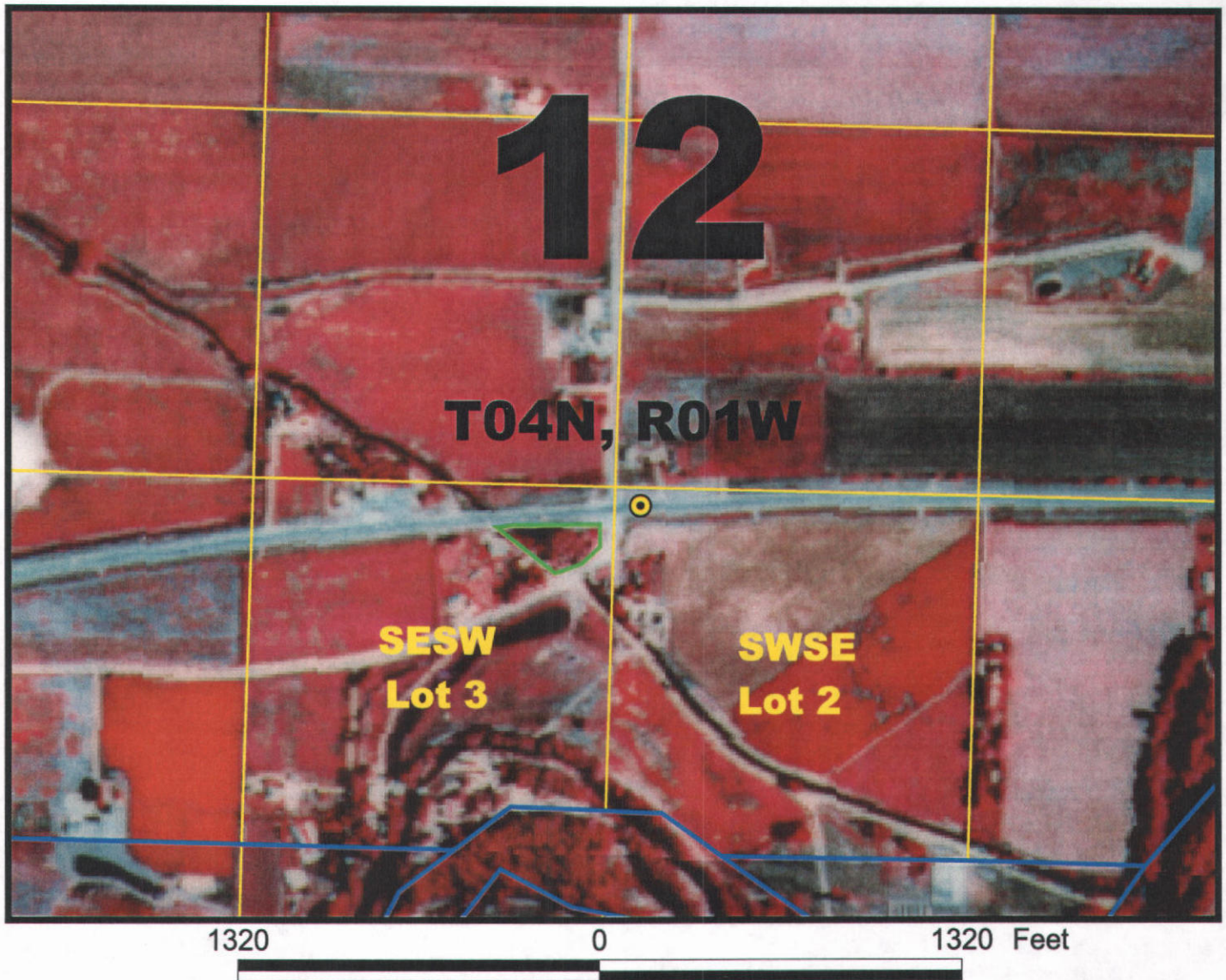




STATE OF IDAHO

Department of Water Resources
Western Region

Water Right(s): 63-04886



Total Irrigated Acres: 1.0

-  Point of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: November 2003

Digital Photos

Date photographed

11/14/2003



picture of roadside park with
riser from well under road
(tag no. A0002430)

