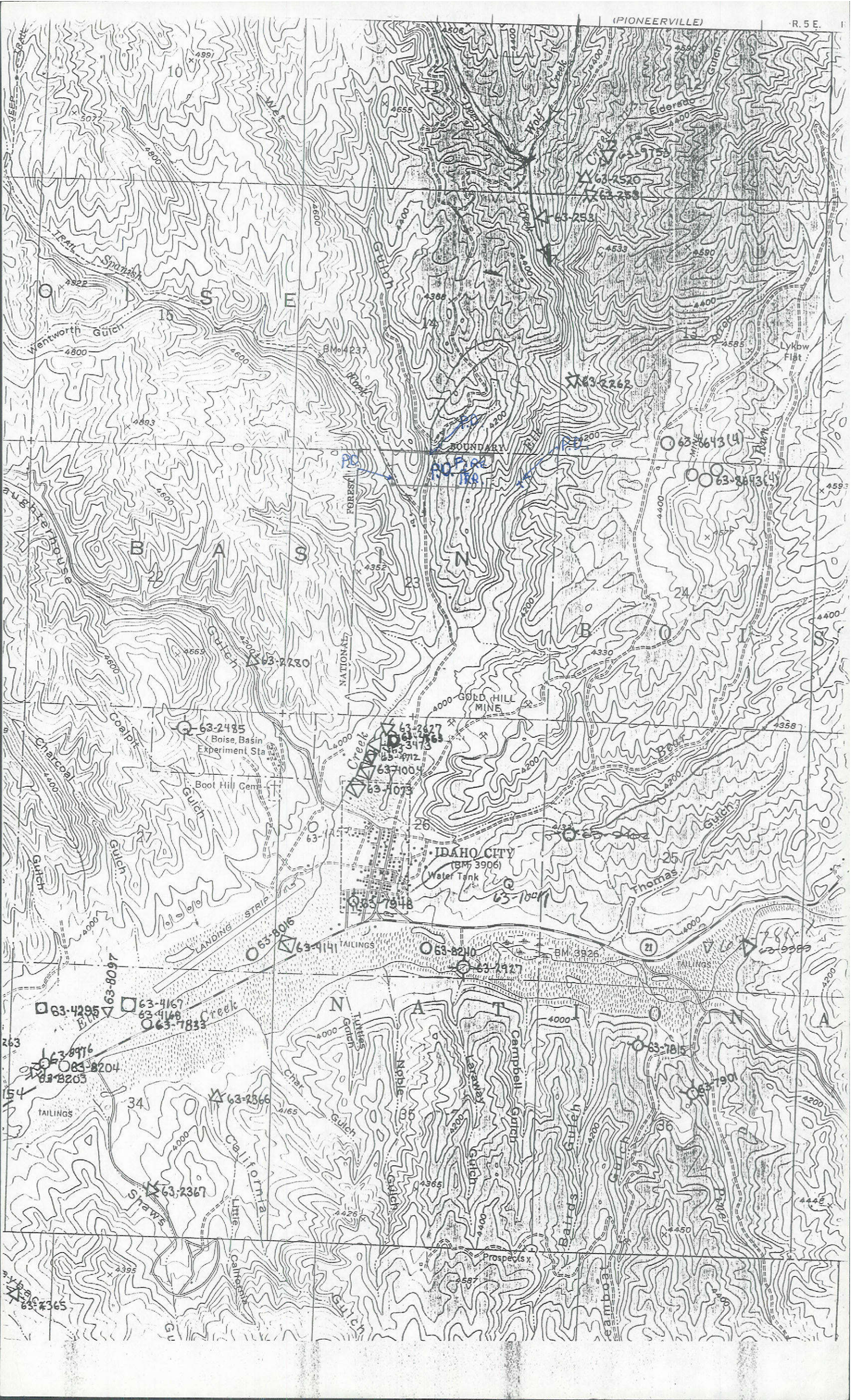
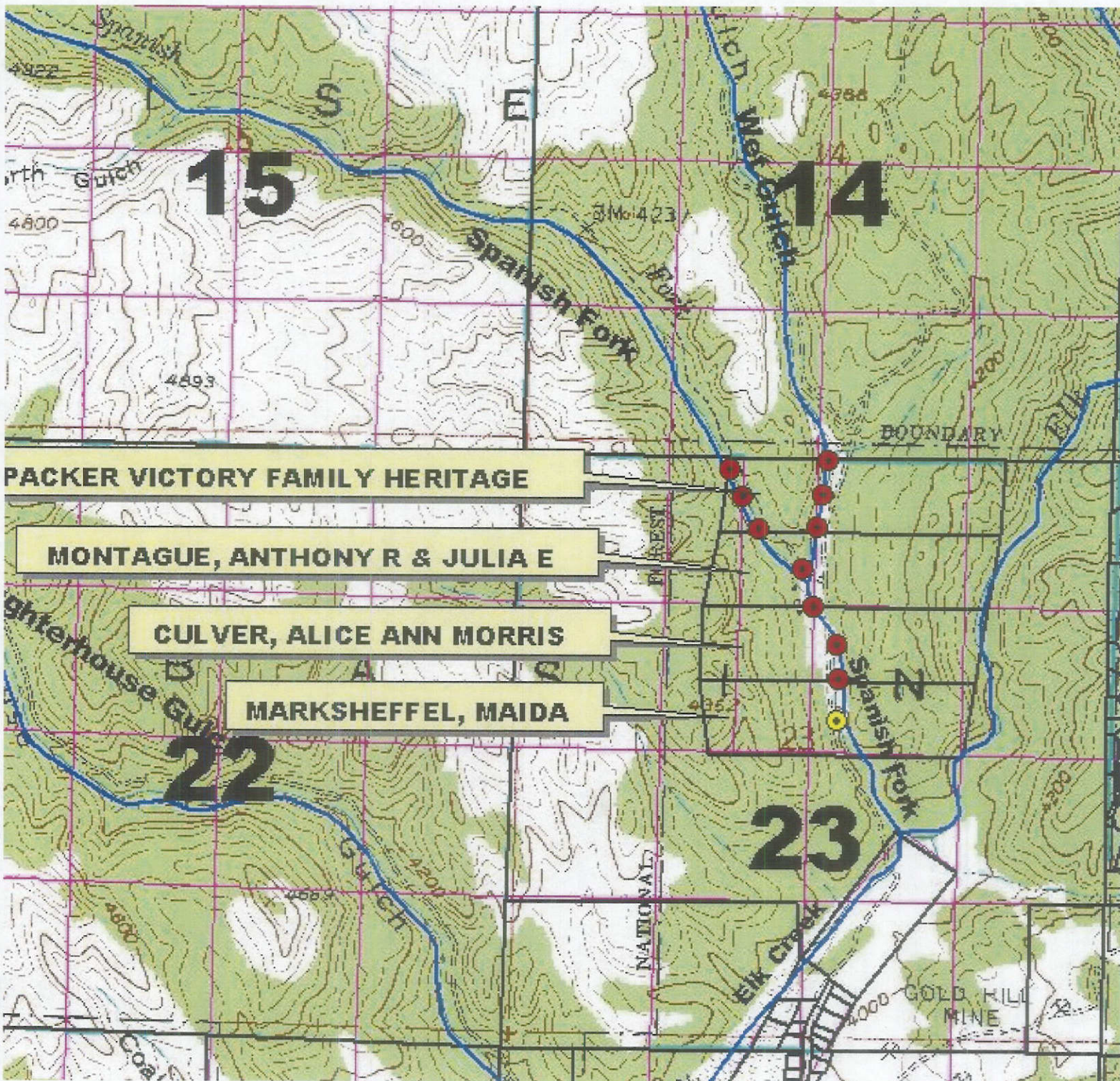
