This examination was made on the 12th. day of October, 19 41

(Signed) Fred L. Nyman
Examiner.


Point of Diversion #2
Point of Diversion #1
15
14
13
Spanish
Creek
Middle
Fork
Bear
Run
22
23
24
Elk
IDAHO CITY
SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

[illegible] OF [illegible]

[illegible] OF [illegible]

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF WATER RIGHT

No. 183

THIS IS TO CERTIFY THAT LOUIE L. PACKER, of Idaho City, Idaho, is the owner of and using a certain water right for four (4) cubic feet per second of the waters of Elk Creek, County of Boise, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 18302, and License issued thereunder by the Department of Reclamation of the State of Idaho, said License being dated February 25, 1942, and bearing date of priority of May 25, 1936, for the purpose of mining in the NE¼ NW¼ Section 25, Township 6 North, Range 5 East, B.M., Boise County, Idaho.

That said license is recorded in the Department of Reclamation of the State of Idaho, in Volume 7 of Licenses, at page 4099.

That now, upon the application of said applicant, LOUIE L. PACKER, for a certificate of Change of Point of Diversion, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is hereby confirmed.

That said change in point of diversion shall not modify in effect said license, water right, or place of use. Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

Four (4) cubic feet per second
of the waters of Elk Creek,
with priority of May 25, 1936.

That said water right is to be used for mining purposes upon the N½ NW¼ Section 25, Township 6 North, Range 5 East, B.M.

That the water right above described is now described as being diverted from a point located in the SW¼ NW¼ Section 13, Township 6 North, Range 5 East, B.M.

That said water right will hereafter be described as being diverted from a point located in the SW¼ SW¼ Section 12, Township 6 North, Range 5 East, B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 27th day of August, 1945.

MARK R. KULP
State Reclamation Engineer

18302

State of Idaho
License and Certificate of Water Right

Water License No. 18478 — Amount 5 second feet

Water District No. — Priority July 2, 1937

THIS IS TO CERTIFY that LOUIE L. PACKER

of Route 9, Boise, Idaho made application for a permit to appropriate the public waters of the State of Idaho, dated July 2, 1937; that Permit No. 18478 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 5(five) second feet, was issued thereunder on June 25, 1942, showing that said works were completed on the 10th day of June 1942; and that on the 28th day of June 1948

LOUIE L. PACKER

of Boise State of Idaho made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Elk Creek & Wolf Creek, a tributary of More's Creek for the purpose of power (2 second feet from Elk Creek) & mining (2 second feet from Elk Creek and 1 second foot from Wolf Creek) under Use Permit No. 18478 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume C of Licenses at page 4575, on the 25th day of April 1950;

The right hereby confirmed dates from July 2, 1937;

The Point of Diversion is located in the SW¼ SE¼ Section 12, and the NE¼ NE¼ Section 14, ~~in the NW¼ NW¼ Section~~ Tp. 6 N., R. 5 E. B. M. Boise County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed five (5) cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
Place of use is in Sections 14, 15 and 23, Township 6 North, Range 5 East, B.M.					

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 25th day of April 1950.

MARK R. KULP
State Reclamation Engineer

(SEAL)

63 2591

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE IDAHO

REPORT OF ENGINEER

Permit No. 18478

This proof is for Beneficial use In Water District No.

1. Name of applicant: Louie C. Packer, Route 3, Boise, Idaho

2. Source of water supply: Elk Creek and Wolf Creek, tributaries of Moore's Creek

3. Location of point of diversion: In the SW¼SE¼ Section 12, and NE¼NE¼ of Section 14

T. 6 N. R. 5 E. County of Boise

4. Describe works as they exist, giving dimensions and capacities of same:

Control Headgate 8' wide x 8' long x 3' deep, Headgate of ditch 3' wide x 7' long x 2' high. Ditch 3' wide and 1½' deep. Flume crosses below junction of Wolf Creek and Dear Cr., 230' long, 2' wide, 2' deep, and has a Max. bent 30'. High Pipe line, 1000' of steel pipe from 24" to 9" at Pelton wheel, 200' of head. Pelton wheel 68" diameter, weight 2000 lbs., speed 280 R.P.M.

5. Water is used for: Saw mill and mining (Power for saw mill)

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Place of use is in Sections 14, 15 and 23, Twp. 6 North, Range 5 East, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Boise River

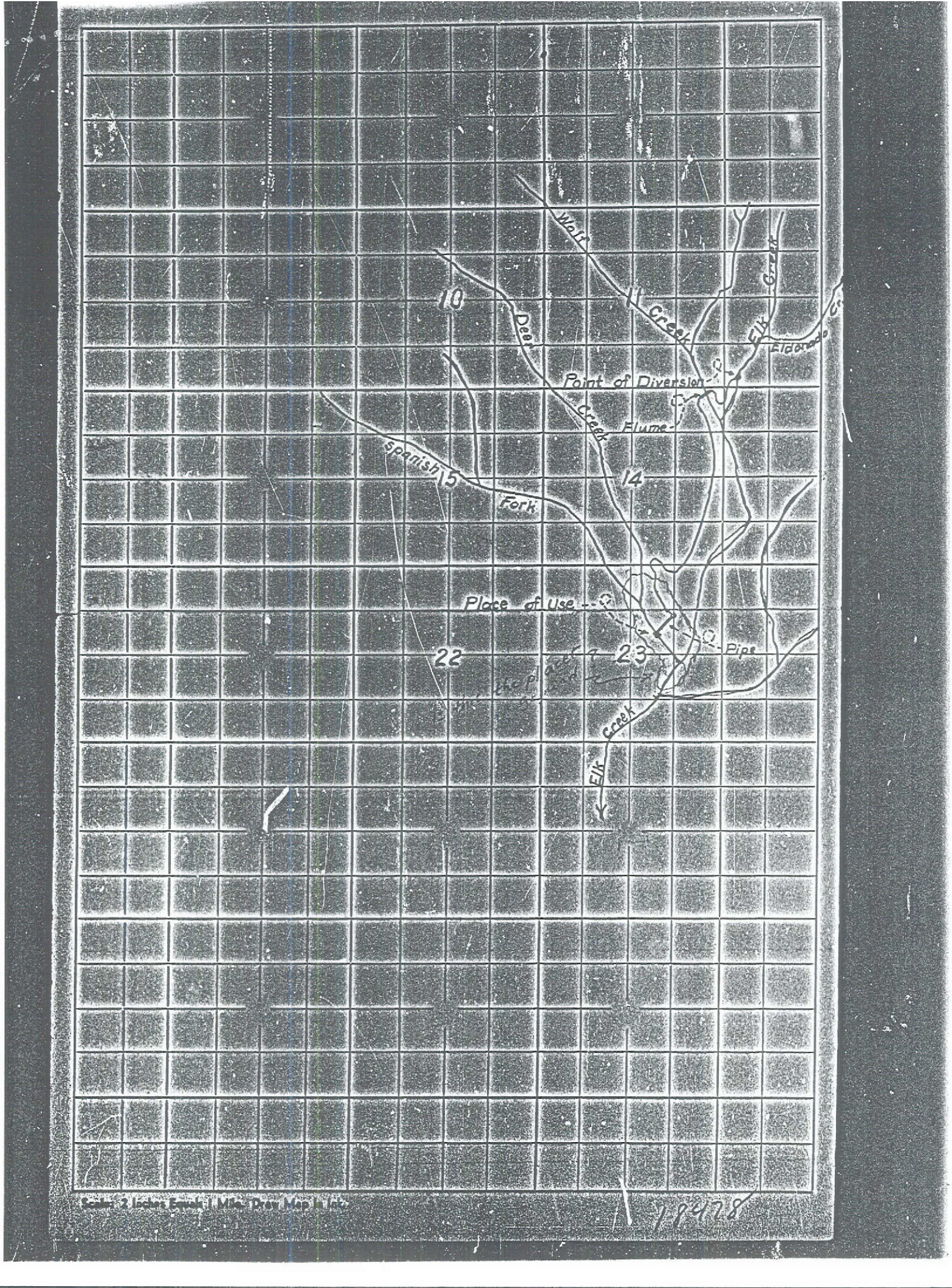
Remarks: Placer ground 500' wide and 4500' long, under #1 giant nozzle.

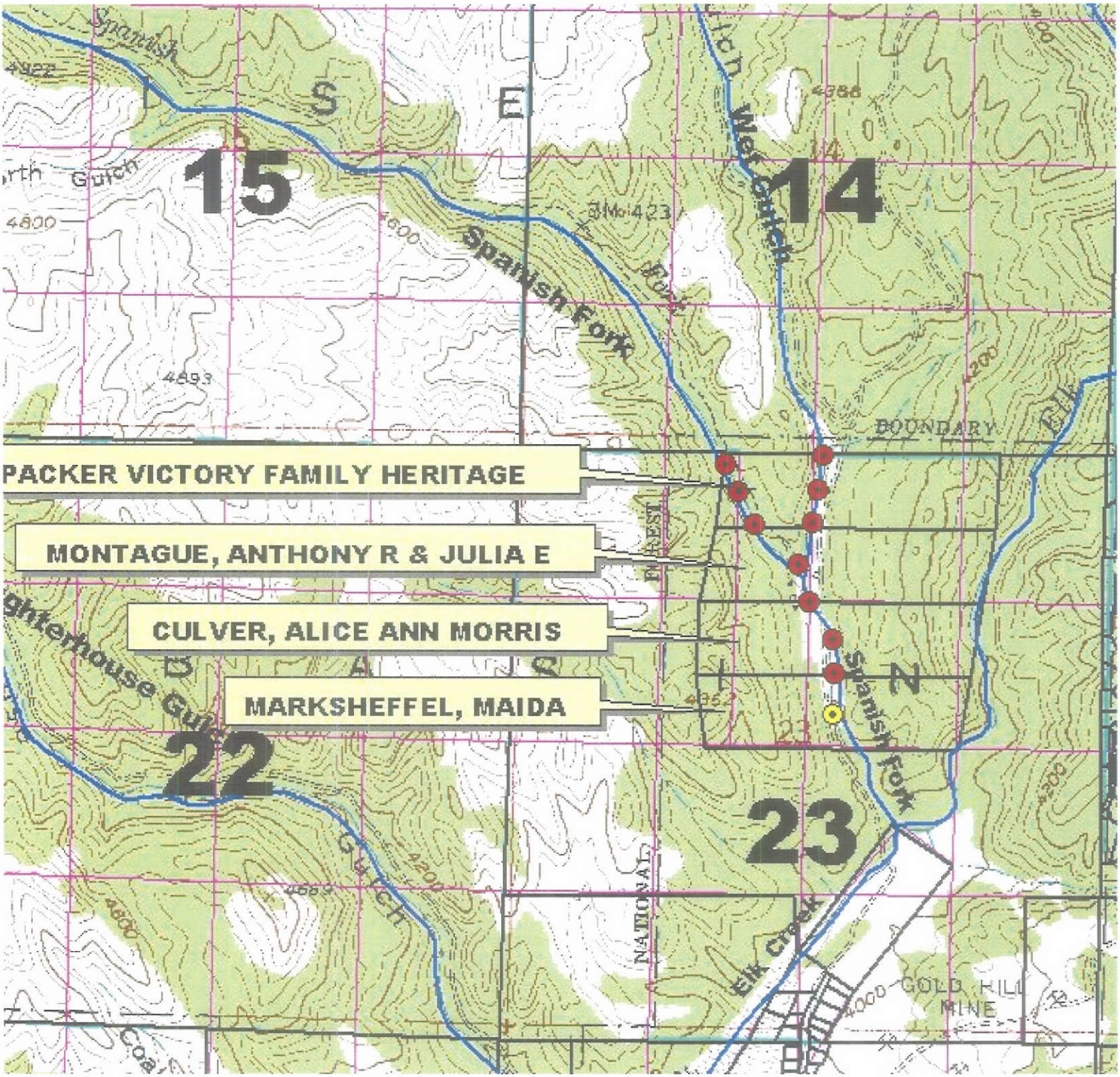
This examination was made on the 8th day of June 1942

(Signed) F. A. Tolman

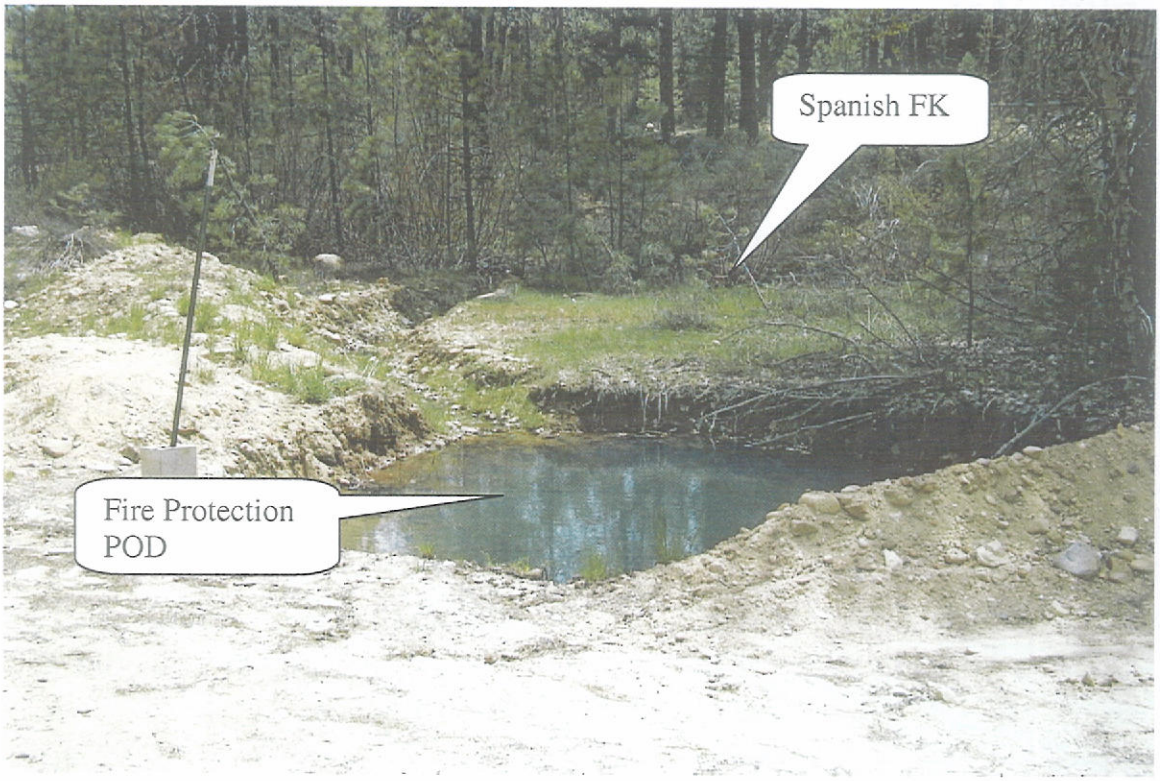
Examiner.

