



Idaho Department of Water Resources

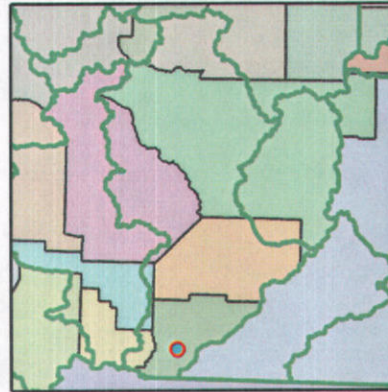
SRBA Recommendation:

63-2249B

Acres = 40

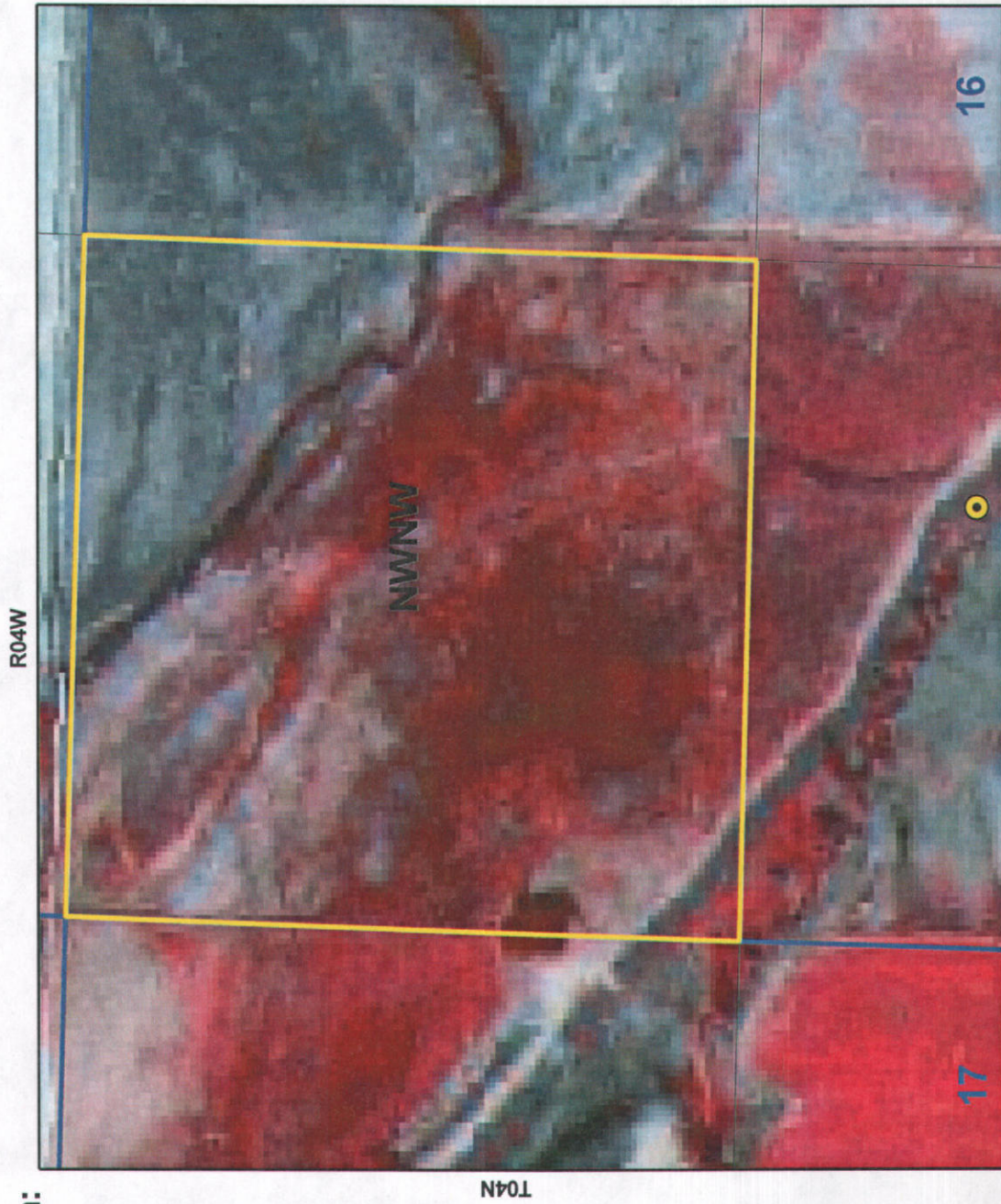
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63

