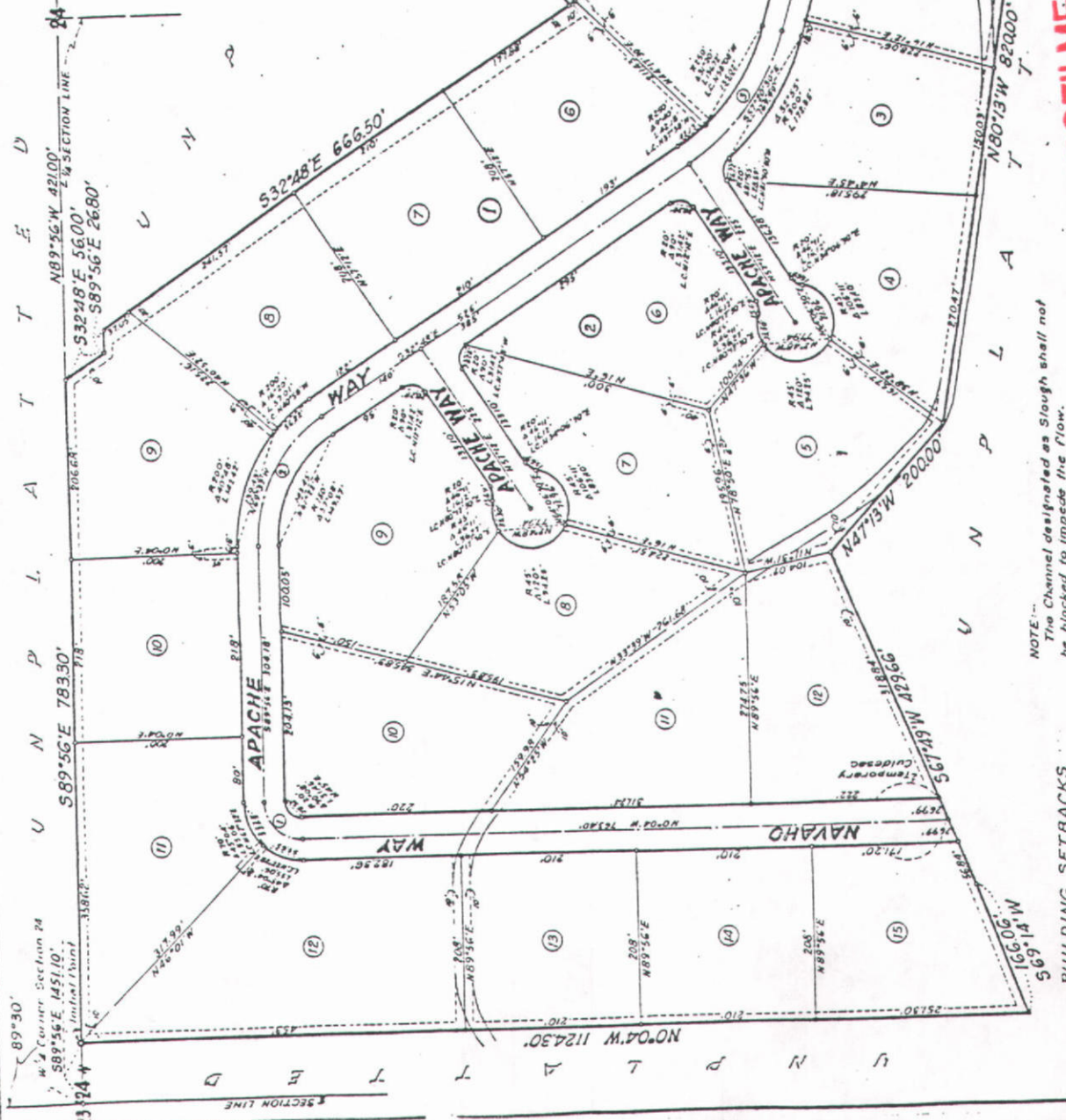


FLAKE COUNTRY SUBDIVISION

A PORTION OF THE N² S² SEC. 24, T. 4 N., R. 1 E., B. M.
ADA COUNTY, IDAHO.

TOOTHMAN & ASSOCIATES CONSULTING ENGINEERS

Building and occupancy shall conform to the
Standards as established by the Restrictive
Covenants as filed in Book _____ of Miscellaneous
Records at Page _____ Ada County, Idaho.



MICROFILMED
AUG 2 1 1992

NOTE: The Channel designated as Slough shall not
be blocked to impede the flow.

LEGEND

- Initial Point
- Angle Points on Boundary - 3/8" x 30" Iron Bars
All other Points - 1/2" x 24" Iron Bars.
- Utility and Drainage Easement
- ① Lot Number
- ① Block Number

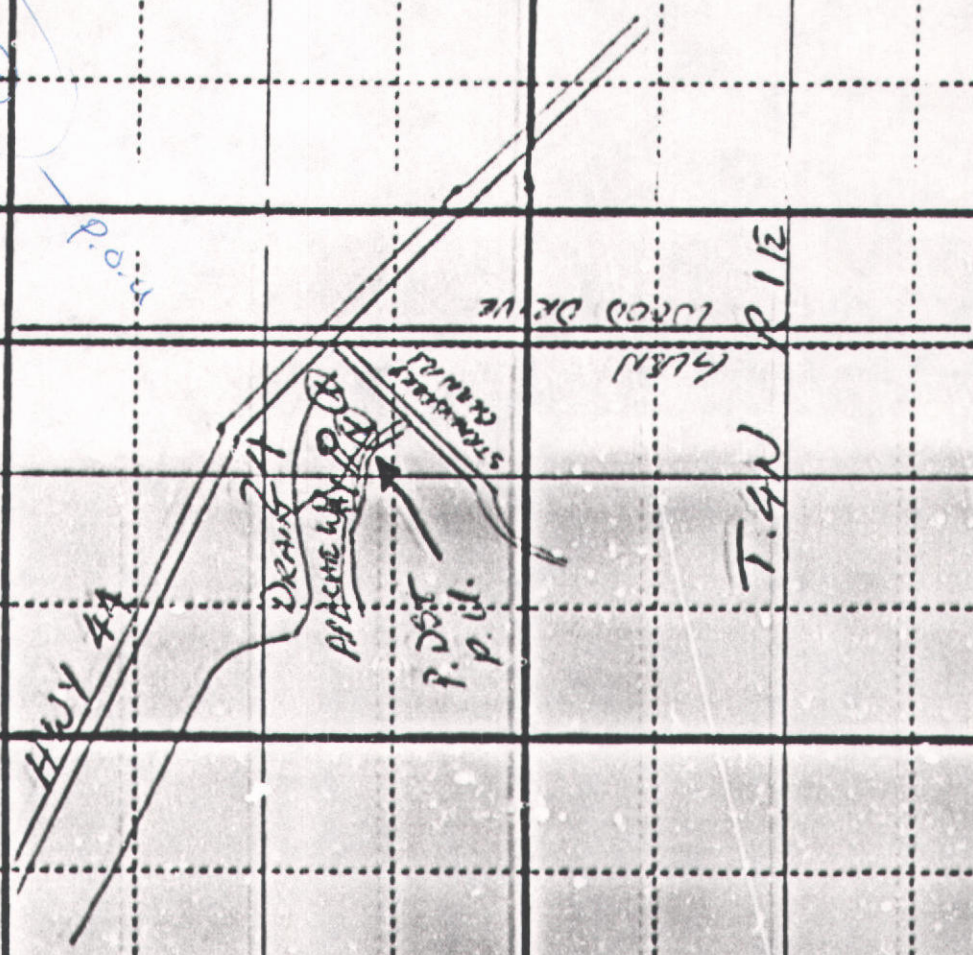
BUILDING SETBACKS

FRONT 20 FT.
REAR 20 FT.
SIDES 5 FT.