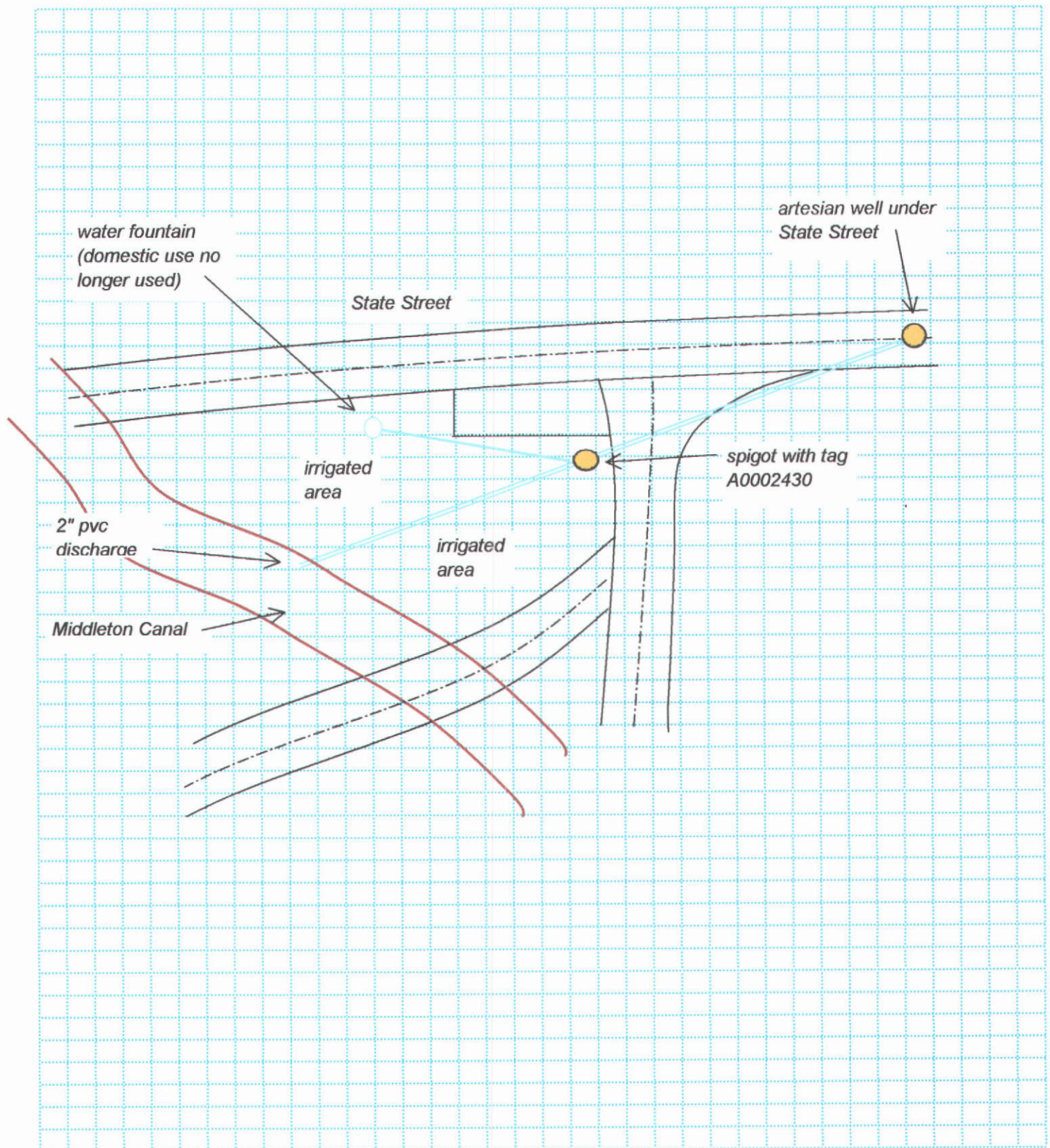


picture of open
discharge into
Middleton Canal

63-04886			
Division of Highways	location of point of diversion:		
P.O. Box 7129	USR	0306356	
Boise ID 83707		0291036	

Prepared by
Darwin Vander Stelt

Drawing of diversion layout



63-04886	POD Coordinates:	
Division of Highways	USR	0306356
P.O. Box 7129		0291036
Boise ID 83707	not drawn to scale	

Prepared by
Darwin Vander Stelt

Idaho Department of Water Resources

Claim Number: 63-04886
Legal: T4N, R1W, S12
Reviewed By:

● Point of Diversion



Place of Use

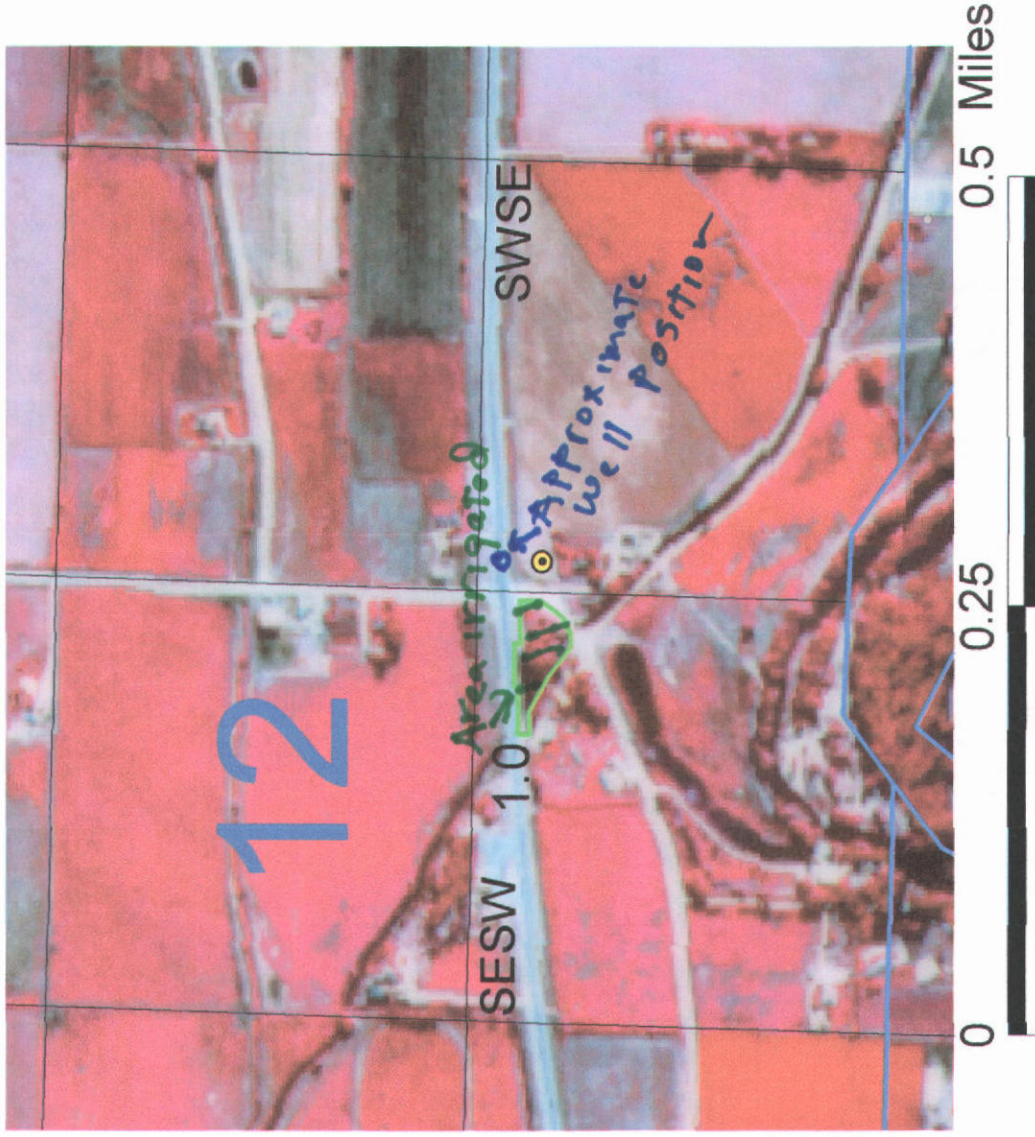


Section Lines



Quarter Quarter Lines

1987 Napp Photo



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: A63-04886
Date Received: 8/01/1989
Receipt No: C008736
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
P.O. BOX 7129
BOISE, ID

83707

2. Date of Priority: SEP 01, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01W	12	SW	SE		2	ADA

5. Description of diverting works:
WELL & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/05	0.030		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/LINDER ROADSIDE PK.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	12	SE	SW	3	IRR	1.0
Section Acres							1.0
Total Acres							1.0

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:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____, 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: A63-04886
Date Received: 8-1-89
Receipt No: C008736
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JUN 21 1989

1. Name: STATE OF IDAHO
Address: DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
P.O. BOX 7129
BOISE, ID

83707

2. Date of Priority: SEP 01, 1961

Department of Water Resources

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01W	12	SW	SE		2	ADA

5. Description of diverting works:
WELL & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/05	0.030		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/LINDER ROADSIDE PK.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	12	SE	SW	3	IRR	1.0
Section Acres							1.0
Total Acres							1.0

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:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I We acknowledge that I We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I We do not do not wish 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 Senior R/W Agent of J.T.D. Division of Hwy's. Title J.T.D. Division of Hwy's Organization, that I have signed the foregoing document in the space below as Senior R/W Agent of J.T.D. Division of Hwy's Title J.T.D. Division of Hwy's Organization and that the statements contained in the foregoing document are true and correct.

Surin L. Gould
Signature of Authorized Agent
SR/WA J.T.D. Div. of Hwy's
Title and Organization
6/16/89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 16 day
of June 19 89

Bernard W. Cogerson
Notary Public

Seal

Residing at Boier Idaho
My Commission Expires 2-2-92

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST 2

CLAIMANT'S NAME

State of Idaho

CLAIM IDENT. NO.