18478


Wolf
Creek
Deer
Creek
Elk
Creek
Eldorado
Point of Diversion
Flume
Spanish
Fork
10
15
14
22
23
Place of use
Pipe
Elk
Creek
19978


15
14
22
23
PACKER VICTORY FAMILY HERITAGE
MONTAGUE, ANTHONY R & JULIA E
CULVER, ALICE ANN MORRIS
MARKSHEFFEL, MAIDA
Spanish Fork
Spanish Fork
West Gulch
Elk Creek
BOUNDARY
NATIONAL
FOREST
GOLD HILL
MINE
4893
4600
4800
4922
4988
4200
4400
4600
4000
T
S
R
E
N

63-02520B POD FIELD EXAM 5/13/02





Looking South West. Pond used to set pump in for fire protection. (csaxton 5/20/02)

63-02520B POD FIELD EXAM 5/13/02



Looking NE – Claimants Cabin. POD behind me in Picture. (csaxton 5/20/02)

State of Idaho

License and Certificate of Water Right

Permit
Water License No. 18302 — Amount 8.0 c. f. s.
Water District No. — Priority May 25, 1936

THIS IS TO CERTIFY that LOUIE L. PACKER of Idaho City, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 25, 1936 19 , that Permit No. 18302 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 8.0 second feet, was issued thereunder on February 25, 1942 19 , showing that said works were completed on the 24th day of July 19 41 ; and that on the 24th day of July 19 41

LOUIE L. PACKER

of Idaho City, State of Idaho, made proof to the satisfaction of the of Idaho, of the right to use the waters of Elk Creek, and Right Fork and Left Fork of Spanish Gulch tributary of Moore's Creek, for the purpose of Mining under Use Permit No. 18302 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 4059 , on the 25th day of February , 19 42;

The right hereby confirmed dates from May 25, 1936 , 19 ;

The Point of Diversion is located No. 1, SW¼NE¼ Sec. 13; No. 2, NW¼NE¼, Sec. 15; No. 3, SW¼SE¼, Sec. 15, in the ¼ ¼ Sec. , Tp. 6 N., Rge. 5 E. B. M., B.M. Boise County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 8.0 cubic feet per second. (4 c.f.s. from Elk Creek; 2 c.f.s from Right fork Spanish Gulch; and 2 c.f.s. from Left fork Spanish Gulch

Description and location of use: SW¼NE¼, E½SE¼ Sec.15; S½SW¼ Sec.14; N½NW¼ Sec.23; T. 6 n., R.5 E B M

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 25th day of February , 19 42

63 2520

E. V. BEIG.
Commissioner of Reclamation

(SEAL)

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF LICENSED WATER RIGHT

No. 183

THIS IS TO CERTIFY THAT LOUIE L. PACKER, of Idaho City, Idaho, is the owner of and using a certain water right for Four (4) cubic feet per second of the waters of Elk Creek, County of Boise, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 18302, and license issued thereunder by the Department of Reclamation of the State of Idaho, said License being dated February 25, 1942, and bearing date of priority of May 25, 1936, for the purpose of mining in the N½ NW¼ Section 23, Township 6 North, Range 5 East, B.M., Boise County, Idaho.

That said License is recorded in the Department of Reclamation of the State of Idaho, in Volume 7 of Licenses, at page 4099.

That now, upon the application of said applicant, LOUIE L. PACKER, for a Certificate of Change of Point of Diversion, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is hereby confirmed.

That said change in point of diversion shall not modify in effect said license, water right, or place of use. Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

Four (4) cubic feet per second
of the waters of Elk Creek,
with priority of May 25, 1936.

That said water right is to be used for mining purposes upon the N½ NW¼ Section 23, Township 6 North, Range 5 East, B.M.

That the water right above described is now described as being diverted from a point located in the SW¼ NW¼ Section 13, Township 6 North, Range 5 East, B.M.

That said water right will hereafter be described as being diverted from a point located in the SW¼ SW¼ Section 12, Township 6 North, Range 5 East, B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 27th day of August, 1945.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

520

NOTICE OF PROPOSED CHANGE IN POINT OF DIVERSION

Notice is hereby given that Louie L. Packer, of Idaho City, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion of 4.00 cubic feet per second of the waters of Elk Creek, from the SW¼ NW¼ Section 13, Township 6 North, Range 5 East, B.M., to the SW¼ SW¼ Section 12, Township 6 North, Range 5 East, B.M.

And that on the 30th day of June, 1945, at Room 107 State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such change in point of diversion.

MARK R. KULP

State Reclamation Engineer

63 2520

Form 21

Affidavit for Change of Point of Diversion of Water Right

Permit No. 18302

STATE OF IDAHO,
County of Ada } ss.

Louie L. Packer, being first duly sworn, deposes and says: That his postoffice address is Idaho City, Idaho. That he is the owner of and using a certain water right, for 4.0 cubic feet per second of the water of Elk Creek, County of Boise, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 18302, issued by the Dept. of State Reclamation, dated February 25, 19 42, bearing date of priority of May 25, 1936 for the purpose of ~~irrigating the following described lands, situate, lying and being in Water District No.~~ mining, in the County of Boise, and State of Idaho, to-wit: in the NE¼NW¼ Section 23, Twp. 6 North, Range 5 East, B.M.

and is the person (~~or representative of the person or persons~~) to whom such right was so issued, (~~or has become the owner thereof in the following manner:~~)

That said waters are now diverted from said stream in the SW ¼ of NW ¼ of Sec. 13 Twp. 6 N., Range 5 E., and conducted to the ~~above described lands through the~~ ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said waters from the point above described to a point located in SW ¼ of SW ¼ of Sec. 12, Twp. 6 N., Range 5 E., and thereafter conduct same to the above described land through the ditch, as per map above referred to.

That his reasons for desiring to make such change are as follows: ~~to change point of diversion~~ To correct an error in the original map and filing

That no one will be injured by such change and that such change will be made at affiant's own risk.

Louie L Packer
Affiant.

Subscribed and sworn to before me this 5th day of May, 19 42

Nell E. Elison
Notary Public residing at Boise Idaho

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

LOUIE L. PACKER
Idaho City, Idaho

For a change of Point of Diversion on
Elk Creek, Boise County, Idaho

ORDER GRANTING CHANGE

NO. 183

WHEREAS, On the 30th day of June, 1945, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, the application of Louie L. Packer, of Idaho City, Idaho, for a change of point of diversion on Elk Creek, came on regularly for hearing, pursuant to published notice, in due and statutory form; and

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant with the application shows that it became necessary to change the point of diversion, and that no other water right or water user will be injured thereby; and

WHEREAS, The proposed change in point of diversion is applied for in order to correct an error in the original filing and map in connection therewith;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be and the same is hereby granted, and that Certificate of Change of Point of Diversion be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 27th day of August, A. D. 1945.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

63 2520

Form 11

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE IDAHO

REPORT OF ENGINEER

Permit No. [illegible]

This proof is for [illegible] Beneficial Use In Water District No.

1. Name of applicant [illegible]

2. Source of water supply [illegible] tributary to Left Fork of Spanish Gulch, 2 sec. ft.

3. Location of point of diversion is in the NW¼ SW¼ of 15 of Section
T. 6 N. R. 5 E. County of NW¼ NE¼ of 15; S. SW¼ SE¼, Sec 15 County of Boise.

4. Describe works as they exist, giving dimensions and capacities of same: The Elk Creek diversion includes an earth and rock dam 35Ft. long X 4Ft. high diverting through Headgate 4Ft. wide X 3Ft. deep X 4Ft. long, to a ditch 5Ft. wide X 1½Ft. deep. The Spanish Fork diversion has a rock and earth check 10Ft. long X 2Ft. high; Headgate 12"X 12"X 6Ft long, and a ditch of 2Ft. width X 1 Ft. depth.

5. Water is used for mining and milling

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

(Submit map on attached plat, showing location and details of above description.

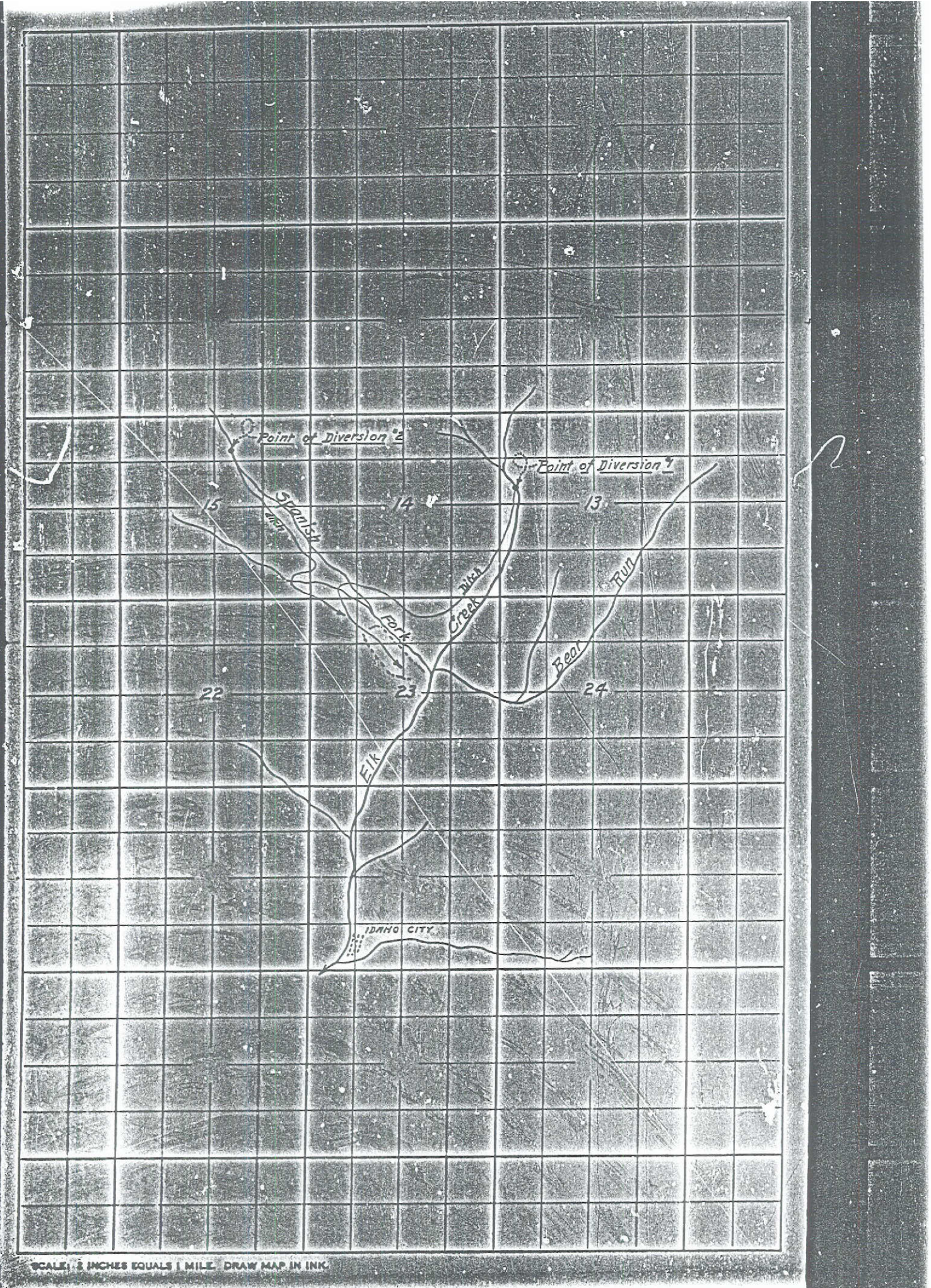
8. What large stream would the water here appropriated finally reach? Boise River

Remarks

The operation plant includes 1200 feet of steel slip joint pipe, and one hydraulic giant.

This examination was made on the 12th. day of October, 19 41

(Signed) Fred L. Norman Examiner.



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

[illegible] OF [illegible]

[illegible] OF [illegible]

[illegible] OF CHANGE OF POINT OF DIVERSION OF LICENSED WATER RIGHT

No. 1830

THIS IS TO CERTIFY THAT LOUIE L. PACKER, of Idaho City, Idaho, is the owner of and using a certain water right for Four (4) cubic feet per second of the waters of Elk Creek, County of Boise, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 18306, and License issued thereunder by the Department of Reclamation of the State of Idaho, said License being dated February 25, 1948, and bearing date of priority of May 25, 1936, for the purpose of mining in the NE¼ NW¼ Section 25, Township 6 North, Range 5 East, B.M., Boise County, Idaho.

That said License is recorded in the Department of Reclamation of the State of Idaho, in Volume 7 of Licenses, at page 4099.

That now, upon the application of said applicant, LOUIE L. PACKER, for a Certificate of Change of Point of Diversion, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is hereby confirmed.

That said change in point of diversion shall not modify in effect said License, water right, or place of use. Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

Four (4) cubic feet per second
of the waters of Elk Creek,
with priority of May 25, 1936.

That said water right is to be used for mining purposes upon the NE¼ NW¼ Section 25, Township 6 North, Range 5 East, B.M.

That the water right above described is now described as being diverted from a point located in the SW¼ NE¼ Section 13, Township 6 North, Range 5 East, B.M.

That said water right will hereafter be described as being diverted from a point located in the SE¼ SW¼ Section 12, Township 6 North, Range 5 East, B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 27th day of August, 1945.

MARK R. KULP
State Reclamation Engineer

18302

State of Idaho
License and Certificate of Water Right

Water License No. 18478 Amount 5 second feet

Water District No. Priority July 2, 1937

THIS IS TO CERTIFY that LOUIE L. PACKER

of Route 9, Boise, Idaho made application for a permit to appropriate the public waters of the State of Idaho, dated July 2, 1937; that Permit No. 18478 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 5(five) second feet, was issued thereunder on June 25, 1942, showing that said works were completed on the 10th day of June 1942; and that on the 28th day of June 1948

LOUIE L. PACKER

of Boise State of Idaho made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Elk Creek & Wolf Creek, a tributary of Moore's Creek for the purpose of power (2 second feet from Elk Creek) & mining (2 second feet from Elk Creek and 1 second foot from Wolf Creek) under Use Permit No. 18478, of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4575, on the 25th day of April 1950;

The right hereby confirmed dates from July 2, 1937;

The Point of Diversion is located in the SE¼ SE¼ Section 12, and the NE¼ NE¼ Section 14, ~~in the NW¼ NW¼ Section~~ Tp. 6 N. R. 5 E. B. M. Boise County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed five (5) cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
Place of use is in Sections 14, 15 and 23, Township 6 North, Range 5 East, B.M.					

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 25th day of April, 1950.

MARK R. KULP
State Reclamation Engineer

(SEAL)

63 2591

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18478

This proof is for Beneficial use In Water District No.

1. Name of applicant Louie C. Packer, Route 5, Boise, Idaho

2. Source of water supply Elk Creek and Wolf Creek, tributaries of Moore's Creek

3. Location of point of diversion: Is in the SE¼ SE¼ Section 12, and NE¼ NE¼ of Section 14

T. 6 N. R. 5 E. County of Boise

4. Describe works as they exist, giving dimensions and capacities of same:

Control Headgate 8' wide x 8' long x 3' deep, Headgate of ditch 3' wide x 7' long x 2' high. Ditch 3' wide and 1½' deep. Flume crosses below junction of Wolf Creek and Dear Cr., 230' long, 2' wide, 2' deep, and has a Max. bent 30'. High Pipe line, 1000' of steel pipe from 24" to 9" at Pelton wheel, 200' of head. Pelton wheel 68" diameter, weight 2000 lbs., speed 280 R.P.M.