CURVE DATA - E OF ROAD

CURVE NO.	RADIUS	Δ	TANGENT LENGTH
1	45'	90°08'	45.10'
2	175'	57°08'	95.28'
3	275'	41°00'	102.82'
4	125'	39°05'	44.33'
5			70.79'
6			174.50'
7			196.79'
8			85.27'

①
②
p.o.d.



MICROFILMED
AUG 21 1992



SNAKE RIVER

Dry Creek
Camp

FARMERS

Trailer 14

Green Meadows
Sch (Albion)

13

SPOIL
Banks

18

PIERCE
Pierce

PARK
Gulch

24

Mile 7.2

Landing Strip

Pierce Park
School

Trailer Park

Elmore

Strawberry Glen
Bridge

Trailer Park

Plantation
Golf Course

26

Valley View
Sch (Albion)

25

Western Idaho
Fairgrounds

30

35

MICROFILMED
AUG 21 1984

26

31

Idaho Department of Water Resources

**T04N, R01E,
S24**

Claim No: 63-07739

Prepared By: Kimberly Brown

Date: June 11, 2004



● Point of Diversion



Place of Use

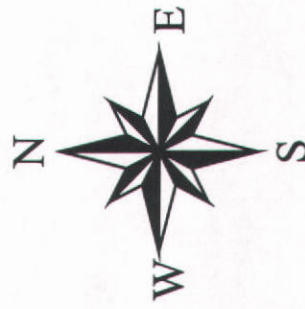


Section Lines



1/4 1/4

Acres Irrigated = 2.0



1987 NAPP

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: **A63-07739**
Date Received: 6/ 9/1989
Receipt No: W003168
Received By: _____

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

1. Name: EDWIN H FELL 208-853-7919
Address: 7620 APACHE WAY CIRCLE
BOISE ID 83703
OR
Name: RITA M FELL 208-853-7919
Address: 7620 APACHE WAY CIRCLE
BOISE ID 83703

2. Date of Priority: MAR 6, 1973

3. Source: UNNAMED DRAINS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01E	24		NW	SE		ADA

5. Description of diverting works:
PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		9.00
STOCKWATER	01/01	12/31	0.020		0.20

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) 9.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/5 HORSES

MICROFILMED
AUG 21 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	24	NW	SE		IRR	2.0
			NW	SE		STOCK	
Section Acres							2.0
Total Acres							2.0

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:
DRAINAGE DISTRICT SHARES

14. Remarks:
2 P/D IN NWSE, S24,T4N,R1E.
THIS RT. WHEN COMBINED WITH ALL OTHER RTS. SHALL PROVIDE NO MORE
THAN .02 CFS/AC. NOR MORE THAN 4.5 AF/AC FOR THE LANDS ABOVE.
LOTS 1 & 2 BLOCK 1 FLAKE COUNTY SUBDIVISION.
OWNERSHIP CHANGED BY KW ON 1/16/1992.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

MICROFILMED

AUG 21 1992

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

AUG 21 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
SEP 17 1991

DATE OF CLOSING: 8/1/91

LEGAL DESCRIPTION OF PROPERTY: Township 4 North Range 1 East Department of Water Resources
Section 24, E 1/2 SW 1/4 of W 1/2 SE 1/4 of 1/4 Govt. Lot BM.
Lot 1 & 2, Block, 1, Subdivision/Townsite Fleke Country
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis) **RECEIVED**
SEP 18 1991
- ☐ Water Right Number(s)
Assigned by IDWR: A63-7739 & A63-15642 Department of Water Resources
Western Regional Office
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Cleve ~~David~~ Sherri Randall
215 Village Lane
Boise Idaho 83702
- ☐ New Owner/Claimant (Purchaser): Edwin H or Rita M Fell
- ☐ New Mailing Address: 7620 Apache Way Cir.
Boise Idaho 83703
- ☐ New Telephone Number: (208) 853 - 7919
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Edwin H. Fell Date 9/12/91
Rita M. Fell Date 9/6/91
- ☐ Signature of Former Owner/Claimant(s): Sherri Randall Date 9/6/91
Cleve Randall Date 9/9/91

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: 8/10/92 By: FW
Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 8/10/92 By: FW
Claim Numbers of Split, if any:

MICROFILMED

AUG 21 1992

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 16, 1992

RE: Notice of Claims to Water Right Nos. A63-07739 and A63-15642

Edwin H. or Rita M. Fell
7620 Apache Way Circle
Boise, ID 83703

Dear Claimants:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the lands and appurtenant water right covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker".

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

MICROFILMED
AUG 21 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-07739
Date Received: 6/09/1989
Receipt No: W003168
Received By: EN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHERRI L. RANDALL 208-853-0141
Address: 7620 APACHE WAY CIRCLE
BOISE, ID 83703

AND/OR
Name: CLEVE H. RANDALL 208-853-0141
Address: 7620 APACHE WAY CIRCLE
BOISE, ID 83703

2. Date of Priority: MAR 06, 1973

3. Source: UNNAMED DRAINS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01E	24	NW	SE			ADA

5. Description of diverting works:
PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		9.00
STOCKWATER	01/01	12/31	0.020		0.20

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) 9.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/5 HORSES

A63-07739

Page 1

Date: 06/09/89

MICROFILMED

AUG 21 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01E	24	NW NW	SE SE	IRR STOCK	2.0
Section Acres						2.0
Total Acres						2.0

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:
DRAINAGE DISTRICT SHARES

14. Remarks:
2 P/D IN NWSE, S24,T4N,R1E.
THIS RT. WHEN COMBINED WITH ALL OTHER RTS. SHALL PROVIDE NO MORE
THAN .02 CFS/AC. NOR MORE THAN 4.5 AF/AC FOR THE LANDS ABOVE.
LOTS 1 & 2 BLOCK 1 FLAKE COUNTY SUBDIVISION.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): x *Shaw Randall* Date: x *6/9/89*

Date: _____

State of Idaho)
County of *Ada*) SS.

