

POOR ORIGINAL

SPENCER
SRBA Claim No. A63-02572

Place of
Use

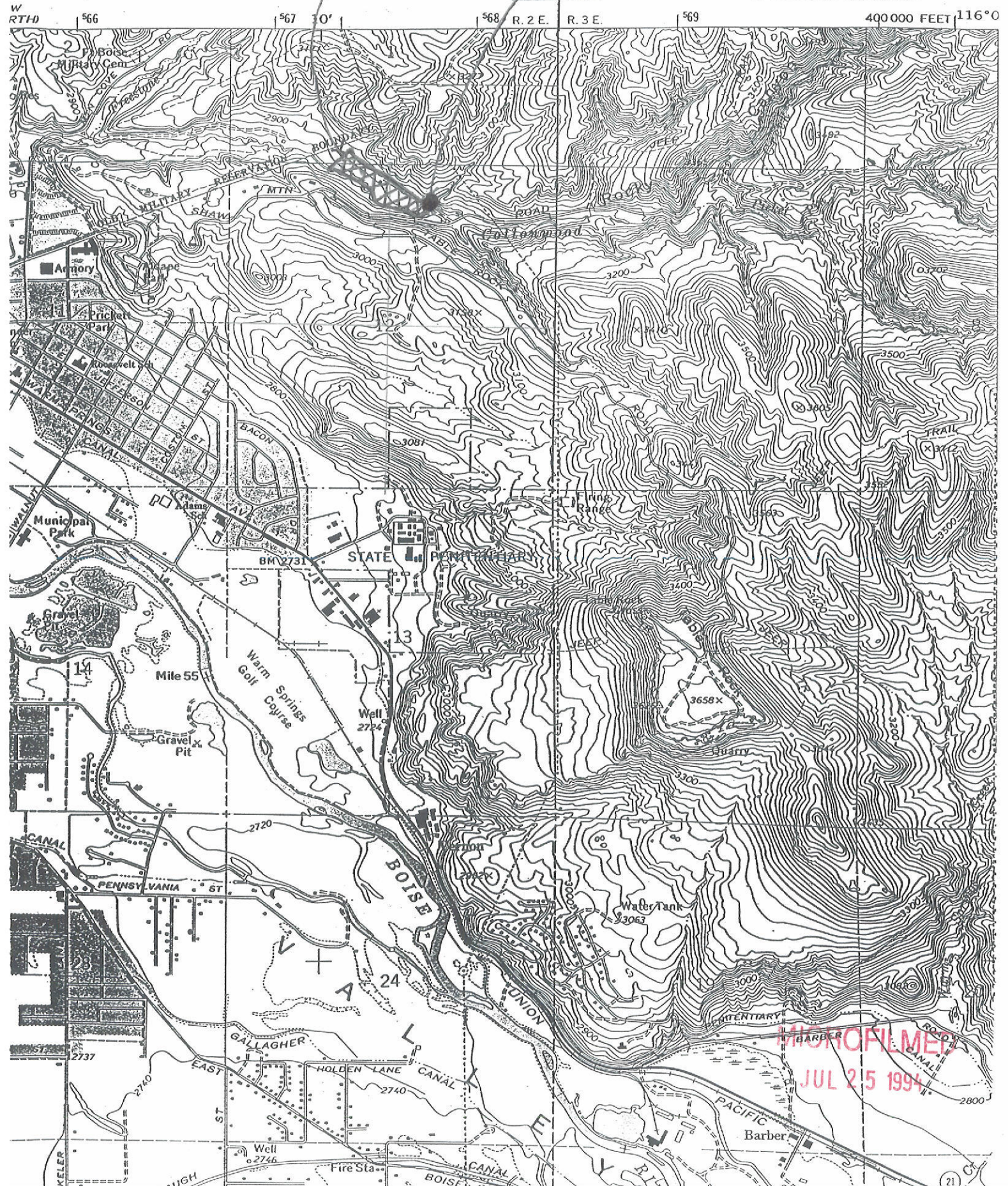
Point of
Diversion

BOISE SOUTH QUADRANGLE
IDAHO-ADA CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)
SW/4 BOISE 15' QUADRANGLE

T. 3 N.

R. 2 E. R. 3 E.

400 000 FEET 116° 0



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: A63-02572
Date Received: 5/9/1994
Receipt No: 0030247
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: STEPHEN E SPENCER MD 208-345-3926
Address: 2900 SHAW MOUNTAIN RD
BOISE ID 83712

2. Date of Priority: DEC 3, 1941

3. Source: COTTONWOOD CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	12	NW	NE			ADA

5. Description of diverting works:
CANAL AND PIPELINE ALONG ROAD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.180		

