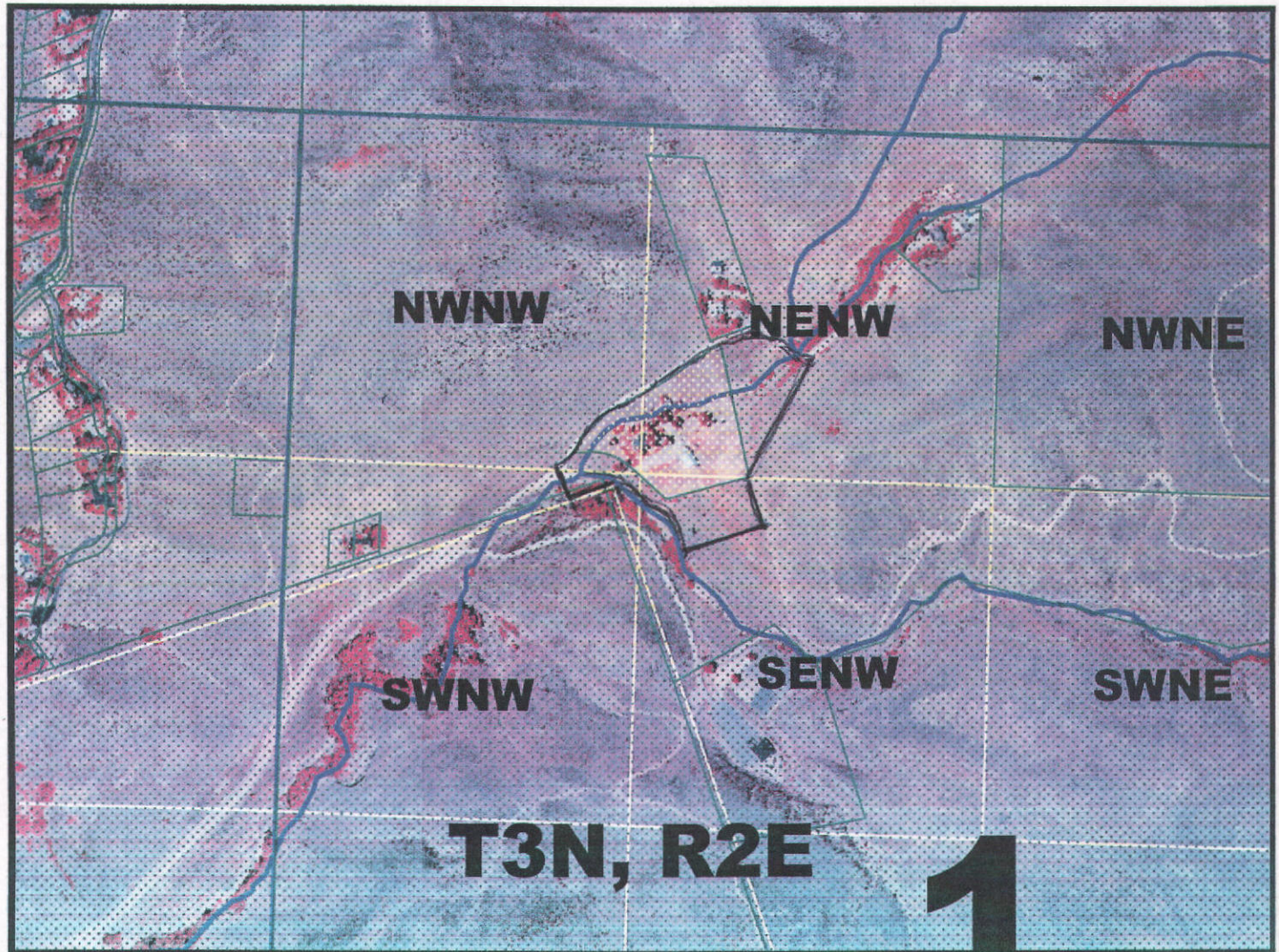




New Claim



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: N/A



Prepared by: C. Saxton
Date: July 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 63-31964
Date Received: 7/21/2004
Receipt No: W032023
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROGER MICHENER
2000 MOUNTAIN COVE RD
BOISE ID USA 83702