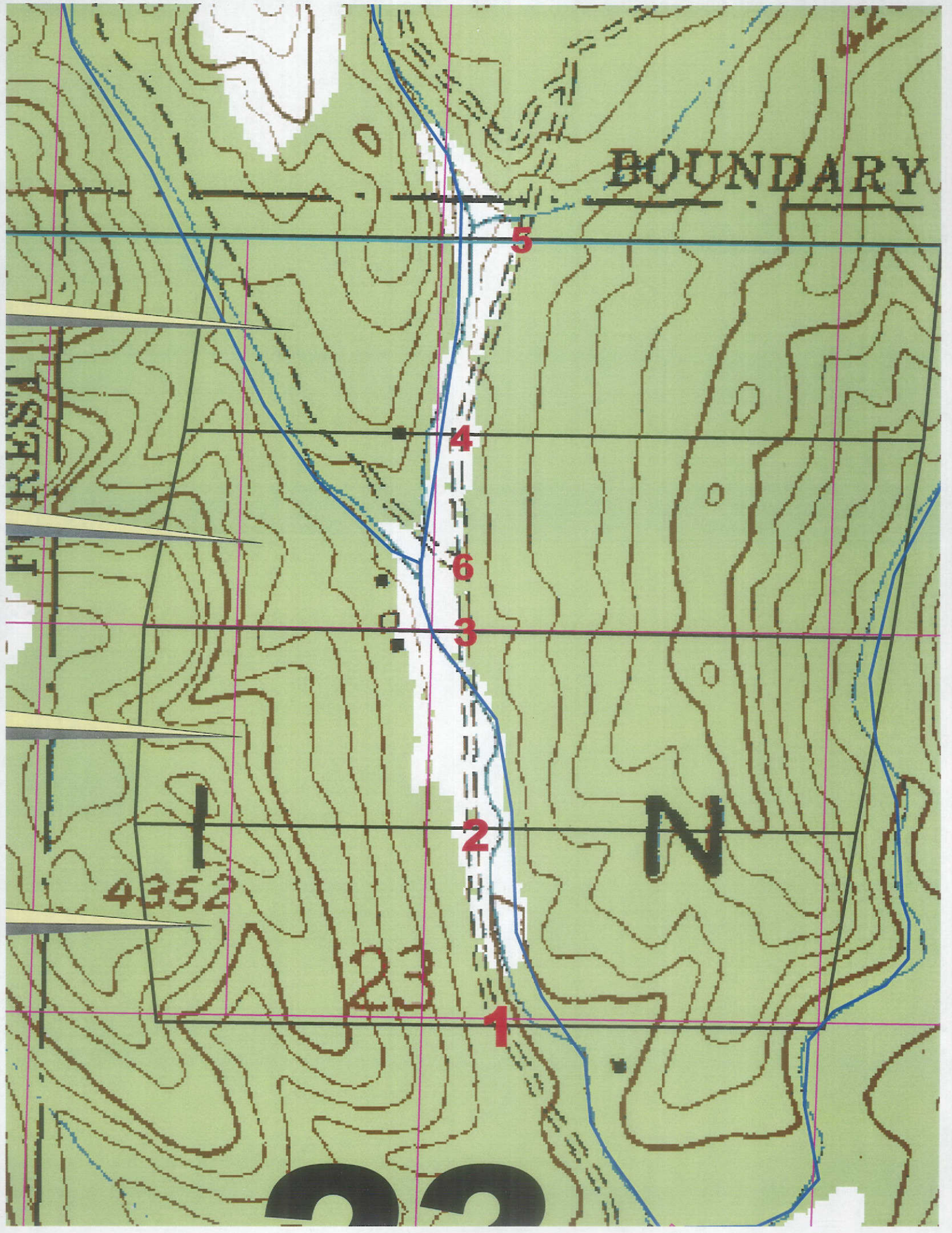