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

8. Total consumptive use is 31.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	12	NW	NE		IRR	3.0
			NE	NW		IRR	6.0

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JUL 25 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	9.0
					Total Acres	9.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
A63-04112, A63-04116 AND A63-29962

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 19234

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JUL 25 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number A63-02572

Date Received 5-9-94 *du*

Receipt Number C030247

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAY 09 1994
Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Stephen E. Spencer, M.D. Phone (208) 345-3926Mailing Address 2900 Shaw Mountain Road, Boise, ID Zip 837122. Date of Priority (Only one (1) per claim) December 3, 19413. Source of water supply (a) Cottonwood Creek
which is tributary to (b) Boise River4. a. Location of existing point of diversion is: Township 3N Range 2E Section 12,
1/4 of NW 1/4 of NE 1/4, Govt. Lot, B.M., County of Ada

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Diversion on Cottonwood Creek to
canal and pipeline along road.

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HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 0.18 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.18 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 31.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	2E	12		3			6												9

Total number of acres irrigated 9

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes x No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

63-04112, 63-04116

or None ()

14. Remarks:

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JUL 25 1994

Last Name SPENCER Ident No. A63-02572

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

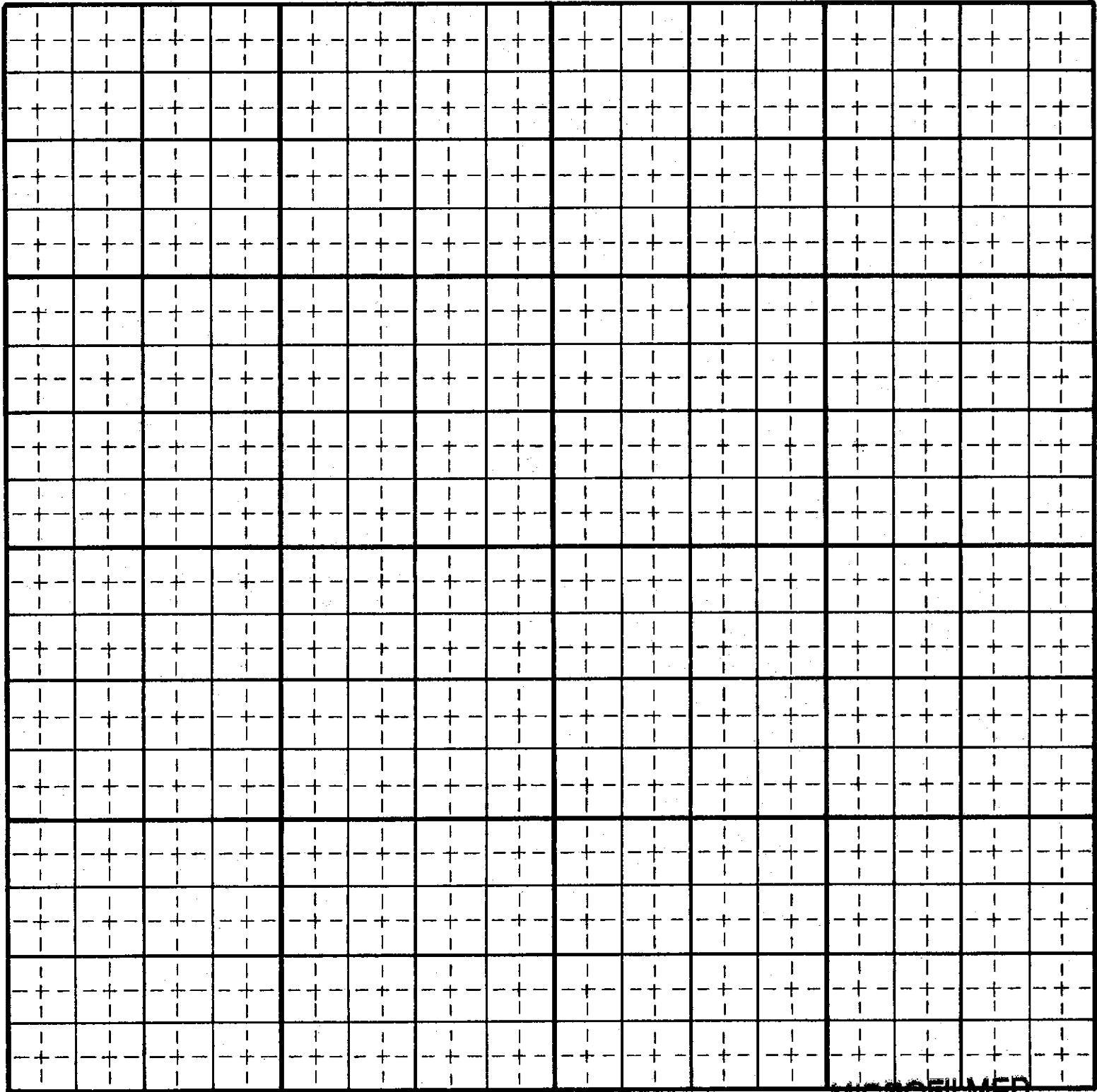
RECEIVED

JUL 1 1988

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

SEE ATTACHED MAP



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JUL 25 1994

Last Name SPENCER

Ident No. A63-02572

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-02572
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 One map.