5. Water is used for: Saw mill and mining (Power for saw mill)

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Place of use is in Sections 14, 15 and 23, Twp. 6 North, Range 5 East, B. M.

(Submit map on attached plat, showing location and details of above description.)

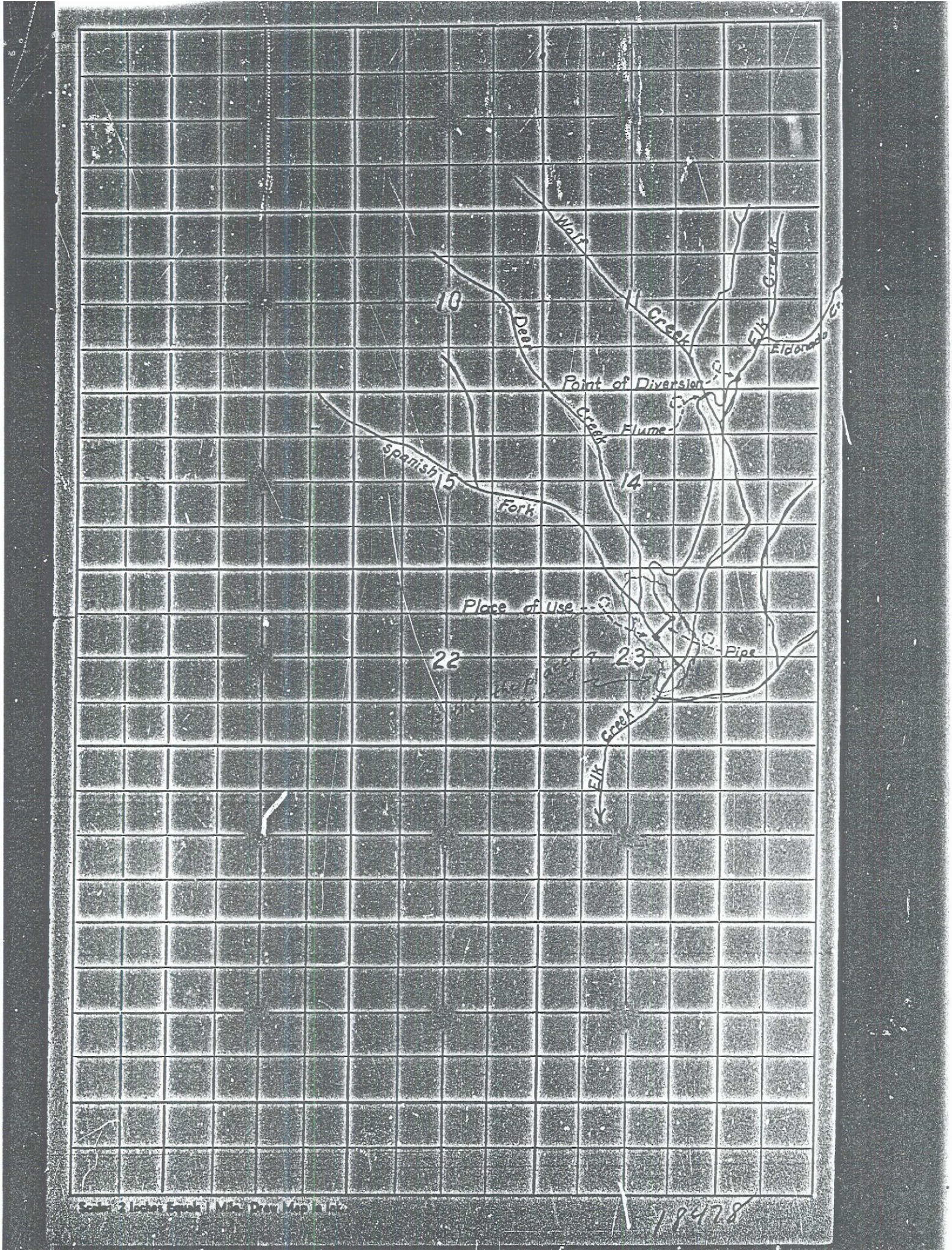
8. What large stream would the water here appropriated finally reach? Boise, River

Remarks: Placer ground 500' wide and 4500' long, under #1 giant nozzle.

This examination was made on the 6th day of June 19 42.

(Signed) F. A. Tolman Examiner.

18478


Wolf
Creek
Deer
Creek
Elk
Creek
Eldorado
Point of Diversion
Flume
Spanish
Fork
10
14
15
22
23
Place of use
Pipe
Elk
Creek
19478

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 63-31488
Date Received: 4/19/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ANTHONY R MONTAGUE Phone: (208) 362-1199

PO BOX 190330
BOISE ID USA 83719

JULIA E MONTAGUE Phone: (208) 362-1199

PO BOX 190330
BOISE ID USA 83719

2. Date of Priority: 05/25/1936

3. Source: SPANISH FORK , ELK CREEK , WOLF 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	15		SW	SE		BOISE	
06N	05E	23	SW	NE	NE		BOISE	
06N	05E	14		NE	NE		BOISE	
06N	05E	13		SW	NW		BOISE	
06N	05E	12		SW	SW		BOISE	
06N	05E	23	SE	NE	NW		BOISE	
06N	05E	15		NW	NE		BOISE	

5. Description of diverting works:

1 1/2 HP PUMP AND ALSO SLUICE-BOX. PUMP USED FOR FIRE PROTECTION ALSO.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MINING	01/01	12/31	0.06	
FIRE PROTECTION	01/01	12/31	13	

7. Total Quantity Appropriated is:
13 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	14	SW	SW		MINING	
			SE	SW		MINING	
06N	05E	15	SW	NE		MINING	
			NE	SE		MINING	
			SE	SE		MINING	
06N	05E	23	NE	NW		MINING	
			NW	NW		MINING	
			NW	NE		MINING	
			NE	NW		FIRE PROTECTION	
			NW	NE		FIRE PROTECTION	

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:

SOURCES ARE ELK CREEK & SPANISH GULCH, ALSO MOORES CREEK.

CHANGED OWNERSHIP PER CLAIMANT REQUEST 5/14/02. (CSAXTON)

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
Renumbered to 63-31488

Ident. Number 63-2520B
Date Received: 4/19/1989
Receipt No: C006424
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ANTHONY R MONTAGUE Phone: (208) 362-1199

PO BOX 190330
BOISE ID USA 83719

JULIA E MONTAGUE Phone: (208) 362-1199

PO BOX 190330
BOISE ID USA 83719

2. Date of Priority: 05/25/1936

3. Source: SPANISH FORK , WOLF CREEK , ELK CREEK , SPANISH FORK , SPANISH FORK , ELK CREEK , ELK CREEK Trib. to: MORES CREEK , ELK CREEK , MOORES CREEK , MORES CREEK , MORES CREEK , MOORES CREEK , MOORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4	1/4	1/4	Lot	County	Type
06N	05E	15		NW	NE	Sp Fork	BOISE	
06N	05E	14		NE	NE	Wolf Ck	BOISE	
06N	05E	12		SW	SW	Elk	BOISE	
06N	05E	23	SE	NE	NW	Sp	BOISE	
06N	05E	15		SW	SE	Sp	BOISE	
06N	05E	23	SW	NE	NE	Elk	BOISE	
06N	05E	13		SW	NW	Elk	BOISE	

5. Description of diverting works:

1 1/2HP PUMP AND ALSO SLUICE-BOX.PUMP USED FOR FIRE PROT.ALSO.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MINING	1/01	12/31	0.06	
FIRE PROTECTION	1/01	12/31	13	

7. Total Quantity Appropriated is:
13 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	14	SW	SW		MINING	
			SE	SW		MINING	
06N	05E	15	SW	NE		MINING	
			NE	SE		MINING	
			SE	SE		MINING	
06N	05E	23	NE	NW		FIRE PROTECTION	
			NW	NE		FIRE PROTECTION	
			NE	NW		MINING	
			NW	NW		MINING	
			NW	NE		MINING	

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:

CHANGED OWNERSHIP PER CLAIMANT REQUEST 5/14/02 (CSAXTON).

SOURCES ARE ELK CK. & SPANISH GULCH, ALSO MOORES CREEK.

15. Basis of Claim: License

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)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__ _____

Notary Public

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: **A63-02520B**
Date Received: 4/19/1989
Receipt No: C0006424
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARJORIE ELLEN REIMERS 208-344-0935
   Address: 3710 BONNIE LANE
   BOISE, ID 83703
   OR
   Name: MELVIN A. REIMERS 208-344-0935
   Address: 3710 BONNIE LANE
   BOISE, ID 83703

2. Date of Priority: MAY 25, 1936

3. Source: ELK CREEK Trib. to: MOORES CREEK
   SPANISH GULCH(SPANISH FORK) MOORES CREEK
   WOLF CREEK(WET GULCH)(WOOF ELK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	05E	12		SW	SW		BOISE
		13		SW	NW		BOISE
		15		NW	NE		BOISE
				SW	SE		BOISE
		23	SW	NE	NE		BOISE
			SE	NE	NW		BOISE

5. Description of diverting works:
   1 1/2HP PUMP AND ALSO SLUICE-BOX.PUMP USED FOR FIRE PROT.ALSO.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MINING	01/01	12/31	0.060		
FIRE PROTECTION	01/01	12/31	13.000		

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

MICROFILMED
AUG 18 1992

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MINING FOR DEEDED CLAIMS AND FIRE PROTECTION.

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	05E	14	SW	SW		MINING	
			SE	SW		MINING	
		15	SW	NE		MINING	
			NE	SE		MINING	
			SE	SE		MINING	
		23	NW	NE		FIRE	
			NW	NE		MINING	
			NE	NW		MINING	
			NE	NW		FIRE	
			NW	NW		MINING	

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:
N/A

14. Remarks:
SOURCES ARE ELK CK. & SPANISH GULCH, ALSO MOORE'S CREEK.

15. Basis of Claim: BENEFICIAL USE
Water Right Number: 18302

MICROFILMED
AUG 18 1992

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

Number of attachments: 1

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): Marjorie Ellen Remiers Date: 4/19/89

_____ Date: _____

State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 19th day of April 1989

Seal

Janet C. Luthy
Notary Public

Residing at Boise, ID

My Commission Expires 11/08/1994

MICROFILMED
AUG 1 8 1992

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: A63-02520B
Date Received: 4/19/1989
Receipt No: C006424
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: MARJORIE ELLEN REIMERS 208-344-0935
   Address: 3710 BONNIE LANE
   BOISE, ID 83703
   OR
   Name: MELVIN A. REIMERS 208-344-0935
   Address: 3710 BONNIE LANE
   BOISE, ID 83703

2. Date of Priority: MAY 25, 1936

3. Source: ELK CREEK Trib. to: MOORES CREEK
   SPANISH GULCH(SPANISH FORK) MOORES CREEK
   WOLF CREEK(WET GULCH)(WOOF ELK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4		Lot	County
06N	05E	12		SW SW		BOISE
		13		SW NW		BOISE
		14		NE NE		BOISE
		15		NW NE		BOISE
				SW SE		BOISE
		23	SW	NE NE		BOISE
			SE	NE NW		BOISE

5. Description of diverting works:
   1 1/2HP PUMP AND ALSO SLUICE-BOX.PUMP USED FOR FIRE PROT.ALSO.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MINING	01/01	12/31	0.060		
FIRE PROTECTION	01/01	12/31	13.000		

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

MICROFILMED
AUG 18 1992

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MINING FOR DEEDED CLAIMS AND FIRE PROTECTION.

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	05E	14	SW	SW		MINING	
			SE	SW		MINING	
		15	SW	NE		MINING	
			NE	SE		MINING	
			SE	SE		MINING	
		23	NW	NE		FIRE	
			NW	NE		MINING	
			NE	NW		MINING	
			NE	NW		FIRE	
			NW	NW		MINING	

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:
N/A

14. Remarks:
SOURCES ARE ELK CK. & SPANISH GULCH, ALSO MOORE'S CREEK.

15. Basis of Claim: LICENSE
Water Right Number: 18302

MICROFILMED
AUG 18 1992

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)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____ _____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
AUG 18 1992

THE INTERIOR
L SURVEY

UNITED S ES
DEPARTMENT OF AGRICULTURE
FOREST SERVICE

50'

(PIONEERVILLE)

R. 5 E.

IDAHO CITY
(BM 3906)
Water Tank

BOISE BASIN
EXPERIMENT STA.

BOISE BASIN
NATIONAL FOREST
BOUNDARY

Wentworth Gulch

Spanish Trail

Lykow Flat

Boot Hill Cem.

Coalpit Gulch

Charcoal Gulch

Grimes Creek

Nagle Creek

California Gulch

Thorns Gulch

Brown Gulch

Prospect Gulch

Spring Gulch

Gold Hill Mine

Tailings

Landing Strip

BM 4237

BM 3926

Prospect

Old Road

Trail

10 15 22 23 24 25 26 34 35 36

T. 6 N. R. 4 E.

MEMO TO: FILE A63-02520B

FROM: FORREST LUTHY

DATE: 04/19/1989

THIS CLAIM WAS FILED ON THE ABOVE DATE FOR 0.06 CFS FOR MINING AND 13.0 CFS FOR FIRE PROTECTION. CLAIMANTS FOR THE SPLITS A, B, AND C ON THIS RIGHT ARE THREE SISTERS WHO ARE BASING THE TOTAL FLOW CLAIMED ON THE SUM OF TWO LICENSES DEVELOPED FOR MINING AND POWER BY THEIR FATHER LOUIE L. PACKER. RIGHT 63-02520 WAS LICENSED FOR 8.0 CFS WITH A PRIORITY OF 05/25/1936 AND 63-02531 5.0 CFS AND A PRIORITY OF 07/02/1937.

ALTHOUGH FIRE PROTECTION IS ESSENTIALLY NON-CONSUMPTIVE IN NATURE AND THE AMOUNTS CLAIMED AGAINST THE ORIGINALLY LICENSED AMOUNTS FOR MINING ARE CONSIDERABLY BELOW THAT LICENSED FOR 63-2520 ALONE, IT WAS STRESSED TO THE THREE CLAIMANTS THAT UPON REVIEW, THE RECOMMENDATION FOR THE TOTAL CFS COULD VERY WELL BE SUCH THAT THE AMOUNTS FOR EACH CLAIM WOULD REFLECT 1/3 EACH OF THAT 8.0 CFS INITIALLY LICENSED FOR 63-02520.

FEL

MICROFILMED
AUG 18 1992

MEMO

6/27/91.
jdc.
A36-02520A,B,C

In conversation with Mr. Luthy claimants filed these claims the way they wanted them filed, not in accordance with any standard he was fimiliar with.

The part I will expand on slightly is (how I am involved) is, Sharla Curtis recieved a call from a man who may now own the property covered by parts A,B and C. The individual, who shall remain nameless for the time being (I am writing this note several months after the fact and neither of us can recall his name) spoke to Sharla about changing the name on the claims and wished to discuss the matter of the Forrest service not allowing him to replace a ditch across Forrest Service land to divert water for the right. The F.S. is claiming there is no right of way and the right has been abandoned due to non use for 5 cons. yrs.

