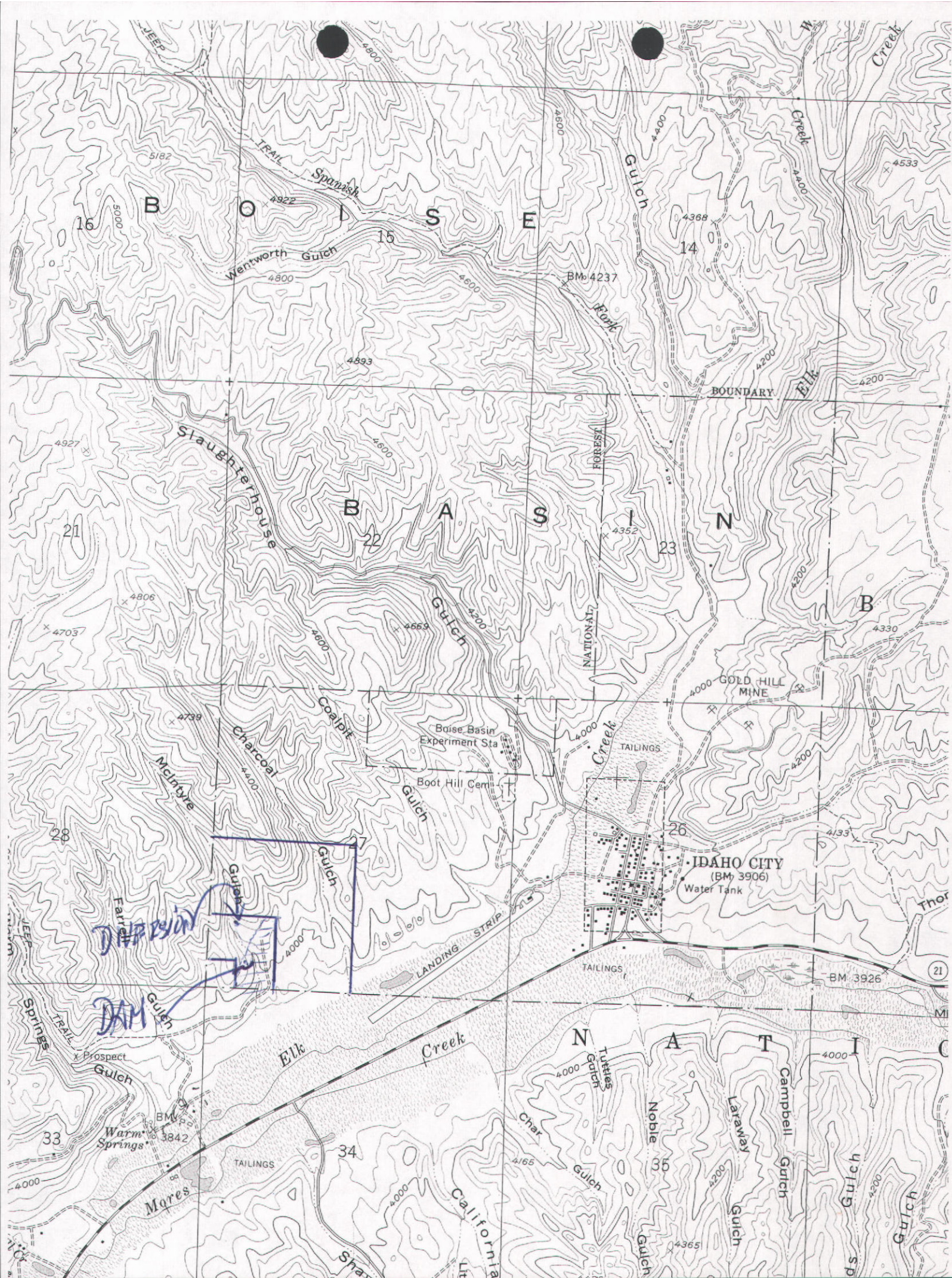
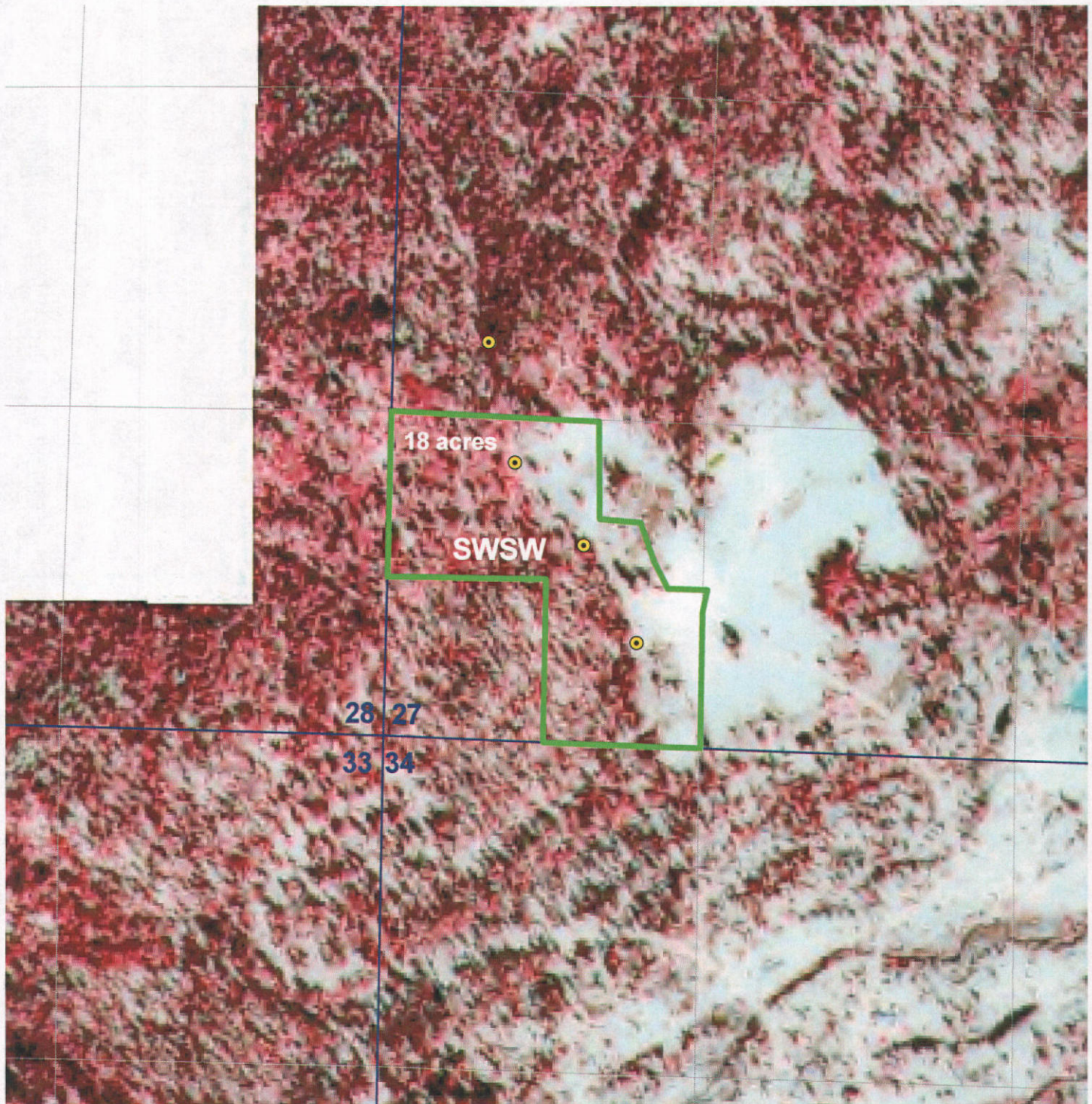




Idaho Department of Water Resources

63-31620

T06N R05E S27



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



IDWR
Prepared by: Sandy Egbert
Date: 4-20-05
1987 NAPP Photography

600 0 600 1200 1800 2400 Feet



In-stream
inlet structure

Spring water
in bottom of
creek bed
5—10 GPM

#1



In-stream check
structure to force
additional flow into
2" P.E. when spring
run-off occurs

Pipeline 2" from in-
stream inlet structure

63-31620



Downstream side of check structure—slide
gate installed to create head for max. flow
in 2" P.E. Pipe. 2" P.E. upstream is discon-
nected while spring run off is occurring

#3

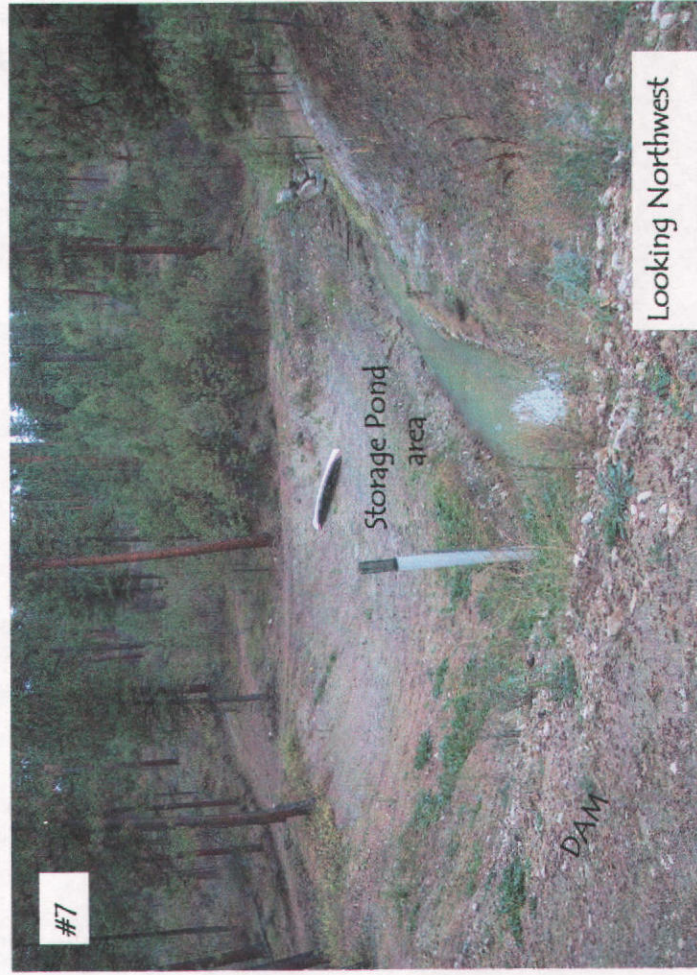


2" P.E. pipe goes to
farmstead for irrigation.