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Stephen E. Spencer, MD Date 5-2-94

Date _____

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

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

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

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Dana Hofstetter, Holland & Hart will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Dana Hofstetter

Address P.O. Box 2527, Boise, ID 83701

Date 5/6/94

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JUL 25 1994

Last Name SPENCER Ident. Number 63-02572

Copies White-State, Yellow-Claimant

POOR ORIGINAL

SPENCER
SRBA Claim No. A63-02572

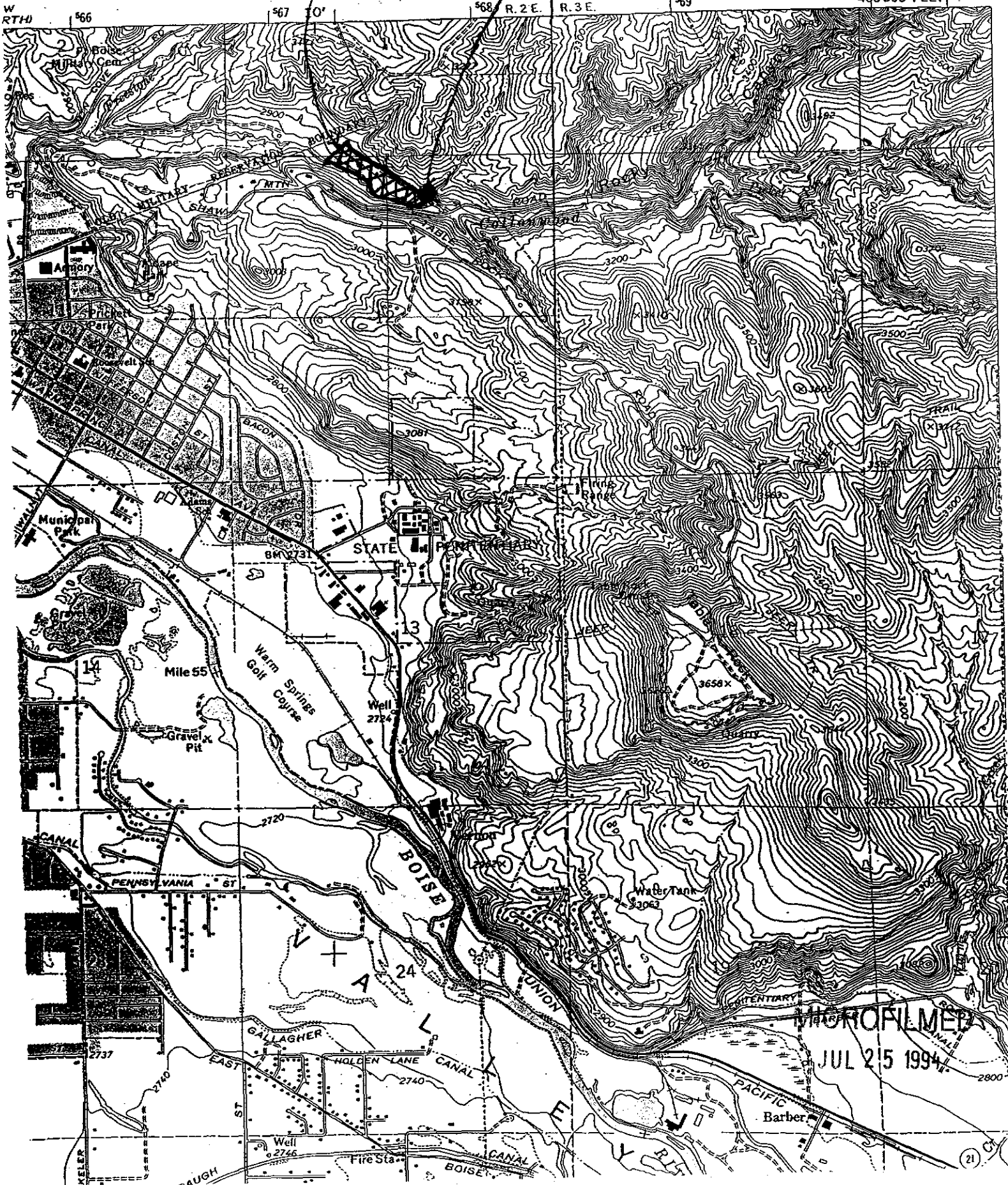
Place of
Use

Point of
Diversion

BOISE SOUTH QUADRANGLE
IDAHO-ADA CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)
SW/4 BOISE 15' QUADRANGLE

T. 3 N.

400 000 FEET 116° 0



MICROFILMED
JUL 25 1994

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 15, 2005

Water right number: 63-2572

STEPHEN E SPENCER
2900 SHAW MOUNTAIN RD
BOISE ID 83712
Telephone Number: (208)345-3926