A63-04886

DATE RECEIVED

8-1-89

CK #

1241

AMOUNT \$

561

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☐ YES ☐ NO ☐ *
2. Is a priority date entered? ☐ YES ☐ NO ☐ *
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☐ *
3. (a) Is a source entered? ☐ YES ☐ NO ☐ *
(b) Is a tributary to entered? (if required) ☐ YES ☐ NO ☐ *
4. Is the legal description of the p.d. sufficient? ☐ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☐ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☐ YES ☐ NO ☐ *
Is the period of use included? ☐ YES ☐ NO ☐ *
Is a quantity claimed for each use? ☐ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☐ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☐ YES ☐ NO ☐ *
Is the consumptive use correct? ☐ YES ☐ NO ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☐ NO ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☐ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☐ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☐ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☐ YES ☐ NO ☐ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☐ NO ☐ *
15. Is the basis of the claim indicated? ☐ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☐ NO ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☐ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☐ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☐ YES ☐ NO ☐ *
20. Is the fee enclosed correct? ☐ YES ☐ NO ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☐ NO ☐ *
22. Should this claim be data entered? ☐ YES ☐ NO ☐ *

Claim checked by:

CJ

Date:

8-10-89

Claim must be returned to claimant:

(Yes) (No)

Claimant must be notified of modifications:

(Yes) (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

MICROFILMED

Comments:

AUG 20 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(8), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notica is hereby given that State of Idaho Dept. of Transportation
(Name of Claimant)

8150 Chinden Blvd. (P.O. Box 802R), Boise, ID 83707 Telephone No. 334-3158
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) September, 1961

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Ground Water _____ tributary to _____

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.04 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity	<u>.03</u>	Use <u>Irrigation</u>	Period of Use From <u>3-15</u>	To <u>11-15</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4)	.07	TOTAL QUANTITY USED.
	(cfs, all)	

(5) A) Point of diversion: (Location of point where water is diverted from its source)
Lot 2K W Sec. 12 Twp. 4N Rge. 1W B.M., County of Ada
 Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Artesian well and pipeline

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

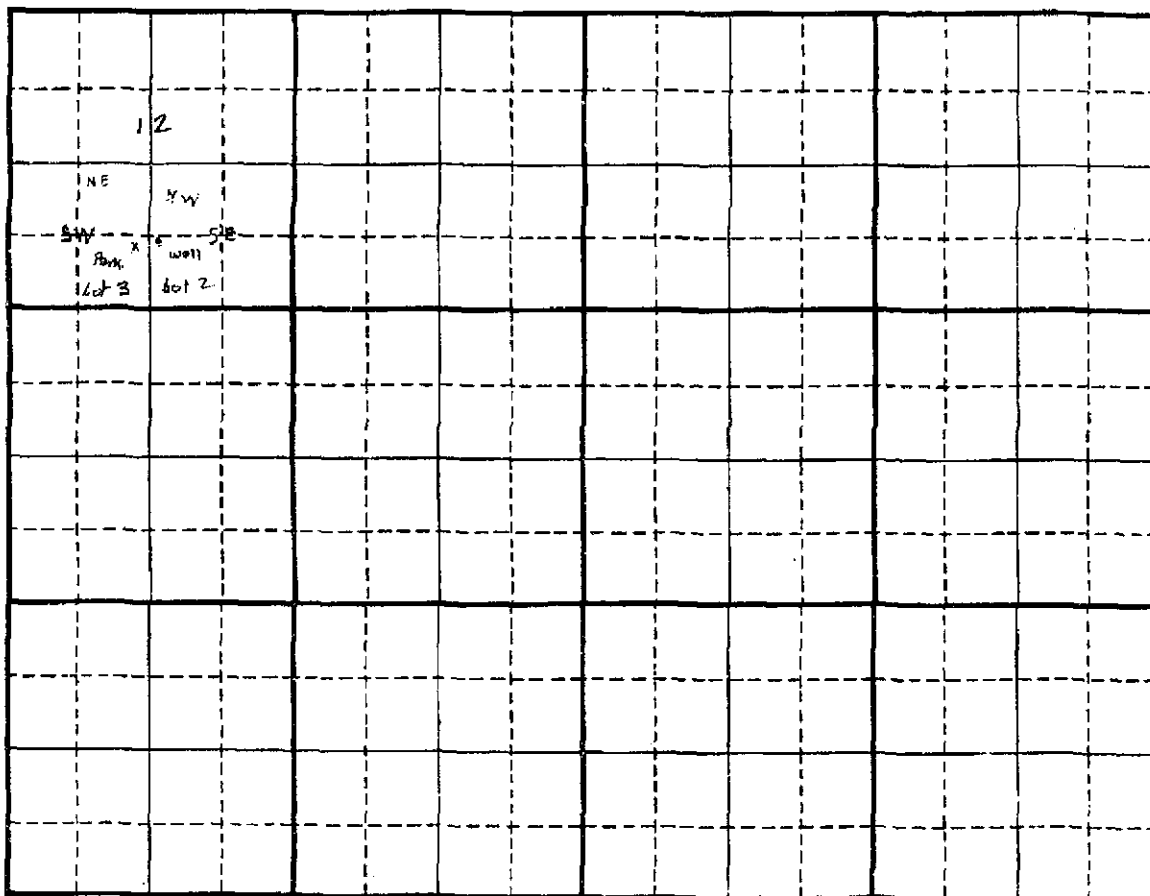
No. of acres 1

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic for Linder roadside park

NOTE: Include here the type and number of stock watered: _____

If you are claiming water as a member of an organization, list name of organization: _____

- (8) Remarks Completion of Highway 44 reconstruction was September, 1961. The well is located near the center line of the highway. The well was covered and pipe run to the roadside park prior to opening the highway.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of ADA) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 27 day of April

William
(Claimant) District Engineer

1982.

James D. Cantrell
Notary Public For Idaho
Residing at Boise

My commission expires January 25, 1986

FOR DEPARTMENT USE ONLY

Received by GLS Date 9/27/82
Exam. check by GLS Date 5/4/82
\$30.00 fee received by GLS Date 4/27/82 # 22897
Published in Idaho Statesman
Dates 5/20 & 5/27/82

Forwarded to
claimant by: Date

MICROFILMED

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Verna Johnson, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

two insertions, beginning with the
issue of June 10, 1982, and ending with the
issue of June 17, 1982.

Kerna Johnson

Subscribed and sworn to before me this 17th
day of June, 19 82.

Sarahy Eiguren
blic for Idaho, Residing at Boi

Notary Public for Idaho, Residing at Boise, Idaho

RECEIVED

JUN 18 1982

Department of Water Resources
Western Regional Office

MICROFILMED

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Margaret Rose Storrs, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

two insertions, beginning with the
issue of May 20, 1982, and ending with the
issue of May 27, 1982.

Subscribed and sworn to before me this 27th

day of May, 1982.