BOUNDARY

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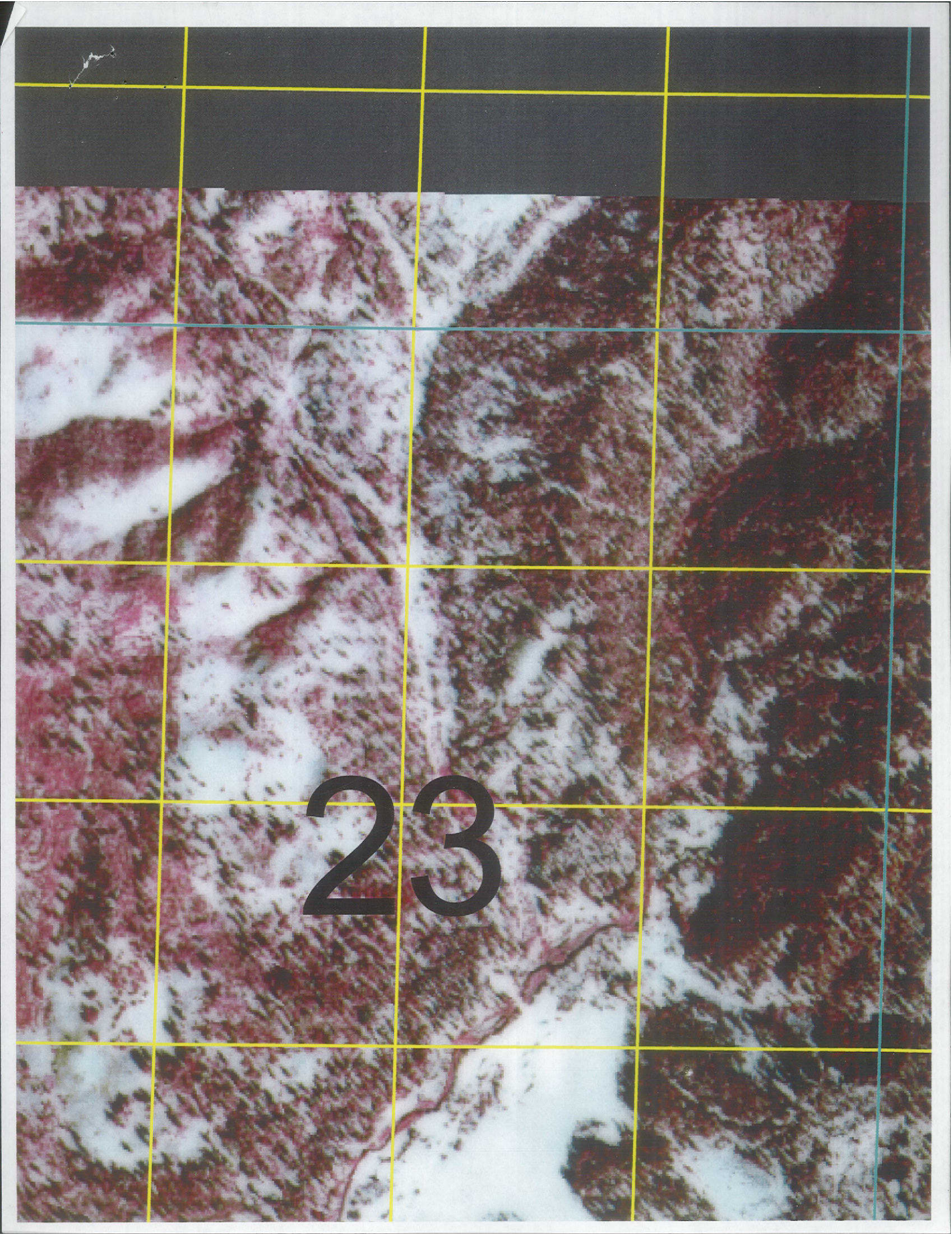
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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 63-31489
Date Received: 4/19/1989
Receipt No: C006425
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PACKER VICTORY FAMILY HERITAGE Phone: (208)853-9216
6809 BARON AVE
BOISE ID 83703