#4



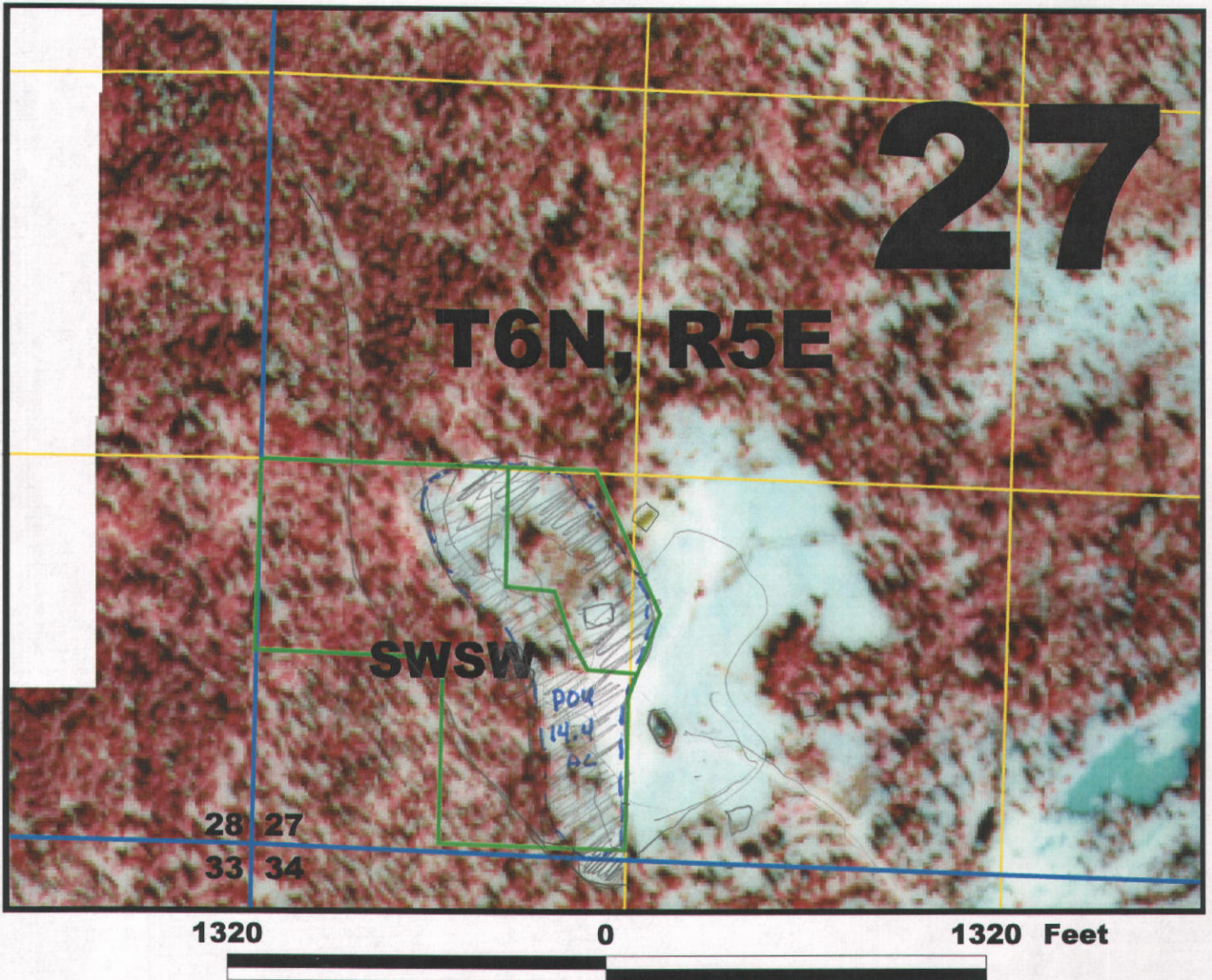
63-31620



#8 Pumping plant pad located on east side of pond. Shown is the generator to run a 5HP centrifugal pump for irrigation. The pumping equipment has been stored for winter. (See photo #6)



63-31620 POU and POD Map

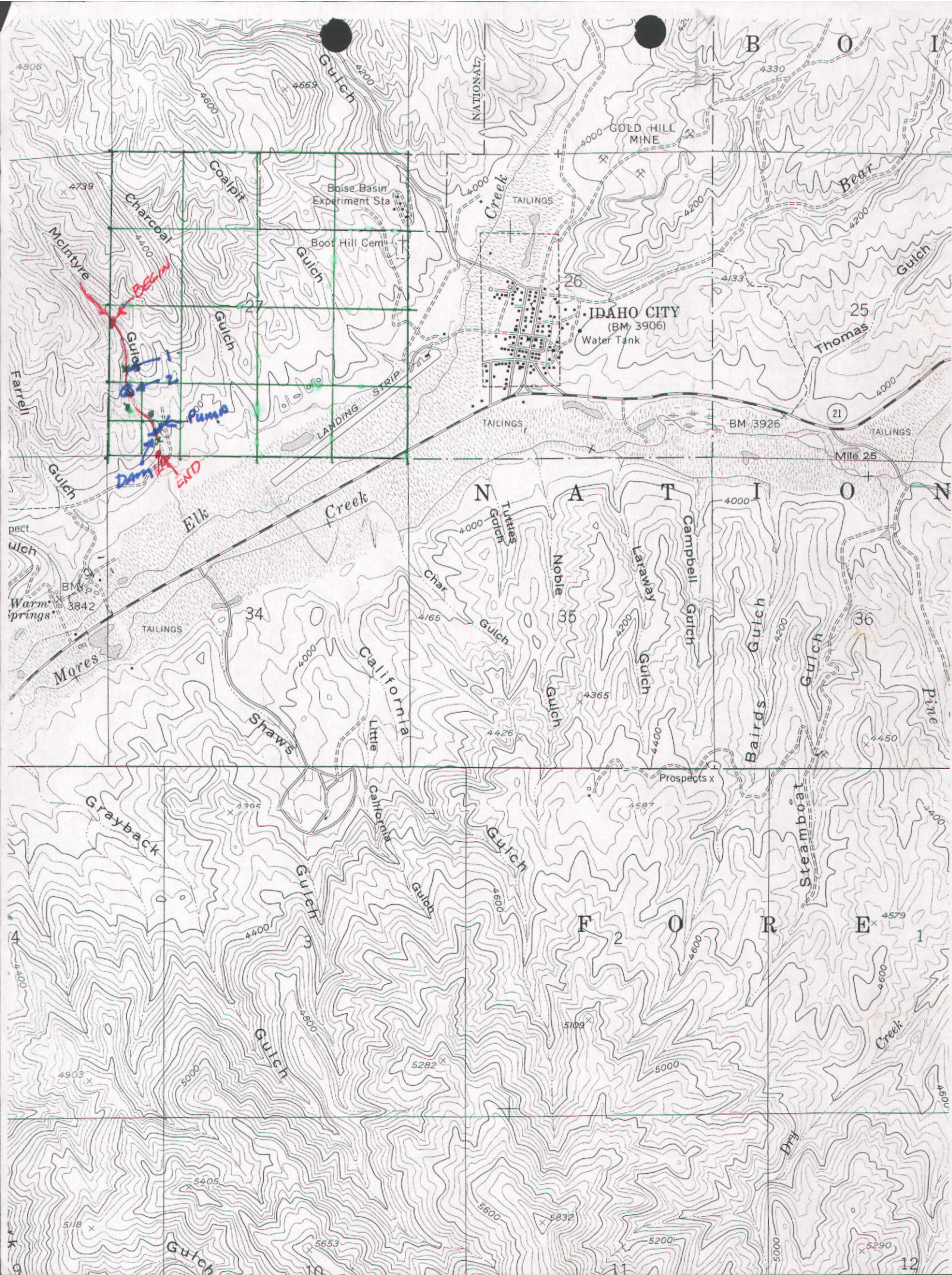


-  Claimed Point of Diversion
-  Claimed Place of Use
-  Ada County Tax Lot Data -N/A
-  Quarter Quarter Lines
-  Section Lines

Total Claimed Acres: 18.0

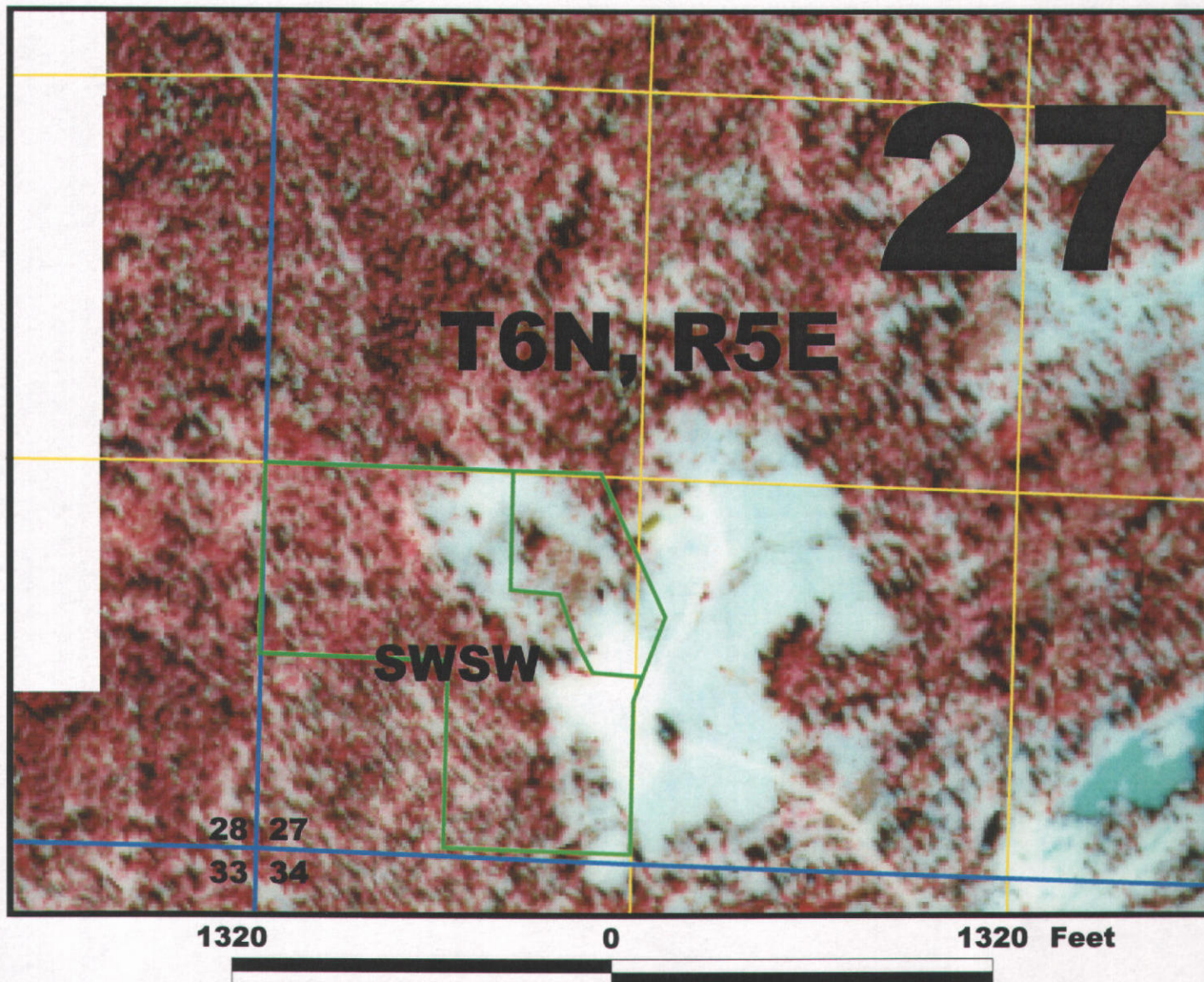


Prepared by: C. Saxton
Date: August 2004





63-31620 POU and POD Map



-  Claimed Point of Diversion
-  Claimed Place of Use
-  Ada County Tax Lot Data -N/A
-  Quarter Quarter Lines
-  Section Lines

Total Claimed Acres: 18.0



Prepared by: C. Saxton
Date: August 2004

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-31620
Date Received: 1/31/2003
Receipt No: W030025
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LISA V TAIN Phone: (208)392-4153
PO BOX 44
IDAHO CITY ID USA 83631-0044

MITCHEL A TAIN Phone: (208)392-4153
PO BOX 44
IDAHO CITY ID USA 83631-0044

2. Date of Priority: 01/01/1919

3. Source: MC INTYRE GULCH Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	05E	27	NW SW SW	BOISE	
06N	05E	27	SE SW SW	BOISE	
06N	05E	27	SW NW SW	BOISE	Beginning Point
06N	05E	27	SE SW SW	BOISE	Ending Point

5. Description of diverting works:

First point of diversion is a 2 inch pipe from creek to a holding tank; 2 inch pipe from tank to valves for irrigation. Second point of diversion is a dam approximately 20 ft high by 120 ft long where a 5 HP Cornell pump with intake to pipeline to pasture land. The changes have only been to clean and/or repair existing systems. (i.e. replace piping, repair dam, etc.)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/01	0.36	

IRRIGATION STORAGE	01/01 12/31	3.5
IRRIGATION FROM STORAGE	03/15 11/01	3.5
STOCKWATER	01/01 12/31 0.02	

7. Total Quantity Appropriated is:
0.38 C.F.S. and/or 3.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 25 Horses, cows and goats

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	05E	27	SW	SW	IRRIGATION	18
			SW	SW	IRRIGATION FROM STORAGE	
			SW	SW	STOCKWATER	
			SW	SW	IRRIGATION STORAGE	
Section Acres						18
Total Acres						18

11. Place of use in counties: BOISE

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

13. Other Water Rights Used: 63-15127 Domestic spring

14. Remarks:

15. Basis of Claim: Beneficial Use

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number HL63-31620Date Received 1-31-03Receipt Number W030025NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Mitchell A. & Lisa V. Tain Phone (208) 392-4153
Mailing Address P.O. Box 44 Idaho City, ID. 83631-0044 Zip 83631-00442. Date of Priority (Only one (1) per claim) 1919 LAND PATENT #6989923. Source of water supply (a) SPRING WATER MC INTYRE CUNCH
which is tributary to (b) SINKS4. a. Location of existing point of diversion is: Township 6N Range 5E Section 27,
NW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, N/A B.M., County of BOISEAdditional points of diversion if any: DAM in the SE 1/4 of the SW 1/4 of the SW 1/4 of Sec. 27

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

Township 6N Range 5E Section 27, SW 1/4 of NW 1/4 of SW 1/4,Govt. Lot N/A B.M., County of BOISEending point is: Township 6N Range 5E Section 27, SE 1/4 of SW 1/4 ofSW 1/4, Govt. Lot N/A B.M., County of BOISE5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.1st point of diversion is a 2" pipe from creek to a holding tank; 2" pipe from tank to valves for irrigation.
2nd point of diversion is a dam approx. 20' high by 120' long where a Shp. Cornell pump with intake to pipe line to pasture land. The changes have only been to clean and or repair existing systems (ie replace piping, repair dam etc.)