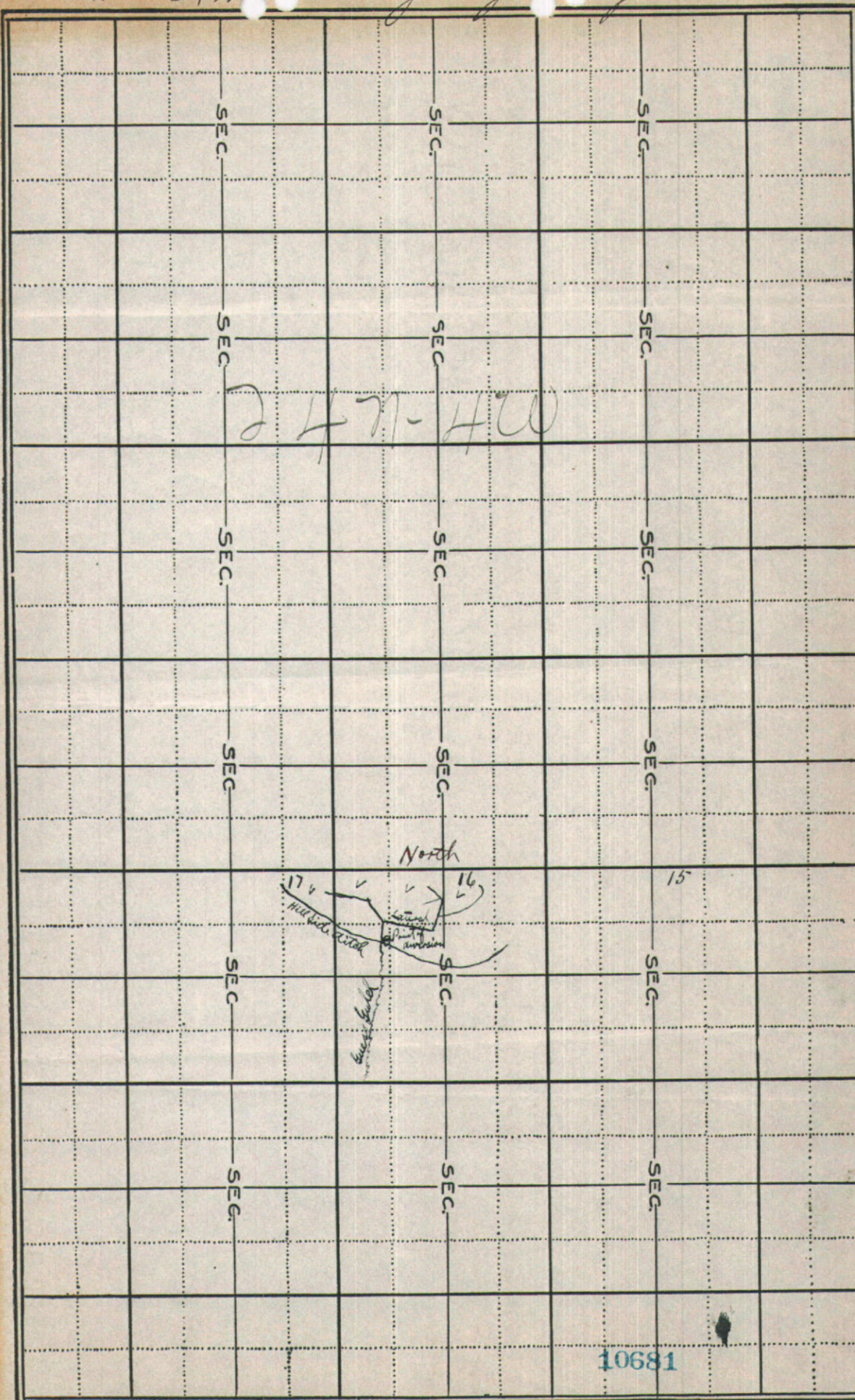
Prepared by K. Walker
On Tuesday, May 9, 2006
1987/88 Aerial Photography



0 0.1 0.2 Miles

Name of Applicant

F. M. Dines James J. May



SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.

Printed and for sale by the Statesman Shop, Boise, Idaho.