To make a short story long he never showed and when Sharla called him back, he indicated he will leave things as they are for now. Sharla believes she sent him a change of ownership form.

The claims will need considerable review including field investigation to confirm use of water or lack thereof after determining who owns the property.

MICROFILMED
AUG 18 1992

State of Idaho

License and Certificate of Water Right

Permit
Water License No. 18302
Water District No.

Amount 8.0 c. f. s.
Priority May 25, 1936

THIS IS TO CERTIFY that LOUIE L. PACKER of Idaho City, Idaho made application for a permit to appropriate the public waters of the State of Idaho, dated May 25, 1936 19 ; that Permit No. 18302 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 8.0 second feet, was issued thereunder on February 25, 1942 19 , showing that said works were completed on the 24th day of July, , 19 41 ; and that on the 24th day of July, , 19 41 .

LOUIE L. PACKER

of Idaho City, State of Idaho, made proof to the satisfaction of the of Spanish Gulch of Idaho, of the right to use the waters of Elk Creek, and Right Fork and Left Fork tributary of Moore's Creek, for the purpose of Mining under Use Permit No. 18302 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 4059, on the 25th day of February , 19 42;

The right hereby confirmed dates from May 25 1936 , 19 ;

The Point of Diversion is located No. 1, SW¼NE¼, Sec. 15; No. 2, NW¼NE¼, Sec. 15; No. 3, in the ¼ ¼ Sec. 34 Twp. Sec. 15, Rge. 6 E., B. M. Boise County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 8.0 cubic feet per second. (4 c.f.s. from Elk Creek; 2 c.f.s from Right fork Spanish Gulch; and 2 c.f.s. from Left fork Spanish Gulch)

Description and location of use: SW¼NE¼, E½SE¼ Sec.15; S½SW¼ Sec.14; N½NW¼ Sec.23; T. 6 n., R. 5 E B M

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 25th day of February , 19 42

(SEAL)

E. V. ELLIS.
Commissioner of Reclamation

63 2520

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF LICENSED WATER RIGHT

No. 183

THIS IS TO CERTIFY THAT LOUIE L. PACKER, of Idaho City, Idaho, is the owner of and using a certain water right for Four (4) cubic feet per second of the waters of Elk Creek, County of Boise, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 18302, and license issued thereunder by the Department of Reclamation of the State of Idaho, said License being dated February 25, 1942, and bearing date of priority of May 25, 1936, for the purpose of mining in the N½ NW¼ Section 23, Township 6 North, Range 5 East, B.M., Boise County, Idaho.

That said License is recorded in the Department of Reclamation of the State of Idaho, in Volume 7 of Licenses, at page 4099.

That now, upon the application of said applicant, LOUIE L. PACKER, for a Certificate of Change of Point of Diversion, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is hereby confirmed.

That said change in point of diversion shall not modify in effect said license, water right, or place of use. Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

Four (4) cubic feet per second of the waters of Elk Creek, with priority of May 25, 1936.

That said water right is to be used for mining purposes upon the N½ NW¼ Section 23, Township 6 North, Range 5 East, B.M.

That the water right above described is now described as being diverted from a point located in the SW¼ NW¼ Section 13, Township 6 North, Range 5 East, B.M.

That said water right will hereafter be described as being diverted from a point located in the SW¼ SW¼ Section 12, Township 6 North, Range 5 East, B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 27th day of August, 1945.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

520

NOTICE OF PROPOSED CHANGE IN POINT OF DIVERSION

Notice is hereby given that Louie L. Packer, of Idaho City, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion of 4.00 cubic feet per second of the waters of Elk Creek, from the SW¼ NW¼ Section 13, Township 6 North, Range 5 East, B.M., to the SW¼ SW¼ Section 12, Township 6 North, Range 5 East, B.M.

And that on the 30th day of June, 1945, at Room 107 State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such change in point of diversion.

MARK R. KULP,
State Reclamation Engineer

63-2520

Form 13

Affidavit for Change of Point of Diversion of Water Right

Permit No. 18302

STATE OF IDAHO, }
County of Ada } ss.

Louie L. Packer, being first duly sworn, deposes and says: That his postoffice address is Idaho City, Idaho. That he is the owner of and using a certain water right, for 4.0 cubic feet per second of the water of Elk Creek in County of Boise, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 18302, issued by the Dept. of State Reclamation, dated February 25, 1942, bearing date of priority of May 25, 1936 for the purpose of ~~irrigating the following described lands, situate, lying and being in Water District No. mining~~ in the County of Boise, and State of Idaho, to-wit: in the NW¼NW¼ Section 23, Twp. 6 North, Range 5 East, B.M.

and is the person (~~or representative of the person or persons~~) to whom such right was so issued, (~~or has become the owner thereof in the following manner:~~)

That said waters are now diverted from said stream in the SW ¼ of NW ¼ of Sec. 13 Twp. 6 N., Range 5 E., and conducted to the ~~above described lands through the~~ ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said waters from the point above described to a point located in SW ¼ of SW ¼ of Sec. 12, Twp. 6 N., Range 5 E., and thereafter conduct same to the above described land through the ditch, as per map above referred to;

That his reasons for desiring to make such change are as follows: ~~desiring a higher point of diversion~~ To correct an error in the original map and filing

That no one will be injured by such change and that such change will be made at affiant's own risk.

Louie L Packer
Affiant.

Subscribed and sworn to before me this 5th day of May, 1945.

Nell Elson
Notary Public residing at Boise Idaho

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

LOUIE L. PACKER
Idaho City, Idaho

For a change of Point of Diversion on
Elk Creek, Boise County, Idaho

ORDER GRANTING CHANGE
NO. 183

WHEREAS, On the 30th day of June, 1945, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, the application of Louie L. Packer, of Idaho City, Idaho, for a change of point of diversion on Elk Creek, came on regularly for hearing, pursuant to published notice, in due and statutory form; and

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant with the application shows that it became necessary to change the point of diversion, and that no other water right or water user will be injured thereby; and

WHEREAS, The proposed change in point of diversion is applied for in order to correct an error in the original filing and map in connection therewith;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be and the same is hereby granted, and that Certificate of Change of Point of Diversion be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 27th day of August, A. D. 1945.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

63 2520

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18[illegible]

This proof is for [illegible] beneficial use. In Water District No. [illegible]

1. Name of applicant Joule [illegible] Porter

2. Source of water supply Elk Creek [illegible] tributary of Spanish Fork, 2 sec. ft.; Left Fork of Spanish Fork, 2 sec. ft.

3. Location of point of diversion is in the [illegible] SW¼ of 15; NW¼ NE¼ of 15; S. SW¼ SE¼, Sec 15 of Section [illegible]

T. 6 N. R. 5 E. County of [illegible] County of Boise

4. Describe works as they exist, giving dimensions and capacities of same: The Elk Creek diversion includes an earth and rock dam 35Ft. long X 4Ft. high diverting through Headgate 4Ft. wide X 3Ft. deep X 4Ft. long, to a ditch 3Ft. wide X 1½Ft. deep. The Spanish Fork diversion has a rock and earth check 10Ft. long X 2Ft. high; Headgate 12"X 12"X 6Ft long, and a ditch of 2Ft. width X 1 Ft. depth.

5. Water is used for: mining and milling

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

(Submit map on attached plat, showing location and details of above description.)

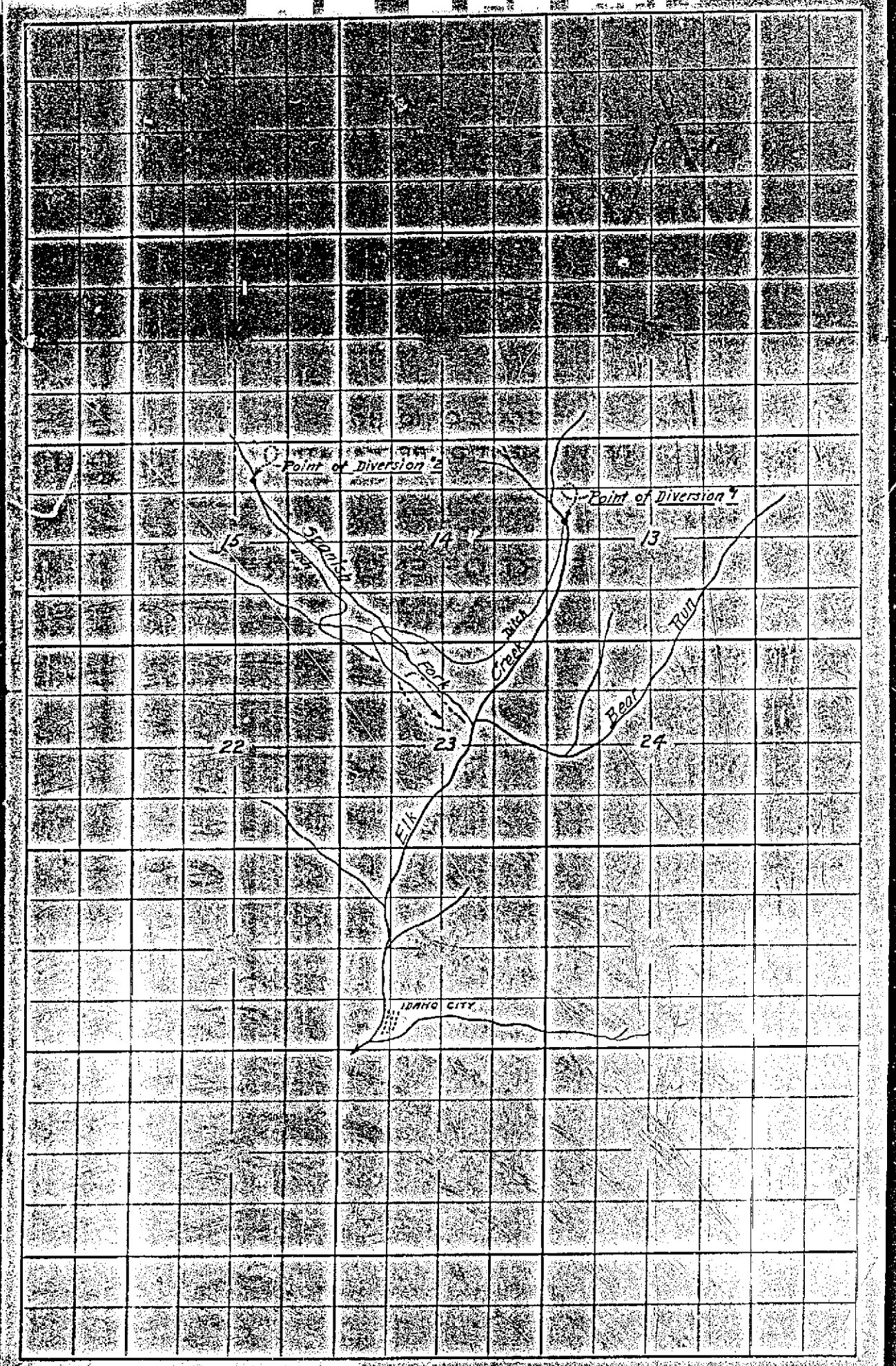
8. What large stream would the water here appropriated finally reach? Boise River

Remarks:

The operation plant includes 1200 feet of steel slip joint pipe, and one hydraulic giant.

This examination was made on the 12th day of October, 19 41

(Signed) Ed T. Inman
Examiner.



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF UNDERGROUND WATER RIGHT

No. 183

THIS IS TO CERTIFY THAT LOUIE L. PACKER, of Idaho City, Idaho, is the owner of and using a certain water right for Four (4) cubic feet per second of the waters of Elk Creek, County of Boise, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 18308, and License issued thereunder by the Department of Reclamation of the State of Idaho, said License being dated February 25, 1943, and bearing date of priority of May 20, 1936, for the purpose of mining in the NE¼ NW¼ Section 23, Township 6 North, Range 5 East, B.M., Boise County, Idaho.

That said license is recorded in the Department of Reclamation of the State of Idaho, in Volume 7 of Licenses, at page 4099.

That now, upon the application of said applicant, LOUIE L. PACKER, for a Certificate of Change of Point of Diversion, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is hereby confirmed.

That said change in point of diversion shall not modify in effect said license, water right, or place of use. Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

Four (4) cubic feet per second
of the waters of Elk Creek,
with priority of May 20, 1936.

That said water right is to be used for mining purposes upon the N½ NW¼ Section 23, Township 6 North, Range 5 East, B.M.

That the water right above described is now described as being diverted from a point located in the SW¼ NE¼ Section 15, Township 6 North, Range 5 East, B.M.

That said water right will hereafter be described as being diverted from a point located in the SW¼ SW¼ Section 12, Township 6 North, Range 5 East, B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 27th day of August, 1943.

MARK H. KULP
State Reclamation Engineer

15302

State of Idaho

License and Certificate of Water Right

Water License No. 18478 — Amount 5 second feet

Water District No. — Priority July 2, 1937

THIS IS TO CERTIFY, that LOUIE L. PACKER

of Route 3, Boise, Idaho made application for a permit to appropriate the public waters of the State of Idaho, dated July 2, 1937; that Permit No. 18478 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 5(five) second feet, was issued thereunder on June 25, 1942; showing that said works were completed on the 10th day of June, 1942; and that on the 28th day of June, 1948,

LOUIE L. PACKER

of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Elk Creek & Wolf Creek, a tributary of Moore's Creek, for the purpose of power (2 second feet from Elk Creek) & mining (2 second feet from Elk Creek and 1 second foot from Wolf Creek) under Use Permit No. 18478 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4575, on the 25th day of April, 1950;

The right hereby confirmed dates from July 2, 1937;

The Point of Diversion is located in the SW¼ SW¼ Section 12, and the NW¼ NE¼ Section 14, in the ~~xxx~~ ~~xxxxxxxxx~~ Tp. 6 N., R. 5 E., B. M., Boise County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed five (5) cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
Place of use is in Sections 14, 15 and 23, Township 6 North, Range 5 East, B.M.					

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 25th day of April, 1950.

MARK R. KULP
State Reclamation Engineer

(SEAL)

63 [illegible]1

Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18478

This proof is for Beneficial use In Water District No.

1. Name of applicant: Louie L. Packer, Route 3, Boise, Idaho.

2. Source of water supply: Elk Creek and Wolf Creek, tributaries of Moore's Creek

3. Location of point of diversion: Is in the SW¼ Section 12, and NE¼ NE¼ of Section 14 T. 6 N. R. 5 E. County of Boise

4. Describe works as they exist, giving dimensions and capacities of same: Control Headgate 8' wide x 8' long x 3' deep. Headgate of ditch 3' wide x 7' long x 2' high. Ditch 3' wide and 1½' deep. Flume crosses below junction of Wolf Creek and Dear Cr., 230' long, 2' wide, 2' deep, and has a Max. bent 30'. High Pipe line, 1000' of steel pipe from 24" to 9" at Pelton wheel. 200' of head. Pelton wheel 68" diameter, weight 2000 lbs., speed 280 R.P.M.

5. Water is used for: Saw mill and mining (Power for saw mill)

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Place of use is in Sections 14, 15 and 23, Twp. 6 North, Range 5 East, B. M.

(Submit map on attached plat, showing location and details of above description.)