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from MAR 15 to NOV 1 amount 38 or _____
 For STOCK purposes from Jan 1 to Dec 31 amount .02 or _____
 For IRRIGATION ^{FROM} STORAGE purposes from Jan 1 to Dec 31 amount _____ or 3.5 ACRE FEET
 For STORAGE FOR IRRIGATION purposes from 1-1 to 12-31 amount _____ or 3.5 ACRE FEET

7. Total quantity claimed (a) 38 (cfs) and/or (b) 3.5 (acre feet)

8. Total consumptive use claimed is 38 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) up to but not to exceed 25 head (horses, cows, and some goats)

10. Description of place of use:

- If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>6N</u>	<u>5E</u>	<u>27</u>											<u>18</u>						<u>18</u>
<u>6N</u>	<u>5E</u>	<u>27</u>											<u>5</u>						

Total number of acres irrigated 18

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

12. Do you own the property listed above as place of use? Yes MARKS No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

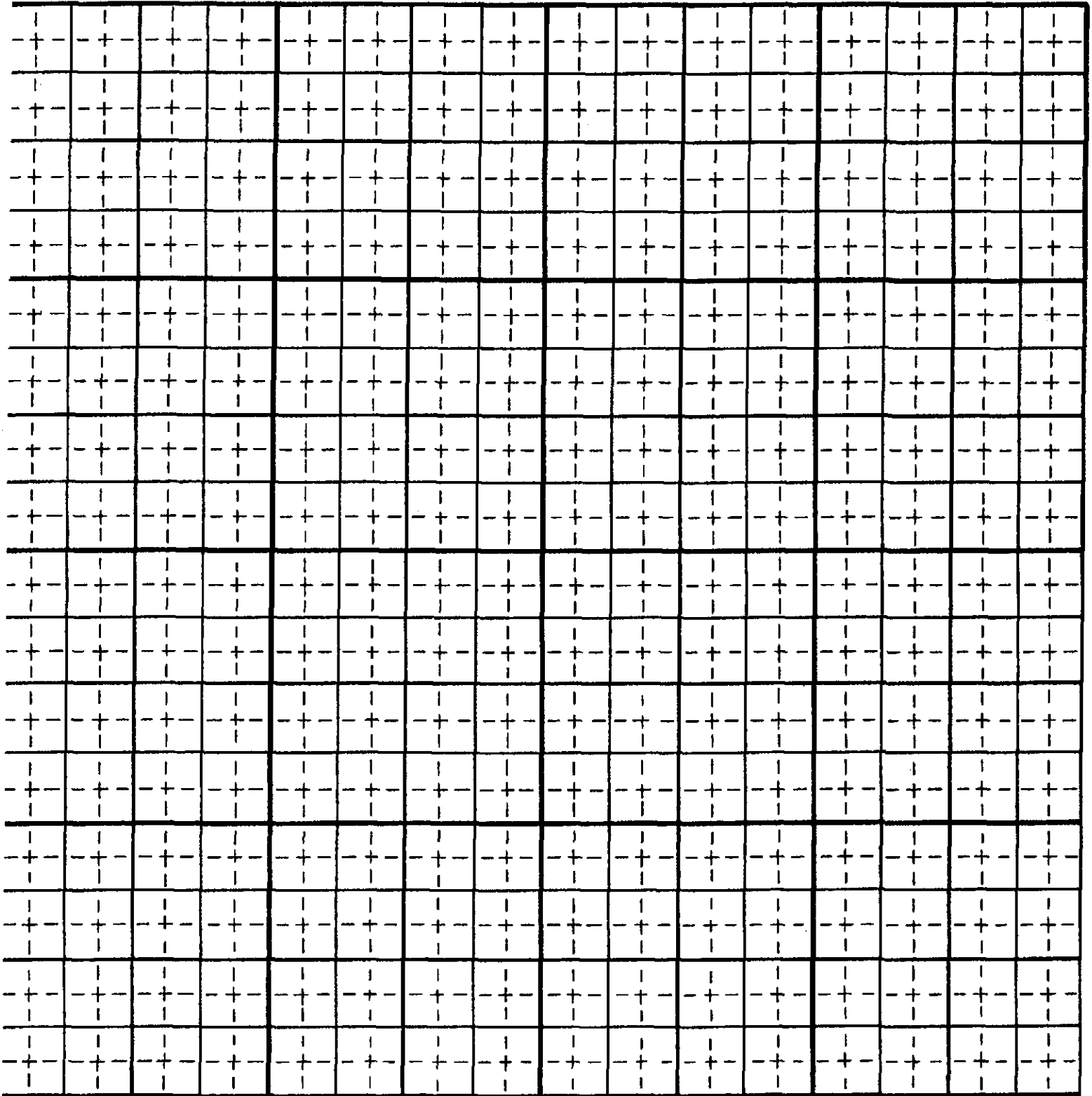
13. Describe any other water rights used at the same place and for the same purposes as described above.
63-15127 - DOMESTIC SPRING or None X

14. Remarks:

Last Name _____ Ident No. _____

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

Scale: 2 inches equals 1 mile



Last Name _____ Ident No. _____

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

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) _____

Date _____

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization _____

document in the space below as _____

Title _____

of _____

Organization _____

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of Boise)

SS.

Subscribed and sworn to for affirmation before me this _____

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name _____

17. Notice of Appearance:

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

Signature _____

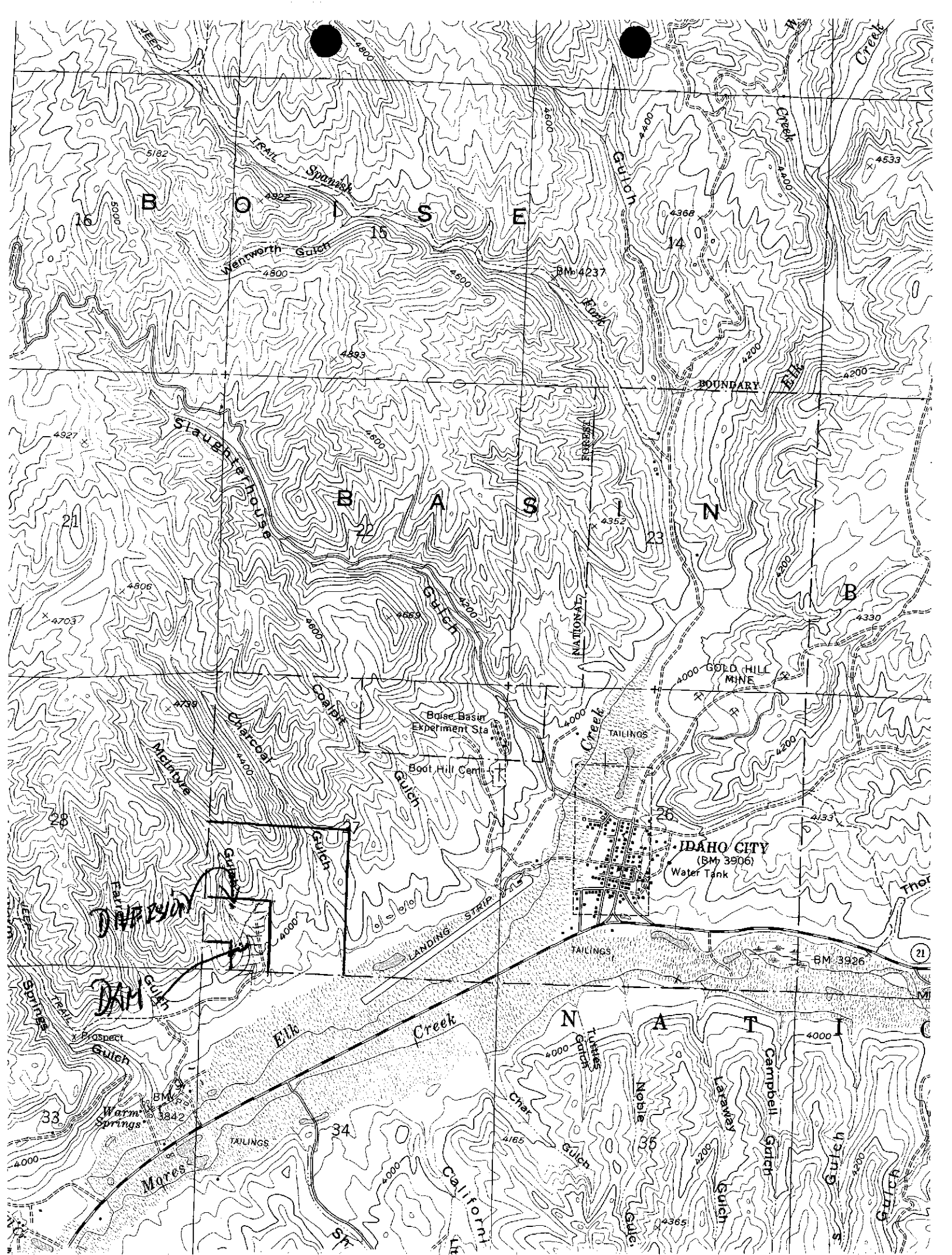
Address _____

Date _____

Last Name _____

Ident. Number _____

Copies White-State, Yellow-Claimant



**WATER RIGHTS RESEARCH
FOR
MITCHEL & LISA TAIN
15 Fox Meadow Drive
P. O. Box 44
Idaho City, ID 83631
392-4153**

DATE	NAMES OF PARTIES	TYPE	BK	PG
11-01-1889	Margaret H. Turner & Anne Headen	Location	05	052, 54, 56, 57
	Locates the Headen No. 1 from the sworn statement of Ashby Tuner in this same document original claim filed Spring of 1863.. S 31' 15' W from corner of Sec 27-28-33-34 T6N – R5E of BM			
11-07-1889	Sworn statement of Ashby Turner	Location	05	052, 54, 56, 57
	On the Headen No. 1 (hill) Placer Claim location records lost but the original discovery was in the Spring of 1863.			
10-31-1905 #5110 and	Margaret H. Turner & Anne Headen	Mortgages	08	462
	<i>Peter Donahue, working placer mines, Headen #1, #2,# 3 #4, with water rights ditches known as, ½ mile ditch, “ Warm Springs Gulch Ditch” to Headen reservoir, and water from the Mc Glinchey or Reservior Gulch for \$ 1,000.00. (Satisfied 10 -4- 1906, Book 8, Page 619 of Mortgages.)</i>			
11-20-1907 #	Margaret H. Turner & Anne Headen	Mortgages	10	405
	<i>Peter Donahue, working placer mines, Headen #1, #2,# 3 #4, with water rights and ditches known as, ½ mile ditch, “ Warm Springs Gulch Ditch” to Headen reservoir, and water from the Mc Glinchey or Reservior Gulch for \$ 2,400.00. (Satisfied 4-23-1912, Book 35, Page 381 of Deeds, (Probate). (for assignment see Book 1, page 70).</i>			
04-04-1908 #8930	Ashby Turner, Frankie Turner, Elisabeth Lass, Alice Turner & H. L. Turner TO Margaret Turner & Anne Headen	Deed Placer	03	517
HEADEN #2 PLACER CLAIM				
07-28-1909 #11269	Margaret H. Turner, Anne Headen, Alice Turner, Frankie Turner & Ashby Turner	Amend Loc Pl		
	The west half of the SE ¼ of the SW ¼, the East half of SW ¼ of the SW ¼, The South half of the NE ¼ of SW ¼, The NW ¼ of SE1/4 all of Sec 27 T6N – R5E.			
HEADEN #1 PLACER CLAIM				
09-24-1909 #11556	Alice L. Turner, Ashby Turner & Frankie Turner, TO Margaret H. Turner & Anne Headen	Deed Placer	26	215
	Legal includes all of Sec 27 T6N – R5E			
HEADEN #1, #2, #3 PLACER CLAIMS				

03-15-1911 Anne Headen TO Deed 26 235
#14280 Frankie Turner, made on January 20, 1910, with water rights and Ditches used
in
connection with said placer claims.