Subscribed and sworn (or affirmed) before me this *9* day
of *June* 19 *89*

Eldon L. Roush
Notary Public

Seal

Residing at _____

My Commission Expires _____

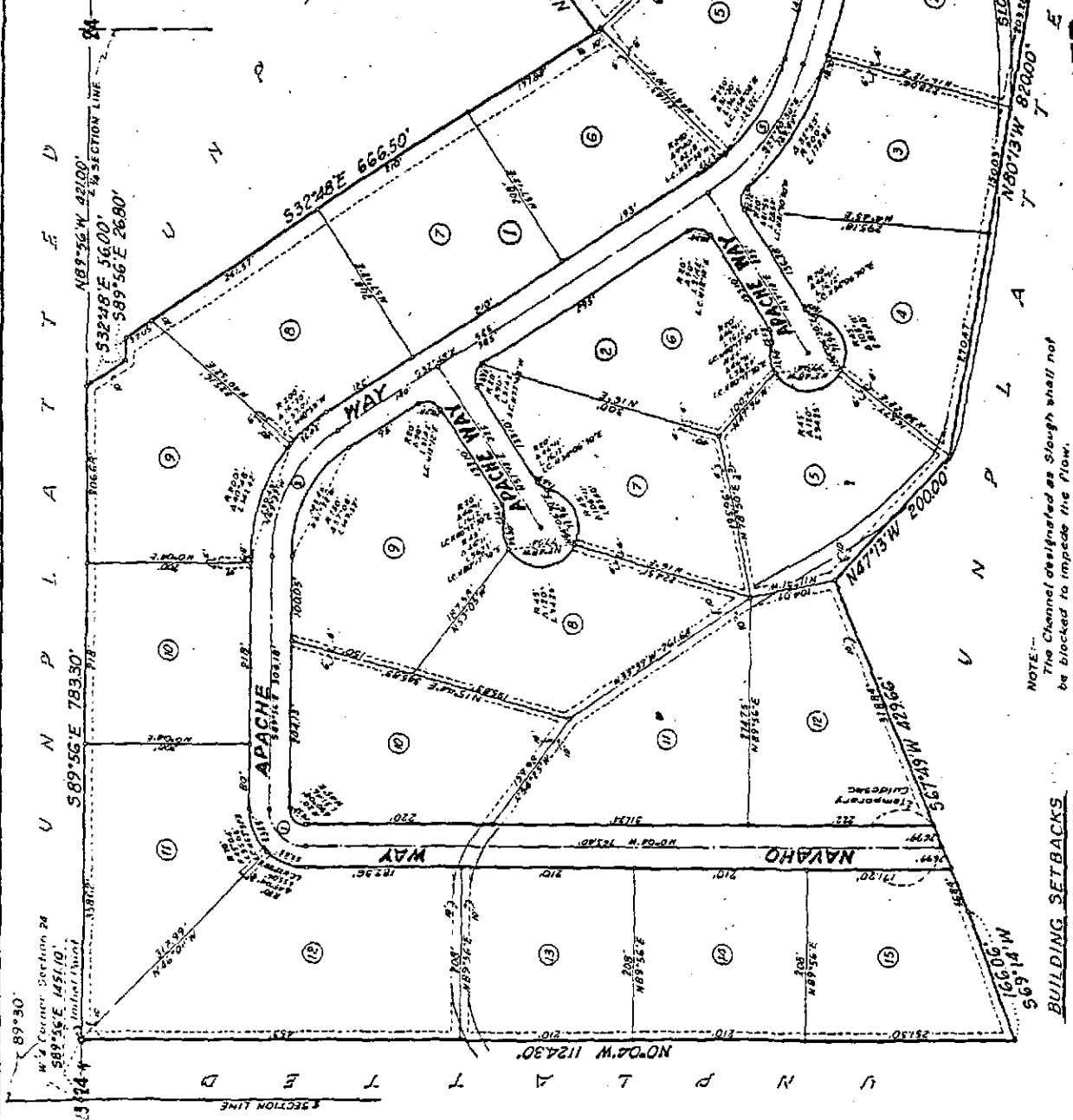
Eldon L. Roush
Residing at Boise, Idaho
My Commission Expires September 8, 1994

FLAKE COUNTRY SUBDIVISION

A PORTION OF THE NE 1/4 SEC. 24, T.4N., R.1E., B.M.
ADA COUNTY, IDAHO.

TOOTHMAN & ASSOCIATES CONSULTING ENGINEERS

Building and occupancy shall conform to the
Standards as established by the Restrictive
Covenants as filed in Book _____ of Miscellaneous
Records at Page _____ Ada County, Idaho.



NOTE:
The Channel designated as Slough shall not
be blocked to impede the flow.

LEGEND

- Initial Point
- Angle Points on Boundary - 1/4" x 30" Iron Bars
- All other Points - 1/4" x 24" Iron Bars
- Utility and Drainage Easement
- ① Lot Number
- ① Block Number

BUILDING SETBACKS

FRONT 20 FT.
REAR 20 FT.
SIDES 5 FT.

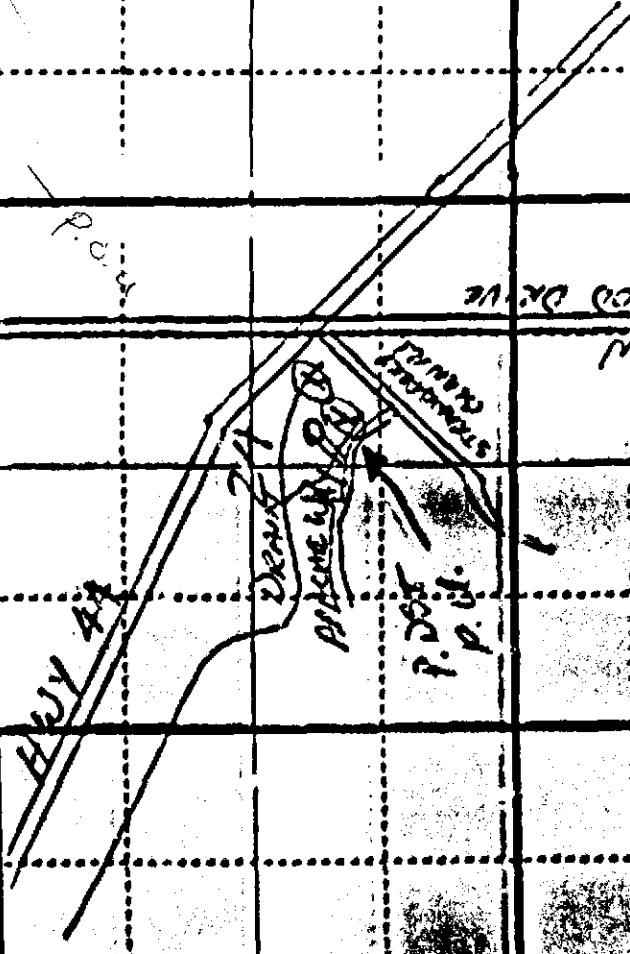
CURVE DATA - 1/4 OF ROAD

CURVE NO.	RADIUS	ANGLE	TANGENT LENGTH
1	45'	90°08'	45.10'
2	75'	57°08'	95.28'
3	275'	41°00'	102.82'
4	125'	39°05'	44.33'