Phone: (208)336-7001

BARBARA MICHENER
2000 MOUNTAIN COVE RD
BOISE ID USA 83702

Phone: (208)336-7001

2. Date of Priority: 12/31/1930

3. Source: FREESTONE CREEK Trib. to: COTTONWOOD CREEK

4. Point of Diversion:

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

5. Description of diverting works:

This creek has been used for irrigation and stock water by the property owners Seth Hawkins, since 1930. I still use it for the same purposes, plus fire protection, as the current owner.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	02/01	08/01	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	02E	1	NE	NW	STOCKWATER	

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:

14. Remarks:

Stockwater, 30 cows, 20 horses

Claimant noted: Fire protection

15. Basis of Claim: Beneficial Use

RECEIVED

Form No. 42-1409 (2) a 1/88 (Internet)

JUL 21 2004

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

WATER RESOURCES
WESTERN REGION

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 A63-31964
Date Received 7/21/04
Receipt Number 2500 W032023

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Roger or Barbara Michener Phone (208) 336-7001
Mailing Address 2000 Mountain Cove Rd, Boise, ID Zip 83702

2. Date of Priority (Only one (1) per claim) 1930

3. Source of water supply (a) Freestone Creek
which is tributary to (b) Cottonwood Creek

4. a. Location of existing point of diversion is: Township 3N Range 2E Section 1,
NE 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Ad

Additional points of diversion if any: _____

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

This creek has been used for irrigation and
stock water by the property owners, Seth Hawkins,
since 1930. I still use it for the same purposes,
plus fire protection, as the current owner.

SCANNED

JUL 23 2004

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For B7M irrigation purposes from 2-1 to 8-1 amount .20 or _____

For stock water purposes from 2-1 to 8-1 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

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

8. Total consumptive use claimed is .02 total acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 30 cows, 20 horses

10. Description of place of use:

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

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

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

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes ☒ 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. _____ or None ()