HEADEN #1, #2, #3, #4 PLACER CLAIMS

01-09-1912 Alice L Turner, TO Deed 35 264
#15833 Ashby Turner, made on July 25, 1911, with water rights and Ditches used in
connection with
said placer claims.

HEADEN #1, #2, #3, #4 PLACER CLAIMS

04-23-1912 Estate of Peter Donahue, (died 12-18-1908) Deed 35 381
Bishop A. J. Glorieux, includes the Donahue Placer, and one
certain placer claim known as the Major Taylor ground containing 10 acres,
and Keane Claim, with ditch and water right known as the Donahue Ditch
and Water Rights.

09-17-1912 H. A. Schlosser, John Keane, Placer Loc 09 373
Carl Horenberger, M. L. Poff, E.B. True,
George Haggerty, Matt Rowatt, and Grover Clemons
Located 158.33 acres of placer mining ground Lots numbered 1,2 & 3
And the NE ¼ of the NW ¼ of Sec. 34 and SE ¼ of the SE ¼ of
the SW ¼ and the S ½ of the SW ¼ of the SE ¼ of Sec. 27, T6N – R5E.

DONAHUE PLACER CLAIM

09-18-1912 John Keane, Carl Horenberger, M. L. Poff, Deed 37 090
#17276 E. B. True, George Haggerty, Matt Rowatt, and Grover Clemons TO
A. H. Schlosser
Located 158.33 acres of placer mining ground Lots numbered 1,2 & 3
And the NE ¼ of the NW ¼ of Sec. 34 and SE ¼ of the SE ¼ of
the SW ¼ and the S ½ of the SW ¼ of the SE ¼ of Sec. 27, T6N – R5E.

DONAHUE PLACER CLAIM

03-31-1913 Bishop A. J. Glorieux, TO, on 9-17-1912 Deed 26 248
#18233 H. A. Schlosser, Donahue Claim, Major Taylor, 10 acres, and the Keane
ground lying
adjacent to the Warm Springs, together with the Donahue Ditch and water
right used to convey the waters from Warm Springs to and upon the placer
ground

11-28-1916 H. A. Schlosser, TO Deed 40 390
#25527 Buena Vista Gold Mines Company, Lots numbered 1, 2, 3, and the NW ¼ of
the NW
¼ of Sec 34, and the SE ¼ of the SE ¼ of the SW ¼, and the S1/2 of the SE ¼
of Sec 27, T6N, R5E b.m.

11-28-1916 H. A. Schlosser, TO

Buena Vista Gold Mines Company, the Donahue Ditch, which diverts 900 inches of water from Elk Creek, and two ditches ½ mile in length from the Warm Springs to the Headen Reservoir, and McGlinchey or reservoir Gulch all conveying water to said mining ground, for the Donahue Placer Mining Claim.

07-18-1919 #36705	U.S. Patent Record – Homestead Henry A. L. Schlosser S ½ of the SW ¼ of Sec 27, the NE ¼ of the NE ¼ of Sec 33, and the NW ¼ of NW ¼ of Sec 34 in T6N – R5E B.M. of Idaho, containing 160 acres.	Land Patent	07	194
09-25-1923 #	Buena Vista Gold Mining Company, on 6/30/1923 National Hydraulic Mines Company, Donahue Placer, Crown Point and Top gether with the <i>Donahue Ditch and Slaughter House Ditch and the Warm Spring Ditch, and the Tar Heel Ditch with all water rights.</i>	Deed	43	183
01-16-1924 #32668	Buena Vista Gold Mine Company, TO National Hydraulic Mines Company, together with the <i>Donahue Ditch and Slaughter House Ditch and the Warm Spring Ditch, and the Tar Heel Ditch, and China Ditch, with all water rights.</i>	Deed	44	
06-12-1931 #37790	Henry A. L. Schlosser TO Mary E. Han S ½ of the SW ¼ of Sec 27, the NE ¼ of NE ¼ of Sec 33, and the NW ¼ of NW ¼ of Sec 34 in T6N – R5E BM in Idaho, Containing 160 acres. Includes all rights.	Deed	43	606
05-05-1932 #38465	Mary E. Han & George Han TO W. S. Duggan S ½ of the SW ¼ of Sec 27, the NE ¼ of NE ¼ of Sec 33, and the NW ¼ of NW ¼ of Sec 34 in T6N – R5E, BM, Idaho, Containing 160 acres. Includes all rights.	Deed	46	019
05-05-1932 #38466	W. S Duggan & Tressa G. Duggan Mary E. Han	MTGS23	130	
10-31-1934 #41451	Mary E. Han TO W. S.. Duggan & Tressa G. Duggan, Releases mortgage	Release	05	138
05-14-1935 #41258	James H. Campbell & Lucile Campbell TO W. S. Duggan Leases to the Donahue Canal & the Slaughter-house Ditches located on the West side of Elk Creek and North side of Moores Creek for the term of 10 years, beginning January 1, 1936.	Lease	03	164

06-02-1935 #11689	W. S. Duggan & Tressa G. Duggan R. L. Small	Lease	03	170
	S ½ of the SW ¼ of Sec 27, the NE ¼ of NE ¼ of Sec 33, and the NW ¼ of NW ¼ of Sec 34 in T6N – R5E, BM, Idaho, Containing 160 acres. Includes all water rights thereunto belonging of anywise appertaining and particularly the water rights represented by permit No. 17860, upon following terms. For mining purposes. EXCLUSIONS: The parties of the first part reserve the use of the dwelling house and building and the alfalfa fields upon said premises and may continue to farm the same as usual until needed by the party of the second part for actual mining operations.			
07-08-1935 #41687	H. L. Small & Rose Small TO W. L. Vergin Compnay, Inc.	Misc	09	525
	Transfer Water Rights Permit #17860 to W. S. Duggan, Book 64 Page 17860 approved 1-20-1934 and Water Rights Permit #18127 to R.L. Small recorded Book 66 Page 18127 approved 6-21-1935 .			
07-08-1935 #41688	H. L. Small & Rose Small TO W. L. Vergin Company, Inc. (transfers lease option to purchase) Property owned by W. S. Duggan & Tressa G. Duggan	Misc.	03	173
	S ½ of the SW ¼ of Sec 27, the NE ¼ of NE ¼ of Sec 33, and the NW ¼ of NW ¼ of Sec 34 in T6N – R5E, BM, Idaho, Containing 160 acres. includes water Permit # 17860			
08-05-1935 #41964	W. S. Duggan & Tressa G. Duggan TO L. M. Lyon	Deed	46	172
	Giving him 2/5 or 40% of the following: S ½ of the SW ¼ of Sec 27, the NE ¼ of NE ¼ of Sec 33, and the NW ¼ of NW ¼ of Sec 34 in T6N – R5E, BM, Idaho, Containing 160 acres. Together with all water and permits belonging to said land.			
11-30-1935 #42241	L. M. Lyon TO Eva M. Lyon	Gift Deed	47	616
	Giving her 2/5 or 40% of the following: S ½ of the SW ¼ of Sec 27, the NE ¼ of NE ¼ of Sec 33, and the NW ¼ of NW ¼ of Sec 34 in T6N – R5E, BM, Idaho, Containing 160 acres. Together with all water and permits belonging to said land.			
03-16-1938 #444851	Tressa G. Duggan TO W. S. Duggan	Gift Deed	48	467
	S ½ of the SW ¼ of Sec 27, the NE ¼ of NE ¼ of Sec 33, and the NW ¼ of NW ¼ of Sec 34 in T6N – R5E, BM, Idaho, Containing 160 acres. Together with water and ditch rights and appurtenances and together with all minerals and mineral rights therein.			
10-31-1939	W. S. Duggan's Affidavit 60%	Misc	10	358

#47074 Swears that a 30 day notice To quit was served on R.L. Small and the W. L. Vergin Mining Co. Inc., for non-payment, and they moved off the property in the summer of 1935 witness by Eva . M. Lyon.
S ½ of the SW ¼ of Sec 27, the NE ¼ of NE ¼ of Sec 33, and the NW ¼ of NW ¼ of Sec 34 in T6N – R5E, BM, Idaho, Containing 160 acres.
Together with water and ditch rights and appurtenances and together with all minerals and mineral rights therein.

10-31-1939 W. S. Duggan & Tressa G. Duggan TO Misc 10 360
#47075 W. E. Callhan and L. D. Crawford, and A. F. Baumhoff
for a option agreement to placer mine property.
S ½ of the SW ¼ of Sec 27, the NE ¼ of NE ¼ of Sec 33, and the NW ¼ of NW ¼ of Sec 34 in T6N – R5E, BM, Idaho, Containing 160 acres.
Together with water and ditch rights and appurtenances and together with all minerals and mineral rights therein, together with a certain leases dated 16t day of May 1935, in and to a certain ditch, said lease being from Ed W. Keane to W. S. Duggan, "Exhibit A".
Ed Keane owner of water is known as the Warm Springs ditch that was made and used to convey water from what is known as Warm Springs Creek on the land formerly owned by Gus Schlusser.
To W. S. Duggan for five years.
And the Slaughter-house & Donahue Canal water rights conveyed from Elk Creek to and through described land, Optionor W. S. Duggan is also the owner and holder of a certain lease from James Campbell and wife for a period of 10 years recorded in Leases Book 3 Page 164.
(*note; L. M. Lyon stated deceased)

11-01-1939 Mrs. L. M. Lyon TO Misc. 10 373
#? W. S. Duggan, a contract to purchase her 40%
S ½ of the SW ¼ of Sec 27, the NE ¼ of NE ¼ of Sec 33, and the NW ¼ of NW ¼ of Sec 34 in T6N – R5E, BM, Idaho, Containing 160 acres.
Together with water and ditch rights and appurtenances and together with all minerals and mineral rights therein.

07-16-1952 W. S. Duggan & Ann Duggan H. & Wife Deed 55 086
#62417 J. C. Pennington, Husband & Wife
S ½ of the SW ¼ of Sec 27, the NE ¼ of NE ¼ of Sec 33, and the NW ¼ of NW ¼ of Sec 34 in T6N – R5E, BM, Idaho, Containing 160 acres.
Together with water and ditch rights and appurtenances and together with all minerals and mineral rights therein.

05-29-1958 IDAHO POWER EASEMENT Misc 13 121
#64922 S ½ of the SW ¼ of Sec 27, the NE ¼ of NE ¼ of Sec 33, and the NW ¼ of NW ¼ of Sec 34 in T6N – R5E, BM, Idaho.

10-31-1963 Myrtle Pennington Deed 57 185
#68784 Estate of Jesse C. Pennington, deceased
S ½ of the SW ¼ of Sec 27, the NE ¼ of NE ¼ of Sec 33, and the NW ¼ of NW ¼ of Sec 34 in T6N – R5E, BM, Idaho, Containing 160 acres.

Together with water and ditch rights and appurtenances and together with all minerals and mineral rights therein.

05-15-1964 #69217	Myrtle S. Pennington T. D. Ross, a Antenuptial Agreement Excludes him from the property. S ½ of the SW ¼ of Sec 27, the NE ¼ of NE ¼ of Sec 33, and the NW ¼ of NW ¼ of Sec 34 in T6N – R5E, BM, Idaho.	Misc	13	312
09-11-1989 #13391	Myrtle S. Pennington-Ross, formerly Myrtle S. Pennington and Ted D. Ross TO Mitchel A. Tain & Loretta J. Tain			Deed
12-09-1992 #145953	Loretta Tain's (Quitclaim Deed) TO Mitchel A. Tain Above legal with all appurtenances.			Deed
01-17-2003 #	Mitchel A. Tain and Lisa V. Tain			Deed

Jack A
Boise C
P.O. B
Idaho C
392-44

RP

1988

HOMEDOWNER EXEMP

TOTALS

57.048

C	C	C	C	CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VAL
1	IRR	1		1 IRRIGD AG	18.640 AC	6,038
5	DRY	5		5 DRY GRAZING	23.040 AC	991
6	FOR	6		6 FORESTLAND PROD	24.368 AC	1,486
10	RUR	10		10 RURAL HOMESITE	1.000 AC	8,200
31	RUR	31		31 RURAL RES BLDG		46,798
58	MACH	58		58 MACH & EQUIP		3,067

IR RECORDS

INGTON

OWNER

OW

OWNER

OWNER

ROSS, MYRTLE S. PENNINGTON

P.O. BOX 26

IDAH0 CITY, ID. 83631

131

T. LEGAL

E

T

T2

E1

T4

IN

LEG

LEGAL

LEGAL

T&N SEE SEC 27

E1/2 SWSW, NWSWSW & SESW LESS

TAX 197 & 290, PLUS A PARCEL

IN SEC 34 OR TAX 286

PRC

PROPERTY A

PAR

PARCEL NO.