Notary Public for ~~Idaho~~, Residing at Boise, Idaho

RECEIVED

MAY 28 1982

**Department of Water Resources
Western Regional Office**

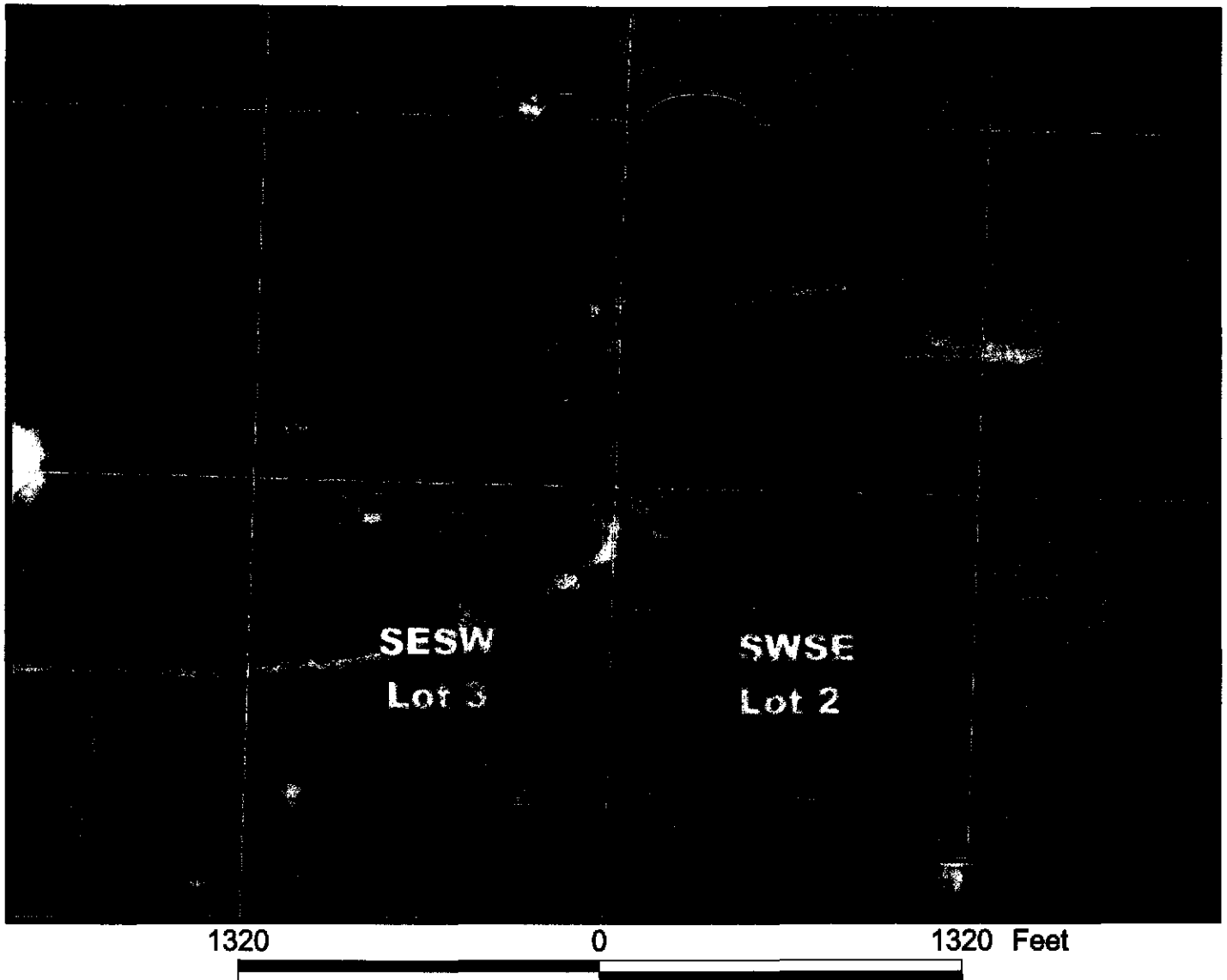
MICROFILMED



STATE OF IDAHO

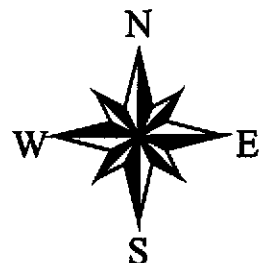
Department of Water Resources
Western Region

Water Right(s): 63-04886



Total Irrigated Acres: 1.0

-  Point of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: November 2003

11/21/2003

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

RIGHT NUMBER: 63-4886

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF TRANSPORTATION
DIVISION OF HWYS
PO BOX 7129
BOISE ID 83707

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.050 CFS
4.500 AFY

The quantity of water under this right for domestic use shall not exceed 2,500 gallons per day.

PRIORITY DATE: 09/01/1961

POINT OF DIVERSION:

T04N R01W S12 SWSE Lot 2 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.030 CFS 4.50 AFY
DOMESTIC	01/01 12/31	0.020 CFS

Domestic use is for park drinking fountain.

PLACE OF USE: IRRIGATION Within ADA County

T04N R01W S12 Lot 3 SESW 1.0

DOMESTIC same as IRRIGATION

1 ACRES TOTAL

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

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4886 V1

WATER RIGHT NUMBER: 63-4886 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO DEPT OF TRANSPORTATION DIVISION OF HWYS PO BOX 7129 BOISE, ID 83707 (208)334-8505

Priority Date: 09/01/1961

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.030 CFS	4.50 AF
DOMESTIC	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.050 CFS	4.50 AF

Location of Point(s) of Diversion

GROUND WATER	L2 (SW1/4SE1/4)	Sec. 12, Twp 04N, Rge 01W, 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	
04N	01W	12																	1.0
																			L 3

Total Acres: 1

DOMESTIC same as IRRIGATIONConditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. N06 The quantity of water under this right for domestic use shall not exceed 2,500 gallons per day.
3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. X01 Domestic use is for park drinking fountain.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4886 V1

Comments:

1. csaxton 11/21/2003 Priority Date

Comment: Priority date recommended as claimed. IDWR contractor Darwin Vander Stelt spoke with Lana Servatius, and she supplied the deed showing that the DOT purchased the property in 1956. During his 11/19/2003 field exam, he was accompanied by park supervisor Steve Miller and was informed that an artesian well is located underneath HWY 44. A highway construction map of the area (no date on map) shows the well located in centerline of HWY 44. This information combined with the remarks on the original statutory claim which state "Completion of Highway 44 reconstruction was September 1961. The well is located near the center line of the highway. The well was covered and pipe run to the roadside part prior to opening the highway" is supporting evidence that the well was in place in 1961.

2. csaxton 11/21/2003 Diversion Rate

Comment: Diversion rate for domestic reduced to 0.02 cfs due to the well capacity being calculated to be 0.05 cfs. Thus, 0.03 for irrigation and 0.02 for domestic.

3. csaxton 11/21/2003 Diversion Volume

Comment: Because there is not a structure associated with the domestic portion of this right it was recommended under domestic definition "B" and limited to 2500 gpd.

4. csaxton 11/21/2003 Parcel Number

Comment: No parcel number added to explanatory remarks because none could be found. Located in DOT right away.