2. Date of Priority: 05/25/1936

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

4. Point of Diversion:

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

5. Description of diverting works:

1 1/2 hp pump, sluice box. Pump used for irrigation and fire protection.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.6	
MINING	01/01	12/31	1	
FIRE PROTECTION	01/01	12/31	13	

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

8. Total consumptive use:

9. Non-irrigation uses: MINING FOR DEED 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	
06N	05E	15	SW	NE	MINING	
			NE	SE	MINING	
			SE	SE	MINING	
06N	05E	23	NW	NE	MINING	
			NE	NW	MINING	
			NW	NW	MINING	
			NW	NE	IRRIGATION	20
			NE	NW	IRRIGATION	10
			NW	NE	FIRE PROTECTION	
			NE	NW	FIRE PROTECTION	
					Section Acres	30
					Total Acres	30

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 AND SPANISH GULCH, ALSO MOORES CREEK. IRRIGATION ON THIS CLAIM IS FOR 30 ACRES OF TREE FARM.

15. Basis of Claim: License

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 63-31489

Ident. Number: A63-02520C

Date Received: 4/19/1989

Receipt No: C006425

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PACKER VICTORY FAMILY HERITAGE 208-853-9216
Address: 6809 BARON AVE.
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	ELK	BOISE	
		13	SW	NW	ELK	BOISE	
		14	NE	NE	WOLF	BOISE	
		15	NW	NE	SP	BOISE	
			SW	SE	SP	BOISE	
		23	NW	NE	ELK	BOISE	
			NW	NW	ELK	BOISE	
			NE	NE	NW SP	BOISE	

5. Description of diverting works:

1 1/2HP PUMP, SLUICE-BOX PUMP USED FOR IRR. & FIRE PROTECTION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MINING	01/01	12/31	1.000		
FIRE PROTECTION	01/01	12/31	13.000		
IRRIGATION	03/15	11/15	0.600		

7. Total Quantity Appropriated is:

13.000 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

A63-02520C

Page

1

Date: 04/20/89

MICROFILMED

AUG 18 1992

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		
			NW	NE		IRR	20.0	
			NE	NW		FIRE		
			NE	NW		MINING		
			NE	NW		IRR	10.0	
			NW	NW		MINING		
		Section Acres						30.0
		Total Acres						30.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

N/A

14. Remarks:

SOURCES ARE ELK CK. & SPANISH GULCH, ALSO MOORE'S CREEK.
IRRIGATION ON THIS CLAIM IS FOR 30 ACRES OF TREE FARM.

15. Basis of Claim: LICENSE

Water Right Number: 18302

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____,
Organization document in the space below as _____ of
_____,
Organization Title and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-02520C
Date Received: 4/19/1989
Receipt No: 5006425
Received By: 87

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PACKER VICTORY FAMILY HERITAGE 208-853-9216
Address: 6809 BARON AVE.
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	NW	NE	NE		BOISE
			NW	NW	NE		BOISE
			NE	NE	NW		BOISE

5. Description of diverting works:
1 1/2HP PUMP, SLUICE-BOX. PUMP USED FOR IRR. & FIRE PROTECTION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MINING	01/01	12/31	1.000		
FIRE PROTECTION	01/01	12/31	13.000		
IRRIGATION	03/15	11/15	0.600		

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

8. Total consumptive use is Acre Feet Per Annum.

A63-02520C

Page 1

Date: 04/19/89

MICROFILMED

AUG 18 1992

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		
			NW	NE		FIRE		
		23	NW	NE		MINING		
			NW	NE		IRR	20.0	
			NE	NW		FIRE		
			NE	NW		MINING		
			NE	NW		IRR	10.0	
			NW	NW		MINING		
		Section Acres						30.0
		Total Acres						30.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

N/A

14. Remarks:

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

15. Basis of Claim: BENEFICIAL USE

Water Right Number: 18302

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 Organizations:

I do solemnly swear or affirm that I am General Partner of
Title
Packer Victory Family Heritage that I have signed the foregoing
Organization
document in the space below as General Partner of
Title
Packer Victory Family Heritage and that the statements contained in the
Organization
foregoing document are true and correct.