PRO

PROPE

PAR

PARCEL

PROPERTY ADDRESS

PARCEL NO.

RP 06N05E27&052 A

TAX CODE

5-00

- b. no I personal witnessed produce that was grown, and/or
purchased from this farm.
- c. yes I personal witnessed hay grown on this property.
- d. yes I personal help farm this property by growing hay & grass pasture

FURTHER your Affiant saith naught.

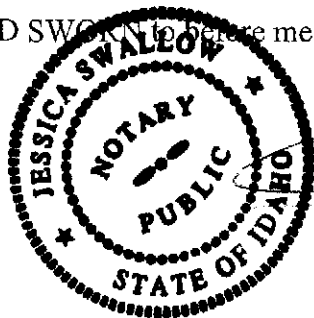

Signature

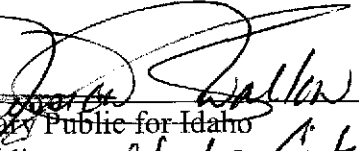
Mitchel A. Tain
Print Name

P.O. Box 44
Address

Idaho City Idaho 83631-0044
City, State and Zip Code

SUBSCRIBED AND SWORN to before me this 31 day of January, 2003.




Notary Public for Idaho
Residing at Idaho City
Commission expires 032406

Mitchel and Lisa Tain
15 Fox Meadow Drive
P.O. Box 44
Idaho City, ID 8331
Telephone: (208) 392-4153
Facsimile: (208) 392-4321

Claimants
Water Right No. _____

THE STATE OF IDAHO
IN AND FOR THE COUNTY OF BOISE

STATE OF IDAHO)
 : ss.
County of Boise)

Kathleen Brady, having been first duly sworn upon

deposes and says:

1. I am currently a resident of Idaho City in the County of Boise, and have been for 57 years.
2. The following matters addressed herein are based on your Affiant's first-hand and personal knowledge.
3. That between the year(s) of,

1955 — 70

- a. X I personal witnessed Jesse and Myrtle Pennington and/or Ted Ross and Myrtle Pennington-Ross, farm their property on McIntyre Gulch, in the Idaho City area, located in the County of Boise, (see attached legal description).

- b. _____ I personally witnessed produce that was grown, and/or purchased from this farm.
- c. _____ I personally witnessed hay grown on this property.
- d. _____ I personally help farm this property by growing hay.

FURTHER your Affiant saith naught.

Kathleen Brady
Signature

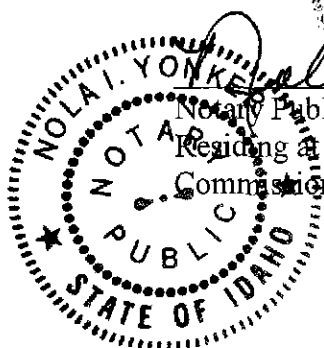
KATHLEEN BRADY
Print Name

103 GOLD RD
Address

Idaho City, Id 83631
City, State and Zip Code

SUBSCRIBED AND SWORN to before me this 21 day of January, 2003.

Nola J. Yorker
Notary Public for Idaho
Residing at Idaho City, Id
Commission expires 9/12/06



Mitchel and Lisa Tain
15 Fox Meadow Drive
P.O. Box 44
Idaho City, ID 8331
Telephone: (208) 392-4153
Facsimile: (208) 392-4321

Claimants

Water Right No. _____

THE STATE OF IDAHO
IN AND FOR THE COUNTY OF BOISE

STATE OF IDAHO)

ss.

County of Boise)

Chuck Morgan, having been first duly sworn upon

deposes and says:

1. I am currently a resident of Idaho City in the County of Boise, and have been for 60 years.

2. The following matters addressed herein are based on your Affiant's first-hand and personal knowledge.

3. That between the year(s) of,

1982 - 1985 I farmed and irrigated
the intire meadow.

a. yes I personal witnessed Jesse and Myrtle Pennington and/or Ted Ross and Myrtle Pennington-Ross, farm their property on McIntyre Gulch, in the Idaho City area, located in the County of Boise, (see attached legal description).

- b. yes I personal witnessed produce that was grown, and/or purchased from this farm. saw potatoes grown
- c. yes I personal witnessed hay grown on this property.
- d. yes I personal help farm this property by growing hay.

FURTHER your Affiant saith naught.

Chuck Morgan
Signature

Chuck Morgan
Print Name

11 BEAR Run P.O. Box 97
Address

Idaho City, ID 83631
City, State and Zip Code

SUBSCRIBED AND SWORN to before me this 28 day of Jan., 2003.



Shirley A. George
Notary Public for Idaho
Residing at Idaho City
Commission expires 6-23-2005

Mitchel and Lisa Tain
15 Fox Meadow Drive
P.O. Box 44
Idaho City, ID 8331
Telephone: (208) 392-4153
Facsimile: (208) 392-4321

Claimants

Water Right No. _____

THE STATE OF IDAHO
IN AND FOR THE COUNTY OF BOISE

STATE OF IDAHO)
 : ss.
County of Boise)

Jeffery R Gibson, having been first duly sworn upon

deposes and says:

1. I am currently a resident of Idaho City in the County of Boise, and have been for 8 years.
2. The following matters addressed herein are based on your Affiant's first-hand and personal knowledge. YES
3. That between the year(s) of,
1994 - 1998

Mitchel Tain 26 1-30-03
a. YES I personal witnessed ~~Jesse and Myrtle Pennington~~ and/or Ted
~~Ross and Myrtle Pennington-Ross~~, farm their property on McIntyre
Gulch, in the Idaho City area, located in the County of Boise, (see
attached legal description).

- b. NO I personal witnessed produce that was grown, and/or
purchased from this farm.
- c. YES I personal witnessed hay grown on this property.
- d. NO I personal help farm this property by growing hay.

FURTHER your Affiant saith naught.

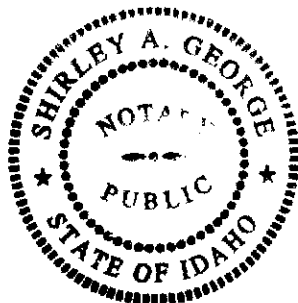
[Signature]
Signature

Jeffery R Gibson
Print Name

P.O. Box 162
Address

Idaho City Id. 83631
City, State and Zip Code

SUBSCRIBED AND SWORN to before me this 30 day of January, 2003.



Shirley A. George
Notary Public for Idaho
Residing at Idaho City
Commission expires 6-23-2005

Mitchel and Lisa Tain
15 Fox Meadow Drive
P.O. Box 44
Idaho City, ID 8331
Telephone: (208) 392-4153
Facsimile: (208) 392-4321

Claimants

Water Right No. _____

THE STATE OF IDAHO
IN AND FOR THE COUNTY OF BOISE

STATE OF IDAHO)
 :
County of Boise) ss.

CHARLIE SWEARINGEN, having been first duly sworn upon

deposes and says:

1. I am currently a resident of Idaho City in the County of Boise, and have been for 31 years.
2. The following matters addressed herein are based on your Affiant's first-hand and personal knowledge.
3. That between the year(s) of,
1975 TO 1979

- a. ☒ I personally witnessed Jesse and Myrtle Pennington and/or Ted Ross and Myrtle Pennington-Ross, farm their property on McIntyre Gulch, in the Idaho City area, located in the County of Boise, (see attached legal description).

- b. X I personal witnessed produce that was grown, and/or
purchased from this farm.
- c. X I personal witnessed hay grown on this property.
- d. X I personal help farm this property by growing hay.

FURTHER your Affiant saith naught.

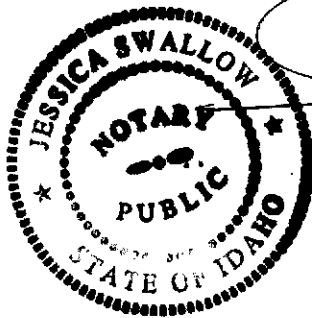
Charlie Swearingen
Signature

CHARLIE SWEARINGEN
Print Name

P.O. Box 284
Address

IDAHO CITY, ID 83631
City, State and Zip Code

SUBSCRIBED AND SWORN to before me this 22 day of JANUARY, 2003.



Jessica Swallow
Notary Public for Idaho
Residing at Idaho City
Commission expires 03/24/06

Mitchel and Lisa Tain
15 Fox Meadow Drive
P.O. Box 44
Idaho City, ID 8331
Telephone: (208) 392-4153
Facsimile: (208) 392-4321

Claimants

Water Right No. _____

THE STATE OF IDAHO
IN AND FOR THE COUNTY OF BOISE

STATE OF IDAHO)
 : ss.
County of Boise)

Nala J. Yonker, having been first duly sworn upon
deposes and says:

1. I am currently a resident of Idaho City in the County of Boise, and have been for 40 years.
2. The following matters addressed herein are based on your Affiant's first-hand and personal knowledge.
3. That between the year(s) of,
1954 1963

a. X I personal witnessed Jesse and Myrtle Pennington and/or Ted Ross and Myrtle Pennington-Ross, farm their property on McIntyre Gulch, in the Idaho City area, located in the County of Boise, (see attached legal description).

- b. _____ I personal witnessed produce that was grown, and/or
purchased from this farm.
- c. X I personal witnessed hay grown on this property.
- d. _____ I personal help farm this property by growing hay.

FURTHER your Affiant saith naught.

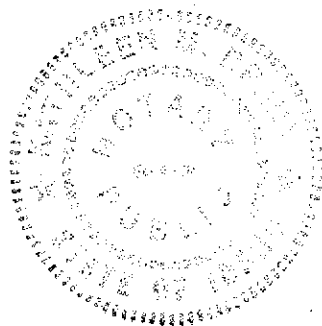
Nola I. Yonker
Signature

NOLA I. Yonker
Print Name

Rox 52
Address

Idaho City, Id 83631
City, State and Zip Code

SUBSCRIBED AND SWORN to before me this 21st day of January, 2003.



Kathleen M. Brady
Notary Public for Idaho
Residing at Idaho City, Idaho
Commission expires 12/18/2004

Mitchel and Lisa Tain
15 Fox Meadow Drive
P.O. Box 44
Idaho City, ID 8331
Telephone: (208) 392-4153
Facsimile: (208) 392-4321

Claimants

Water Right No. _____

THE STATE OF IDAHO
IN AND FOR THE COUNTY OF BOISE

STATE OF IDAHO)
 : ss.
County of Boise)

Roger E. J. Enu, Sr., having been first duly sworn upon
deposes and says: ROGER E. J. ENU, SR.

1. I am currently a resident of Idaho City in the County of Boise, and have been for 36 years.
2. The following matters addressed herein are based on your Affiant's first-hand and personal knowledge.
3. That between the year(s) of,
1938 - 1943

 - a. I personal witnessed Jesse and Myrtle Pennington and/or Ted Ross and Myrtle Pennington-Ross, farm their property on McIntyre Gulch, in the Idaho City area, located in the County of Boise, (see attached legal description).

- b. ____ I personal witnessed produce that was grown, and/or
purchased from this farm.
- c. F I personal witnessed hay grown on this property.
- d. ✓ I personal help farm this property by growing hay.

FURTHER your Affiant saith naught.

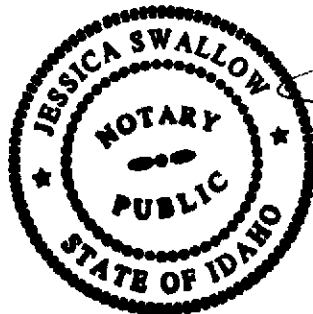
Roger J. Enos Sr.
Signature

Roger J. Enos Sr.
Print Name

850 E. 141
Address

Idaho City, Idaho 83631
City, State and Zip Code

SUBSCRIBED AND SWORN to before me this 23 day of January, 2003.