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

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

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

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

DATE: 7-12-05 SIGNATURE: Stephen E. Spencer

Please print your name: Stephen E. Spencer

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

01/19/2005

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

RIGHT NUMBER: 63-2572
NAME AND ADDRESS: STEPHEN E SPENCER
2900 SHAW MOUNTAIN RD
BOISE ID 83712
SOURCE: COTTONWOOD CREEK TRIBUTARY: BOISE RIVER
QUANTITY: 0.180 CFS
Use of this right with Right No. 63-4116 is limited to a total combined diversion rate of .18 cfs.
PRIORITY DATE: 12/03/1941
POINT OF DIVERSION:
T03N R02E S12 NWNE Within ADA County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.180 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION Within ADA County
T03N R02E S12 NWNE 3.0 T03N R02E S12 NENW 6.0

9 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-4116 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 9 ACRES IN A SINGLE IRRIGATION SEASON.

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

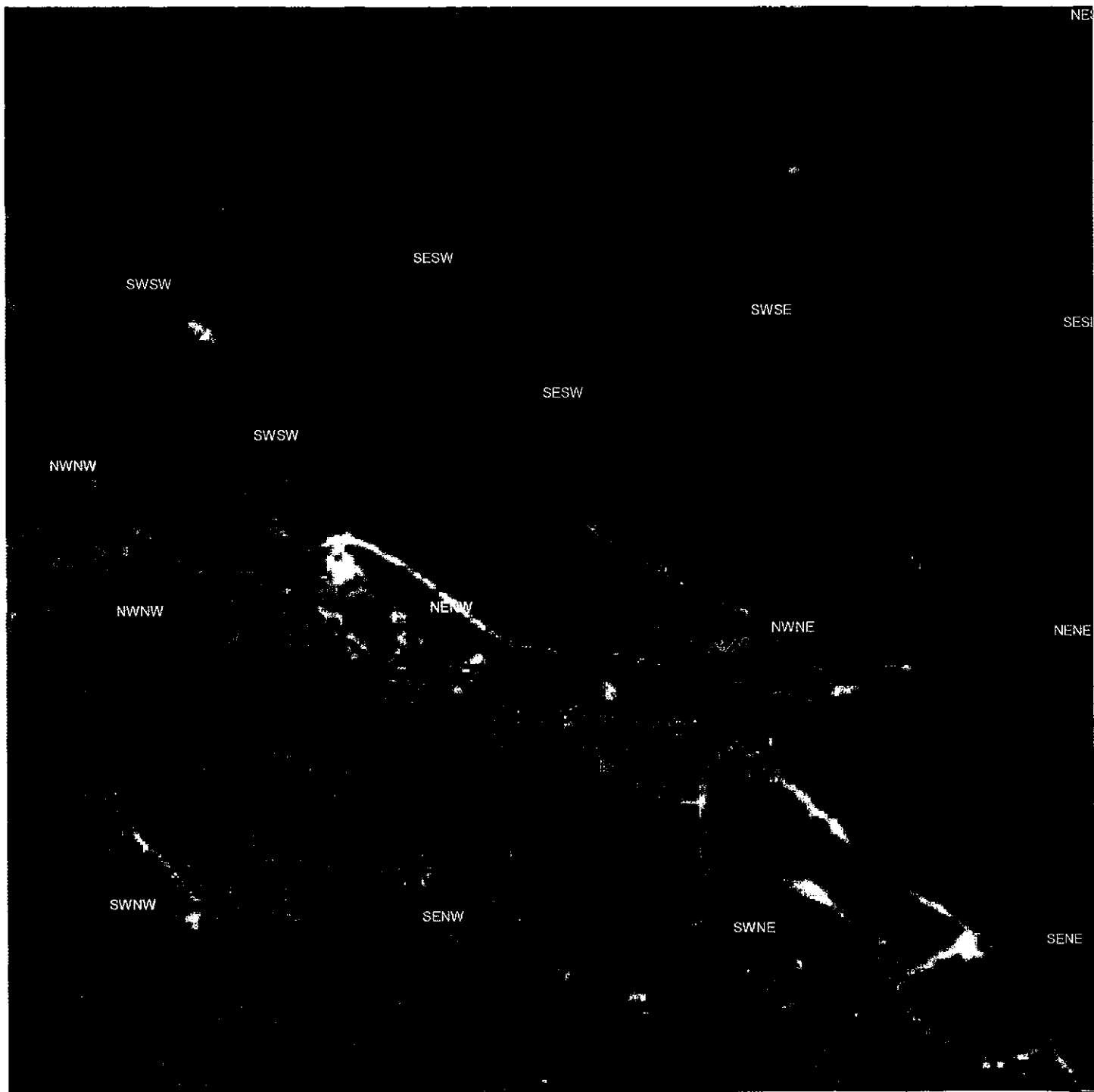
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