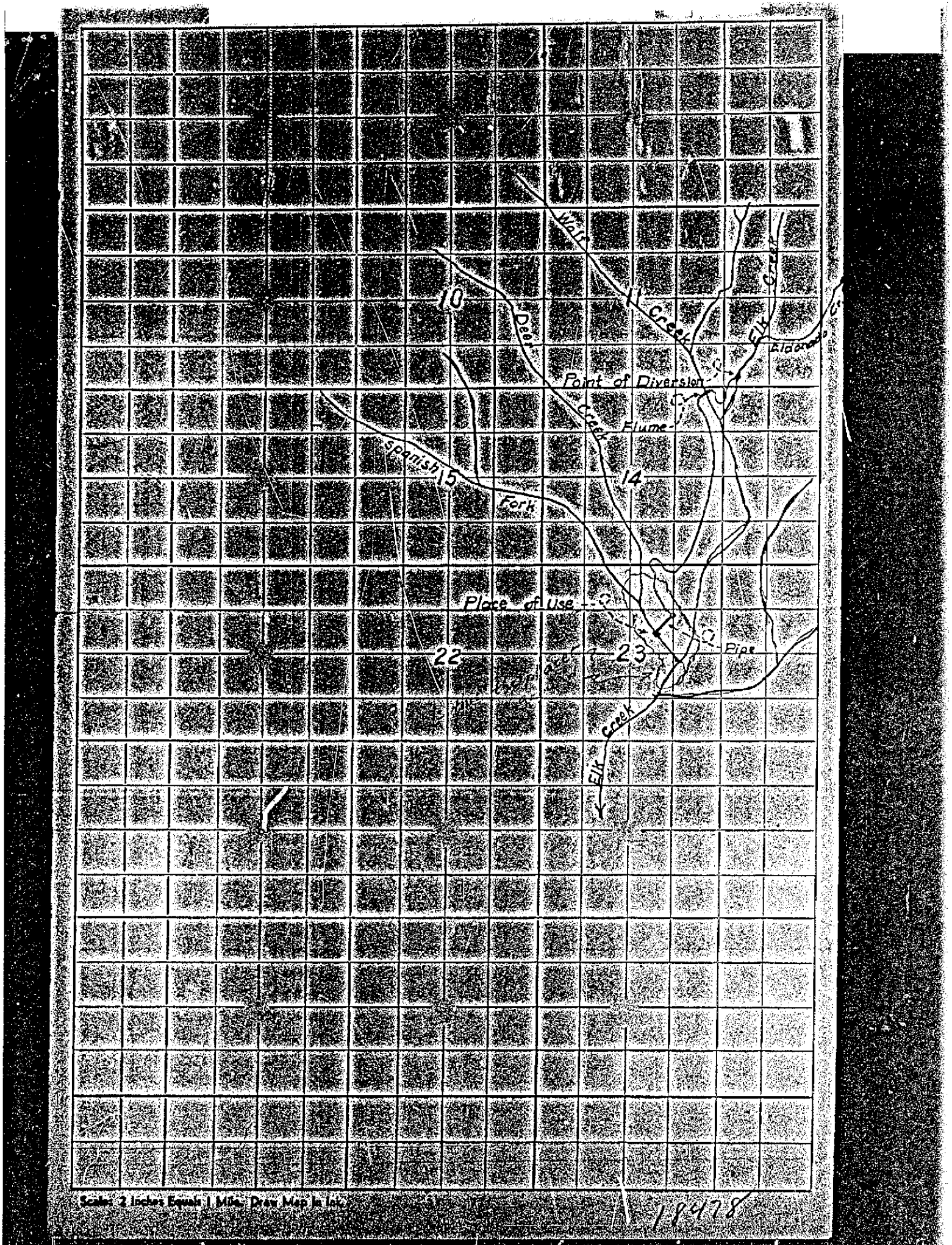
8. What large stream would the water here appropriated finally reach? Boise River

Remarks: Placer ground 500' wide and 4500' long, under #1 giant nozzle.

This examination was made on the 8th day of June 19 42

(Signed) F. A. Tolman Examiner.

18478


Deer
Creek
Elk
Creek
Eldorado
Point of Diversion
Flume
Spanish
Fork
Place of Use
Pipe
Elk
Creek
10
15
14
22
23
Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.
1878

05/31/2002

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31488

NAME AND ADDRESS: ANTHONY R MONTAGUE
PO BOX 190330
BOISE ID 83719

JULIA E MONTAGUE
PO BOX 190330
BOISE ID 83719

SOURCE: SPANISH FORK TRIBUTARY: ELK CREEK

QUANTITY: 3.25 CFS

PRIORITY DATE: 07/02/1937

POINT OF DIVERSION:

T06N R05E S23 SENENW Within BOISE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FIRE PROTECTION	01/01 12/31	3.250 CFS

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

PLACE OF USE: FIRE PROTECTION Within BOISE County

T06N R05E S23	NWNE	T06N R05E S23	NENW

THE USE OF WATER FOR FIRE PROTECTION UNDER THIS RIGHT IN THE NENW, SECTION 23, T6N, R5E IS LIMITED TO THE EAST HALF OF THE NENW, SECTION 23, T6N, R5E.

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: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-2520 & 63-2531.

05/22/2002

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2520B

NAME AND ADDRESS: ANTHONY R MONTAGUE
PO BOX 190330
BOISE ID 83719

JULIA E MONTAGUE
PO BOX 190330
BOISE ID 83719

SOURCE: SPANISH FORK TRIBUTARY: ELK CREEK

QUANTITY: 3.25 CFS

PRIORITY DATE: 07/02/1937

POINT OF DIVERSION:

T06N R05E S23 SENENW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FIRE PROTECTION	01/01 12/31	3.250 CFS

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

PLACE OF USE: FIRE PROTECTION Within BOISE County

T06N R05E S23	NWNE	T06N R05E S23	NENW

THE USE OF WATER FOR FIRE PROTECTION UNDER THIS RIGHT IN THE NENW, SECTION 23, T6N, R5E IS LIMITED TO THE EAST HALF OF THE NENW, SECTION 23, T6N, R5E.

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: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2520B V1

WATER RIGHT NUMBER: 63-2520B V1

Owner Type	Name and Address
Original Owner	MARJORIE ELLEN REIMERS 3710 BONNIE LANE BOISE, ID 83703 (208)344-0935
Original Owner	MELVIN A REIMERS 3710 BONNIE LANE BOISE, ID 83703 (208)344-0935
Current Owner	ANTHONY R MONTAGUE PO BOX 190330 BOISE, ID 83719 (208) 362-1199
Current Owner	JULIA E MONTAGUE PO BOX 190330 BOISE, ID 83719 (208) 362-1199

Priority Date: 07/02/1937

Basis: License

Status: Active

Source	Tributary
SPANISH FORK	ELK CREEK

Beneficial Use	From To	Diversion Rate	Annual Volume
FIRE PROTECTION	01/01 to 12/31	3.250 CFS	
	Total Diversion:	3.250 CFS	

Location of Point(s) of Diversion

SPANISH FORK SE1/4NE1/4NW1/4 Sec. 23, Twp 06N, Rge 05E, B.M.
BOISE County

Place of Use

FIRE PROTECTION Within BOISE County

T06N R05E S23 NWNE T06N R05E S23 NENW

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2520B V1

Remarks:

1. Place of Use THE USE OF WATER FOR FIRE PROTECTION UNDER THIS RIGHT IN THE NENW, SECTION 23, T6N, R5E IS LIMITED TO THE EAST HALF OF THE NENW, SECTION 23, T6N, R5E.

Comments:

1. csaxton 5/20/2002 Priority Date
Comment: This claim is a combination of rights 63-02520 and 63-02531. Claimant claimed the most senior priority date. Since rights are combined into one claim, recommendation reflects the most Junior priority date of the two original licenses.

2. csaxton 5/20/2002 Source
Comment: Licensing exam indicates that the source has not changed. But the license indicates the source to be a fork of Elk creek located in Spanish Gulch.

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: 0
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust: False
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: AND

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	5/20/2002 11:40:38 AM	csaxton			Active
POD	5/20/2002 11:44:50 AM	csaxton			Active
POU	5/20/2002 12:34:38 PM	csaxton			Active
Source	5/20/2002 12:34:41 PM	csaxton			Active
Use	5/20/2002 12:34:42 PM	csaxton			Active
Season	5/20/2002 12:34:43 PM	csaxton			Active
Quantity	5/20/2002 12:34:44 PM	csaxton			Active
Source	5/20/2002 12:42:45 PM	csaxton			Active
POU	5/20/2002 1:14:20 PM	csaxton			Active
Use	5/20/2002 1:16:32 PM	csaxton			Active
Season	5/20/2002 1:25:50 PM	csaxton			Active
Quantity	5/20/2002 1:31:38 PM	csaxton			Active
Summary			05/20/2002	csaxton	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2520B V1

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POU	5/22/2002 11:12:14 AM	csaxton	Edited shape boundary
POU	5/22/2002 11:13:06 AM	csaxton	Edited shape boundary
Contacts	5/20/2002 11:33:38 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam 5/13/02
Priority Date	5/20/2002 11:40:39 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	5/20/2002 11:44:51 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (Yes) 10. Is a POD remark and/or condition required? Description for Question 6 - System changed in the Mid 50s according to Daughter of original licensee Irene Victory.
POD	5/20/2002 12:41:22 PM	csaxton	Edited point location
POD	5/20/2002 12:41:57 PM	csaxton	Edited PLS
POU	5/20/2002 1:22:50 PM	csaxton	Edited shape boundary
POU	5/20/2002 12:34:39 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License?
Source	5/20/2002 12:34:42 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License?
Use	5/20/2002 12:34:43 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License?
Season	5/20/2002 12:34:43 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License?
POD	5/20/2002 12:34:44 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2520B V1

Source	5/20/2002 12:42:46 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	5/20/2002 1:14:21 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?
Use	5/20/2002 1:16:33 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (No) 5. Can the claimed Purpose of Use be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (Yes) 13. Is a Purpose of Use remark and/or condition required? Description for Question 7 - Mining and Power uses ceased in the mid 1950s. Description for Question 10,11,12 - Field exam 5/13/02
POU	5/20/2002 1:21:58 PM	csaxton	Edited shape boundary
Season	5/20/2002 1:25:51 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - Fire Protection - year round.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2520B V1

POD	5/20/2002 1:31:39 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	5/20/2002 1:36:29 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 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?

Memorandum

Date: May 21, 2002

From: Craig L. Saxton

Subject: 63-02520 and 63-02531

Claims 63-02520 (A thru F) were filed in the SRBA. The claims were actually filed as a combination of licensed rights 63-02520 and 63-02531. However, all split portions claimed the most senior priority date. Since rights are combined into one claim, recommendation reflects the most Junior priority date of the two original licenses.

The two licenses were originally for Mining and Power uses on a 120 acre parcel of patented land and were licensed to Louie L. Packer. Louie eventually split the 120 acre parcel into to 30 acre parcels and each parcel was acquired by one of his daughters. Since that time two of the parcels have been sold to other parties.

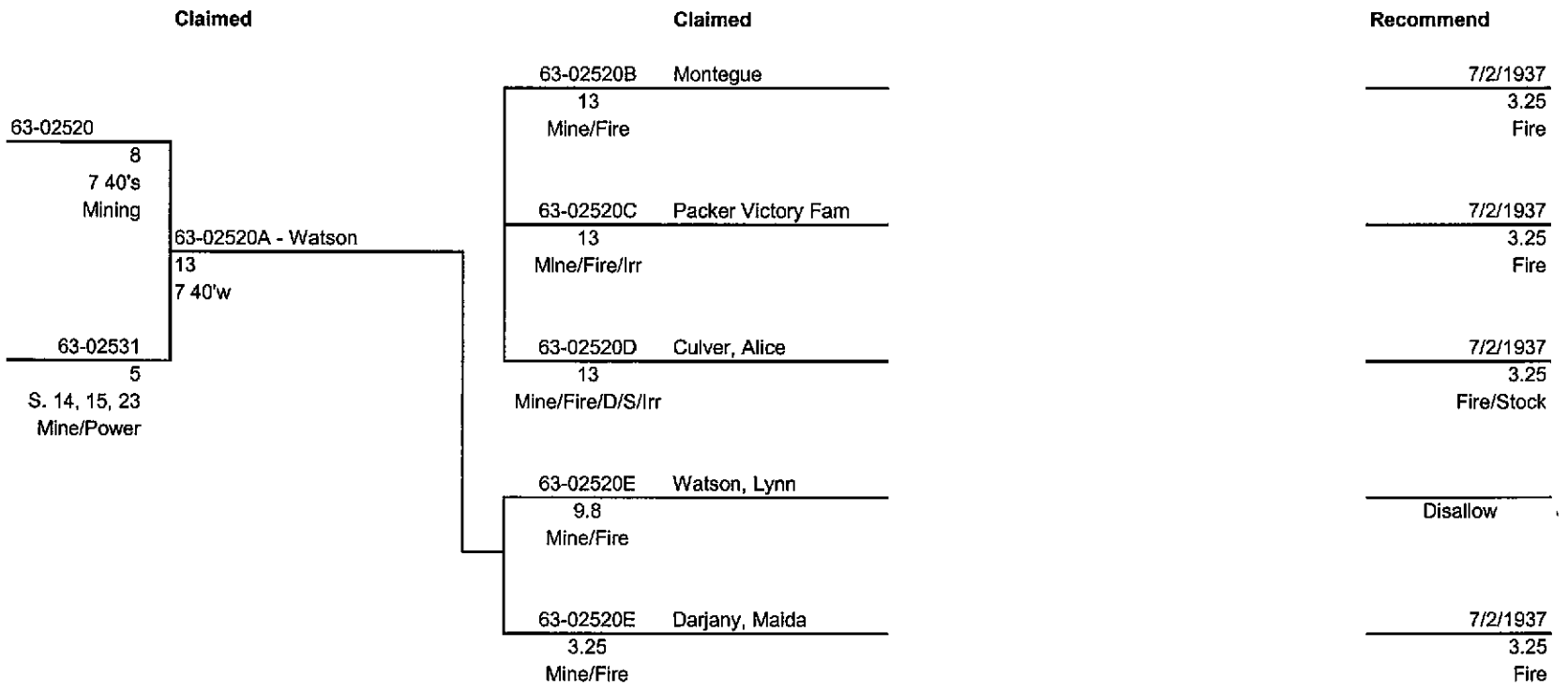
In a conversation with Irene Victory on 5/8/02 she stated that her dad passed in the mid 50's and mining hasn't taken place since after WWII. She also mentioned that the Power part of the water rights were for a sawmill that hasn't been used since after WWII either.

My research indicated that there is no longer any mining (other than gold panning) and no us of the water for power currently. Based on Irene's statement the licensed uses haven't been in practice for around 50 years.

The combined licensed diversion rates totaled 13 cfs. My recommendation for the four parcels consist of mainly Fire Protection and some stockwater use. The 13 cfs was divided equally between the four parcels and since the licenses were combined, all recommendations on the 4 parcels were recommended with the most Jr. priority date as indicated on 63-02531.

Since licenses were combined but claimed as a split of the original license, all claims will be re-numbered.