Jane V. Victory
Signature of Authorized Agent
General Partner
Packer Victory Family Heritage
Title and Organization

4-19-89
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of APRIL 19 89

Shirley E. Sully
Notary Public

Seal

Residing at BOISE, ID
My Commission Expires 11/08/1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-31486
Date Received: 5/10/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PACKER VICTORY FAMILY HERITAGE Phone: (208)853-9216

6809 BARON AVE
BOISE ID 83703

2. Date of Priority: 01/01/1982

3. Source: SPANISH FORK , WET GULCH , WET GULCH , SPANISH FORK Trib. to: ELK CREEK
, SPANISH FORK , SPANISH FORK , ELK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	05E	23	NE NE NW	BOISE	Ending Point
06N	05E	23	NW NW NE	BOISE	Beginning Point
06N	05E	23	NW NW NE	BOISE	Ending Point
06N	05E	23	NW NE NW	BOISE	Beginning Point

5. Description of diverting works:

INSTREAM STOCK WATERING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 10

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	05E	23	NE	NW	STOCKWATER	
			NW	NE	STOCKWATER	

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:

CLAIM SET TO TEMPORARY STATUS UNTIL SIGNED IN FRONT OF A NOTARY AND RETURNED TO THIS OFFICE WITH \$25 FILING FEE.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

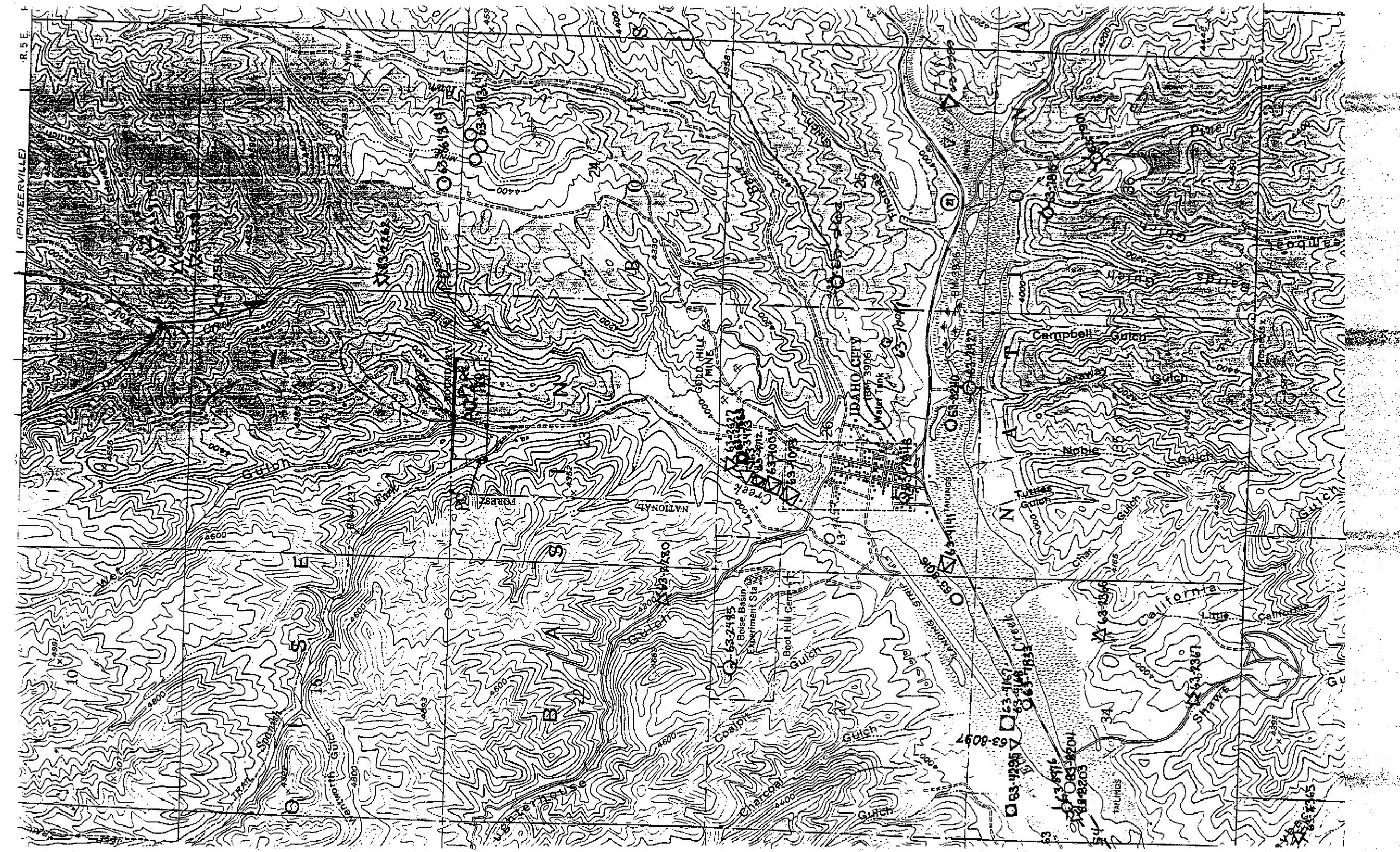
Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____