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: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4886 V1

Source	11/21/2003 1:47:41 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (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 - Field exam by Darwin Vander Stelt on 11/14/03.
Use	11/21/2003 1:51:04 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field exam by Darwin Vander Stelt on 11/14/03 and NAPP photography.
Season	11/21/2003 1:51:48 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (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? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	11/21/2003 1:53:35 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a Irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - See file. Capacity of well calculated to be 0.05 cfs per Field exam by Darwin Vander Stelt on 11/14/03. Description for Question 10 - IDWR standard for Irrigation. N-Codes for Domestic.
POD	11/21/2003 1:41:28 PM	csaxton	Edited point location
POD	11/21/2003 1:46:30 PM	csaxton	Edited point location
POU	11/21/2003 1:49:54 PM	csaxton	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4886 V1

POU	11/21/2003 1:50:11 PM	csaxton	Edited PLS
Contacts	11/21/2003 1:38:27 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam by Darwin Vander Stelt on 11/14/03.
Priority Date	11/21/2003 1:39:34 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 15. Is the basis of claim coded correctly? (Yes) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - See explanation in comments.
POD	11/21/2003 1:39:48 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	11/21/2003 1:39:53 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	11/21/2003 1:49:31 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field exam by Darwin Vander Stelt on 11/14/03 and NAPP photography.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4886 V1

Summary 11/21/2003 2:09:27 PM csaxton

(No) 1. Is the basis of this claim a Decree,
License, Permit, Application or Posted Notice?
(Yes) 3. Is the water being used for all of the
purposes claimed and to the extent claimed?
(No) 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?
(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 63-4886

WATER RIGHT NUMBER: 63-4886

Owner Type Name and Address
 Current Owner STATE OF IDAHO ✓
 DEPT OF TRANSPORTATION
 DIVISION OF HWYS
 PO BOX 7129
 BOISE, ID 83707
 (208)334-8505

Priority Date: 09/01/1961 *ok*Basis: ~~Statutory Claim~~ *Beneficial Use*

Status: Active ✓

Source Tributary

GROUND WATER ✓

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	3/15 to 11/05 <i>3/1 11/05</i>	0.030 CFS	<i>4.5</i>
DOMESTIC	1/01 to 12/31	~~0.040~~ CFS <i>0.02</i>	
<u>Total Diversion:</u>		0.070 CFS <i>0.05 (capacity)</i>	

Location of Point(s) of Diversion

GROUND WATER ✓

ADA County

L2 (SW1/4SE1/4)

Sec. 12, Twp 04N, Rge 01W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	01W	12	NE	NW	SW	SE	1.0
							1.0

Total Acres: 1 ✓

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:Dates and Other Information:

Claim Received Date: 8/1/1989

State or Federal: S

Owner Name Connector: OR

Mitigation Plan: False

N-Codes
Parcel #: Not shown on tax lot data
Domestic use for Drinking Fountain

11-6-03 : Need Evidence of Priority

- : Need confirm POA + POD
- : What is Domestic For? no longer used
- : other than that - All Looks Well

Row Dept Trans. Cindy 12/30 11/12 334-8000

Dust3 Lana Sernettius 334-8343

- Scott Gurnsey 334-8347 Steve Miller 343-8361

used bucket To measure Free flow -
avg .15 sec / 6 gal bucket

11-21-03: Phone # From Steve Miller doesn't work

Memo

63-04886

To: Craig
From: Darwin Vander Stelt

RE: 63-04886

Division of Highways
P.O. Box 7129
Boise ID 83707

Documents prepared:

no. pages	Item
1	Pictures
1	Drawing(s)
1	Adjudication Field Report
1	Map showing POD & POU
1	Calculation of flow

I met with Steve Miller (343-8361 who supervises parks etc. at the park, and verified the POD and POU as marked on the attached map. I also talked to Lana Servatius (no relation to Servetius burned at the stake circa 1570 by John Calvin)(at least as far as she knows) and she said there was nothing in their files that might confirm the priority date. She did send a deed showing when they aquired the property in 1956. I included what she sent me.

Pertinent Info:

Adjudication claim # 63-04886
Name:
Division of Highways
P.O. Box 7129
Boise ID 83707
0
POD Coordinates: 0306356
USR 0291036
Well Tag A0002430
Date Visited: 11/13/2003

Date Office write-up: 11/19/2003

**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
- ☐ 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) 63-04886Owner Division of Highways Phone No. _____Current Address: P.O. Box 7129 Boise ID 83707

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☒ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? Since 1965 Typo: Actually 1956 (CSAXDON 11.21.03)

Accompanied by: Manager**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: 1961. The division of Highways has no information on the priority date.(If priority date, based on your exam, seems questionable, explain below.)

_____Source: Groundwater Tributary to _____

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

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ 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 GPS ID
	2		SW	SE	12	04N	01W	Ada	A0002430
									0306356
									0291036

Description of diverting works An artesian well under Hwy 44 is piped about 60' to the edge of the roadside park. Until recently the water was used to supply a drinking fountain, as well as to water the park.

The fountain has been disconnected, possibly temporarily, and they wish to keep the domestic right.

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

☐ 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	
04N	01W	12												1					1

Overlap with other water rights: NA

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

Delivery system Narrative: Water is distributed to the lawns through hoses and sprinklers from the spigot.
(see drawing)

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
A0002430	NA				

FLOW MEASUREMENTS:

Attach appropriate documents

A 6 gallon bucket filled in 15 secs. from the open discharge.
 $6 / 7.5 = 0.80 \text{ cfs/15 sec}$ $.80/15 = 0.05 \text{ cfs}$

NARRATIVE/REMARKS/COMMENTS

The park supervisor says that the flow from the well is quite variable with the season. It was impossible to tag the well or even identify its precise location, although from the drawing received from the Division of Hwys it looks to be about 75 feet N and East of the spigot, and lying directly under the centerline of State Street.