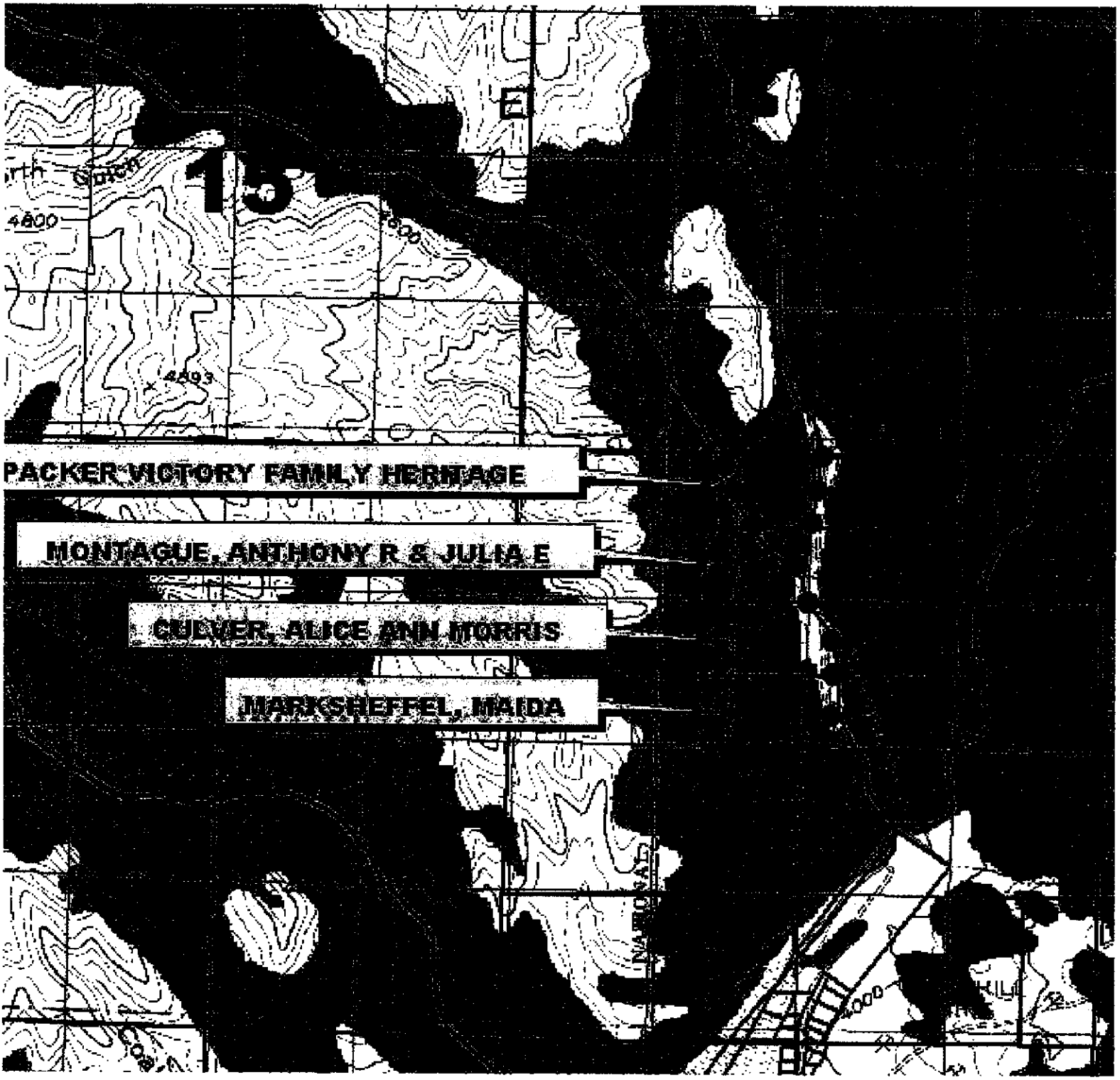
Split history for Decreed Right 63-02520



Sum of claimed CFS = **52.05**
Sum of claimed Acreage = **N/A**

Sum CFS= 13
Sum Acre=

Un-accounted for CFS=
Un-accounted for Acres=


PACKER VICTORY FAMILY HERITAGE
MONTAGUE, ANTHONY R & JULIA E
CULVER, ALICE ANN MORRIS
MARKSHEFFEL, MAIDA

Notes For 63-02520B

4-26-02 : Claimed 6 Points of Diversion - Map only Shows 3.

: Claimant doesnt own any land in POU

5-1-02 : look like claim Should Be in Name of

Anthony + Julia Montague
PO Box 190330
Boise ID 83719

5/8/02 : Not in Phone Book - NCO sent

5/13/02 : Fire Protection Subdivided in 4 Parcels (362-1199) Called

Nobody - NO ok-to Go on property

Vincent - Dark Hair with Beard - Caretaker

5/13/02 : 15 x 15 Fire Protectio - looks about 25' deep
FE Met with Vincent

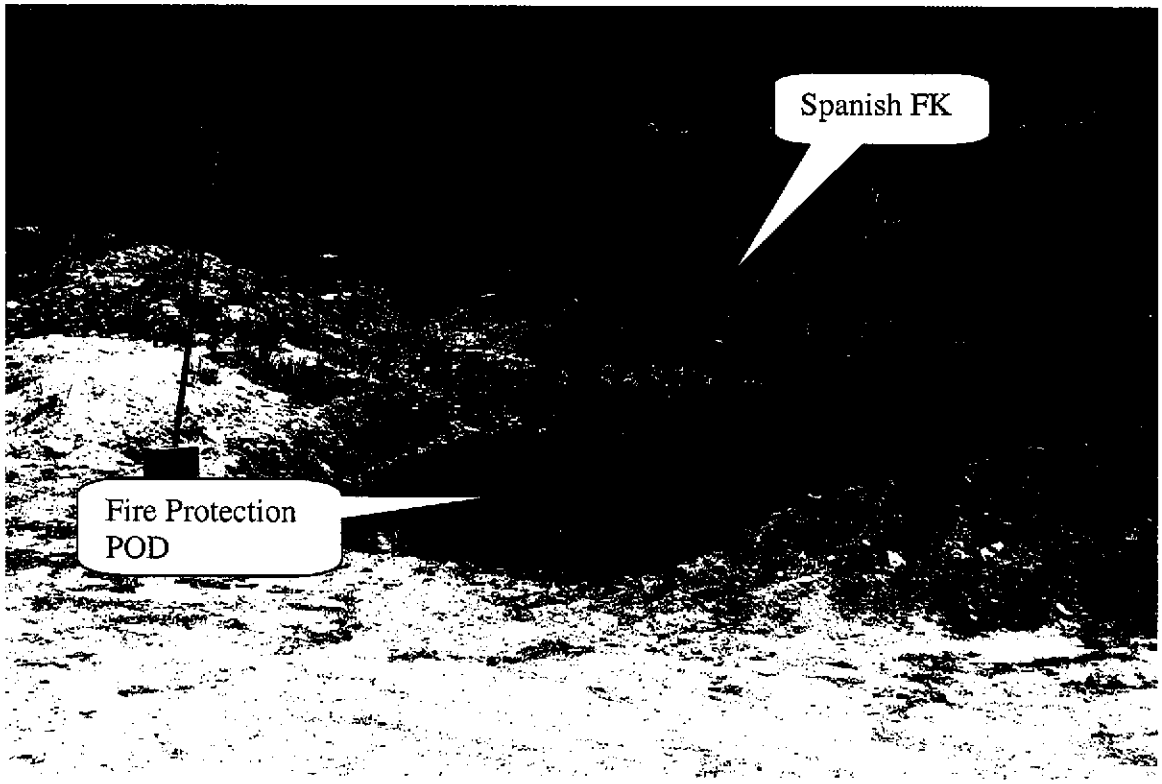
5/14/02 : Camera dead. might need to Go back and take picture later but did Get a GPS Point

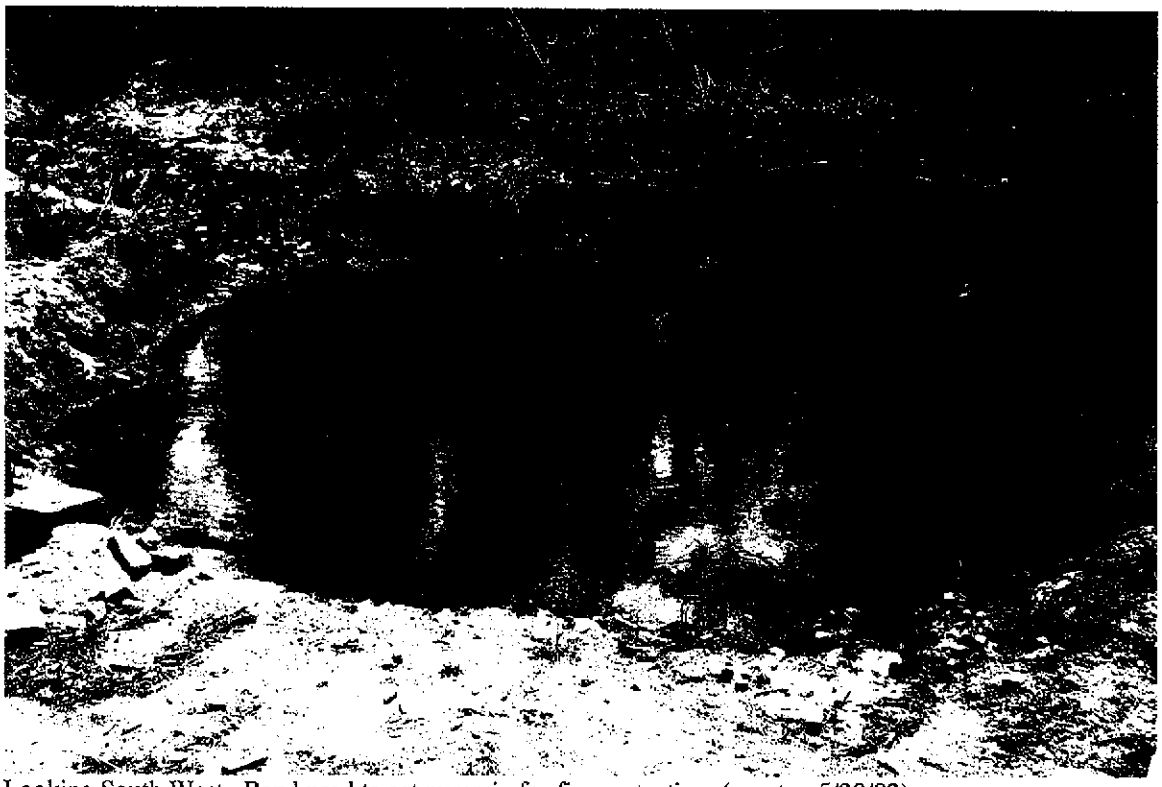
: C/O Received from Anthony Today

5/17/02 : Pictures of POD taken while in Field

TOPS
35500

63-02520B POD FIELD EXAM 5/13/02





Looking South West. Pond used to set pump in for fire protection. (csaxton 5/20/02)

63-02520B POD FIELD EXAM 5/13/02



Looking NE – Claimants Cabin. POD behind me in Picture. (csaxton 5/20/02)

Form 42-248/42-1409(6) July, 2000

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	63-02520B				

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

   A. The appropriate ~~**FILING FEE**~~. See instructions for fee amounts. No Fee

   B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

   C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
   PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

   OR

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

3. Name and Address of Former Owner/Claimant(s): Marjorie Ellen Reimers / Melvin A. Reimers
   3710 Bonnie Lane
   Boise, Id. 83703

4. New Owner/Claimant(s)
   Name Connector (Check one): [X] and, [ ] or, [ ] and/or
   Anthony R. Montague / Julia E. Montague

   New Mailing Address / City, State and ZIP Code: P.O. Box 190330 Boise, Id. 83719

   New Telephone Number: (208) 362-1199

5. Date you acquired the property: Nov. 20, 1995

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 63-2520B

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

7. Signature of New Owner(s) or Claimant(s) (include title if applicable) Anthony K Montague

Julia E Montague

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____

Receipted by _____ Date _____ Receipt No. _____

Processed by _____ AJ Date _____ WR _____ Date _____

INSTRUMENT NO. 61108

IDAHO 03235

THE UNITED STATES OF AMERICA

To All To Whom These Presents Shall Come, GREETING:

WHEREAS, In pursuance of the provisions of the Revised Statutes of the United States, Chapter Six, Title Thirty-two, and legislation supplemental thereto, there is now deposited in the Bureau of Land Management of the United States a Certificate of the Land Office at Boise, Idaho, accompanied by other evidence, whereby it appears that LOUIE L. PACKER, J. S. FULLER, H. V. WELLS, CHARLES CADDY, G. H. FULLER, RUTH PACKER, THEODORE WELLS and CORA FULLER did on the March 11, 1954 duly enter and pay for that certain mining claim or premises, known as the PACKER GROUP PLACER MINING CLAIM, situate in the Idaho City Mining District, Boise County, Idaho, described as follows:

Boise Meridian, Idaho.
T. 6 N., R. 5 E.,
Sec. 23 E½NE¼NW¼, E½SE¼NW¼, NW¼NE¼, SW¼NE¼

The premises herein granted contain 120.00 acres.

U. S. Department of the Interior
Received: April 26, 1955.
Bureau of Land Management
Idaho State Office, Boise, Idaho.

PATENT NO. 1151758

NOW KNOW YE, That there is therefore, pursuant to the laws aforesaid, hereby granted by the United States unto the said LOUIE L. PACKER, J. S. FULLER, H. V. WELLS, CHARLES CADDY, G. H. FULLER, RUTH PACKER, THEODORE WELLS, and CORA FULLER, the said placer mining premises, hereinbefore described;

TO HAVE AND TO HOLD said mining premises, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said grantees above named and to their heirs and assigns forever; subject, nevertheless, to the following conditions and stipulations:

FIRST: That the grant hereby made is restricted in its exterior limits to the boundaries of the said mining premises, and to any veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, which may have been discovered within said limits subsequent to and which were not known to exist on August 15, 1952.

SECOND: That should any vein or lode or quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, be claimed or known to exist within the above-described premises at said last-named, date, the same is expressly excepted and excluded from these presents.

THIRD: That the premises hereby conveyed shall be held 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 laws, customs, and decisions of the 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.

FOURTH: That in the absence of necessary legislation by Congress, the Legislature of Idaho may provide rules for working the mining claim or premises hereby granted, involving easements, drainage, and other necessary means to the complete development thereof.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat., 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the TWENTY-SECOND day of APRIL in the year of our Lord one thousand nine hundred and FIFTY-FIVE and of the Independence of the United States the one hundred and SEVENTY-NINTH.

For the Director, Bureau of Land Management
By S. C. Nichols
Chief, Patents Unit.