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 familiar 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

MEMO TO: FILE A63-02520C

FROM: FORREST LUTHY

DATE: 04/19/1989

THIS CLAIM WAS FILED ON THE ABOVE DATE FOR 1.0 CFS FOR MINING, 0.60 CFS FOR 30 ACRES OF TREE FARM IRRIGATION, 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 FOR 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.

IT WAS ALSO STRESSED TO THE CLAIMANTS THAT THE IRRIGATION CLAIMED ON THIS PARTICULAR SPLIT REPRESENTED A CHANGE IN THE NATURE OF USE FROM THAT ORIGINALLY LICENSED. ADDED IS THE FACT THAT A PORTION OF THE USE WENT FROM ESSENTIALLY NON-CONSUMPTIVE IN NATURE TO THAT OF CONSUMPTIVE, WHICH CONSIDERING THE MORE OR LESS OVER-APPROPRIATED BOISE RIVER DRAINAGE MAY PRESENT THE CLAIMANT WITH FURTHER DIFFICULTIES IN DEFENDING THIS CLAIM.

FEL

MICROFILMED

AUG 18 1992

05/31/2002

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

RIGHT NUMBER: 63-31489

NAME AND ADDRESS: PACKER VICTORY FAMILY HERITAGE
6809 BARON AVE
BOISE ID 83703

SOURCE: SPANISH FORK
WET GULCH

TRIBUTARY: ELK CREEK
TRIBUTARY: SPANISH FORK

QUANTITY: 3.25 CFS

PRIORITY DATE: 07/02/1937

POINT OF DIVERSION:

T06N R05E S23 NWNWNE Within BOISE County

T06N R05E S23 NENENW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
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.

63-31489

05/22/2002

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

RIGHT NUMBER: 63-2520C

NAME AND ADDRESS: PACKER VICTORY FAMILY HERITAGE
6809 BARON AVE
BOISE ID 83703

SOURCE: SPANISH FORK
WET GULCH

TRIBUTARY: ELK CREEK
TRIBUTARY: SPANISH FORK

QUANTITY: 3.25 CFS

PRIORITY DATE: 07/02/1937

POINT OF DIVERSION:

T06N R05E S23 NWNWNE Within BOISE County
T06N R05E S23 NENENW Within BOISE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
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 63-2520C V1

WATER RIGHT NUMBER: 63-2520C V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PACKER VICTORY FAMILY HERITAGE 6809 BARON AVE BOISE, ID 83703 (208)853-9216

Priority Date: 07/02/1937

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPANISH FORK WET GULCH	ELK CREEK SPANISH FORK

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

Location of Point(s) of Diversion

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

Place of UseFIRE 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.

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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2520C V1

Comments:

1. csaxton 5/20/2002 Source

Comment: Licensing exam indicates that the source has not changed. But USGS quad defines sources as Spanish Fork trib to Elk Creek, and Wet Gulch trib to Spanish Fork.

2. 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.

3. csaxton 5/20/2002 POD

Comment: No defined POD location for fire protection. Recommended in the center of the stream on claimants property.

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: 63

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: OR

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	5/20/2002 2:17:33 PM	csaxton			Active
Source	5/20/2002 2:25:43 PM	csaxton			Active
Use	5/20/2002 3:10:18 PM	csaxton			Active
Season	5/20/2002 3:11:12 PM	csaxton			Active
Quantity	5/20/2002 3:15:19 PM	csaxton			Active
POU	5/20/2002 3:16:15 PM	csaxton			Active
Summary			05/20/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	5/22/2002 11:28:52 AM	csaxton	Edited shape boundary
POD	5/22/2002 11:29:39 AM	csaxton	Edited point location

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2520C V1

Priority Date	5/20/2002 2:17:33 PM	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?
Contacts	5/20/2002 2:16:38 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: In office Meeting with Irene Victory.
POD	5/20/2002 2:21:21 PM	csaxton	Edited point location
POD	5/20/2002 2:21:52 PM	csaxton	Edited point location
Source	5/20/2002 2:25:43 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (No) 5. Can the claimed source be verified using the water right file? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - USGS quad maps
POU	5/20/2002 3:16:16 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? (No) 14. Is a POU remark and/or condition required?
POU	5/20/2002 3:16:54 PM	csaxton	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2520C V1

Use	5/20/2002 3:10:19 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 - System changed in the Mid 50s according to Daughter of original licensee Irene Victory. Description for Question 10,11,12 - Claimant contact on 5/8/02
Season	5/20/2002 3:11:13 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? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
POD	5/20/2002 3:15:19 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2520C V1

Summary	5/20/2002 3:19:09 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?
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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.