MICROFILMED

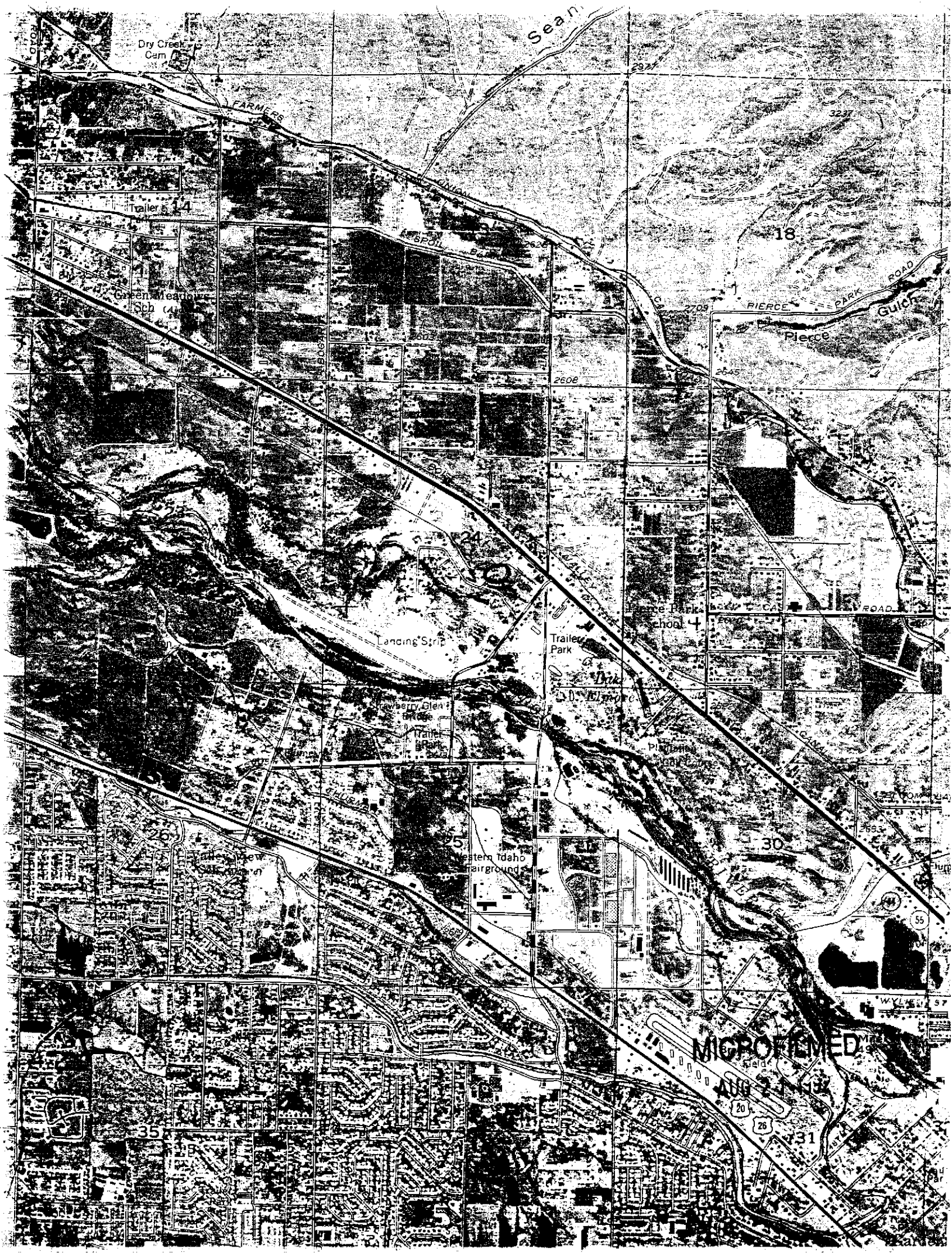
AUG 21 1992

①
②
p.o.d.



LACED DRIVE
LACED

T.4W R.1E



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

RIGHT NUMBER: 63-7739

NAME AND ADDRESS: RITA M FELL
7620 APACHE WAY CIRCLE
BOISE ID 83703

EDWIN H FELL
7620 APACHE WAY CIRCLE
BOISE ID 83703

SOURCE: UNNAMED DRAINS

TRIBUTARY: SINKS

QUANTITY: 0.060 CFS
9.200 AFY

PRIORITY DATE: 03/06/1973

POINT OF DIVERSION:

T04N R01E S24 NWSE Within ADA County

T04N R01E S24 NWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.040 CFS

9.00 AFY

STOCKWATER

01/01 12/31

0.020 CFS

0.20 AFY

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 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

T04N R01E S24 NWSE 2.0

STOCKWATER Within ADA County

T04N R01E S24 NWSE

2 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: License

PROPERTY IS ALSO KNOWN AS LOTS 1 & 2, BLK 1, FLAKE COUNTRY SUBDIVISION.

Use of this right is combined with water from Boise Valley Irrigation Ditch Co.

Stockwater use is for 10 range cattle.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7739 V1

WATER RIGHT NUMBER: 63-7739 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SHERRI L RANDALL 7620 APACHE WAY CIR BOISE, ID 83703 (208)853-0141
Current Owner	RITA M FELL 7620 APACHE WAY CIRCLE BOISE, ID 83703 (208)853-7919
Original Owner	CLEVE H RANDALL 7620 APACHE WAY CIRCLE BOISE, ID 83703 (208)853-0141
Original Owner	JOHN C DOMINICK 7620 APACHE WAY CIR BOISE, ID 83709
Current Owner	EDWIN H FELL 7620 APACHE WAY CIRCLE BOISE, ID 83703 (208)853-7919
Original Owner	MARGARET DOMINICK 7620 APACHE WAY CIR BOISE, ID 83709

Priority Date: 03/06/1973

Basis:	License
--------	---------

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAINS	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.040 CFS	9.00 AF
STOCKWATER	01/01 to 12/31	0.020 CFS	0.20 AF
	Total Diversion:	0.060 CFS	9.20 AF

Location of Point(s) of Diversion

UNNAMED DRAINS ADA County	NW1/4SE1/4	Sec. 24, Twp 04N, Rge 01E, B.M.
UNNAMED DRAINS ADA County	NW1/4SE1/4	Sec. 24, Twp 04N, Rge 01E, B.M.

Place of Use

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7739 V1

04N 01E 24					2.0	2.0
Total Acres: 2						
STOCKWATER						

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 01E 24														X			

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.
2. W44 Use of this right is combined with water from Boise Valley Irrigation Ditch Co.
3. X02 Stockwater use is for 10 range cattle.

Remarks:

1. Explanatory PROPERTY IS ALSO KNOWN AS LOTS 1 & 2, BLK 1, FLAKE COUNTRY SUBDIVISION.
2. 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 IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. kbrown 6/11/2004 Parcel Numbers

Comment: PARCEL NO: R2854100000 & R2854100005.

2. kbrown 6/11/2004 63-15642

Comment: Right 63-15642 is a decreed domestic right (0.04 cfs / different source) located on the same place of use (Parcel No: R285410005).

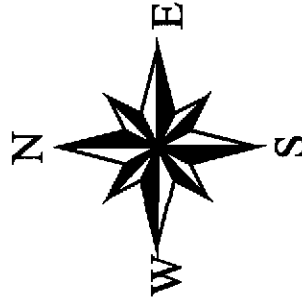
Idaho Department of Water Resources

T04N, R01E,
S24

Claim No: 63-07739
Prepared By: Kimberly Brown
Date: June 11, 2004

- Point of Diversion
- Place of Use
- Section Lines
- 1/4 1/4

Acres Irrigated = 2.0



1987 NAPP



0 0.1 0.2 0.3 0.4 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-7739

WATER RIGHT NUMBER: 63-7739 ✓

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SHERRI L RANDALL 7620 APACHE WAY CIR BOISE, ID 83703 (208)853-0141
Current Owner	RITA M FELL ✓ 7620 APACHE WAY CIRCLE BOISE, ID 83703 (208)853-7919
Original Owner	CLEVE H RANDALL 7620 APACHE WAY CIRCLE BOISE, ID 83703 (208)853-0141
Original Owner	JOHN C DOMINICK ✓ 7620 APACHE WAY CIR BOISE, ID 83709
Current Owner	EDWIN H FELL ✓ 7620 APACHE WAY CIRCLE BOISE, ID 83703 (208)853-7919
Original Owner	MARGARET DOMINICK ✓ 7620 APACHE WAY CIR BOISE, ID 83709

Priority Date: 03/06/1973 ✓

Basis: License ✓

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAINS ✓	SINKS ✓

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	3/15 to 11/15 ✓		0.040 CFS ✓	9.00 AF ✓
STOCKWATER ✓	1/01 to 12/31 ✓		0.020 CFS ✓	0.20 AF ✓
<u>Total Diversion:</u>			0.060 CFS ✓	9.20 AF ✓

Location of Point(s) of Diversion

UNNAMED DRAINS

ADA County ✓

NW1/4SE1/4 ✓
NW 1/4 SE 1/4
(2 PODs)

Sec. 24, Twp 04N, Rge 01E, B.M. ✓

Place of Use

IRRIGATION ✓

* ADD X02 - Stockwater use is for 2-10 range cattle.
ADD 304 - Season of use is 3/1.