14. Remarks:

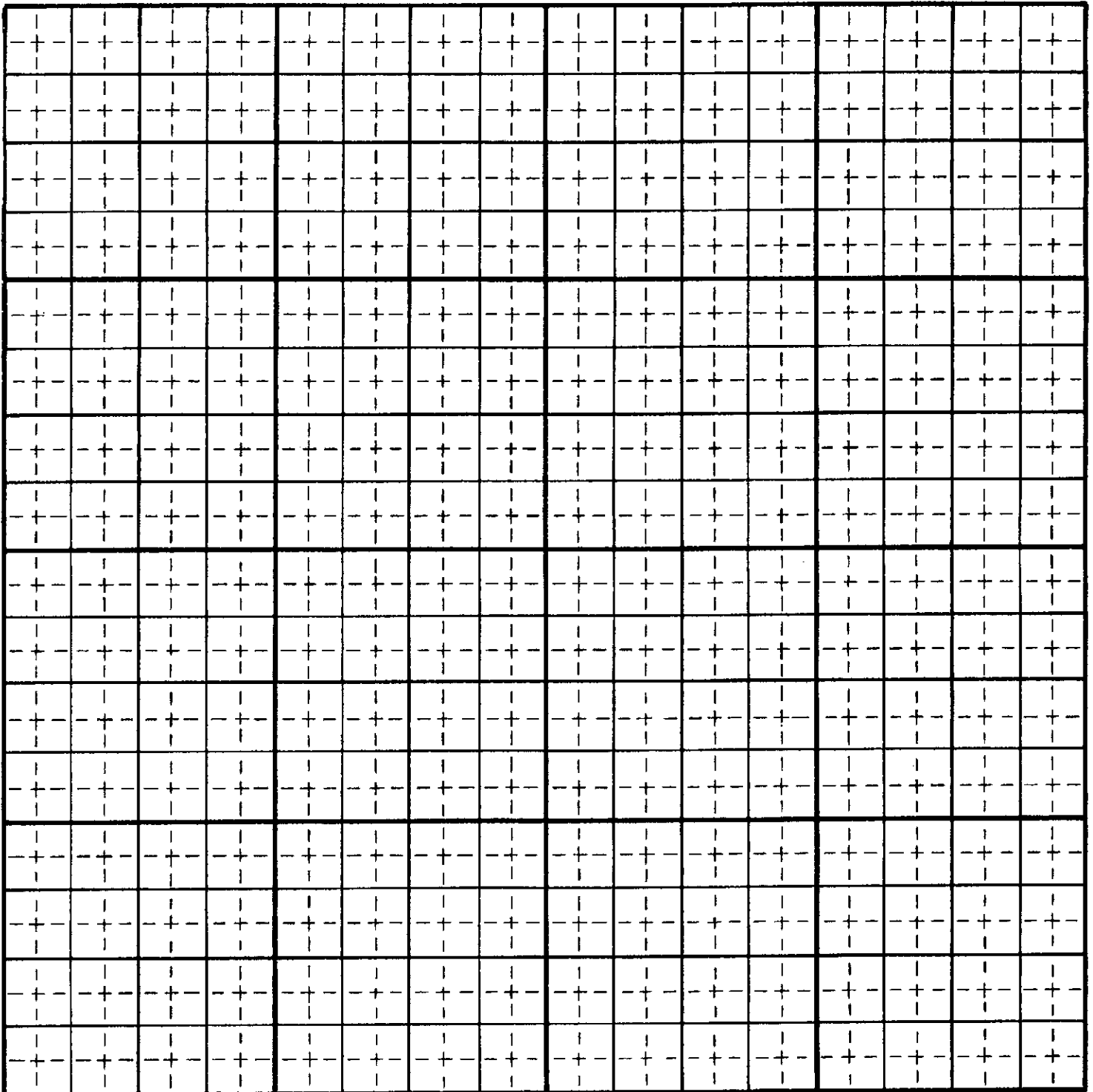
Last Name _____ Ident No. _____

SCANNED

JUL 23 2004

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. _____

SCANNED

JUL 23 2004

Beneficial Use

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 _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 21st day of July 2004

SEAL

Notary Public Craig L. Saxton

Residing at Ada Co

My Commission Expires 8/14/07

Please Print Name

17. Notice of Appearance:

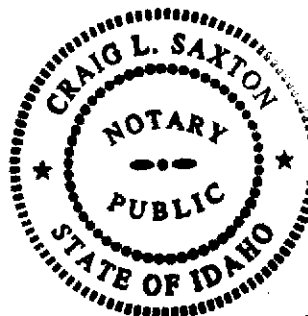
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Barbara McChesney