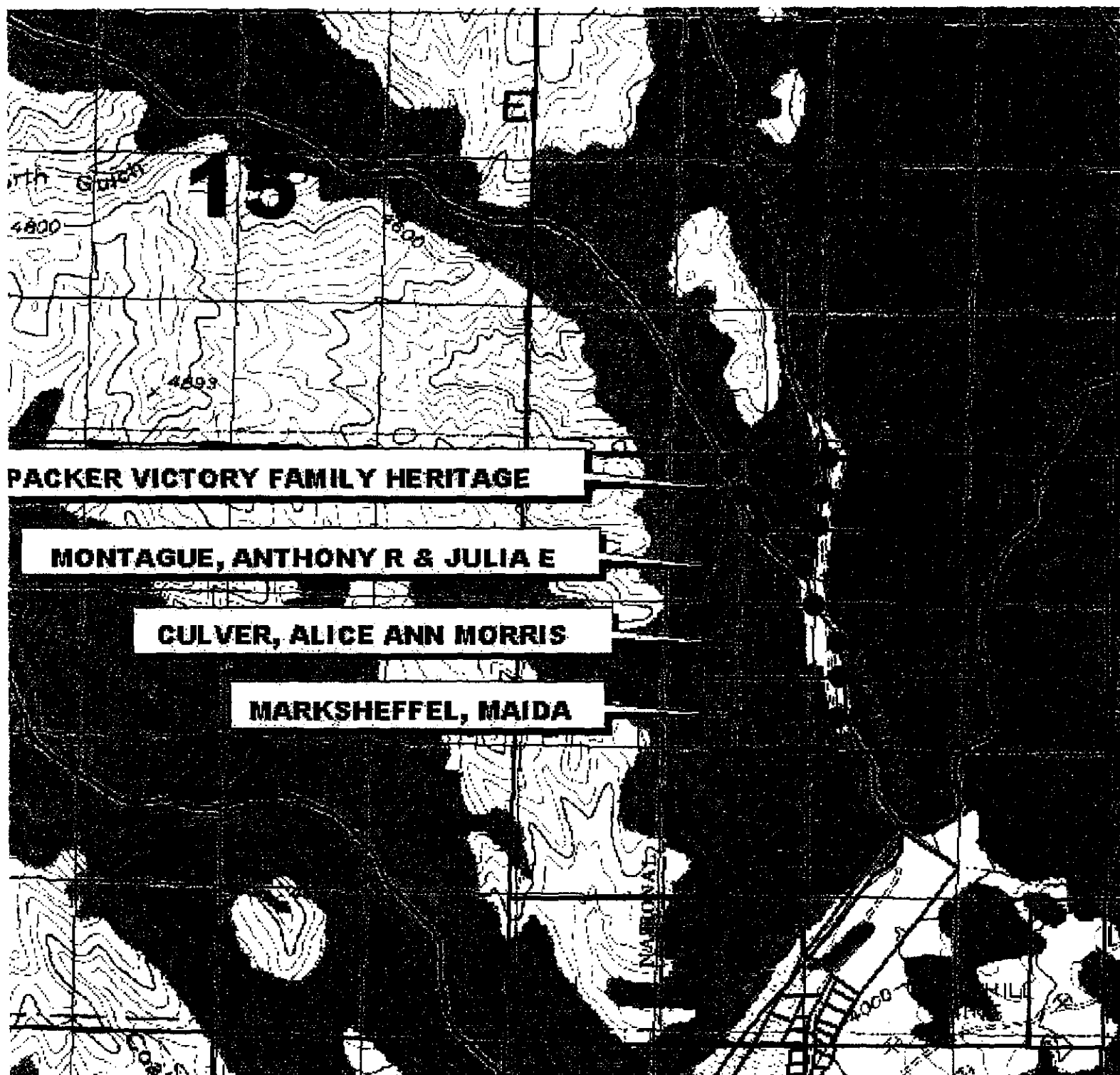
My research indicated that there is no longer any mining (other than gold panning) and no us of the water for power currently. Based on Irene's statement the licensed uses haven't been in practice for around 50 years.