Idaho Department of Water Resources

63-2572

T03N R02E S12



- Point of Diversion
- Place of Use
- Sections
- Quarter Quarter



500 0 500 Feet

IDWR
Prepared by: Sandy Egbert
Date: 1-19-05
1987 NAPP Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2572 V1

WATER RIGHT NUMBER: 63-2572 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEPHEN E SPENCER 2900 SHAW MOUNTAIN RD BOISE, ID 83712 (208)345-3926
Original Owner	FELIPE ALDAPE BOISE, ID

Priority Date: 12/03/1941

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.180 CFS	
	<u>Total Diversion:</u>	0.180 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK	NW1/4NE1/4	Sec. 12, Twp 03N, Rge 02E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02E	12		3.0			6.0												9.0

Total Acres: 9

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. Quantity Use of this right with Right No. 63-4116 is limited to a total combined diversion rate of .18 cfs.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 63-4116 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 9 ACRES IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2572 V1

3. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. segbert 2/11/2005 POD
 Comment: Updated shape

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 63
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.18		9

Combined Water Rights: 63-2572 , 63-4116

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	1/19/2005 8:06:34 AM	segbert			Active
POD	1/19/2005 8:09:23 AM	segbert			Active
Source	1/19/2005 8:10:30 AM	segbert			Active
POU	1/19/2005 8:11:04 AM	segbert			Active
Use	1/19/2005 8:12:17 AM	segbert			Active
Season	1/19/2005 8:13:41 AM	segbert			Active
Quantity	1/19/2005 8:14:47 AM	segbert			Active
Summary			01/19/2005	segbert	Active
POD	2/11/2005 3:08:29 PM	segbert			Active
Summary			02/11/2005	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2572 V1

POD	2/11/2005 3:08:30 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Priority Date	1/19/2005 8:06:35 AM	segbert	(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?
POU	1/19/2005 8:11:32 AM	segbert	Edited shape boundary
Season	1/19/2005 8:13:41 AM	segbert	(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 administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	1/19/2005 8:14:48 AM	segbert	(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? (Yes) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2572 V1

Summary	1/19/2005 8:27:28 AM	segbert	(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. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right?
POD	1/19/2005 8:09:23 AM	segbert	(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?
Source	1/19/2005 8:10:31 AM	segbert	(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	1/19/2005 8:11:05 AM	segbert	(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	1/19/2005 8:12:17 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Summary	2/11/2005 3:12:10 PM	segbert	(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. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2572

WATER RIGHT NUMBER: 63-2572

Owner Type Name and Address
 Current Owner STEPHEN E SPENCER
 2900 SHAW MOUNTAIN RD
 BOISE, ID 83712
 (208)345-3926
 Original Owner FELIPE ALDAPE
 BOISE, ID

*Felipe Aldape
on license**Put Quantity
18 cfs limits
w/4/11/06*

Priority Date: 12/03/1941 ✓
 Basis: License ✓
 Status: Active

Source Tributary
 COTTONWOOD CREEK ✓ BOISE RIVER ✓

504-11011-15

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION ✓ 3/15 to 11/15 0.180 CFS

Total Diversion: 0.180 CFS ✓

Location of Point(s) of Diversion *NE NE on license*
 COTTONWOOD CREEK ✓ NW1/4NE1/4 Sec. 12, Twp 03N, Rge 02E, B.M.
 ADA County

Place of Use
 IRRIGATION

*poll card
9 acs
limits
w/4/11/06*

Twp	Rge	Sec	NE ✓	NW ✓	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	02E	12	3.0 ✓	6.0 ✓															9.0 ✓

Total Acres: 9

Conditions of Approval:Remarks:Comments:Dates and Other Information:

other rights
 4116 - domestic & irrig
 4117 - irrigation - changed to just stockwater on re-comm.
 29962 - domestic decreed 5-26-2000

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2572

Claim Received Date: 5/9/1994

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number: 63

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits: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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$1 59.00
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-2572

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☒ POD found is different than claimed: POD on license is in NENE – claim NWNE
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: _____

WATER USES☒ No change☐ Different Uses

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only *NC*☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 63-4112, 63-4116,

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative:

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

63-29962 is for domestic use. It is listed on claim as Other Rights used. It was decreed in 2000

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE ^{Review}EXAM CONDUCTED: 2-11-05

FIELD EXAMINER: Sandy Egbert

MEMO

Bill Meyer, attorney for Stephen Spencer telephoned 2-11-05 and said the POD has never changed, it was just recorded wrong on the license. The correct QQ is in the NWNE which is what was claimed.