208

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: A63-02249B
Date Received: 1/18/1990
Receipt No: C014085
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH NEARY 208-459-7814
Address: RT. 6, BOX 180
CALDWELL, ID 83605

2. Date of Priority: AUG 28, 1914

3. Source: GUESS GULCH Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04W	16	SW	NW			CANYON

5. Description of diverting works:
HEADGATE, DAM, FLUME, CANALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		

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

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	16	NW	NW		IRR	40.0
Section Acres							40.0
Total Acres							40.0

A63-02249B

Page 1

Date: 01/31/90

MICROFILMED

AUG 18 1992

14. Remarks:

LIC. INCORRECTLY DESCRIBES P/D AS SWNW, S16, 4N, R4W.

THIS RIGHT HAS BEEN SPLIT

A63-02249A = .94 CFS FOR COLEMAN/MILLS B.A.S. 12/26/89

A63-02249B = .80 CFS FOR NEARY, JOSEPH, HHT, 1/16/90

A63-02249C = .44 CFS FOR REDMON, 03/15/90

SOURCE HAD BEEN KNOWN AS GUESS GULCH, BUT WAS CHANGED TO DIXIE GULCH AT UNKNOWN DATE. SEE ATTACHMENT FROM ORIGINAL LICENCE WHICH SHOWS DRAWING LOCATING POINT OF DIVERSION CLEARLEY IN SECTION 16 IN WHICH SOURCE NAME IS DIXIE GULCH.

15. Basis of Claim: LICENSE

Water Right Number: 10681

MICROFILMED

AUG 18 1992

FILE COPY *kdh*

A63-02249B

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: 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: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name

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 _____

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

RECEIVED

JAN 18 1990

Ident. Number: A63-02249B
Date Received: ~~1/16/1990~~ 1/18/90
Receipt No: 2014085
Received By: C. Wong

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

Department of Water Resources

1. Name: JOSEPH NEARY 208-459-7814
Address: RT. 6, BOX 180
CALDWELL, ID 83605

2. Date of Priority: AUG 28, 1914

3. Source: GUESS GULCH Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04W	16	SW		NW		CANYON

5. Description of diverting works:
HEADGATE, DAM, FLUME, CANALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		

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

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	16	NW	NW		IRR	40.0

Section Acres 40.0

Total Acres 40.0

A63-02249B

Page 1

Date: 01/16/90

MICROFILMED

AUG 18 1992

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: 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): *Joseph M. ...*

Date: January 17, 1990

Date: _____

State of Idaho)

County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 17th day

of January 19 90

Robert Alexander
Notary Public

Seal

Residing at Caldwell, Idaho

My Commission Expires Life

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Alexander will be
Print Name
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 Robert L. Alexander

Address P.O. Box 26, Caldwell, Idaho

Date January 17, 1990

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIM IDENT. NO. A63-02249B

AMOUNT \$ 90⁰⁰

	Required
YES	NO Info?

- | | | | | | |
|-----|--|--------|---|--|---|
| 1. | Is the name and address complete with zip code? | | / | | * |
| 2. | Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | | / | | * |
| 3. | (a) Is a source entered? | | / | | * |
| | (b) Is a tributary to entered? (if required) | N/A | / | | |
| 4. | Is the legal description of the p.d. sufficient? | | / | | * |
| 5. | Is there a description of the diverting works? | | X | | |
| 6. | Are the water uses appropriate for the form? The short form is limited
to domestic and stockwater uses with direct diversion. All claims that
include storage or instream stockwater must use long form. | | / | | * |
| | Is the period of use included? | | / | | |
| | Is a quantity claimed for each use? | | / | | * |
| 7. | Is a total quantity claimed entered? | | / | | |
| 8. | If required is a consumptive use entered? | N/A | / | | |
| | Is the consumptive use correct? | N/A | / | | |
| 9. | Are the non-irrigation uses listed properly? If this claim is on the
short form, and more than one domestic use is listed, single owner-
ship must be stated. If not under single ownership, see
Adjudication Memo # 4. | N/A | / | | * |
| 10. | Is (are) the place(s) of use and purpose(s) indicated? | | / | | * |
| 11. | Is (are) the county(ies) entered? | | / | | |
| 12. | Is the ownership of p.u. checked? | | / | | |
| 13. | Are other water rights listed or "none" indicated? | | / | | |
| 14. | If required, are remarks correct? (If the claimant does not own
the place of use, authority for filing the claim must be
explained in the remarks.) | N/A | / | | |
| 15. | Is the basis of the claim indicated? | | / | | |
| 16. | If the claimant requested a monthly docket sheet, is payment enclosed?
(If yes, describe payment status in "Comments" below.) | N/A | / | | |
| 17. | Is the claim signed by the claimant, and is the signature appropriate?
Organizations must complete the organization block. | | / | | * |
| 18. | Has the claim been signed, sealed, and dated by a notary? | | / | | * |
| 19. | Was this claim filed on time, or was an extension granted? | | / | | * |
| 20. | Is the fee enclosed correct? | Exempt | / | | * |
| 21. | If this claim is based on an existing water right, has the
identification number been entered? | N/A | / | | |
| 22. | Should this claim be data entered? | | / | | |