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

Claimed	Claimed	Recommend
63-02520	63-02520B Montegue	7/2/1937
8	13	3.25
7 40's	Mine/Fire	Fire
Mining	63-02520C Packer Victory Fam	7/2/1937
63-02520A - Watson	13	3.25
13	Mine/Fire/Irr	Fire
7 40'w	63-02520D Culver, Alice	7/2/1937
63-02531	13	3.25
5	Mine/Fire/D/S/Irr	Fire/Stock
S. 14, 15, 23	63-02520E Watson, Lynn	
Mine/Power	9.8	Disallow
	Mine/Fire	
	63-02520E Darjany, Maida	7/2/1937
	3.25	3.25
	Mine/Fire	Fire
Sum of claimed CFS =	52.05	Sum CFS= 13
Sum of claimed Acreage =	N/A	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

4-30-02 : Phone conversation set up meeting @ 9:30 on 5/8/02

5-8-02 : Wet Gulch Intermittent Stream

In office

meeting : Spanish Flk Creek - Has fish

: So No Irrigation

: Mining - only Gold mining

Alice's Phone
853-1222

: Dad Passed in mid 50's - Haven't mined since
After WWII.

: Can only recommend Fire Protection

5-10-02 : Stock Water - Instream 63-31486.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-2520C

WATER RIGHT NUMBER: 63-2520C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PACKER VICTORY FAMILY HERITAGE 6809 BARON AVE BOISE, ID 83703 (208)853-9216

Priority Date: ~~05/25/1936~~ 7/2/37

Basis: License

Status: Active

Source

~~ELK CREEK~~
~~SPANISH FORK~~
~~WOLF CREEK~~ *web gulch*

Tributary

~~MOORES CREEK~~
~~MORES CREEK~~ *Elk Creek*
~~ELK CREEK~~ *Spanish FK*

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
~~MINING~~	~~1/01 to 12/31~~	~~1.000 CFS~~	
~~IRRIGATION~~	~~3/15 to 11/15~~	~~0.600 CFS~~	
FIRE PROTECTION	1/01 to 12/31	~~13.000 CFS~~ 3.25	
	<u>Total Diversion:</u>	~~13.000 CFS~~ 3.25	

Location of Point(s) of Diversion

ELK CREEK	SW1/4SW1/4	~~Sec. 12, Twp 06N, Rge 05E, B.M.~~
BOISE County		
ELK CREEK	NW1/4NW1/4NE1/4	Sec. 23, Twp 06N, Rge 05E, B.M. <i>OK</i>
BOISE County		
ELK CREEK	NW1/4NE1/4NE1/4	~~Sec. 23, Twp 06N, Rge 05E, B.M.~~
BOISE County		
SPANISH FORK	NW1/4NE1/4	~~Sec. 15, Twp 06N, Rge 05E, B.M.~~
BOISE County		
SPANISH FORK	SW1/4SE1/4	Sec. 15, Twp 06N, Rge 05E, B.M.
BOISE County		
SPANISH FORK	NE1/4NE1/4NW1/4	Sec. 23, Twp 06N, Rge 05E, B.M. <i>OK</i>
BOISE County		
ELK CREEK	SW1/4NW1/4	~~Sec. 13, Twp 06N, Rge 05E, B.M.~~
BOISE County		
WOLF CREEK	NE1/4NE1/4	~~Sec. 14, Twp 06N, Rge 05E, B.M.~~
BOISE County		

Place of Use

MINING Within BOISE County

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2520C

T06N R05E S14	~~SWSW~~	T06N R05E S14	~~SESW~~
T06N R05E S15	~~SWNE~~	T06N R05E S15	~~NESE~~
T06N R05E S15	~~SESE~~	T06N R05E S23	~~NWNE~~
T06N R05E S23	~~NENW~~ ok	T06N R05E S23	~~NWNW~~ ok

nd

~~IRRIGATION Within BOISE County~~

T06N R05E S23	NWNE	20.0	T06N R05E S23	NENW	10.0
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Total Acres: 30

nd

~~FIRE PROTECTION Within BOISE County~~

T06N R05E S23	NWNE	T06N R05E S23	NENW
	ok		ok

Conditions of Approval:Remarks:

- General SOURCES ARE ELK CK. & SPANISH GULCH, ALSO MOORE'S CREEK. IRRIGATION ON THIS CLAIM IS FOR 30 ACRES OF TREE FARM.

Comments:Dates and Other Information:

Claim Received Date: C
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector: 0
 Water District Number: 63
 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: OR







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 10, 2002

PACKER VICTORY FAMILY HERITAGE
6809 BARON AVE
BOISE ID 83703

RE: New Snake River Basin Adjudication Stockwater claim 63-31486

Dear Irene Victory,

Enclosed is a copy of the In-stream stockwater claim we spoke about on the phone. Please look over the claim and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to this office with the filing fee of \$25.

Please feel free to contact me if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig L. Saxton'.

Craig L. Saxton
Water Resource Agent
Adjudication Bureau