He is also sending in a Notice of Appearance to change the attorney of record from Dana Hoffstetter to Bill Meyer.

January 19, 2005

STEPEHN E SPENCER
2900 SHAW MOUNTAIN ROAD
BOISE ID 83712

Re: Point of Diversion for Water Right 63-2572

Dear Claimant(s):

In reviewing your claim referenced above for submission in the Snake River Basin Adjudication (SRBA), it was discovered that the point of diversion (POD) on Water Right License 63-2572 was listed in the **NENE** of Township 3N 2E Section 12 but the Claim filed in May of 1994 lists the point of diversion in the **NWNE** of Township 3N 2E Section 12. Before your claim can be recommended to the SRBA Court we must receive from you some evidence of when the POD changed from the **NENE** to the **NWNE**.

Soon after we receive evidence from you about the change in location of the POD we will be sending you a Preliminary Recommendation for your review. There will be more detailed instructions in that envelope on reviewing your Recommendation and responding to this office if changes need to be made.

If you have any questions concerning this letter or your claim, please feel free to contact this office.

Sincerely,

Sandy Egbert
GIS Specialist
Western Region Office

cc Dana Hofstetter

State of Idaho
License and Certificate of Water Right

Water License No. 19234

Amount 0.18 second foot

Water District No.

Priority December 3, 1941

THIS IS TO CERTIFY that FELIPE ALDAPE

of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 3, 1941; that Permit No. 19234 was issued under said application; that Certificate of Completion of works, with a carrying capacity of one second feet, was issued thereunder on July 23, 1946, showing that said works were completed on the 22nd day of July, 1946; and that on the 20th day of August, 1946,

FELIPE ALDAPE

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 Cottonwood Creek

, a tributary of Boise River, for the purpose of irrigation

, under Use Permit No. 19234 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 7

of Licenses at page 4336, on the 20th day of February, 1947;

The right hereby confirmed dates from December 3, 1941;

The Point of Diversion is located

in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, Tp. 3 N., R. 2 E., B. M., Ada 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 0.18 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	2 E.	12	SE $\frac{1}{4}$ SW $\frac{1}{4}$	5	-
			NE $\frac{1}{4}$ NE $\frac{1}{4}$	7	-
			NE $\frac{1}{4}$ NE $\frac{1}{4}$	10	3
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	7	6
			Number of Acres Actually Irrigated --		9

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 20th day of February, 1947.

MARK H. KULP

State Reclamation Engineer

(SEAL)

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 26715
Permit No. 19234
District No.

1. Name of Applicant: FELIPE ALDAPE
Postoffice address: 801 E. Jefferson, Boise County: Ada State: Idaho
 - I. If applicant is a corporation, give:
 - (a) Date and place of incorporation:
 - (b) Amount of capital stock:
 - (c) Amount paid in:
 - (d) Names and addresses of directors:
 - II. The financial resources of the applicant are:
 - (a) Cash on hand:
 - (b) Treasury stock:
 - (c) Bonds to be issued:
 - (d) Other resources:
2. Quantity of water claimed: 1.0 cubic feet per second.
3. Source of water supply: Cottonwood Creek which is a tributary of Boise River
4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B. M., and is the NE 1/4 NE 1/4
of Section 12, T. 3 N, R. 2 E, B. M., County of Ada
5. Water is to be used for: irrigation
6. If for mining, milling, power or manufacturing purposes, give:
 - (a) Point of use of water: feet distant from corner of Section
T. , R. , B. M., in the of Section , T. , R. , B. M.
 - (b) Amount of power generated: H. P., under feet head.
 - (c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B. M., in the
 of Section , T. , R. , B. M.
7. Estimated cost of works: \$ 100.00
8. Kind of works: dam and ditch
9. Height of dam 3 feet; length of dam at top 10 feet; length of dam at bottom 5
feet; material used in dam: concrete and earth
10. Size of headgate: Width 1. feet; height 1. feet.
11. Ditch: Width at bottom 1. feet; width at water line 2.0 feet; depth of water
feet; dimensions of flume:
Diameter of pipe inches; length of conduit 0.5 miles.
Average grade per mile 10. feet.
12. The time required for the completion of such work is 2 years.
13. The time required for the complete application of the water to the proposed use is 0 additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? If so, fill in (b) and (c) below.
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Felipe Aldene /s/
Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 2:00 P. M., Dec. 5, 1941