Claim checked by:

Date: 1/3/90

Claim must be returned to claimant:

1(Yes) (No)

Claimant must be notified of modifications:

(Yes) / (No)

Receipt Prepared by:
Claim data entered by:
Sent to claimant by:

Date: _____
Date: _____
Date: _____

Checked by: alt Date: 1/31/90

Comments:

MICROFILMED

AUG 13 1992

ALEXANDERSON, DAVIS, RAINEY, WHITNEY & KERRICK

LAWYERS

ROBERT L. ALEXANDERSON, P.A.
WAYNE E. DAVIS (1919-1986)
RONALD P. RAINEY, P.A.
DAVID L. WHITNEY, P.A.
DAVID E. KERRICK

110 NORTH NINTH AVENUE
POST OFFICE BOX 26
CALDWELL, IDAHO 83606-0026

AREA CODE 208
TELEPHONE 459-3659

January 17, 1990

RECEIVED

JAN 18 1990

Ms. Helen Harrington
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Department of Water Resources

Re: Joseph Neary
Identification #A63-02249B

Dear Helen:

Pursuant to your instructions, we have completed Mr. Neary's Notice of Claim and enclose the same with his check made payable to the Department in the sum of \$90.00.

I am directing this letter to you specifically inasmuch as I want to thank you again for your excellent help in this matter. Rest assured that I will need your assistance in the future on other matters.

Very truly yours,

ALEXANDERSON, DAVIS, RAINEY, WHITNEY & KERRICK



Robert L. Alexanderson

RLA/dw

Enclosures - 2.

MICROFILMED

AUG 18 1992

SEC

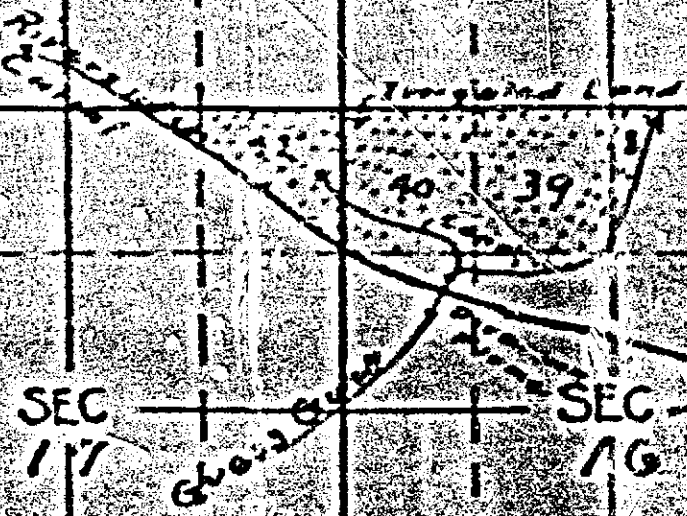
SEC

SEC

SEC
17

SEC
16

SEC



T4N R4W B.M.

SEC

SEC

SEC

MICROFILMED
AUG 10 1982

RECEIVED

JUN 19 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA) A. Subcase 63-2249B
(Insert water right number)
Case No. 39576)
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Riverside Irrigation District
Address: PO Box 1080
Parma, ID 83660
Daytime Phone: 208-880-3449

Name & Address of Attorney, if any:

Albert P. Barker
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102, Boise ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Joseph Neary
Address: RT 6 Box 180
Caldwell, ID 83605

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: The source should be described as waste waters, and waste waters belong to the Riverside Irrigation District.
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Riverside Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Riverside Irrigation District.

F. VERIFICATION (must be completed)

State of IDAHO)
County of ADA)ss.