Jessica Swallow
Notary Public for Idaho
Residing at Idaho City Boise City
Commission expires 032406

05/31/2005

RECEIVED

JUN 16 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR

REPLY

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

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

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

Water right number: 63-31620

LISA V TAIN
PO BOX 44
IDAHO CITY ID 83631-0044
Telephone Number: (208)392-4153

MITCHEL A TAIN
PO BOX 44
IDAHO CITY ID 83631-0044
Telephone Number: (208)392-4153

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

N/A

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

N/A

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

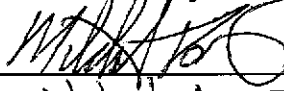
N/A

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

DATE:

June 16, 2005

SIGNATURE:



Please print your name:

Mitchel A. Tain

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

06/01/2005

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

RIGHT NUMBER: 63-31620

NAME AND ADDRESS: LISA V TAIN
PO BOX 44
IDAHO CITY ID 83631-0044

MITCHEL A TAIN
PO BOX 44
IDAHO CITY ID 83631-0044

SOURCE: MC INTYRE GULCH

TRIBUTARY: SINKS

QUANTITY: 0.380 CFS
3.500 AFY

PRIORITY DATE: 01/01/1919

POINT OF DIVERSION:

T06N R05E S27 SWNSW Begin of Stream Flow Within BOISE County
T06N R05E S27 NWSWSW Within BOISE County
T06N R05E S27 SESWSW Within BOISE County
T06N R05E S27 SESWSW End of Stream Flow Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.360 CFS
IRRIGATION FROM STORAGE	04/01 10/31	3.50 AFY
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION STORAGE	01/01 12/31	3.50 AFY

PLACE OF USE:

IRRIGATION Within BOISE County
T06N R05E S27 SWSW 18.0
IRRIGATION FROM STORAGE Within BOISE County
T06N R05E S27 SWSW
STOCKWATER Within BOISE County
T06N R05E S27 SWSW
IRRIGATION STORAGE Within BOISE County
T06N R05E S27 SWSW

18 ACRES TOTAL

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

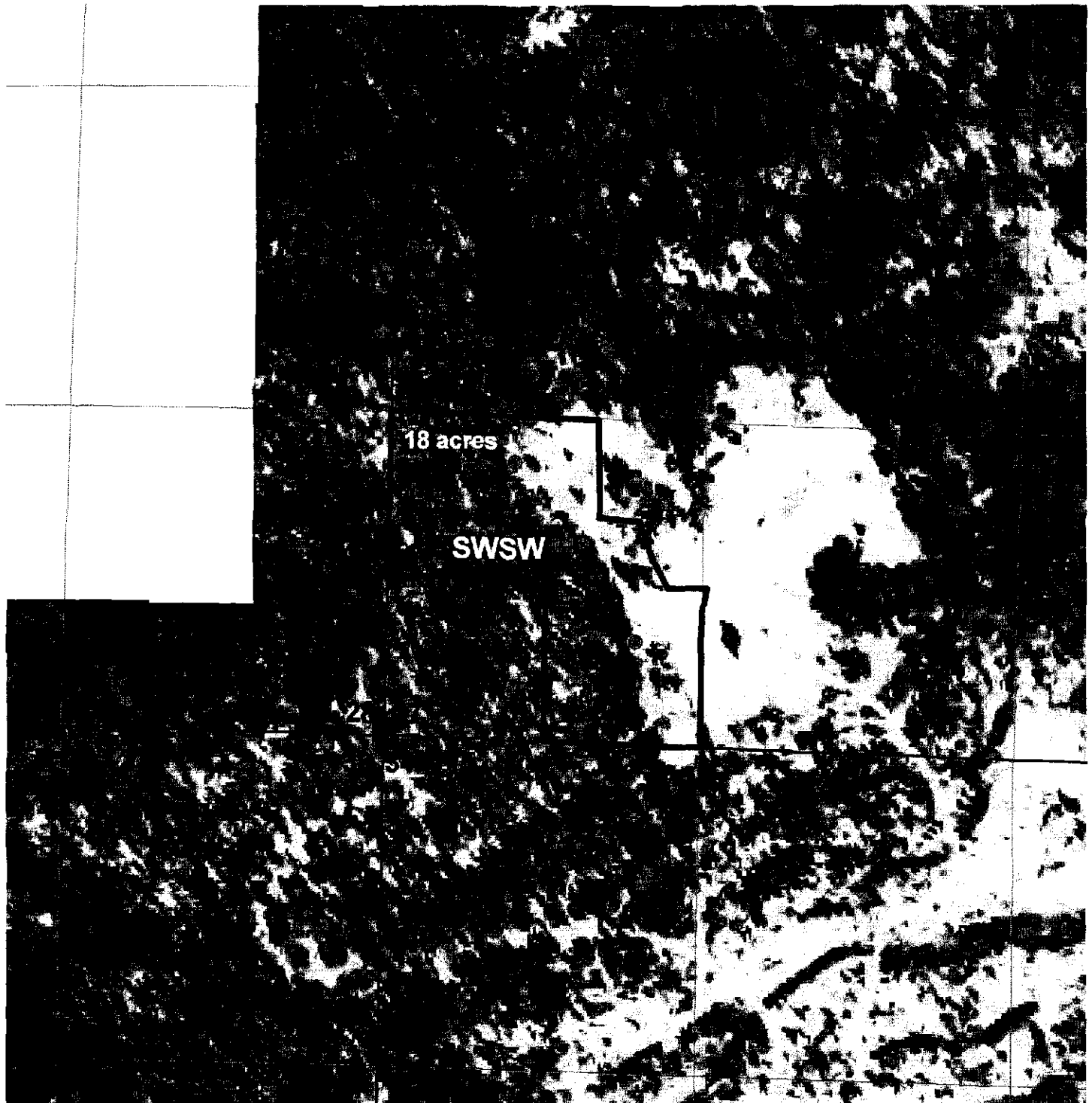
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

Idaho Department of Water Resources

63-31620

T06N R05E S27



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



IDWR
Prepared by: Sandy Egbert
Date: 4-20-05
1987 NAPP Photography

600 0 600 1200 1800 2400 Feet

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31620 V1

WATER RIGHT NUMBER: 63-31620 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LISA V TAIN PO BOX 44 IDAHO CITY, ID 83631-0044 (208)392-4153
Current Owner	MITCHEL A TAIN PO BOX 44 IDAHO CITY, ID 83631-0044 (208)392-4153

Priority Date: 01/01/1919

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
MC INTYRE GULCH	SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.360 CFS	
IRRIGATION FROM STORAGE	04/01 to 10/31		3.50 AF
STOCKWATER	01/01 to 12/31	0.020 CFS	
IRRIGATION STORAGE	01/01 to 12/31		3.50 AF
	<u>Total Diversion:</u>	0.380 CFS	3.50 AF

Location of Point(s) of Diversion

MC INTYRE GULCH	NW1/4SW1/4SW1/4	Sec. 27, Twp 06N, Rge 05E, B.M.
BOISE County		
MC INTYRE GULCH	SE1/4SW1/4SW1/4	Sec. 27, Twp 06N, Rge 05E, B.M.
BOISE County		
MC INTYRE GULCH	SW1/4NW1/4SW1/4	Sec. 27, Twp 06N, Rge 05E, B.M.
BOISE County	(Beginning of Reach)	
MC INTYRE GULCH	SE1/4SW1/4SW1/4	Sec. 27, Twp 06N, Rge 05E, B.M.
BOISE County	(Ending of Reach)	

Place of Use

IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
06N 05E 27	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	18.0
			18.0		18.0

Total Acres: 18

IRRIGATION FROM STORAGE

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31620 V1

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	05E	27											X						

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	05E	27											X						

IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	05E	27											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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31620 V1

Comments:

1. segbert 4/20/2005 POD
Comment: Updated shape
2. segbert 4/20/2005 POD
Comment: Updated shape
3. segbert 4/20/2005 POD
Comment: Updated shape
4. segbert 4/20/2005 POD
Comment: Updated shape
5. segbert 4/20/2005 POU
Comment: Updated Shape
6. segbert 4/20/2005 POU
Comment: Updated Shape
7. segbert 4/20/2005 POU
Comment: Updated Shape
8. segbert 4/20/2005 POU
Comment: Updated Shape

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal:
 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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			04/18/2005	lharris	Active
Priority Date	4/20/2005 9:29:00 AM	segbert			Active
POD	4/20/2005 9:29:30 AM	segbert			Active
Source	4/20/2005 9:36:29 AM	segbert			Active
POU	4/20/2005 9:36:53 AM	segbert			Active
Use	4/20/2005 9:39:37 AM	segbert			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31620 V1

Season	4/20/2005 9:40:27 AM	segbert	Active
Quantity	4/20/2005 9:46:08 AM	segbert	Active
Summary	04/20/2005	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	4/18/2005 12:22:09 PM	lharris	(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?
POD	4/20/2005 9:29:31 AM	segbert	(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?
Priority Date	4/20/2005 9:29:01 AM	segbert	(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? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Water Rights search in file and written statements from neighbors
Source	4/20/2005 9:36:29 AM	segbert	(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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31620 V1

POU	4/20/2005 9:36:53 AM	segbert	(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
Summary	4/20/2005 9:51:00 AM	segbert	(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? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Use	4/20/2005 9:39:37 AM	segbert	(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
Season	4/20/2005 9:40:28 AM	segbert	(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?

**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) 63-31620-Owner: MITCHEL & LISA TAIN Phone No. 392-4153Current Address: P.O. Box 44 IDAHO CITY 83631-0044

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

Accompanied by: MITCHEL TAIN**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: 11/1/1919

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

Source: MCINTYRE GULCH Tributary to ELKER / MORES CR
(SINKS)

- ☒ 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? 4 POD'S LISTED ON CLAIM – FOUND 3

50W
4-1
to 10-31

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
1		NW	SW	SW	27	6N	5E	BOISE	GPS #52
2		SW	NW	SW	27	"	"	"	" #53
3		SE	SW	SW	27	"	"	"	" #54

Description of diverting works

#1, #2 & #3, 4 SEE ATTACHED PHOTOS - INSTREAM DIVERSION STRUCTURES

#5, #6, #7, & #8 POND STORAGE STRUCTURE W/ PUMP STATION

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 UsesUse IRRIGATION From 3/15 To 11/01 Amount .36 CFS 3.5 AFAUse STOCKWATER From 1/1 To 12/31 Amount .02 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 0 Stock # 25 Horses or 25 Cow + Goats

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	
6N	5E												13.4	1.0					14.4

Overlap with other water rights: _____

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

Delivery System Narrative: MCINTYRE GULCH IS AN INTERMITTENT STREAM FLOWING DURING SPRING + EARLY SUMMER SNOW MELT. DURING THIS PERIOD WATER IS DIVERTED USING A SMALL CHECK STRUCTURE INTO A 2" P.E. PIPELINE RUNNING TO PORTABLE CANVAS + ALUMINUM PIPE + IS FLOOD IRRIGATION. FLOW WHICH IS NOT DIVERTED RUNS INTO A STORAGE POND + IS PUMPED FROM THE POND AND IS FLOOD IRRIGATED OR SPRINKLER IRRIGATED ON THE PLACE OF USE. LAND IS PRIMARILY USED AS IRRIGATED PASTURE. AFTER SNOW MELT RUNOFF THERE IS A SMALL SPRING IN THE DRAINAGE WAY OR CREEK BED. THIS WATER IS COLLECTED INTO A SMALL STRUCTURE (PHOTO #1) AND RUNS THRU A 2" PE PIPE TO THE FARMSTEAD AND IS USED FOR IRRIGATING NEAR THE FARMSTEAD. THE STORAGE POND IS BELOW THE HOUSE AND HOLDS APPROXIMATELY 2 AF. (PHOTOS 5, 6, 7 + 8)

SPRING FLOW IN CREEK BED USED FOR IRRIGATION = 5-10 GPM

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
#55		5		CORNELL	

FLOW MEASUREMENTS:

Attach appropriate documents

THE PUMP HAS BEEN REMOVED + WINTERIZED AND IS IN STORAGE FOR THE WINTER. FARMER STATES THAT IT IS A 5HP CORNELL CENTRIFUGAL. TO PRESSURIZE @ 40 PSI + @ 70% EFF. THE FLOW RATE WOULD BE 150 GPM OR .33 CFS. THE RIGHT IS FOR .36 CFS OR 161 GPM WOULD BE: $TDH = \frac{(5HP)(7)(960)}{161} = 86 \text{ FT} - 6' \text{ SUCTION} = 80' \text{ NET TDH OR ABOUT } 35 \text{ PSI}$

NARRATIVE/REMARKS/COMMENTS

PLACE OF USE: ACREAGE WAS DETERMINED FROM NAAPP PHOTO USING A DOT COUNTER WITHIN THE AREA AS SHOWN. WATER USER AGREED TO THE OUTLINED AREA. (14.4 AC TOTAL)

POINTS OF DIVERSION: AS DESCRIBED ABOVE

WATER STORAGE POND: SURFACE AREA ESTIMATED @ 14,500 SQ FT + 6'-7' AVERAGE DEPTH. APPROX 2 AF.