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 19234

Recorded in Book	69	Page	19234	Approved	Dec. 6, 1941
------------------	----	------	-------	----------	--------------

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before Mar. 4, 1942 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before Dec. 6, 1942

The whole of said work to be completed on or before Dec. 6, 1943

Beneficial use of water appropriated in accordance herewith, to be made on or before Dec. 3, 1943

Witness my hand this 6th day of Dec., 1941

H. V. 436.

Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We Chase A. Clark Governor of the State of Idaho, and Geo. H. Curtis
Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and have
caused the Great Seal of the State of Idaho to be hereunto affixed, this 5th day of Dec. 19 41

Countersigned:

STATE OF IDAHO

(SEAL

By James J. O'Neil

Secretary of State.

By

CLOSE ... D.K.A.

Governor,

Remarks:

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
3 N	2 E	12	7	10			7											5	5	
			APPROVAL OF STATE RECLAMATION ENGINEER I, James Spofford, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to appropriate the Public waters of the State of Idaho, No. 19234, to December 31st, 1945. Witness my hand this 19th day of November, 1945. JAMES SPOFFORD State Reclamation Engineer PERMIT NO. 19234 Certificate of Completion of Works																	
To All Whom it may Concern:			This is to certify that FELIPE ALDAPE, of Boise, County of Ada, and State of Idaho, the holder of Permit No. 19234, issued upon Application No. 26715, bearing date of priority of December 3, 1941, authorizing the diversion of One (1) second foot of the waters of Cottonwood Creek, a tributary of Boise River, County of Ada, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the completion of the works of diversion set out and described in said Permit; that said works are adequate for diversion and conveying to the place of intended use One (1) second foot of the waters of Cottonwood Creek; that the point of diversion of said waters is in the NE¼ NW¼ Section 12, Township 3 North, Range 2 East, B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE¼ SW¼ Section 1; N½ NE¼ and N½ NW¼ Section 12, Township 3 North, Range 2 East, B. M. Witness my hand this 23rd day of July, A. D. 1946. MARK R. KULP State Reclamation Engineer																	
Proof of completion of works made July 22nd, 1946																				
Certificate of completion of works issued July 23rd, 1946.																				
0.18 SEC. FT. p. 4336																				

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19234

This proof is for Beneficial use In Water District No. _____

1. Name of applicant Felipe Aldape, P. O. Box 2636, Boise, Idaho

2. Source of water supply Cottonwood Creek, a tributary of Boise River

3. Location of point of diversion: Is in the NE¹ NE¹ of Section 12

T. 3 N. R. 2 E. County of Ada

4. Describe works as they exist, giving dimensions and capacities of same: A combination diversion structure, including Bridge, Ditch heading, Roadway dyke-dam.

The Dam is 6 feet high X 20 feet wide, and approximately 100 feet long.

The Bridge abutments, and pier are of concrete, the flooring is of plank,

The two bridge spans are 5.5 feet wide, each, and of five feet clearance.

Ditch 1 $\frac{1}{2}$ X 1 foot width and depth, Controlled by 14 inch pipe heading.

5. Water is used for: irrigation

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): SE¹ SW¹ Section 1; NE¹ NE¹, NW¹ NE¹, NE¹ NW¹ Section 12, Twp. 3 North,

Range 2 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, in flood season.

Remarks The Dam-Dyke, and irrigated areas are sandy

The stream is subject to flash runoff at times, and goes practically dry in late Summer.

This examination was made on the 23rd. day of August, 1946.

(Signed)

Fred H. Dolman

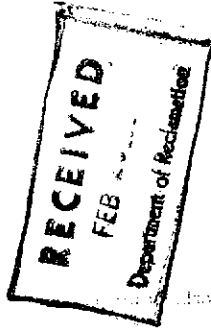
Examiner.

RECEIVED
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Felipe Aldape
Box 2636, Boise, Idaho
Permit No. 19234