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

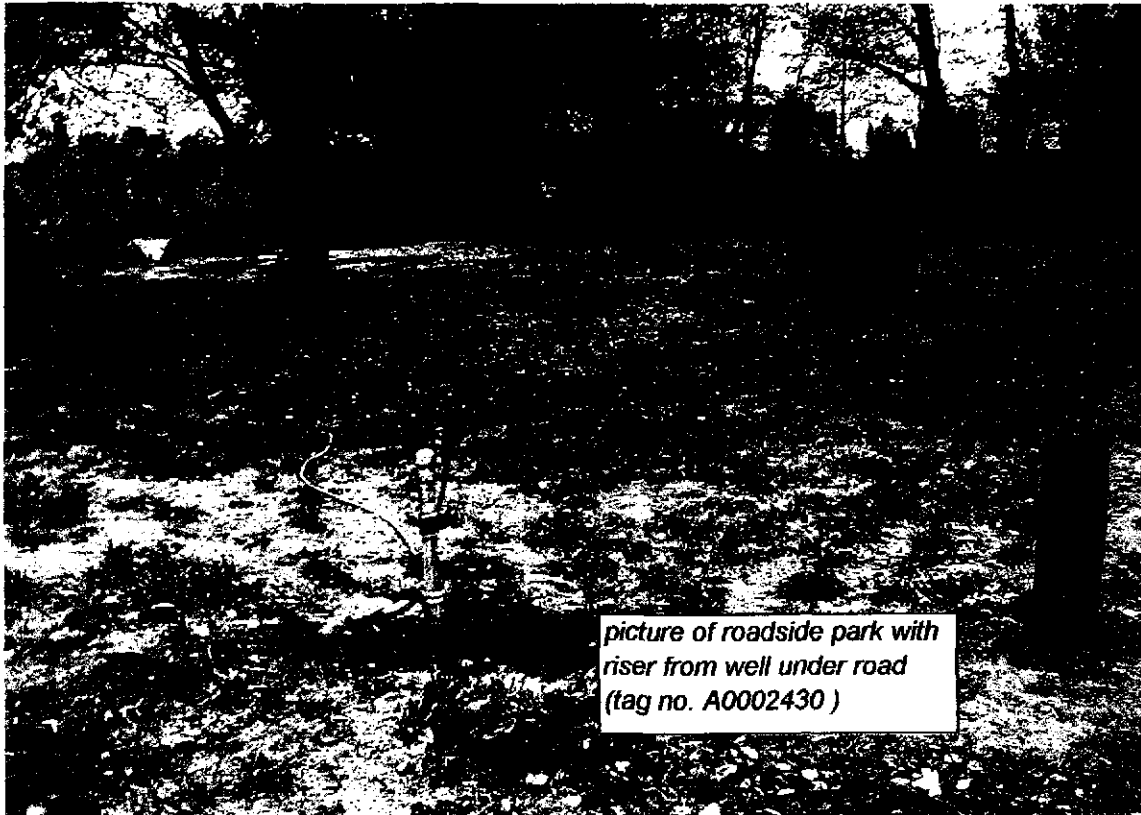
DATE EXAM CONDUCTED: 11/13/2003

FIELD EXAMINER: Dennis Vandenberg

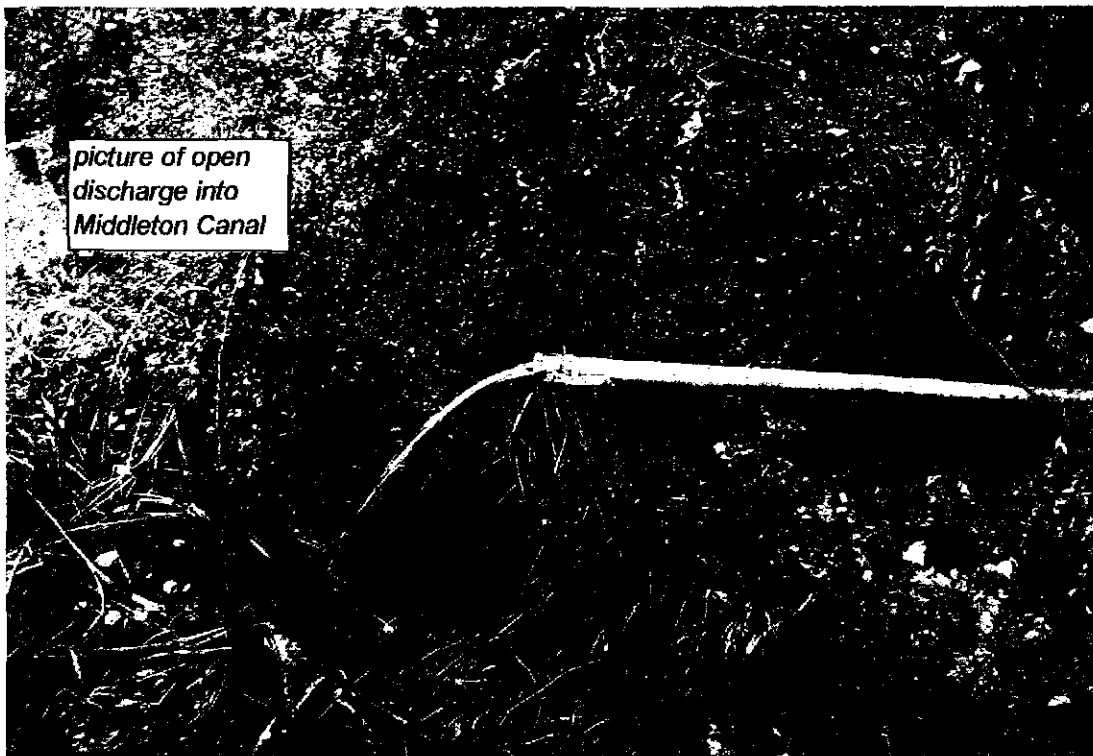
Digital Photos

Date photographed

11/14/2003



picture of roadside park with
riser from well under road
(tag no. A0002430)