SEE PHOTOS

GPS -

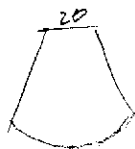
CHECK STRUCTURE	#52	2350509 1404376	PHOTO # 2, 3 & 4
INSTREAM - PIPE INLET STRUCTURE	#54	2350476 1404525	PHOTO #1
PUMP STATION @ DAM - POND	#55	2350662 1404153	PHOTO #5, 6, 7 & 8

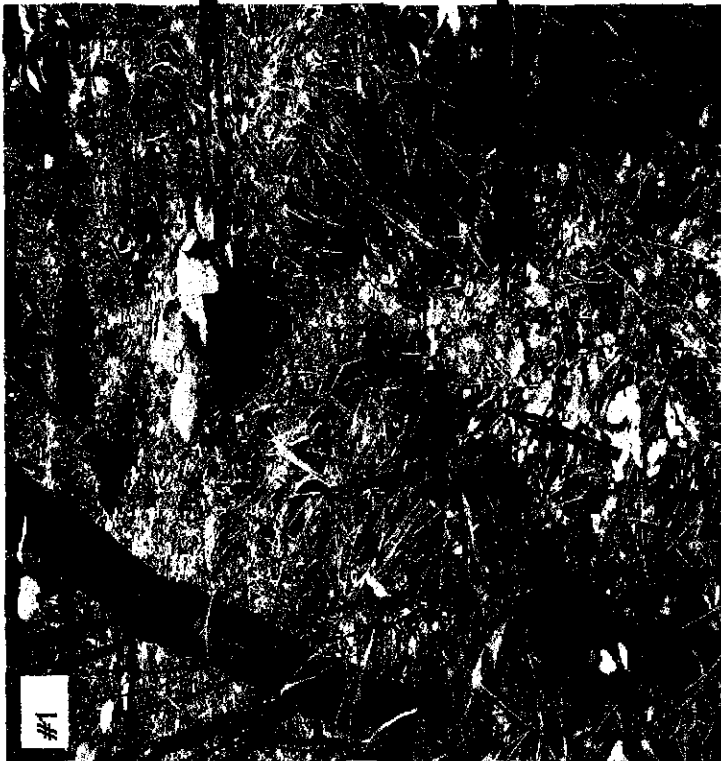
AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ 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: 10/18/04

FIELD EXAMINER: Dennis H. Schen





#1

In-stream
inlet structure

Spring water
in bottom of
creek bed
5—10 GPM

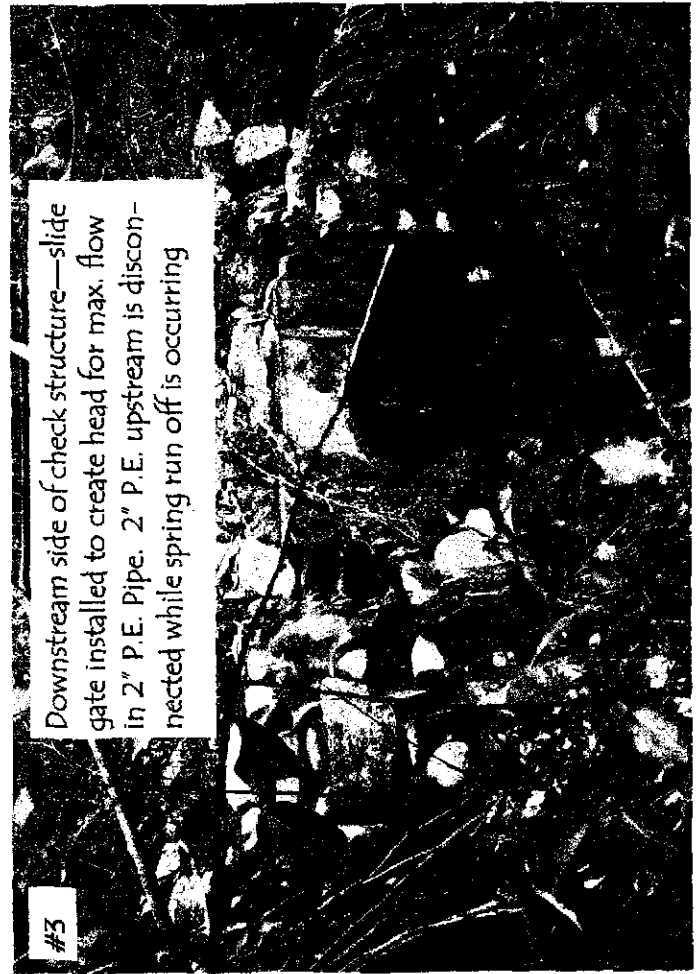


#2

In-stream check
structure to force
additional flow into
2" P.E. when spring
run-off occurs

Pipeline 2" from in-
stream inlet structure

63-31620



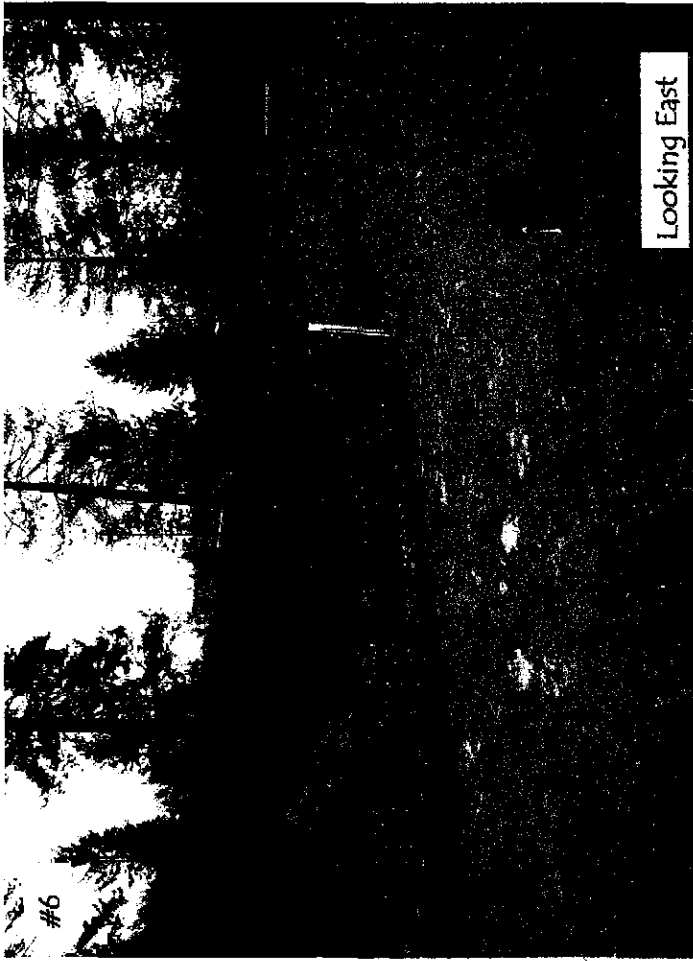
#3

Downstream side of check structure—slide
gate installed to create head for max. flow
in 2" P.E. Pipe. 2" P.E. upstream is discon-
nected while spring run off is occurring

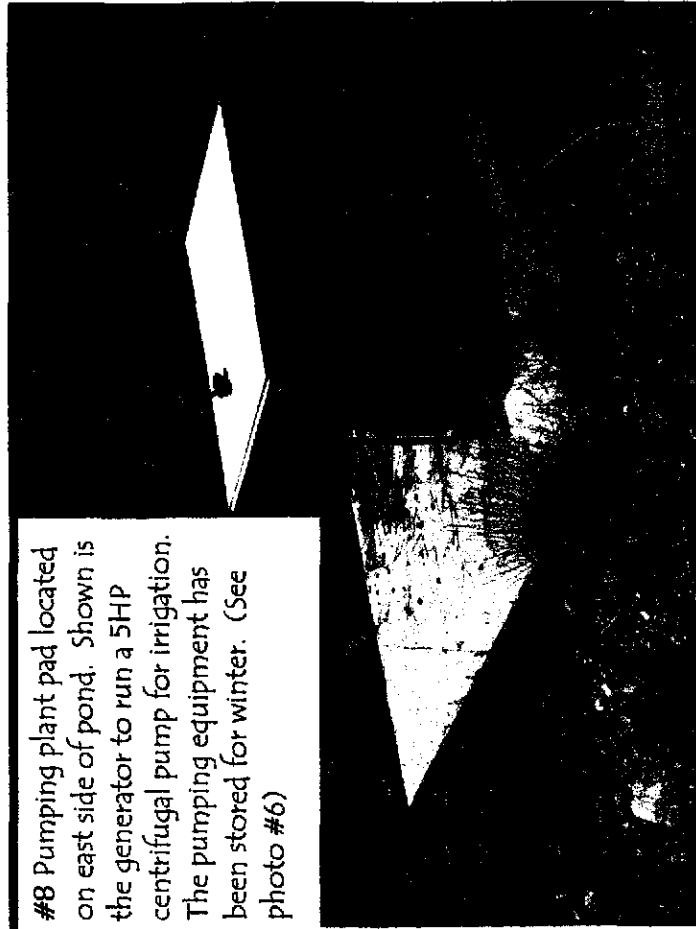
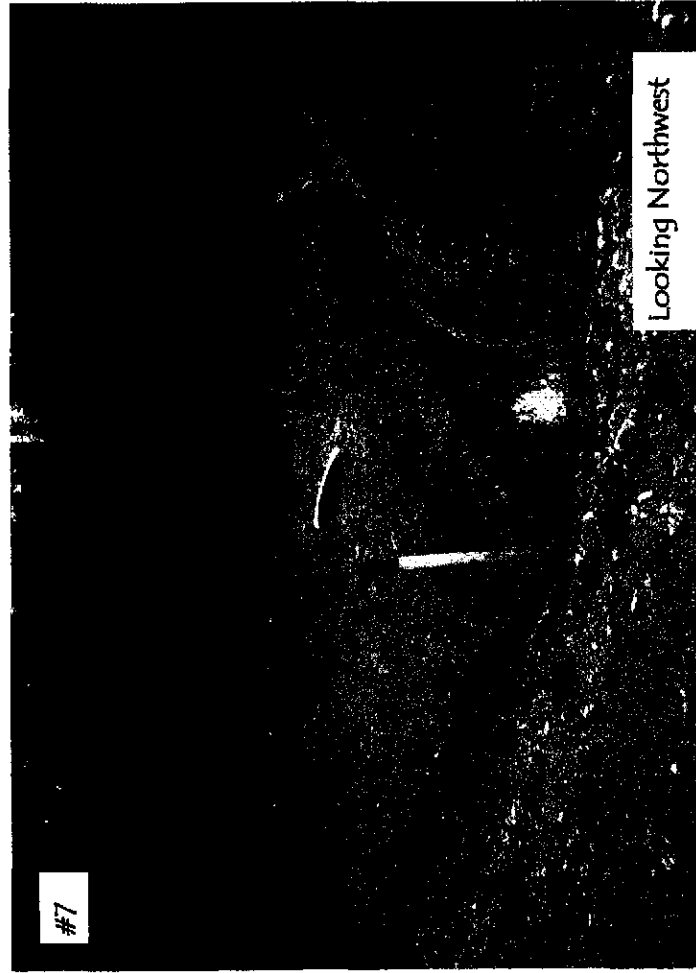


#4

2" P.E. pipe goes to
farmstead for irrigation.



63-31620



#8 Pumping plant pad located on east side of pond. Shown is the generator to run a 5HP centrifugal pump for irrigation. The pumping equipment has been stored for winter. (See photo #6)

R 5 E

NE SW

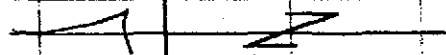
NW SW

T 6 N

SE SW

SW 1/4 SECTION 27

SCALE 500' / INCH



T 6 N

R 5 E

22 23
27 26

28 27
33 34

27 26
34 35

SCALE = 2000' / INCH

MITCHELL A TAIN
63- 31620
63- 15127

MCINTYRE
GULCH

#1 IN-STREAM STRUCTURE
#2 POND
#3 SPRING
#4 SPRING
#5 DNR

MCINTYRE
GULCH
IN-STREAM
STRUCTURE
PHOTO #1

GPS #54
GPS #52
GPS #51

PHOTO #2
PHOTO #3
PHOTO #4

DEVELOPED
INT-STREAM
CHECK STR.
COLLECTING
STORAGE TANK
FARMSTEAD

STORAGE
GPS #55
PHOTO #5
PHOTO #6

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-31620
Date Received: 1/31/2003
Receipt No: W030025
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LISA V TAIN Phone: (208)392-4153
PO BOX 44
IDAHO CITY ID USA 83631-0044

MITCHEL A TAIN Phone: (208)392-4153
PO BOX 44
IDAHO CITY ID USA 83631-0044

2. Date of Priority: 01/01/1919

3. Source: MC INTYRE GULCH Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	05E	27	NW SW	BOISE	
06N	05E	27	SE SW	BOISE	
06N	05E	27	SW NW	BOISE	Beginning Point
06N	05E	27	SE SW	BOISE	Ending Point

Handwritten notes and diagrams:
- A box labeled "GPS 2350509 1404376 #52 BK" with an arrow pointing to the NW SW cell.
- A box labeled "GPS 2350477 1404524 #53 25 76" with an arrow pointing to the SE SW cell.
- A box labeled "GPS 2350662 1404153 #55 @ DAM" with an arrow pointing to the SE SW cell.
- A handwritten "SW Pump?" with an arrow pointing to the SW NW cell.
- A handwritten "L" next to the 06N 05E 27 SE SW row.