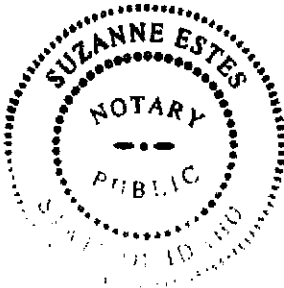
Albert P. BARRE, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 18, 2007



Suzanne Estes
Notary Public for Idaho
Residing at: Boise
My Commission Expires: June 1, 2012

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on JUN 18 2007, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

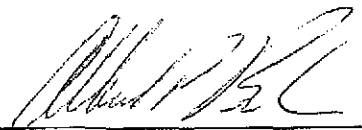
Name: Joseph Neary
Address: RT 6 Box 180
Caldwell, ID 83605

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

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

In Re SRBA

)

A. Subcase 63-2249B

(Insert water right number)

)

Case No. 39576

)

STANDARD FORM 1
OBJECTION

)

Please fill in the following information:

RECEIVED

JUN 19 2007

DEPARTMENT OF
WATER RESOURCES

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wilder Irrigation District

Address: 709 Cleveland Blvd

Caldwell, ID 83605

Daytime Phone: 208-459-3421

Name & Address of Attorney, if any:

Albert P. Barker

Barker Rosholt & Simpson, LLP

1010 W. Jefferson, Ste. 102, Boise ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Joseph Neary

Address: RT 6 Box 180

Caldwell, ID 83605

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: The source should be described as waste waters, and waste waters belong to the Wilder Irrigation District. Should be Dixie Gulch waste way Tributary to Riverside Canal

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **I object because:**

☒ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Wilder Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Wilder Irrigation District.

F. VERIFICATION (must be completed)

State of Idaho
County of Ada)ss.

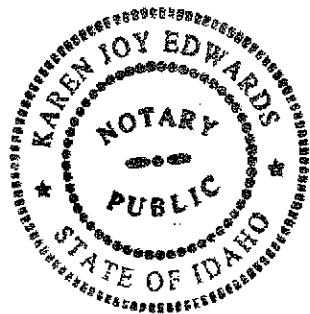
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 8/2/2012

Karen Joy Edwards

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

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Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

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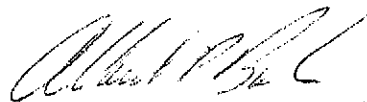
Name: Joseph Neary
Address: RT 6 Box 180
Caldwell, ID 83605

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83706

FIRST CLASS



ADDRESS SERVICE
REQUESTED

NO SUCH
ADDRESS

RECEIVED

FEB 08 2007

WATER RESOURCES
WESTERN REGION

JOSEPH NEARY
RT 6 BOX 700
CALDWELL ID 83605

63-2249B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
1735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



FIRST CLASS

UNITED STATES POSTAL SERVICE
FIRST CLASS PERMIT NO. 1000 BOISE, IDAHO
02 1A \$00.870
0004310839 OCT 05 2006
MAILED FROM ZIP CODE 83702

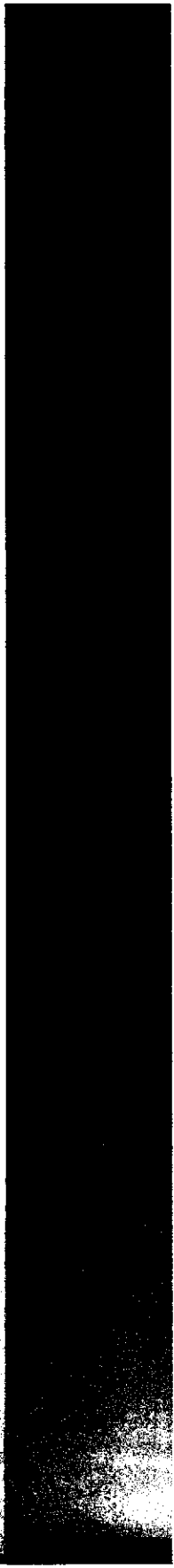
NO SUCH ADDRESS

KUSIN, HENRY
RT 6 BOX 100
CALDWELL, ID. 83605
JA

PO Box 202
Greenleaf 83626

RECEIVED
OCT 11 2006
WATER RESOURCES
WESTERN REGION

63-2249B
Resent 10-12-06



05/09/2006

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

RIGHT NUMBER: 63-2249B

NAME AND ADDRESS: JOSEPH NEARY
RT 6 BOX 180
CALDWELL ID 83605

SOURCE: DIXIE GULCH CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 08/28/1914

POINT OF DIVERSION:

T04N R04W S16 SWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.800 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R04W S16 NWNW 40.00

40 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: BASIS OF CLAIM - License

Right Nos. 63-2249A and 63-2249C are also diverted through point of diversion described above.