Address _____

Date _____

Last Name _____ Ident. Number _____

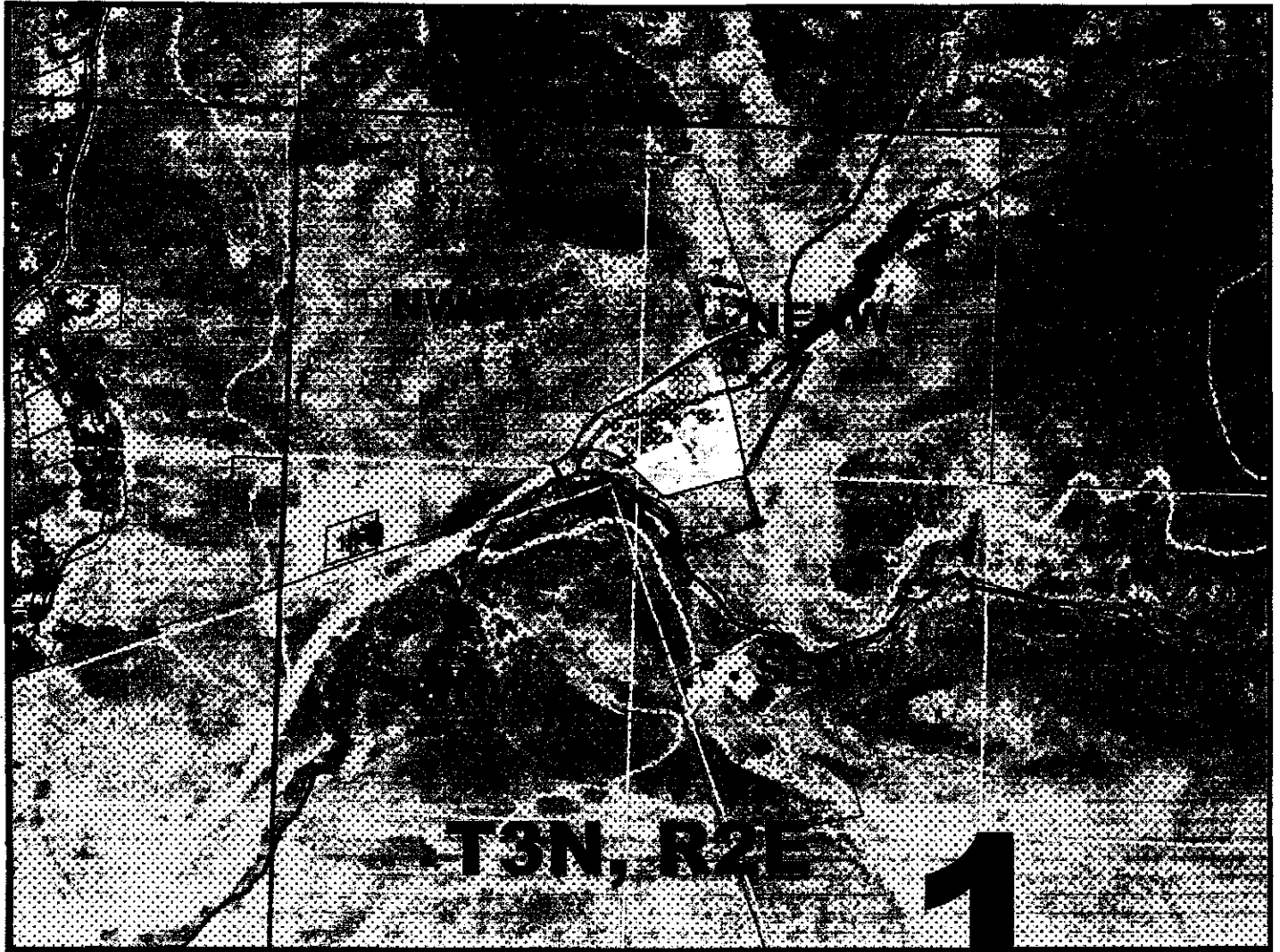


SCANNED

JUL 23 2004

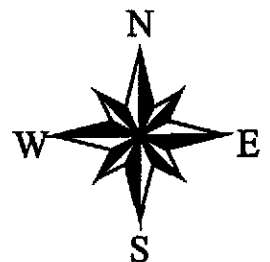


New Claim



1320 0 1320 Feet

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



Prepared by: C. Saxton
Date: July 2004

10/27/2005

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

RIGHT NUMBER: 63-31964

NAME AND ADDRESS: ROGER MICHENER
2000 MOUNTAIN COVE RD
BOISE ID 83702

BARBARA MICHENER
2000 MOUNTAIN COVE RD
BOISE ID 83702

SOURCE: FREESTONE CREEK

TRIBUTARY: COTTONWOOD CREEK

QUANTITY: 0.020 CFS

PRIORITY DATE: 12/31/1930

POINT OF DIVERSION:

T03N R02E S1 NENENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	02/01 08/01	0.020 CFS

PLACE OF USE: STOCKWATER Within ADA County

T03N R02E S01 NENW

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: BASIS OF CLAIM - Beneficial Use

Stockwater, 30 cows, 20 horses

Claimant noted: Fire protection

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31964 V1

WATER RIGHT NUMBER: 63-31964 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROGER MICHENER 2000 MOUNTAIN COVE RD BOISE, ID 83702 (208)336-7001
Current Owner	BARBARA MICHENER 2000 MOUNTAIN COVE RD BOISE, ID 83702 (208)336-7001

Priority Date: 12/31/1930

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
FREESTONE CREEK	COTTONWOOD CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	02/01 to 08/01	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

FREESTONE CREEK	NE1/4NE1/4NE1/4	Sec. 1, Twp 03N, Rge 02E, B.M.
ADA County		

Place of Use

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	
03N	02E	1					X												

Conditions of Approval:

1. Stockwater, 30 cows, 20 horses
2. Claimant noted: Fire protection
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31964 V1

Comments: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>
Priority Date	10/27/2005 2:59:28 PM	segbert			Active
POD	10/27/2005 2:59:53 PM	segbert			Active
Source	10/27/2005 3:01:59 PM	segbert			Active
POU	10/27/2005 3:02:28 PM	segbert			Active
Use	10/27/2005 3:03:14 PM	segbert			Active
Season	10/27/2005 3:05:15 PM	segbert			Active
Quantity	10/27/2005 3:06:36 PM	segbert			Active
Summary			10/27/2005	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
General	10/27/2005 2:59:28 PM	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 of this water use 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31964 V1