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	01E	24	NE	NW	SW	SE	2.0
							2.0 ✓

Total Acres: 2 ✓

ADD W44 Use combined with Water from Boise Valley Irr.
ADD J01 - Place of use is also known as lots 1 & 2,
Bk. 1, Flake Country Subdivision.

Panel No: R2854100000 & R2854100005.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-7739

STOCKWATER ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	01E	24	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																X			
																✓			

Conditions of Approval:Remarks:

1. General 2 P/D IN NWSE, S24,T4N,R1E.
THIS RT. WHEN COMBINED WITH ALL OTHER RTS. SHALL PROVIDE NO MORE THAN .02 CFS/AC. NOR MORE THAN 4.5 AF/AC FOR THE LANDS ABOVE.
LOTS 1 & 2 BLOCK 1 FLAKE COUNTY SUBDIVISION.
OWNERSHIP CHANGED BY KW ON 1/16/1992.

Comments:

Field Exam Date 6.11.04

(in office)

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 \$ 52⁰⁰
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information (None)
- ☒ Check POD & POU overlap, see below - include overlapping right for exam
- ☐ Evidence of Priority - if none, talk with claimant N/A

CLAIMANT INFORMATION - verify contact information is complete

Claim No(s) A63 - 07739

Owner: Rita & Edwin Fell Phone No. (208) 853-7919

Current Address: 7620 Apache Way Circle Boise

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

Accompanied by: N/A

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: 3/6/1973

(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

2 PODs

- ☒ 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/Remarks GPS ID

Description of diverting works

*See Field Report.***OVERLAP REVIEW**

Other water rights with the same point of diversion:

None

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

WATER USES☐ No change☐ Different Uses*Season of use is 3/1 to 11/15.*

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	

Overlap with other water rights: 63-15642

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain: No, Decreased Domestic right w/ a 1969 priority date. Different Source

Delivery System Narrative: Refer to Field Report.

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

(OVER)

Stock water use is for 2-10 range cattle.

Use of this right is combined with water from
Boise Valley Irrigation District.

Place of use is also known as Lots 1 & 2, Blk. 1,
Hale Country Subdivision.

Parcel Nos: R 2854100000 & R 2854100005.

AFTER EXAM THE FILE SHOULD CONTAIN:

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

DATE EXAM CONDUCTED: 6-11-04 (in office)

FIELD EXAMINER: Kimberly Brown

ReceiptID	Amount	BasinNumber	SequenceNum	SplitSuffix	Type
W003168	52.00	63	7739		Claim
W003168	25.00	63	15642		Claim

overlap review -

Water Right Report 63-15642

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SHERRI L RANDALL 7620 APACHE WAY CIR BOISE, ID 83703 (208)853-0141
Current Owner	EDWIN H FELL 7620 APACHE WAY CIRCLE BOISE, ID 83703 (208)853-7919
Current Owner	RITA M FELL 7620 APACHE WAY CIRCLE BOISE, ID 83703 (208)853-7919
Original Owner	CLEVE H RANDALL 7620 APACHE WAY CIRCLE BOISE, ID 83703 (208)853-0141

- different source

Status: Active

Tributary

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

GROUND WATER NW1/4SE1/4 Sec. 24, Twp 04N, Rge 01E, B.M.
ADA County

DOMESTIC

Twp	Rge	Sec	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
04N	01E	24														X			

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-15642

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. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory PARCEL NO. R2854100005 PROPERTY ALSO KNOWN AS LOTS 1 & 2, BLK 1, FLAKE COUNTRY SUBD. ✓

Comments:

1. CORR1 2/19/1997 COPIED FROM REMARKS
Comment: OWNERSHIP CHANGED BY KW ON 1/16/1992.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 8, 1994

EDWIN FELL
7620 APACHE WAY CIRCLE
BOISE ID 83703

Dear Mr. Fell;

I am writing in regard to your phone call of Wednesday morning regarding the status of the unnamed drain appurtenant to Notice of Claim to a Water Right number A63-07739.

Enclosed is some information relating to community and lateral ditches. This came from the Idaho Code, Volume 8, Section 42-1206, under the title Irrigation, Drainage, Water Rights. I think this will give you some starting information relating to the responsibility of individuals when changing lands adjacent to ditches.

The New Dry Creek Ditch Company has water right claims with a diversion point near you. Their phone number is 939-6219 in care of Lynn Sedlacek. The information on the map shows a canal, but the latter portion of the canal appears to be a drain. The license is based on the field examiners findings relative to diversion source and tributary.

As discussed, you may want to get together with the other ditch users and submit your request to the developer based on the information obtained from the Idaho Codes. There may be more information available and I would urge you to do more research regarding your situation. The Department will assist in obtaining more information where possible.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures

Post-it® Fax Note	7671	Date	12-8	# of pages	5
To	E. Fell	From	Linda Werner		
Co./Dept.		Co.	IDWR		
Phone #		Phone #	334-2190		
Fax #	853-0728	Fax #	334-2348		

Compiler's notes. The words enclosed in parentheses so appeared in the law as enacted.

The concluding proviso of this section, as it appeared in the 1899 act read, "provided, that after said bridge shall have been constructed across any county or state road _____." The change is made on authority of *MacCammelly v. Pioneer Irr. Dist.* (1909), 17 Idaho 415, 105 P. 1076.

Liability for Cost.

County must construct all bridges to com-

42-1206. Repair of community ditches. — Where a ditch is common property, or there is a common right to the use of the water of a ditch without payment therefor, and any labor or materials are necessary for the repair or cleaning of the ditch, or any gate or flume thereon or thereunto belonging, the watermaster of the district may make a fair pro rata assessment of labor or materials against the inhabitants of the district claiming the use of such water, according to the benefits received by each; and if any person so assessed neglects or refuses, for the period of three (3) days after notice so to do from the watermaster or his deputy, to furnish his just proportion of the necessary labor or materials, according to such assessment, he must pay his pro rata in cash, to be recovered, with costs, in an action by the watermaster in his own name. [1881, p. 275; R.S., § 3203; reen. R.C. & C.L., § 3311; C.S., § 5659; I.C.A., § 41-1106.]

Remedy of Water Company.

This section was not repealed by S.L. 1899, p. 380, and water company which delivered water to consumer without obtaining prepayment of charges therefor could not shut off consumer's water because of his refusal to

pay such charges, but could maintain an action to recover amount of charges. *Shelby v. Farmers Coop. Ditch Co.*, 10 Idaho 723, 80 P. 222 (1905).