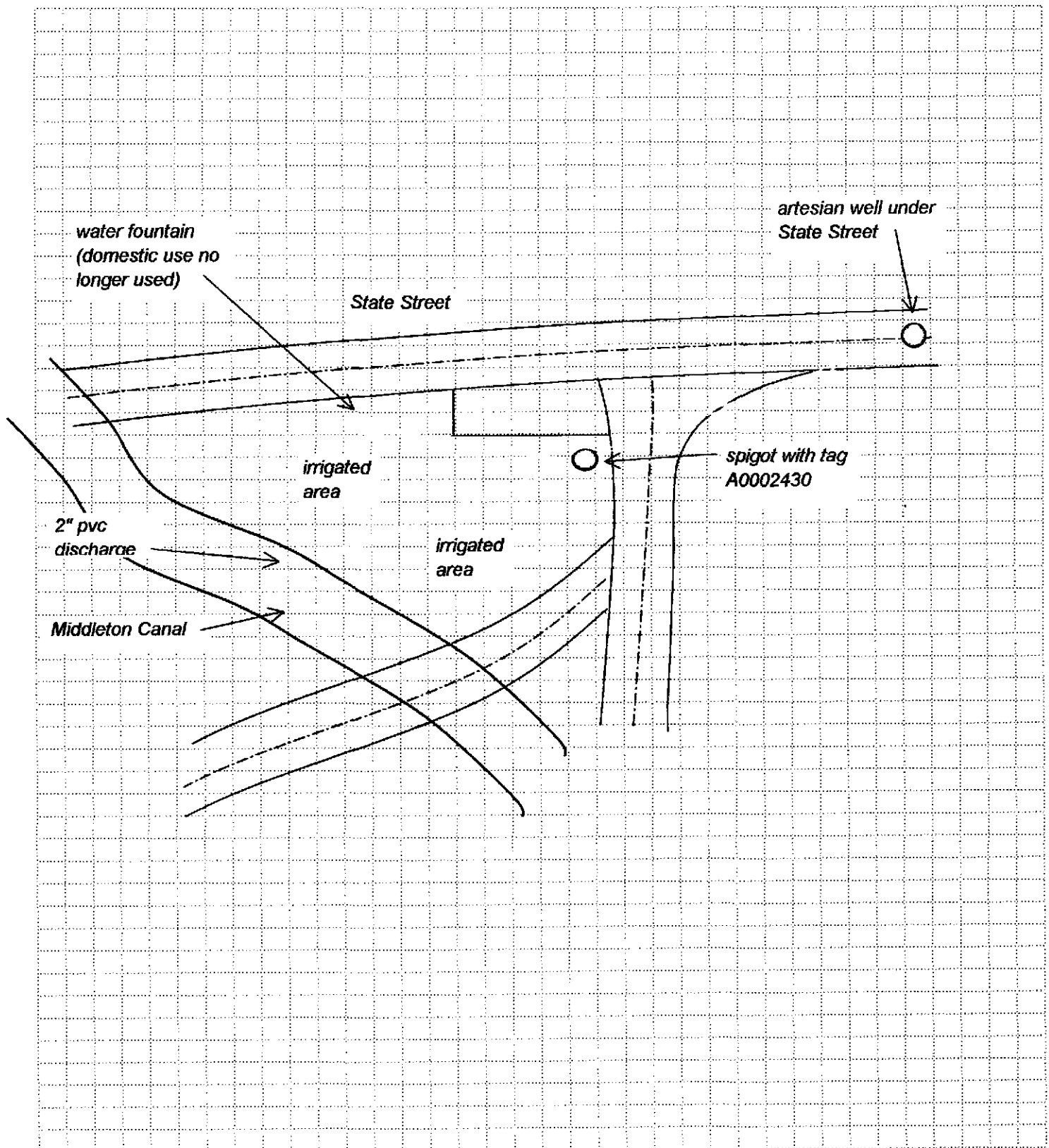


picture of open
discharge into
Middleton Canal

63-04886			
Division of Highways	location of point of diversion:		
P.O. Box 7129	USR	0306356	
Boise ID 83707		0291036	

Prepared by
Darwin Vander Stelt

Drawing of diversion layout



63-04886	POD Coordinates:	
Division of Highways	USR	0306356
P.O. Box 7129		0291036
Boise ID 83707	not drawn to scale	

Prepared by
Darwin Vander Stelt

LANA SERVATIUS
DISTRICT 3 RIGHT OF WAY SUPERVISOR
OFFICE LOCATION: 8150 CHINDEN BOULEVARD
MAILING ADDRESS: PO BOX 8028, BOISE ID 83707-2028
PHONE: (208) 334-8343
FAX: (208) 334-8917
E-MAIL: lservati@itd.state.id.us

Idaho
Transportation
Department

Fax

To: *Darwin*

From: LANA SERVATIUS

Fax: *465-9497*

Pages:

Phone:

Date: Wednesday, November 12, 2003

RE: Dept of Water Resources - ITD property at
Park Lane & Hwy 44

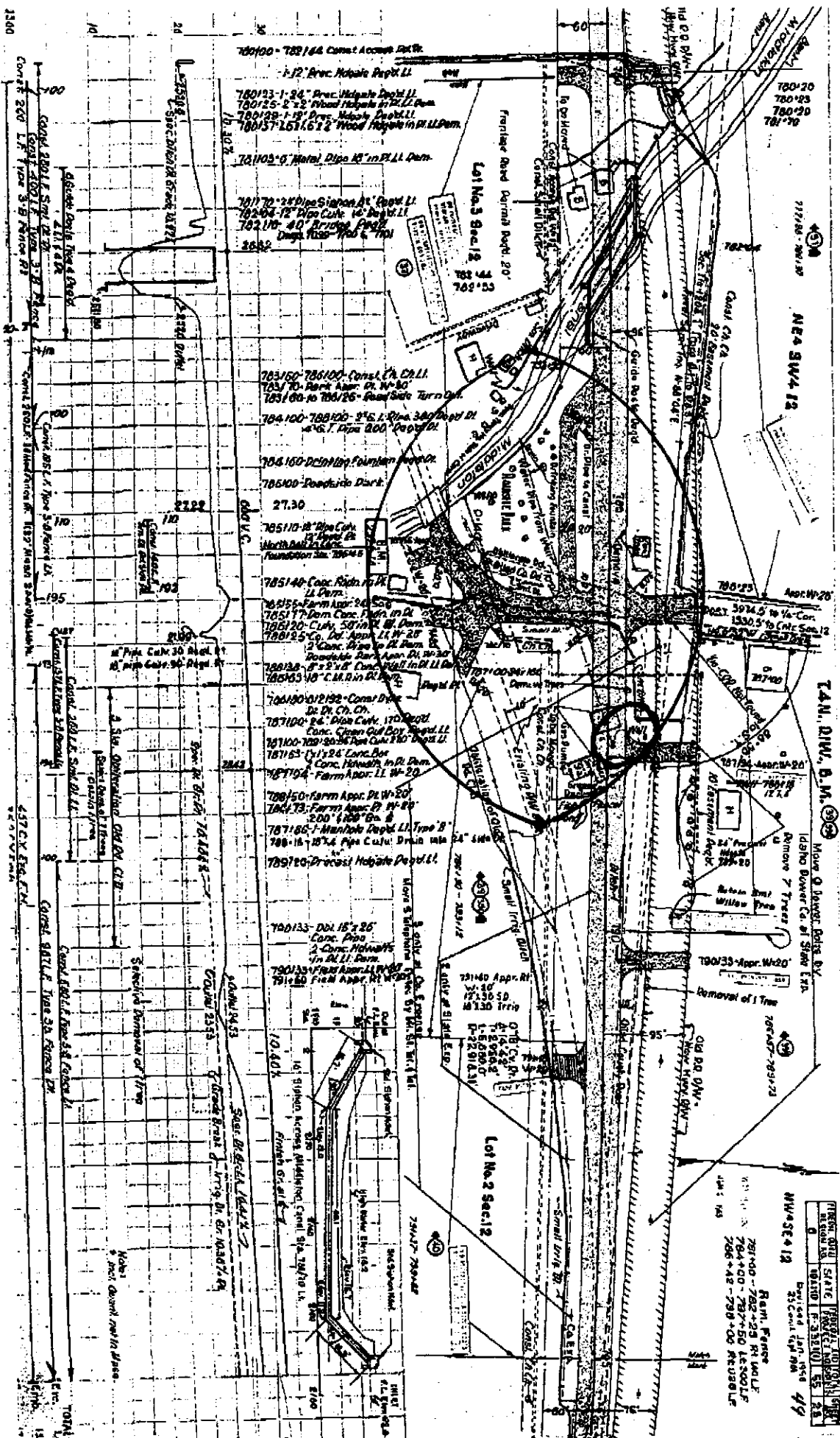
Darwin,

Your call was referred to Steve Miller, he works in our Region 1 office and can best answer your questions on-site.

This is a copy of the paperwork we have regarding this parcel. We would like to keep our water rights on this parcel.

Thanks,

Lana Servatius D-3 R/W Supervisor 334-8343



BOOK 416 PAGE 541

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part Y of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever, and the part v of the first part, and her heirs, the said premises in the quiet and peaceable possession of the party of the second part, its successors and assigns, against the said part v of the first part, and her heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

There is also granted hereby an easement adjacent to the above described real property for relocation of all irrigation and drainage ditches and structures and such surface drain ditches as may be necessary to the proper construction of the highway to be constructed on said real property.