POD	10/27/2005 2:59:53 PM	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?
POD	10/27/2005 3:00:21 PM	segbert	Updated shape from PLS
Source	10/27/2005 3:01:59 PM	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?
POU	10/27/2005 3:02:27 PM	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?
POU	10/27/2005 3:02:44 PM	segbert	Updated shape from PLS
Use	10/27/2005 3:03:13 PM	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?
Season	10/27/2005 3:05:15 PM	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? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31964 V1

Quantity	10/27/2005 3:06:35 PM	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 the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	10/27/2005 3:07:47 PM	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?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31964

WATER RIGHT NUMBER: 63-31964

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROGER MICHENER ✓ 2000 MOUNTAIN COVE RD BOISE, ID 83702 (208)336-7001 ✓
Current Owner	BARBARA MICHENER 2000 MOUNTAIN COVE RD BOISE, ID 83702 (208)336-7001

Priority Date: 12/31/1930 ✓

Basis: Beneficial Use ✓

Status: Active ✓

<u>Source</u>	<u>Tributary</u>
FREESTONE CREEK ✓	COTTONWOOD CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER ✓	02/01 to 08/01 ✓	0.020 CFS ✓	
<u>Total Diversion:</u>		0.020 CFS	

Location of Point(s) of Diversion

FREESTONE CREEK	NE1/4NE1/4NE1/4	Sec. 1,	Twp 03N,	Rge 02E, B.M.
ADA County				

Place of Use

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
03N	02E	1					X												

Conditions of Approval:

1. Claimant noted: Fire protection
2. Stockwater, 30 cows, 20 horses

Remarks:Comments:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 2, 2004

ROGER MICHENER
BARBARA MICHENER
2000 MOUNTAIN COVE RD
BOISE ID 83702

RE: Snake River Basin Adjudication claims 63-31963 and 63-31964

Dear Mr. and Ms. Michener,

I met with Barbara on July 21, 2004. Barbara filed two claims in the Snake River Basin Adjudication (SRBA). Claim 63-31963 was for irrigation and stockwater use from Curlew Ck, and 63-31964 was for stockwater use from Freestone Ck.

The claims were processed and entered into our database. However, upon reviewing claim 63-31963, based on the information Barbara provided me during our meeting, I feel that we may have made some errors and you may want to amend the claim to better reflect your water usage. For your convenience, I am enclosing an amended claim and a map. The proposed changes are highlighted in yellow. Take a look at the claim and initial any changes you wish to make. When satisfied, you can either mail the claim back to this office, or have it ready when our contractor comes out to conduct a field exam.

As we discussed on July 21st, a department employed contractor should be contacting you in the near future to set up an appointment to meet with you so he can conduct a field exam to verify the beneficial use of the water claimed. You will need to supply him with a notarized copy of the amended claim I am sending you (if you choose to file it and do not want to mail it in), and evidence of priority supporting beneficial use of the water dating back to 1930 as you claimed. Most likely the contractor that will be meeting with you will be Gene Gibson. He is a former IDWR employee and should be able to field any questions you may have. However, do not hesitate to contact me if you have further questions.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Memorandum

Date: September 2, 2004

To: Gene Gibson
File

From: Craig L. Saxton

Subject: Amendment of claim 63-31963 and required information needed for Recommendation

Need:

- Field Exam with POU and POD locations.
- Confirm source.
- Measure if possible.
- Evidence of priority

Amended Claim:

I met with Ms. Michener on July 21st, 2004. She filed two claims. It was late in the day and we were slightly rushed. After further review, I think the claimant might want to amend the claim to better describe the water use based on the information she provided me during our meeting.

I am sending an amended claim for 63-31963 to the claimant for review with a letter asking the claimant to have the amended claim signed and notarized by the time the contractor (tentatively - Gene Gibson) is able to make it on site to conduct a field exam. I will also request that evidence of priority is ready to be supplied to Gene. A copy of the amended claim and claim map is in the file.

63-31964 does not appear to need amendment. However, pod needs to be located while conducting FE for 63-31963.

Receipt Details for ID W032023

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
7/21/2004 12:59:59 PM	7/21/2004 1:28:59 PM	WESTERN	\$85.00	Check
Payer		MICHENER, BARBARA		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
8593			
Card Expiration Date	Credit Card Transaction #		

Comment 2 CLAIM TO A WATER RIGHTS

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$85.00	ADJUDICATION FILING FEE	42503	0337			1155

Refund(s):

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