Collateral References. 78 Am. Jur. 2d, Waters, § 197.

42-1207. Change of lateral ditch. — Where any lateral ditch has heretofore been, or may hereafter be, constructed across the lands of another, the person or persons owning or controlling the said land shall have the right at their own expense to change said lateral ditch to any other part of said land, but such change must be made in such a manner as not to impede the flow of the water therein, or to otherwise injure any person or persons using or interested in such lateral ditch. [1907, p. 237, § 4; reen. R.C. & C.L., § 3311a; C.S., § 5660; I.C.A., § 41-1107.]

Compiler's notes. This section is also compiled as § 18-4308 in the Penal Code.

ANALYSIS

Compliance with statutory requirement.
Conflicting evidence.
Maintenance of changed ditch.
Proof of causation.

Compliance with Statutory Requirement.

Servient estate seeking to change location of ditch must comply with statutory require-

plete highway over ditch laid out after the ditch has been constructed, but not if highway built first. *MacCammelly v. Pioneer Irr. Dist.* (1909), 17 Idaho 415, 105 P. 1076.

If ditch or canal was constructed prior to establishment of public highway which intersects it, expense of building bridge must be borne by county or highway district. *Gooding Highway Dist. v. Idaho Irr. Co.* (1917), 30 Idaho 232, 164 P. 99.

which the defendant con-
sponsible, the court's de-
an I.R.C.P. 41(b) motion
missal, that the plaintiff
prove a right to damage
teration of an irrigation
construction contractor,
Burggraf Constr. Co.,
P.2d 873 (Ct. App. 1984

Maintenance of Chan

One, across whose land
constructed, could change
his own expense, but he
maintain ditch. *Crawford*
663, 258 P. 541 (1927).

Ditch should be mainte-
nerested in ditch. *Earhar*
270, 295 P. 630 (1931).

Where servient estate
used by defendant for pa-
ply, but constructed a n-
defendant, burden of pro-
enjoin prosecution for cut-
plaintiff to show that new
same amount of water
ditch without impeding t-
ditch. *Simonson v. Moor*
P.2d 93 (1951).

If change in location o-
rotation in use of water
ditch, there was a subst-
flow of water. *Simonson v*
237 P.2d 93 (1951).

The installation of th-
and the diversion work
change or affect responde-
East Ditch, to transmit t-
miners inches of water
sired, such installation o-
cation of such easement
ditch to an underground
complished through the

42-1208. Rights

Rights-of-way of irr-
profit irrigation ent-
adverse possession,
personnel on rights-
an effort to adverse
by 1981, ch. 344, §

ment, since prior to enactment of statutory
law there was no right to change a ditch.
Simonson v. Moon, 72 Idaho 39, 237 P.2d 93
(1951).

Conflicting Evidence.

Where there was conflicting evidence con-
cerning the adequacy of water supply and the
court might have inferred that the water
shortage resulted from construction defects
in new ditch, but also could have inferred
that the shortage was attributable to such
other causes as lack of maintenance, for

hwy over ditch laid out after the been constructed, but not if high- first. *MacCammelly v. Pioneer Irr.* 99, 17 Idaho 415, 105 P. 1076.

or canal was constructed prior to nent of public highway which inter- expense of building bridge must be county or highway district. *Gooding Dist. v. Idaho Irr. Co.* (1917), 30 4, 164 P. 99.

— Where a ditch is common use of the water of a ditch terials are necessary for the flume thereon or thereunto make a fair pro rata assess- ants of the district claiming received by each; and if any period of three (3) days after deputy, to furnish his just , according to such assess- recovered, with costs, in an [1881, p. 275; R.S., § 3203; A., § 41-1106.]

charges, but could maintain an as- over amount of charges. *Shelby v. Ditch Co.*, 10 Idaho 723, 80 P. al References. 78 Am. Jur. 2d, 197.

any lateral ditch has here- cross the lands of another, e said land shall have the l ditch to any other part of a manner as not to impede ure any person or persons , p. 237, § 4; reen. R.C. &]

prior to enactment of statutory was no right to change a ditch. . Moon, 72 Idaho 39, 237 P.2d 93

Evidence.
ere was conflicting evidence com- adequacy of water supply and the have inferred that the water sulted from construction defects h, but also could have inferred ortage was attributable to such s as lack of maintenance, for

which the defendant contractor was not responsible, the court's determination, under an I.R.C.P. 41(b) motion for involuntary dismissal, that the plaintiff landowners failed to prove a right to damages resulting from alteration of an irrigation ditch by a highway construction contractor, was proper. *Allen v. Burggraf Constr. Co.*, 106 Idaho 451, 680 P.2d 873 (Ct. App. 1984).

Maintenance of Changed Ditch.

One, across whose land a lateral ditch was constructed, could change its location only at his own expense, but he need not thereafter maintain ditch. *Crawford v. Inglin*, 44 Idaho 663, 258 P. 541 (1927).

Ditch should be maintained by persons interested in ditch. *Earhart v. Wright*, 50 Idaho 270, 295 P. 630 (1931).

Where servient estate cut off side ditch used by defendant for part of his water supply, but constructed a new ditch for use of defendant, burden of proof in proceeding to enjoin prosecution for cutting off ditch was on plaintiff to show that new ditch would convey same amount of water as conveyed by old ditch without impeding the flow in the main ditch. *Simonson v. Moon*, 72 Idaho 39, 237 P.2d 93 (1951).

If change in location of side ditch required rotation in use of water by users of main ditch, there was a substantial impediment in flow of water. *Simonson v. Moon*, 72 Idaho 39, 237 P.2d 93 (1951).

The installation of the Jamerson pipeline and the diversion works would in nowise change or affect respondent's easement in the East Ditch, to transmit therein to his land 60 miners inches of water when needed or desired, such installation only changing the location of such easement in an open surface ditch to an underground ditch, such being accomplished through the cooperation of both

landowners and by agreement arrived at between them. *Ramseyer v. Jamerson*, 78 Idaho 504, 305 P.2d 1088 (1957).

The trial court failed to recognize the application of this section although the parties themselves had applied the same in compromise and settlement of the controversy regarding appellant's right to an easement sufficient to accommodate the diagonal lateral over respondent's land or in lieu thereof, to a corresponding easement for a ditch over respondent's lands changed to a location at respondent's expense, different from that of the diagonal lateral. *Aguirre v. Hamlin*, 80 Idaho 176, 327 P.2d 349 (1958).

Plaintiff did not become entitled to a ditch of greater size and capacity and to an easement therefor, than his original diagonal lateral destroyed by respondent and the easement over respondent's lands should have been of similar construction as the diagonal lateral, over the route as designated by respondent to a point where the diagonal lateral formerly entered appellant's property. *Aguirre v. Hamlin*, 80 Idaho 176, 327 P.2d 349 (1958).

Proof of Causation.

Whether liability for diminished water flow was predicated upon negligence, or upon violation of this section, the plaintiff landowners were required to show that relocation of the ditch actually caused a diminished flow of water to their properties since proof of causation is essential to invoke the statute. *Allen v. Burggraf Constr. Co.*, 106 Idaho 451, 680 P.2d 873 (Ct. App. 1984).

Collateral References. Prescriptive right of riparian owners to continuance of artificial channel or ditch. 88 A.L.R. 134.

Right of owner to alter his easement in such a way as to deprive servient estate of incidental benefits. 172 A.L.R. 193.