Grantor agrees Y that no buildings or structures, except irrigation or drainage structures, will be permitted to be constructed within 20 feet of the real property above described.

Construction or relocation of right of way fencing shall be by land at the sole expense of the State. Grantor further agrees Y that no bill boards or other advertising signs will be permitted closer than 100 feet from the real property above described, excepting signs pertaining to business established on lands adjacent to the described real property.

The Grantor hereby waives and relinquishes in favor of the State any and all claims to present and future direct access to said highway and highway right of way except for as shown on said plans.

IN WITNESS WHEREOF, I do hereby set my hand and seal this 18 day of May, 1956

Mary A. Moore (Seal)

STATE OF Idaho as
County of Ada

(Seal)

(Seal)

(Seal)

On this 18 day of May, 1956 before me, the undersigned, a Notary Public in and for said State, personally appeared Mary A. Moore known to me to be the person whose name is subscribed to

the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public in and for the State of Idaho

Residing at Burise

395600 P-1-783

Instrument No.	395600 P-1-783
WARRANTY DEED	
TO	THE STATE OF IDAHO
STATE OF IDAHO, <u>Ada</u> County	
I hereby certify that this instrument was filed for record at request of	
STATE OF IDAHO	
at <u>9:15</u> minutes past	
<u>19</u> day of <u>May</u> , 19 <u>56</u>	
A. D. 19 <u>56</u> , in my office and duly recorded in Book <u>416</u> of	
Deeds at Page <u>540</u>	
By <u>TRIN THOMAS</u> Ex-Officio Recorder	
By <u>Martha Stutz</u> Deputy	
Admrs in Department of Highways, Sales	

P.M. 416 PAGE 540 WARRANT DEED

Aerial No. 37

KNOW ALL MEN BY THESE PRESENTS, That Mary A. Moore, a widow,

of Boise, County of Ada, State of Idaho first party, for and on account of the certain benefits to her accruing, and of other valuable considerations, and the sum of One and No/100ths Dollars (\$1.00) to her in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the State of Idaho, second party, its successors and assigns forever, the following described parcel of land situated in the County of Ada, in the State of Idaho, to-wit:

A strip of land 120.0 feet wide, being 60.0 feet on each side of the following described center line of highway as surveyed and shown on the official plot of State Highway No. 44 - Project No. 5-3748(h) Highway Survey on file in the office of the Department of Highways of the State of Idaho and lying over and across Lot 3 of Section 12, Township 4 North, Range 1 West, Boise Meridian.

Beginning at a point in the West line of said Lot 3 at Station 772+98.0 of the said Highway Survey, which station is a point on curve approximately 1065.0 feet North and 1320.0 feet East from the Southwest corner of Section 12, Township 4 North, Range 1 West, Boise Meridian; thence Northeasterly 1332.0 feet with a 0°15' curve right, said curve having a central angle of 14°42' to Station 786+30.0, which station is a point on curve approximately 1245.0 feet North and 2640.0 feet East from the Southwest corner of Section 12, Township 4 North, Range 1 West, Boise Meridian.

And also an irregular parcel of land being all that portion of said Lot 3 lying between the above described right of way and the present State Highway No. 44 and Northeasterly of the Middleton Mill Ditch, said parcel of land being more particularly described as follows, to-wit:

Beginning at the point of intersection of the West line of said Lot 3 and the Northeasterly right of way line of the present State Highway No. 44, which point is 207.0 feet South from the Northeast corner of said Lot 3; thence Southwesterly along the Northeasterly right of way line of said present State Highway No. 44 a distance of 130.0 feet, more or less, to a point in the Northeasterly bank of the Middleton Mill Ditch; thence in a Northwesterly direction following the meanderings of said Middleton Mill Ditch or Irrigation Canal a distance of 185.0 feet, more or less, to a point in a line parallel with and 60.0 feet distant Southwesterly from the center line of said State Highway No. 44 - Project No. 5-3748(h) Highway Survey; thence Northeasterly along said parallel line being a curve to the right of 22859.31 foot radius a distance of 365.0 feet, more or less, to a point in the East line of said Lot 3; thence South along the East line of said Lot 3 a distance of 75.0 feet, more or less, to the point of beginning.

Excepting from the first above described right of way that portion thereof lying situate within the right of way of the former Boise and Intermountain Railway Company, Ltd. and the right of way of the Middleton Mill Ditch.

Excepting that portion already dedicated by public use or otherwise as a public road, the right of way required being approximately 2.71 acres of the 2.92 acres above described.

Idaho Department of Water Resources

Claim Number: 63-04886

Legal: T4N, R1W, S12

Reviewed By:

⊙ Point of Diversion



Place of Use



Section Lines

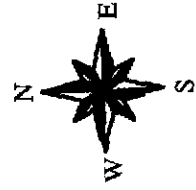


Quarter Quarter Lines

1987 Napp Photo



0 0.25 0.5 Miles



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: A63-04886 Date: 4-17-01

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	1W	12												03-1					1
GIS																				1
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 1

Total GIS Acres: 1

Overlapping POU Claim #'s:

COMMENTS:

No map



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 2, 1989

Gwain Gould, Senior Right of Way Agent
Idaho Department of Transportation
Division of Highways
P.O. Box 7129
Boise ID 83707

RE: Snake River Basin Adjudication Notices of Claim to a Water
Right for the Boise, Lemhi, and Payette River drainage basins

Dear Mr. Gould:

I have prepared draft copies of adjudication claims for the water rights that appear on our records as belonging to Idaho Department of Transportation, Division of Highways, and are located in the Boise, Lemhi, and Payette River drainage basins. I could not find any water rights in the name of Idaho Department of Transportation located in the Weiser River drainage basin. The water right number and claim fees (as presently recorded) are as follows:

Claim identification number	Filing fee
A63-02926	\$89.00
A63-02927	\$52.00
A63-03153	\$396.00
A63-03400	\$66.00
A63-03523	\$25.00
A63-04886	\$51.00
A63-08064	\$55.00
A63-08076	\$55.00
A63-08321	\$116.00
A74-02309	exempt
A65-02781	exempt
A65-07294	exempt
A65-07360	exempt
A65-07655	exempt
A65-12516	\$54.00

Note that the decreed rights from the Payette River and Lemhi River basins are exempt from filing fees, provided the claims are filed in a manner that does not alter the water right.

MICROFILMED

JUL 25 1994

Please make the necessary corrections on the draft copies of the claims and return them to my attention at this office. The items high-lighted in yellow need to be completed or verified before returning the claims. I will make the corrections and return the completed claims to you for signing. If you have any questions or need assistance, please contact this office.

Sincerely,

A handwritten signature in cursive script, reading "Carter Fritschle".

Carter Fritschle
Senior Water Resource Agent
Adjudication Bureau

Enclosures

Computer generated claim forms

MICROFILMED

JUL 25 1984