5. Description of diverting works:

First point of diversion is a 2 inch pipe from creek to a holding tank; 2 inch pipe from tank to valves for irrigation. Second point of diversion is a dam approximately 20 ft high by 120 ft long where a 5 HP Cornell pump with intake to pipeline to pasture land. The changes have only been to clean and/or repair existing systems. (i.e. replace piping, repair dam, etc.)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/01	0.36	

IRRIGATION STORAGE	01/01 12/31	3.5
IRRIGATION FROM STORAGE	03/15 11/01	3.5
STOCKWATER✓	01/01 12/31 0.02	

7. Total Quantity Appropriated is:
0.38 C.F.S. and/or 3.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 25 Horses, cows and goats

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	05E	27	SW	SW	IRRIGATION	18
			SW	SW	IRRIGATION FROM STORAGE	
			SW	SW	STOCKWATER	
			SW	SW	IRRIGATION STORAGE	
Section Acres						18
Total Acres						18

11. Place of use in counties: BOISE✓

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

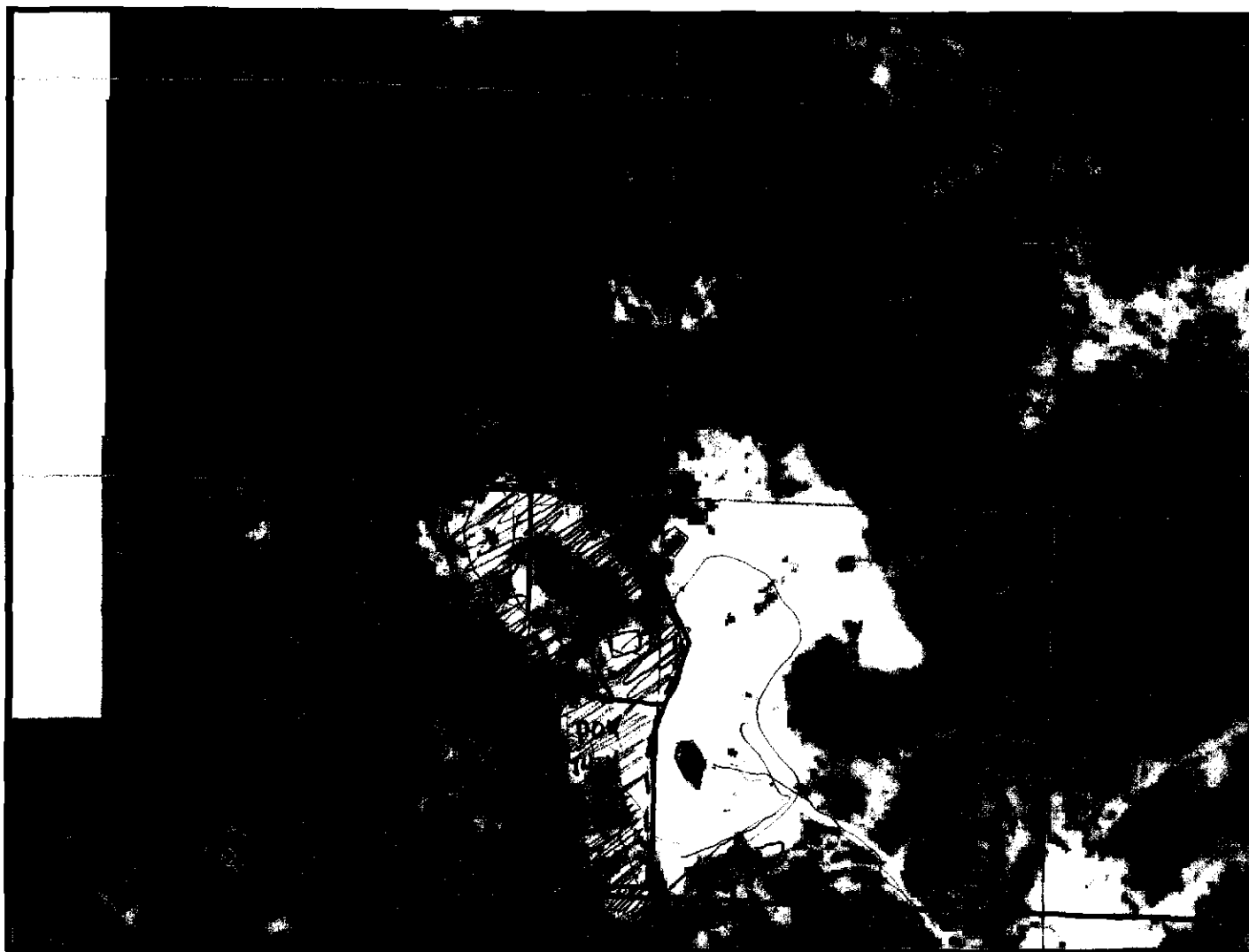
13. Other Water Rights Used: 63-15127 Domestic spring✓

14. Remarks:

15. Basis of Claim: Beneficial Use



63-31620 POU and POD Map



1320

0

1320 Feet



Claimed Point of Diversion



Claimed Place of Use



Ada County Tax Lot Data -N/A

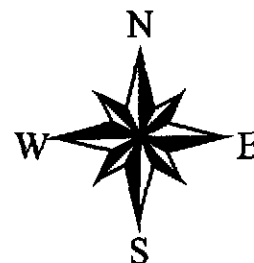


Quarter Quarter Lines

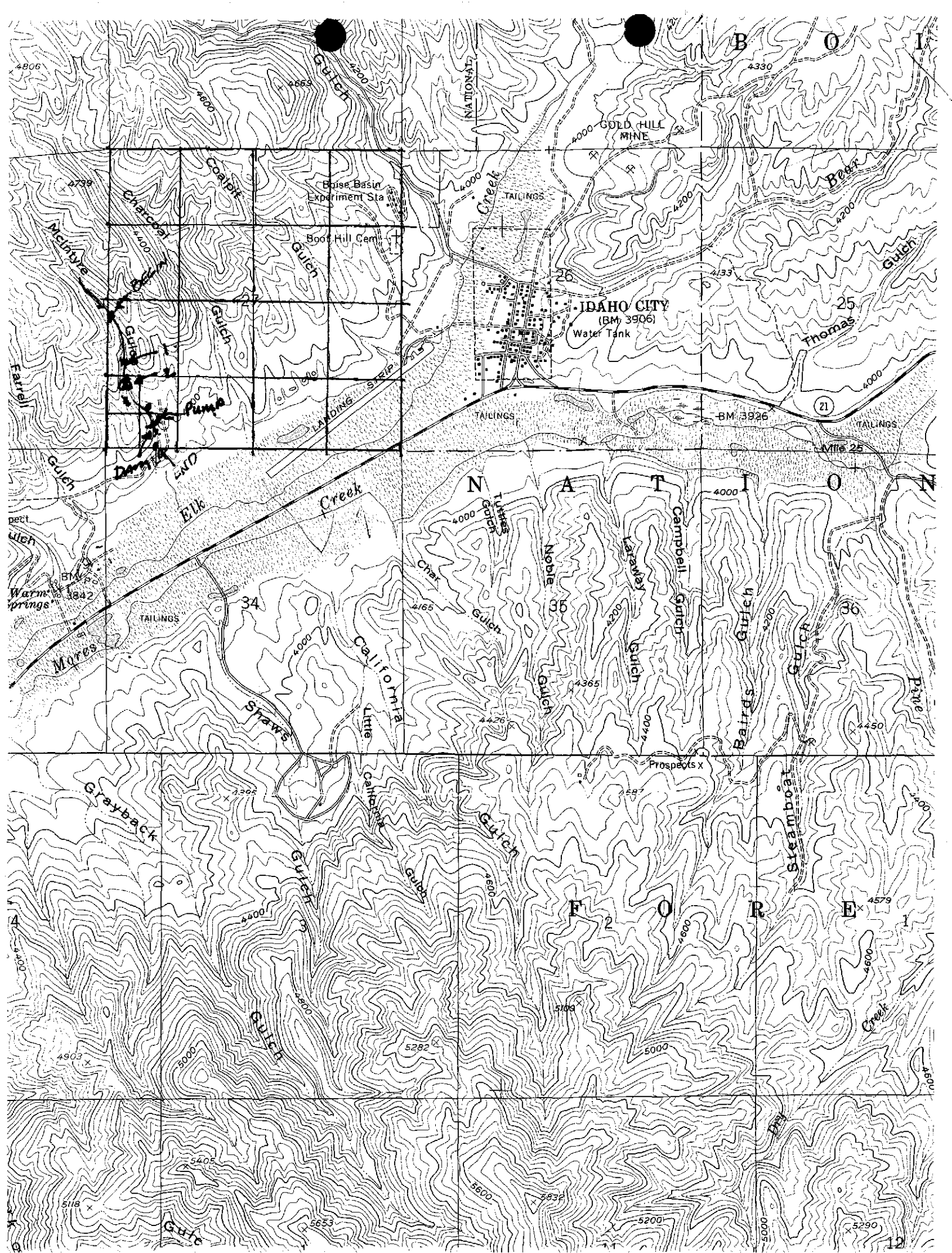


Section Lines

Total Claimed Acres: 18.0



Prepared by: C. Saxton
Date: August 2004



8-17-04: 63-15127 PD'd for domestic from Spring. Copy
in file.

: Evidence of Priority, Provided

: Diversion Rate, POD, POA needs Verified

: Copies of files Given to Darwin



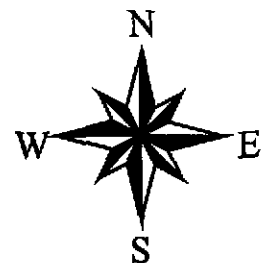
63-31620 POU and POD Map



1320 0 1320 Feet

- Claimed Point of Diversion
- Claimed Place of Use
- ▨ Ada County Tax Lot Data -N/A
- Quarter Quarter Lines
- Section Lines

Total Claimed Acres: 18.0



Prepared by: C. Saxton
Date: August 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-15127

WATER RIGHT NUMBER: 63-15127

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LISA V TAIN PO BOX 44 IDAHO CITY, ID 83631-0044 (208)392-4153
Original Owner	MERTLE P ROSS PO BOX 26 IDAHO CITY, ID 83631 (208)392-4463
Original Owner	THOMAS D ROSS PO BOX 26 IDAHO CITY, ID 83631 (208)392-4463
Current Owner	MITCHEL A TAIN PO BOX 44 IDAHO CITY, ID 83631-0044 (208)392-4153
Previous Owner	LORRETTA J TAIN PO BOX 274 IDAHO CITY, ID 83631 (208)329-6686

Priority Date: 10/20/1958

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	MC INTYRE GULCH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.010 CFS	
<u>Total Diversion:</u>		0.010 CFS	

Location of Point(s) of Diversion

SPRING	NE1/4SW1/4SW1/4	Sec. 27, Twp 06N, Rge 05E, B.M.
BOISE County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	05E	27											X						

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-15127

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. 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. RP 06N05E276055

Comments:

Receipt Details for ID W030025

Status	Adjustment Type	Version
		2

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
1/31/2003 12:35:34 PM	1/31/2003 3:04:58 PM	WESTERN	\$93.00	Check
Payer		LISA V AMBUEHL-TAIN		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2806			
Card Expiration Date	Credit Card Transaction #		

Comment Adjudication Claim 63-31620 & Change of Ownership 63-15127

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$68.00	ADJUDICATION FILING FEE	42503	0337			1155
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	62140	0229	21		1155

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------