42-1208. Rights-of-way not subject to adverse possession. — Rights-of-way of irrigation districts, Carey act operating companies, non-profit irrigation entities, and lateral ditch associations, are not subject to adverse possession, and no person shall prevent free access of authorized personnel on rights-of-way or construct any obstruction on rights-of-way in an effort to adversely possess said right-of-way. [I.C., § 42-1208, as added by 1981, ch. 344, § 1, p. 713.]

DATE OF EXAM 7/13/79

ACREAGE

Found 2

Recommended 2 ✓

Irrigation Requirement 4.5 ✓

Ac Ft/Ac

USE

Irrigation Q = .04 c.f.s.

V = 7.0

AF/Ann. from 3/15 to 11/15

Domestic Q = 0 c.f.s.

V = 0

AF/Ann. from 1/1 to 12/31

Livestock Q = .02 c.f.s.

V = 0.2

AF/Ann. from 1/1 to 12/31

Total .06

9.2

Is water co-mingled? yes no ✓

Name source: _____

twp. N/S Rge E/W B.M. Sec Sub 1/4 1/4 County _____

Exchange? yes no ✓

Name source exchanged with: _____

twp. N/S Rge E/W B.M. Sec Sub 1/4 1/4 County _____

Point of injection:

twp. N/S Rge E/W B.M. Sec Sub 1/4 1/4 County _____

Point of exchange:

twp. N/S Rge E/W B.M. Sec Sub 1/4 1/4 County _____

Total Q measured .06 cfs

Method of measurement Pressure Gauge/Case Manual

Total Q recommended .06 cfs

Meter No. _____

Type _____

Condition _____

Total V recommended 9.2 AF/Ann

Recommended Amendments:

P.D. _____

Place of Use _____

Other _____

None ✓

MEASUREMENT CALCULATION:

$Q = \frac{V_p (9.5) (5.2 \text{ ft})}{V_{in} (1.5) + 1 \text{ ft}} = .06 \text{ cfs}$ capacity

$V = 4.5 \text{ AF/Ann} (2 \text{ Ann}) = 9.0 \text{ AF/Ann}$

$V = .06 \text{ cfs} (1.55) (245 \text{ days}) = 23.1 \text{ AF/Ann}$

For stock as per stockwater table = .2 AF

SYSTEM DESCRIPTION:

1/2" Pressure Pipe (5' dia) # C942E11B1 UNDERGROUND LINES TO LIGHT

IMPACT TYPE SPRINKLERS (18 ft). NO NOBLE SITE AVAILABLE (ADJACENT 1/4")

ALTERNATES PUMP FROM DRAIN TO DRAIN AS HE NEEDS WATER (2 p15)

REMARKS:

STOCKWATER PROVIDED FROM WATER USER'S HANDPUMP

Examiner's Signature Chad W. [Signature]

Date 1/2/80

Checked by DBS

Date 1/30/80

Approved by [Signature]

Date 5/2/81

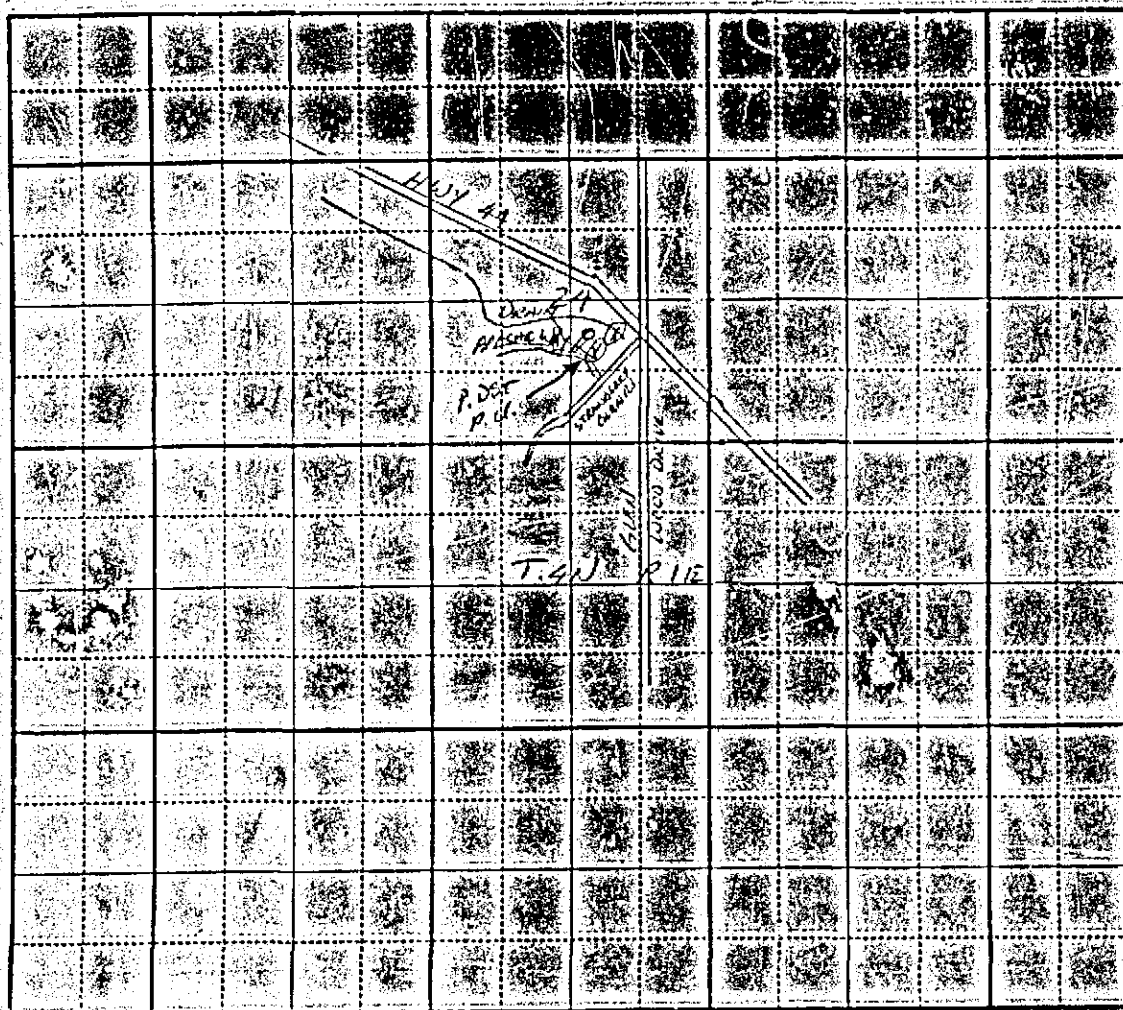


Diagram of System

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that JOHN C. and/or MARGARET DOMINICK

(both dates inclusive)

Description and location of place of use:

Total number of acres irrigated 2

Director

TOTAL ACREAGE

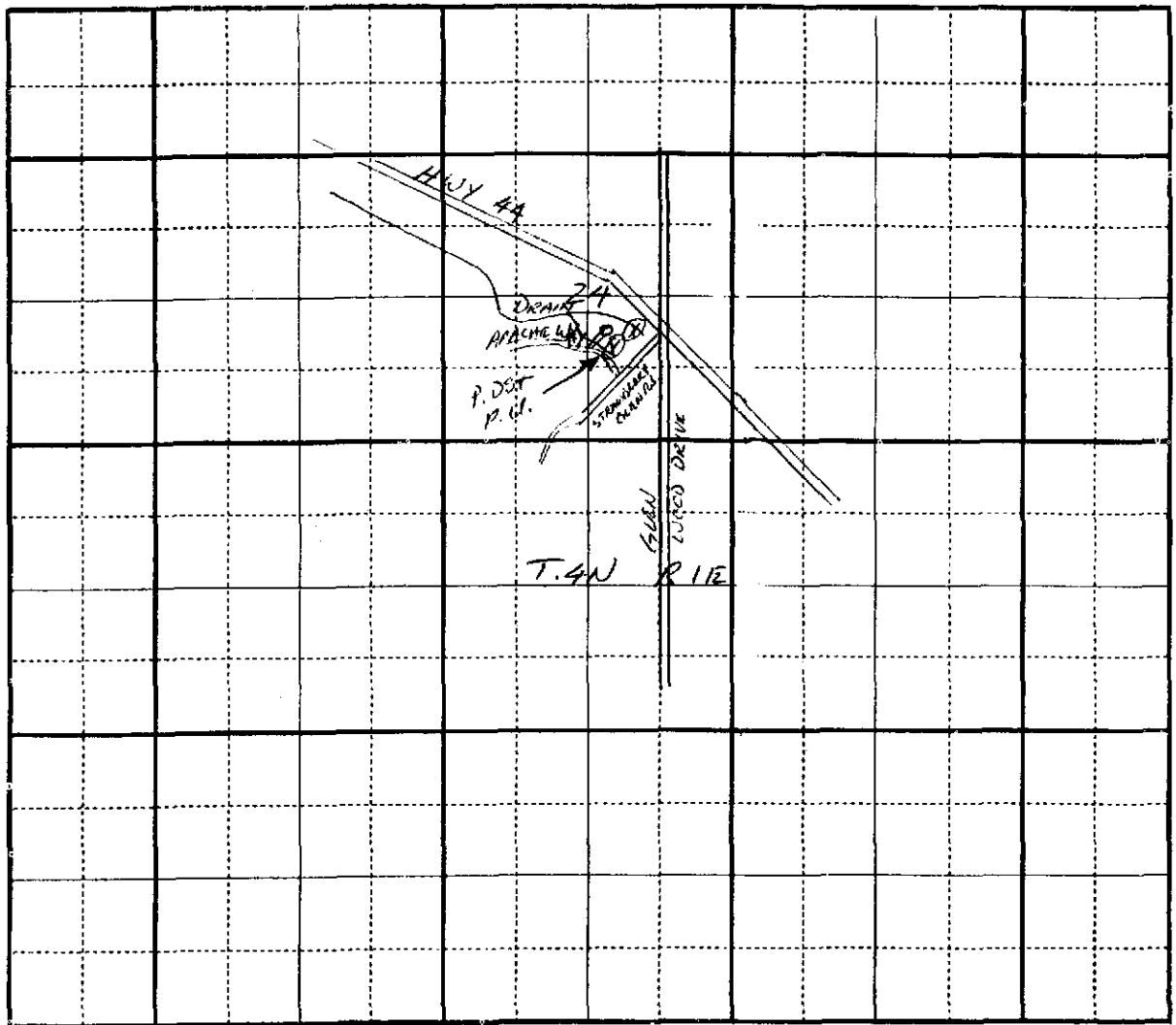


Diagram of System

DATE OF EXAM 7/18/89

ACREAGE
Found 2
Recommended 2 ✓

Irrigation Requirement 4.5 ✓ Ac Ft/Ac

USE
Irrigation Q = .04 c.f.s. V = 9.0 AF/Ann. from 3/15 to 11/15
Domestic Q = c.f.s. V = AF/Ann. from to
Livestock Q = .02 c.f.s. V = 0.2 AF/Ann. from 1/1 to 12/31

TOTAL .06 9.2

Is water co-mingled? yes no ✓

Name source:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Exchange? yes no ✓

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Total Q measured .06 cfs Method of measurement PRESSURE GAUGE/CALCULATION

Total Q recommended .06 cfs Meter No. Type Condition

Total V recommended 9.2 AF/Ann

Recommended Amendments:

P.D.
Place of Use
Other
None ✓

MEASUREMENT CALCULATION:

$Q = \frac{1/2 \text{ hp } (5.5) (800 \text{ ft})}{(1.8) (1.48)} + 2' \text{ LIFT} = .06 \text{ cfs}$ CAPACITY

$V = 4.5 \text{ AF/Acre } (2 \text{ Acres}) = 9.0 \text{ AF/Ann}$

$V = .06 \text{ cfs } (1.98) (295 \text{ days/yr}) = 29.1 \text{ AF/Ann}$

For stock as per stockwater table = .2 AF

SYSTEM DESCRIPTION:

1/2 hp CENTRIFUGAL PUMP (SEARS) # C98426A11B1 UNDERGROUND LINES TO LIGHT
IMPACT TYPE SPRINKLERS (18/2). NO NOZZLE SIZE AVAILABLE (APPROX 3/8").

ALTERNATES PUMP FROM DRAIN TO DRAIN AS HE NEEDS WATER. (2 pts)
2 TO 10 FEET OF WATER

REMARKS:

STOCKWATER AMOUNTS FROM WATER USER'S HANDBOOK.

Examiner's Signature Charles W. Bingham Jr Date 1/2/80

Checked by DBS Date 1/30/80

Approved by Ralph Date 5/8/81

Identification No. _____

Application No. 63-7739

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

APPROVED

1. Name of applicant JOHN C. &/or MARGARET DOMINICK
post office address 7620 Apache Way Circle
2. Source of water supply Two drains which is a tributary of sinks & Boise River
3. a. Location of point of diversion is ^{2 pts.} NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24 Township 4 N.
Range 1 E. B.M. Ada County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 10 ^{cfs or acre-feet per annum} for irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
Amount .02 ^{cfs or acre-feet per annum} for stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
^{cfs or acre-feet per annum}
5. Total quantity to be appropriated:
a. 12.06 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Electric pump, sprinkler system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 300.00.
8. Description of proposed uses:
a. If water is not for irrigation: SAME AS 8b
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 5 Head cattle & horses

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4 N.	1 E.	24														5			5

Total number of acres to be irrigated 5

c. Describe any other water rights used for the same purposes as described above. 4 shares in irrigation district - Boise Valley Irrigation Ditch Co.

9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

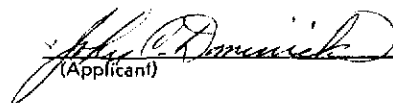
10. Remarks The irrigation portion of this application would be used as supplemental to the irrigation district water. Also would allow more efficient control of the water and to provide water for the stock.

This has been used since June, 1969.

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

Scale: 2 inches equal 1 mile

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.


(Applicant)

Proposed Priority 3-06-1973

Received by Ljs Date 3-6-73 Time 9:30 AM
Preliminary check by LJB Fee \$ 10.00 # 10,000
Received by Ljs Date 3-6-73 #
Publication prepared by LJB Date 3-6-73
Published in Idaho Statesman
Publication dates 3-15 & 3-22-73
Publication approved LJB Date 4-2-73
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by af

Hearing held by _____ Date _____

Recommended for approval denial by af

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-7739, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 19 79.
- c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 26 day of _____ October 19 74.

R. Karl Higgins
Director