Idaho Department of Water Resources

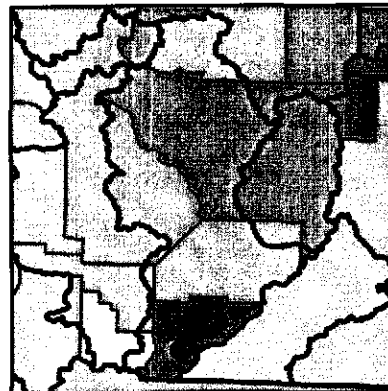
SRBA Recommendation:

63-2249B

Acres = 40

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

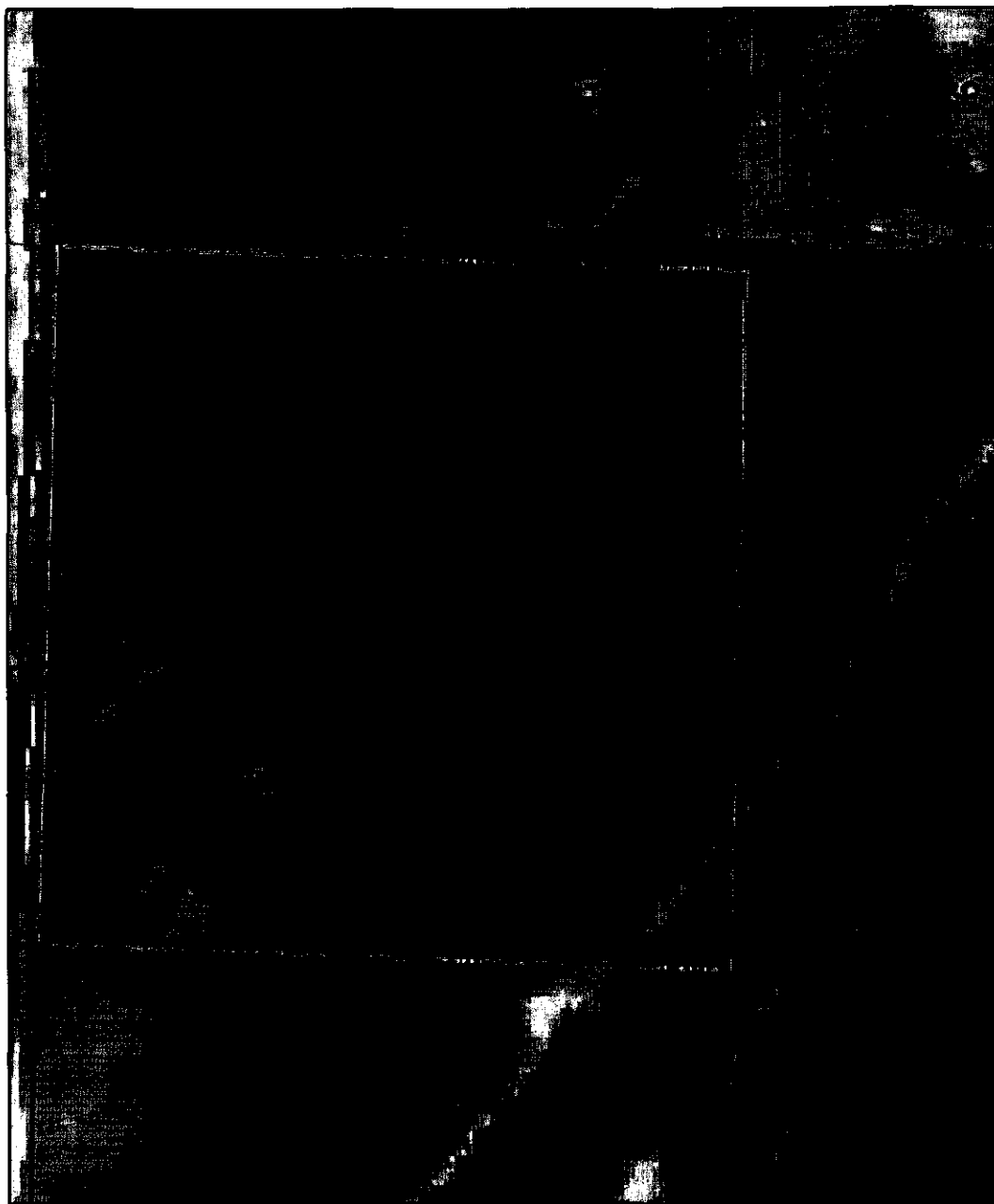


Canyon County
IDWR Basin 63

Prepared by K. Walker
On Tuesday, May 9, 2006
1987/88 Aerial Photography

R04W

T04N



0 0.1 0.2 Miles



05/09/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2249B V1

Comments:

1. kwalker 5/9/2006 Source

Comment: Point of diversion shown on license is actually on Dixie Gulch Creek rather than Guess Gulch. Recommend source clarification rather than source change.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2249B

WATER RIGHT NUMBER: 63-2249B

*in-office verification -
KW 5/9/06*

Owner Type

Current Owner

Name and Address

JOSEPH NEARY
RT 6 BOX 180
CALDWELL, ID 83605
(208)459-7814

Attorney

ROBERT L ALEXANDERSON
PO BOX 26
CALDWELL, ID 83606-0026
(208)459-3659

Priority Date: 08/28/1914

Basis: License

Status: Active

Source

GUESS GULCH CREEK

Contributory

BOISE RIVER

Beneficial Use

IRRIGATION

From

To

3/15 to 11/15

Diversion Rate

0.800 CFS

Annual Volume

Total Diversion:

0.800 CFS

Location of Point(s) of Diversion

GUESS GULCH CREEK
CANYON County

SW1/4NW1/4

Sec. 16, Twp 04N, Rge 04W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	04W	16	NE	NW	SW	SE	40.0

Total Acres: 40

Conditions of Approval:

Remarks:

Comments:

*Pld OL
add F05-
63-2249A
63-2249C*

see comments

Dixie

Dixie

use standard season - on license

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2249

WATER RIGHT NUMBER: 63-2249

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEORGE DINES RT 1 BOX 184 MARSING, ID 83639 (208) 896-4259
Current Owner	J J NEARY , ZZ

Priority Date: 08/28/1914

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GUESS GULCH CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	to /	2.180 CFS	
DOMESTIC	/	to /		
<u>Total Diversion:</u>			2.180 CFS	

Location of Point(s) of Diversion