(Optional)

Recorded	☐	[redacted]	☐	Key Punched	☐	[redacted] Treasurer	☐
Microfilmed	☐	Deed Card	☐	Master File	☐		☐
Indexed	☐	Compared	☐	Abstracted	☐		

(DO NOT WRITE ABOVE THIS LINE)

WARRANTY DEED

RUTH ELLEN PACKER
of the City of Boise County of Ada
hereby CONVEYS, GRANTS and WARRANTS TO

GRANTOR(S)
State of Idaho

MARJORIE ELLEN REIMERS
whose current address is 3710 Bonnie Lane, Boise, Idaho 83703
for the sum of $10.00 (Ten and no/100 dollars),,,,,,,,,,,Dollars ($ 10.00)
and other valuable considerations
the following described tract(s) of land in Boise County, State of Idaho:

GRANTEE(S)

The South 1/2 of the North half of E 1/2 NE 1/4 NW 1/4, E 1/2 SE 1/4 NW 1/4, NW 1/4 NE 1/4 SW 1/4 NE 1/4, Township 6 N Range 5 E of the Boise Meridian, Section 23:

Together with the 1/4 interest in and to that Idaho Water License No. 18478

Boise County Idaho ss
Request of
Marjorie Reimers
Time 1:32 P.M.
Date 10/23/84
115023
Arlene C. Kolar
By _____ Deputy
Fee 2.00

Ada County, Idaho, ss.
Request of
Marjorie Reimers
TIME 11:27a.M.
DATE 10-3-84
JOHN BASTIDA
RECORDER
By _____ Deputy
2.00

Location of above described property North of Idaho City, on Spanish Fork, Boise County, Idaho House No. Street

WITNESS the hand of said Grantors this 5th day of September A.D. 19 84

Ruth Ellen Packer

(NOTARY SEAL)
CONNIE DUVALL
NOTARY PUBLIC
STATE OF IDAHO

State of Idaho
County of Ada } ss. On the 5th day of Sept. A.D. 19 84

personally appeared before me Ruth Ellen Packer

the signer(s) of the within instrument, who duly acknowledged to me that S he executed the same.

Connie Duvall
(NOTARY PUBLIC)

Residing at: Boise, Idaho

My Commission expires: March 1987

MAIL DEED TO:

MAIL TAX NOTICE TO:
Name
Address
City & State Zip

PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street • Boise, Idaho 83702
(208) 336-6700

888 North Cole Road • Boise, Idaho 83704
(208) 377-2700

Request of Pioneer Title
Time 1300 M.T
Date 12/27/90

138743

Arlene C. Kolar
By Bonnie West
Deputy

Fee 3.00

P103179SK

SPACE ABOVE FOR RECORDING DATA

WARRANTY DEED

(INDIVIDUAL)

FOR VALUE RECEIVED MARJORIE ELLEN REIMERS, AN UNMARRIED PERSON NOW AND SINCE SEPTEMBER 5, 1984

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto KENLEY J. HINRICHS AND LISA K. O'TOOLE, HUSBAND AND WIFE

GRANTEE(S), whose current address is: 10260 W. LANDMARK, BOISE, ID

the following described real property in BOISE County, State of Idaho, more particularly described as follows, to wit:

THE FOLLOWING DESCRIBED TRACTS OF LAND LOCATED IN SECTION 23, TOWNSHIP 6 NORTH, RANGE 5 EAST, BOISE MERIDIAN, BOISE COUNTY, STATE OF IDAHO:
THE SOUTH HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: December 17, 1990

Marjorie Ellen Reimers

MARJORIE ELLEN REIMERS

STATE OF IDAHO, County of ADA, ss.

On this 17TH day of SHA DECEMBER, in the year of 1990, before me SHARON KENT, a notary public, personally appeared MARJORIE ELLEN REIMERS, known or identified to me to be the person(s) whose name(s) IS subscribed to the within instrument, and acknowledged to me that S he executed the same.

NOTARY PUBLIC STATE OF IDAHO

Notary Public: Sharon Kent
Residing at: BOISE
My Commission Expires: 4-7-94

A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

838 North Cole Road / Boise, Idaho 83704 / Telephone (208) 377-2700

P115016 JH2/STU

WARRANTY DEED
(INDIVIDUAL)

FOR VALUE RECEIVED KENLEY J. HINRICHS AND LISA K. O'TOOLE, HUSBAND AND WIFE

Grantor s , do hereby grant, bargain, sell and convey unto DONALD BLAIR ELZINGA AND CYNTHIA SMITH ELZINGA, HUSBAND AND WIFE

the Grantee s , whose current address is: 2450 SPRINGWOOD DRIVE, MERIDIAN, IDAHO 83642.
the following described real property in BOISE County, State of Idaho, more particulary described as follows, to-wit:
THE FOLLOWING DESCRIBED TRACTS OF LAND LOCATED IN SECTION 23, TOWNSHIP 6 NORTH, RANGE 5 EAST, BOISE MERIDIAN, BOISE COUNTY, STATE OF IDAHO: THE SOUTH HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER: THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER.

BOISE COUNTY IDAHO SS
REQUEST OF
Pioneer Title
DATE TIME M.

144710

92 AUG 21 PM 2:57

ARLENE C. KOLAR
BY Barbara Barker
DEPUTY

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s , and Grantee s heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantees , the Grantors are the owner s in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee s ; and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

Dated: August 21, 1992

KENLEY J. HINRICHS

LISA K. O'TOOLE

STATE OF IDAHO, County of ADA, ss.

On this 20th day of August, in the year of 1992, before me JANE L. HANSEN, a notary public, personally appeared KENLEY J. HINRICHS AND LISA K. O'TOOLE, known or identified to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public: Jane L. Hansen
Residing at: BOISE, IDAHO
My Commission Expires: 6-22-95

WARRANTY DEED

For Value Received

Donald Blair Elzinga and Cynthia Smith Elzinga, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

Anthony R. Montague and Julia E. Montague, husband and wife

hereinafter referred to as Grantee, whose current address is

P.O. Box 190330, Boise, ID 83719

the following described premises, to-wit:

THE FOLLOWING DESCRIBED TRACTS OF LAND LOCATED IN SECTION 23, TOWNSHIP 6 NORTH, RANGE 5 EAST, BOISE MERIDIAN, BOISE COUNTY, STATE OF IDAHO:

THE SOUTH HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: November 20, 1995.

Donald Blair Elzinga

Donald Blair Elzinga

Cynthia Smith Elzinga

Cynthia Smith Elzinga

158356

BOISE COUNTY IDAHO SS
REQUEST OF
Milton Hicks
DEPUTY
95 NOV 20 PM 3:16
BY Shirley Scoggin
FEE $ 3.00 dy

STATE OF IDAHO)
ss.
COUNTY OF Ada)

On This 20th day of November, in the year 1995, before me, a Notary Public in and for said State, personally appeared Donald Blair Elzinga and Cynthia Smith Elzinga, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public of Idaho
Residing at Boise, Idaho
Commission expires: 09-26-96

First American Title Company of Idaho

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

May 8, 2002

ANTHONY MONTAGUE
JULIA MONTAGUE
PO BOX 190330
BOISE ID 83719

RE: CHANGE IN OWNERSHIP FOR 63-02520B

Dear Anthony and Julia Montague:

It has come to our attention that you may have recently purchased a tract of land in Boise County. According to our records, the property to which I am referring to was most recently owned by Melvin and Marjorie Reimers. The legal description is as follows:

T06N R05E S23 NW1/4 NE1/4
NE1/4 NW1/4

This property was filed on in the Snake River Basin Adjudication (SRBA). IDWR is currently in the process of reviewing the Adjudication claims in basin 63 part 1, and will submit a Directors Report in June of 2002. We recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If in fact you are the new owner of this water right and are using the water for the purposes claimed, please contact me as soon as possible in order to set up an appointment for a field exam. I apologize for the short notice but the department needs additional information in order to make a favorable recommendation on this claim to the Snake River Basin Adjudication court.

If you have any questions regarding this matter, please call 334-2190.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Enclosure(s)

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 7, 2001

RECEIVED
AUG 15 2001
WATER RESOURCES
WESTERN REGION

MELVIN REIMERS
MARJORIE REIMERS
PO BOX 924
CASCADE ID 83611-0924

Left msg for Marjorie to call. 8 12/18/01 DB

Re: Snake River Basin Adjudication (SRBA)
Water Right No. 63-2520B
Change of Address

Dear Water Right Holder(s):

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation that this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your claim or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to our office. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update or records.

If there has been a change in ownership of any of the properties connected with the water right referenced above, please call this office to obtain a form to make this required change to the water right records.

Sincerely,

Denise Buffington

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

I have Sold all propertys That had water Rights

The address is correct as shown above or as otherwise changed.

They are now in new owners Names, I + my husband own 2 propertys, one in Cascade & one in Eagle Idaho and both are on city water.

Signature of water right claimant

Telephone number

Marjorie E. Reimers
208-939-2318

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SER
REQUESTED

PRESU
FIRST CI

BOISE JUL 30 01 ID PB METER 7111051 $00.55 U.S. POSTAGE

RECEIVED
AUG 07 2001
WATER RESOURCES
WESTERN REGION

63-2520 B

MELVIN REIMERS
MARJORIE REIMERS
732 PALMETTO DR
EAGLE ID 83616

REIM732 836162221 1400 05 08/05/01
FORWARD TIME EXP RTN TO SEND
REIMERS
PO BOX 924
CASCADE ID 83611-0924
RETURN TO SENDER

[illegible] 06

Sent again 8-7-01

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

732 Palmetto Dr.
Eagle 83616

63-2520 B

RECEIVED
JUL 25 2001
WATER RESOURCES
WESTERN REGION

PRESORTE FIRST-CLASS
20 JUL 2001
PM
BOISE
JUN 29 '01
12
USE ZIP CODE
U.S. POSTAGE

MARJORIE ELLEN REIMERS
3710 BONNIE LANE
BOISE, ID 83703

RETURNED TO SENDER
UNDELIVERABLE AS ADDRESSED
NO FORWARDING ORDER ON FILE

Melvin

NOT AT THIS ADDRESS

AUMS 83705/5082

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

63-2520B

Sent again
7/26/01 → 732 Palmetto Dr.
Eagle 83616

RECEIVED
JUL 25 2001
WATER RESOURCES
WESTERN REGION

PRESORTE FIRST-CLASS
20 JUL 2001
PM
BOISE
JUN 29 '01
12
USE ZIP CODE
U.S. POSTAGE

Marjorie
MELVIN REIMERS
3710 BONNIE LANE
BOISE, ID 83703

RETURNED TO SENDER
UNDELIVERABLE AS ADDRESSED
NO FORWARDING ORDER ON FILE

NOT AT THIS ADDRESS

AUMS 83705/5082

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	MARJORIE ELLEN REIMERS	05/25/1936	MINING	01-01	12-31	0.060 CFS	
C	MELVIN A REIMERS		FIRE PROTECTION	01-01	12-31	13.000 CFS	
	3710 BONNIE LANE				TOTAL DIVERSION:	13.000 CFS	
	BOISE ID 83703						
	(208) 344-0935						

Water Source: ELK CREEK
SPANISH GULCH(SPANISH FORK)
WOLF CREEK(WET GULCH)(WOOF CR)

Tributary to: MOORES CREEK
MOORES CREEK
ELK CREEK

Stage: LICENSE

Point(s) of Diversion:

T06N R05E S12	SWSW			BOISE County
S13	SWNW			BOISE County
S14	NENE			BOISE County
S15	NWNE	SWSE		BOISE County
S23	SWNENE	SENENW		BOISE County

Place of use Legal Description for: MINING

	NE				NW				SW				SE			
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac
06N 05E 14											M	M				
06N 05E 15			M										M			M
06N 05E 23		M			M	M										

Place of use Legal Description for: FIRE PROTECTION

	NE				NW				SW				SE			
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac
06N 05E 23		F			F											

POU County: BOISE

Non-Irrigation Uses: MINING FOR DEEDED CLAIMS AND FIRE PROTECTION.

Other Rights: N/A

Remarks: GEN SOURCES ARE ELK CK. & SPANISH GULCH, ALSO MOORE'S CREEK.

Dates: Exam Made Date: Verified Date: 05/20/1985 Objection Filed Date:

Misc: Water District Number: 63 Field Inspection Flag:
Presumption Flag:

State of Idaho

License and Certificate of Water Right

Permit
Water License No. 18302 — Amount 8.0 c.f.s.
Water District No. — Priority May 25, 1936

THIS IS TO CERTIFY, that LOUIS A. PACKER
of Idaho City, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 25, 1936 19 ; that Permit No. 18302 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 8.0 second feet, was issued thereunder on February 25, 1942 19 , showing that said works were completed on the 23th day of July 19 41 ; and that on the 24th day of July 19 41 ,

LOUIS A. PACKER

of Idaho City, State of Idaho, made proof to the satisfaction of the of Spanish Gulch, of Idaho, of the right to use the waters of Elk Creek, and Right Fork and Left Fork tributary of Moore's Creek for the purpose of Mining under Use Permit No. 18302 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 405 on the 25th day of February , 19 42;

The right hereby confirmed dates from May 25, 1936 , 19 ;

The Point of Diversion is located No. 1, SW¼ Sec. 13; No. 2, NW¼NE¼, Sec. 15; No. 3, SW¼SW¼ Sec. 15, Twp. 6 N., Rge. 5 E. B. M. In the , Sec. , T. , R. , B. M., Boise County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 8.0 cubic feet per second. (4 c.f.s. from Elk Creek; 2 c.f.s from Right fork Spanish Gulch; and 2 c.f.s. from Left-fork Spanish Gulch)

Description and location of use: SW¼NE¼, E½SE¼ Sec.15; S½SW¼ Sec.14; N½NW¼ Sec.23; T. 6 n., R.5 E B M

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS, the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 25th day of February , 19 42

63 2520

C. V. BERG,
Commissioner of Reclamation

(SEAL)

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF LICENSED WATER RIGHT

No. 183

THIS IS TO CERTIFY THAT LOUIE L. PACKER, of Idaho City, Idaho, is the owner of and using a certain water right for Four (4) cubic feet per second of the waters of Elk Creek, County of Boise, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 18302, and license issued thereunder by the Department of Reclamation of the State of Idaho, said License being dated February 25, 1942, and bearing date of priority of May 25, 1936, for the purpose of mining in the N½ NW¼ Section 23, Township 6 North, Range 5 East, B.M., Boise County, Idaho.

That said license is recorded in the Department of Reclamation of the State of Idaho, in Volume 7 of Licenses, at page 4099.

That now, upon the application of said applicant, LOUIE L. PACKER, for a Certificate of Change of Point of Diversion, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is hereby confirmed.

That said change in point of diversion shall not modify in effect said license, water right, or place of use. Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

Four (4) cubic feet per second
of the waters of Elk Creek,
with priority of May 25, 1936.

That said water right is to be used for mining purposes upon the N½ NW¼ Section 23, Township 6 North, Range 5 East, B.M.

That the water right above described is now described as being diverted from a point located in the SW¼ NW¼ Section 13, Township 6 North, Range 5 East, B.M.

That said water right will hereafter be described as being diverted from a point located in the SW¼ SW¼ Section 12, Township 6 North, Range 5 East, B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 27th day of August, 1945.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

520

NOTICE OF PROPOSED CHANGE IN POINT OF DIVERSION

Notice is hereby given that Louis L. Packer, of Idaho City, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion of 4.00 cubic feet per second of the waters of Elk Creek, from the SW¼ NW¼ Section 13, Township 6 North, Range 5 East, B.M., to the SW¼ SW¼ Section 12, Township 6 North, Range 5 East, B.M.

And that on the 30th day of June, 1945, at Room 107 State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such change in point of diversion.