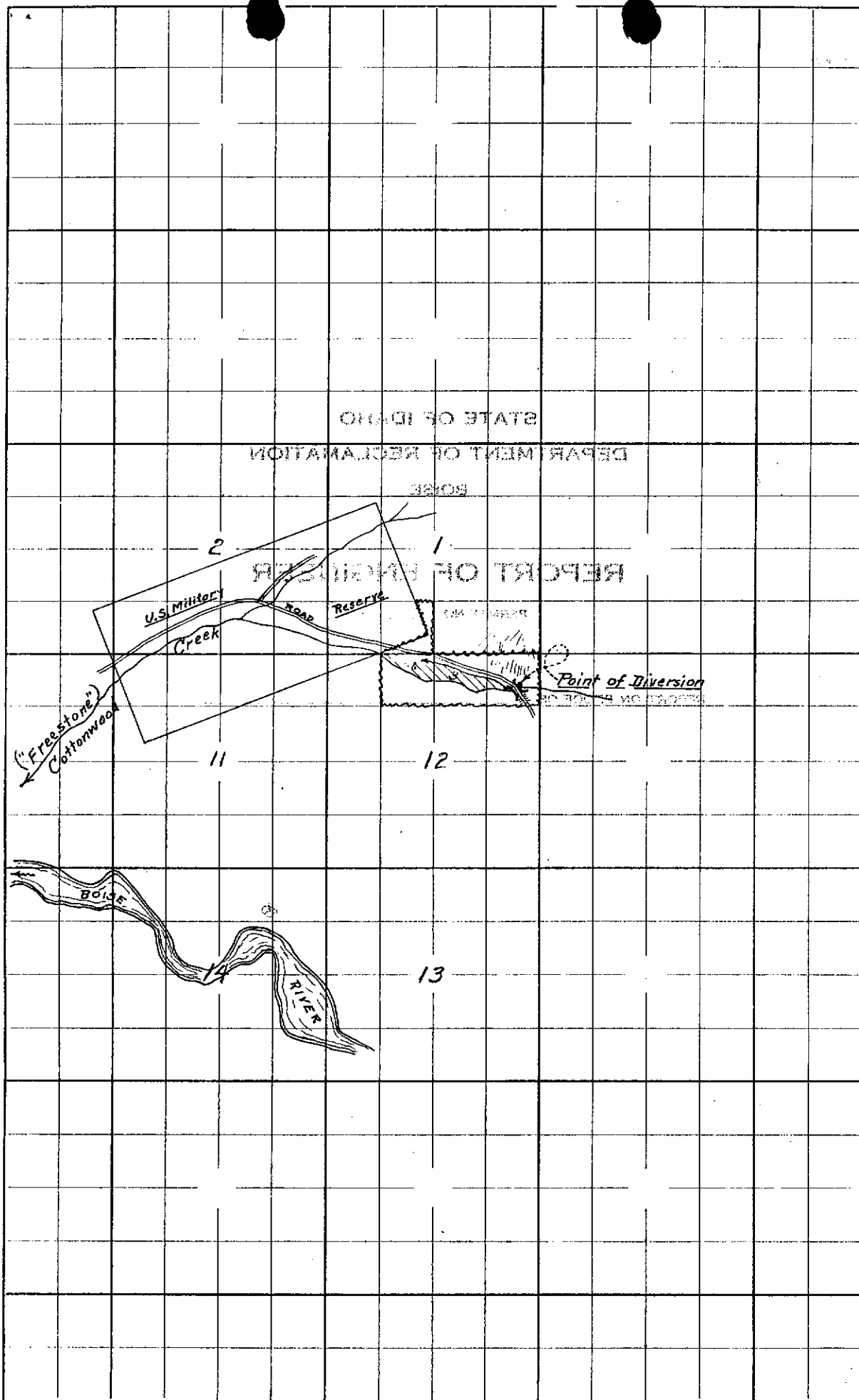
Examination for Beneficial use

County Ada



INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make a plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.



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

19234

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 19234

REPORT ON PROOF OF Beneficial use

9 acres -

402 feet

0.018 of

HOLLAND & HART
ATTORNEYS AT LAW

DENVER
DENVER TECH CENTER
COLORADO SPRINGS
ASPEN
BILLINGS
BOISE
CHEYENNE
JACKSON
SALT LAKE CITY
WASHINGTON, D.C.

SUITE 1400
WEST ONE PLAZA
BOISE, IDAHO 83702-7714
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869

Dana L. Hofstetter

May 9, 1994

RECEIVED
MAY 09 1994
Department of Water Resources

HAND DELIVERY

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Re: Stephen Spencer's Snake River Basin
Adjudication ("SRBA") Claim Nos. A63-02572,
A63-04116, and A63-04112 and Domestic SRBA
Claim

Dear Sir/Madam:

Enclosed of behalf of Dr. Stephen Spencer are the following
original SRBA claims and checks to cover the filing fees:

A63-02572	\$109 filing fee
A63-04112	\$107 filing fee
A63-04116	\$116 filing fee
~~A63-02572~~ Domestic Claim	\$ 75 filing fee

Also enclosed are photocopies of these SRBA claims. Please
date stamp the photo copies to confirm the filing date and return
them to me. Also, please provide me receipts for the filing
fees. Please let me know if you have any questions about the
SRBA claims or if the enclosed filing fees are insufficient.

Sincerely,

HOLLAND & HART

Dana L. Hofstetter

DLH:cd
Enclosures
39801/17915.0201

MICROFILMED

JUL 25 1994