MARK R. KULP,
State Reclamation Engineer

63 2520

Form 23

Affidavit for Change of Point of Diversion of Water Right

Permit No. 18302

STATE OF IDAHO }
County of Ada } ss.

Louie L. Packer, being first duly sworn, deposes and says: That his postoffice address is Idaho City, Idaho. That he is the owner of and using a certain water right, for 4.0 cubic feet per second of the water of Elk Creek, County of Boise, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 18302, issued by the Dept. of State Reclamation, dated February 25, 1942, bearing date of priority of May 25, 1936 for the purpose of irrigating the following described lands, situate, lying and being in Water District No. Mining, in the County of Boise, and State of Idaho, to-wit:

In the NW¼NW¼ Section 23, Twp. 6 North, Range 5 East, B.M.

and is the person (or representative of the person or persons) to whom such right was so issued, (or has become the owner thereof in the following manner:)

That said waters are now diverted from said stream in the SW¼ of NW¼ of Sec. 13, Twp. 6 N., Range 5 E. and conducted to the above described lands through the ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said waters from the point above described to a point located in SW¼ of SW¼ of Sec. 12, Twp. 6 N., Range 5 E., and thereafter conduct same to the above described land through the ditch, as per map above referred to;

That his reasons for desiring to make such change are as follows: To obtain a higher point of diversion. To correct an error in the original map and filing

That no one will be injured by such change and that such change will be made at affiant's own risk.

Louie L Packer
Affiant.

Subscribed and sworn to before me this 5 day of May, 1945

Ned Elisor
Notary Public residing at Boise Idaho

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

LOUIE L. PACKER,
Idaho City, Idaho

For a change of Point of Diversion on
Elk Creek, Boise County, Idaho

ORDER GRANTING CHANGE
NO. 183

WHEREAS, On the 30th day of June, 1945, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, the application of Louie L. Packer, of Idaho City, Idaho, for a change of point of diversion on Elk Creek, came on regularly for hearing, pursuant to published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant with the application shows that it became necessary to change the point of diversion, and that no other water right or water user will be injured thereby; and

WHEREAS, The proposed change in point of diversion is applied for in order to correct an error in the original filing and map in connection therewith;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be and the same is hereby granted, and that Certificate of Change of Point of Diversion be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 27th day of August, A. D. 1945.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

63-25320

Form 33

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. .....

This proof is for ..... In Water District No. .....

1. Name of applicant .....

2. Source of water supply .....

3. Location of point of diversion is in the ..... of Section .....
T. 6 N. R. 5 E. County of NW¼NE¼ of 15; SW¼SE¼, Sec. 15
County of Boise

4. Describe works as they exist, giving dimensions and capacities of same. The Elk Creek diversion includes an earth and rock dam 35Ft. long X 4Ft. high diverting through Headgate 4Ft. wide X 3Ft. deep X 4Ft. long, to a ditch 3Ft. wide X 1½Ft. deep. The Spanish Fork diversion has a rock and earth check 10Ft. long X 2Ft. high; Headgate 12"X 12"X 6Ft. long, and a ditch of 2Ft. width X 1 Ft. depth.

5. Water is used for mining and milling.

6. State whether or not water has been turned into works of diversion. Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

(Submit map on attached plat, showing location and details of above description.)

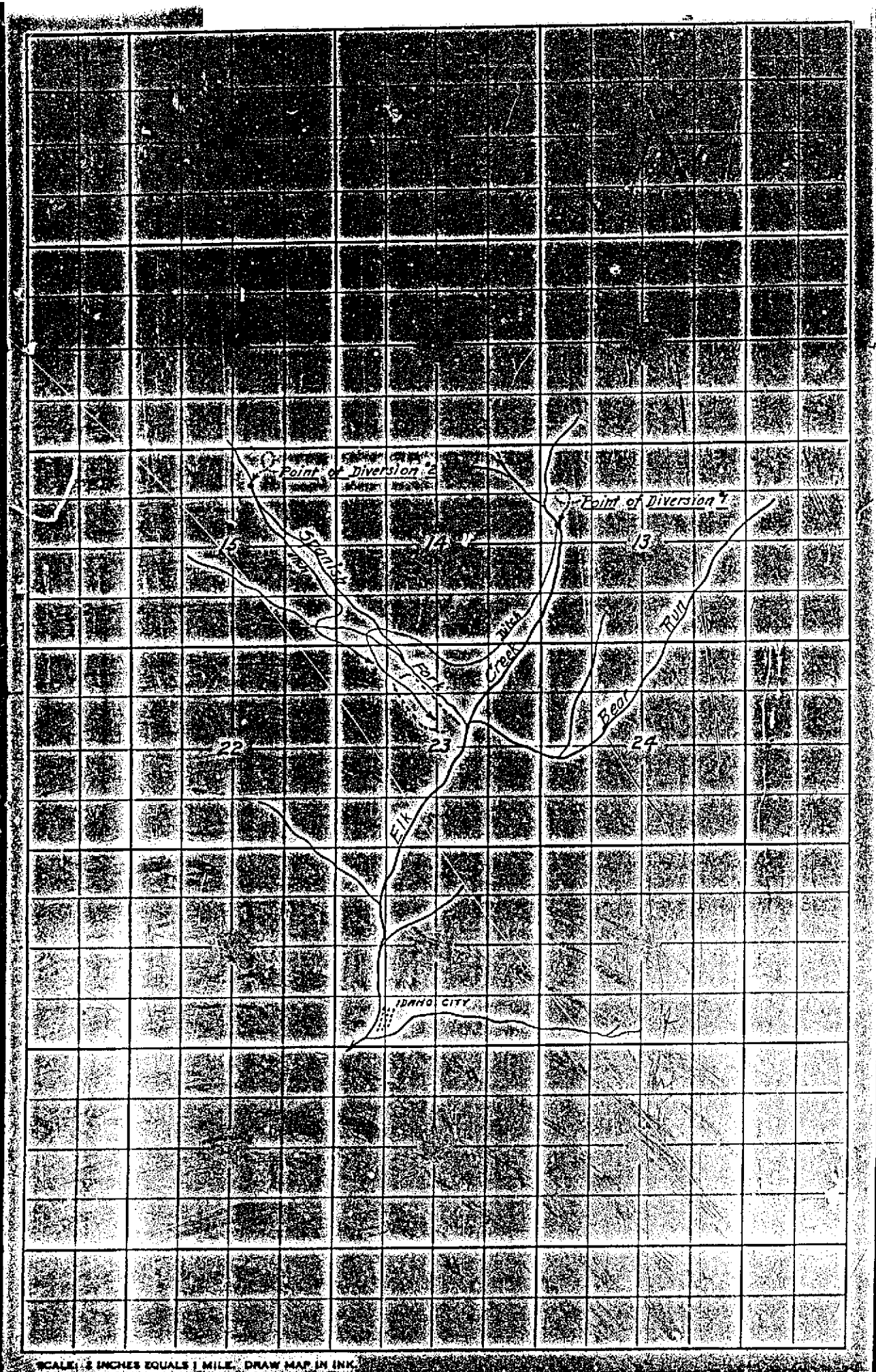
8. What large stream would the water here appropriated finally reach? Boise River

Remarks:

The operation plant includes 1200 feet of steel slip joint pipe, and one hydraulic giant.

This examination was made on the 12th day of October, 19 41

(Signed) Fred L. Holman
Examiner.



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF DECREED WATER RIGHT

No. 185

THIS IS TO CERTIFY THAT LOUIE L. PACKER, of Idaho City, Idaho, is the owner of and using a certain water right for Four (4) cubic feet per second of the waters of Elk Creek, County of Boise, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 18302, and license issued thereunder by the Department of Reclamation of the State of Idaho, said license being dated February 25, 1943, and bearing date of priority of May 25, 1936 for the purpose of mining in the NE¼ NW¼ Section 25, Township 6 North, Range 5 East, B.M., Boise County, Idaho.

That said license is recorded in the Department of Reclamation of the State of Idaho, in Volume 7 of Licenses, at Page 4099.

That now, upon the application of said applicant, LOUIE L. PACKER, for a Certificate of Change of Point of Diversion, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is hereby confirmed.

That said change in point of diversion shall not modify in effect said license, water right, or place of use. Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

Four (4) cubic feet per second
of the waters of Elk Creek,
with priority of May 25, 1936.

That said water right is to be used for mining purposes upon the NE¼ NW¼ Section 25, Township 6 North, Range 5 East, B.M.

That the water right above described is now described as being diverted from a point located in the SW¼ NE¼ Section 13, Township 6 North, Range 5 East, B.M.

That said water right will hereafter be described as being diverted from a point located in the SW¼ SW¼ Section 12, Township 6 North, Range 5 East, B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 27th day of August, 1945.

MARK N. KULP
State Reclamation Engineer

18302

State of Idaho

License and Certificate of Water Right

Water License No. 18478 — Amount 5 second feet

Water District No. — Priority July 2, 1937

THIS IS TO CERTIFY that LOUIE L. PACKER of Route 9, Boise, Idaho made application for a permit to appropriate the public waters of the State of Idaho, dated July 2, 1937; that Permit No. 18478 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 5(five) second feet, was issued thereunder on June 25, 1942, showing that said works were completed on the 10th day of June 1942; and that on the 28th day of June 1949,

LOUIE L. PACKER

of Boise State of Idaho made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Elk Creek & Wolf Creek, a tributary of Moore's Creek for the purpose of power (2 second feet from Elk Creek) & mining (3 second feet from Elk Creek and 1 second foot from Wolf Creek) under Use Permit No. 18478 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4575, on the 25th day of April 1950.

The right hereby confirmed dates from July 2, 1937.

The Point of Diversion is located in the SW¼ SW¼ Section 12, and the NE¼ NE¼ Section 14, within the NW¼ SW¼ Section 13, Tp. 6 N., R. 5 E., B. M., Boise County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed five (5) cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
Place of use is in Sections 14, 15 and 23, Township 6 North, Range 5 East, B.M.					

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 25th day of April 1950.

MARK R. KULP
State Reclamation Engineer

(SEAL)

63 2531

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18478

This proof is for Beneficial use In Water District No.

1. Name of applicant Louie Tacker, Route 5, Boise, Idaho

2. Source of water supply Wolf Creek and Dear Creek, tributaries of Moore's Creek

3. Location of point of diversion is in the SW¼ SE¼ Section 12, and NE¼ NE¼ of Section 14

T. 6 N. R. 5 E., County of Boise

4. Describe works as they exist, giving dimensions and capacities of same:

Control Headgate 8' wide x 8' long x 3' deep, Headgate of ditch 3' wide x 7' long x 2' high. Ditch 3' wide and 1½' deep. Flume crosses below junction of Wolf Creek and Dear Cr., 230' long, 2' wide, 2' deep, and has a Max. bent 30'. High Pipe line, 1000' of steel pipe from 24" to 9" at Pelton wheel, 200' of head. Pelton wheel 68" diameter, weight 2000 lbs., speed 280 R.P.M.

5. Water is used for Saw mill and mining (Power for saw mill)

6. State whether or not water has been turned into works of diversion Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Place of use is in Sections 14, 15 and 23, Twp. 6 North, Range 5 East, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Boise River

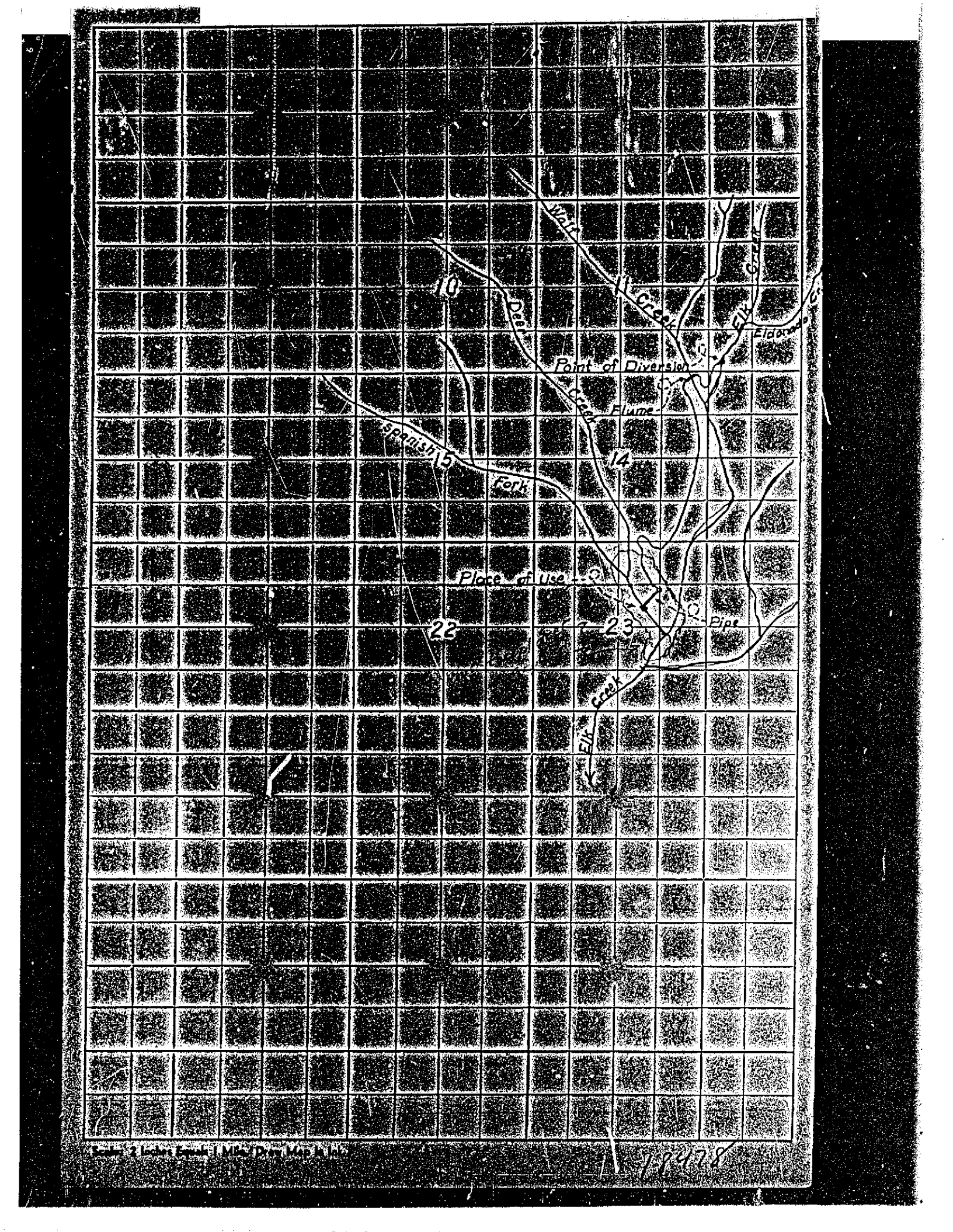
Remarks: Placer ground 500' wide and 4500' long, under #1 giant nozzle.

This examination was made on the 6th day of June 19 42

(Signed) F. H. Coleman

Examiner

18478


Water
Creek
Elk
Creek
Eldorado
Deer
Creek
Point of Diversion
Flume
Spanish
Fork
Place of use
Pipe
Elk
Creek
10
15
14
22
23