GUESS GULCH CREEK	SW1/4NW1/4	Sec. 17, Twp 04N, Rge 04W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04W	16		8.0			39.0	40.0											87.0
04N	04W	17	22.0																22.0

Total Acres: 109

DOMESTIC same as IRRIGATIONConditions of Approval:

1. LIC. INCORRECTLY DESCRIBES P/D AS SWNW, S16, 4N, R4W.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2249B

01/30/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2249B	Claim	04N	04W	16	NW	NW		IRRIGATION	40/40	JOSEPH NEARY
2249	Water Right	04N	04W	16	NW	NW		IRRIGATION	40/109	GEORGE DINES

Ø OK

County: Canyon.
 Stream: Guess Gulch.
 Amount: 2.18 sec. ft.
 Use: Irrigation.
 Priority: 8-28-14.
 District No. 12 A.

STATE OF IDAHO

Water License No. 10681.
 Water District No. 12 A.

WHEREAS, On the 28th day of August, A. D. 1914, F. M. Dines and J. J. Neary,

of Greenleaf, County of Canyon, State of Idaho, duly made application (No. 15621) to me for a permit to use 3.2 cubic feet per second of the waters of Guess Gulch, in Water District No. 12 A., County of Canyon, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 20th day of October, A. D. 1914, Permit No. 10681 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 20th day of October, A. D. 1916, and for the application to beneficial use of said water on or before the 20th day of October, A. D. 1917, and,

WHEREAS, On the 23d day of October, A. D. 1916, F. M. Dines and J. J. Neary,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 10681 dated November 10, 1916, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of said water, with date of priority of August 28, 1914, and

WHEREAS, On the 17th day of October, A. D. 1917, F. M. Dines and J. J. Neary,

the holder of said permit, duly made proof of the application to beneficial use of 2.18 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to

F. M. Dines and J. J. Neary,

of Greenleaf, County of Canyon, State of Idaho, the holder and owner of said Permit No. 10681, a perpetual right, dating from August 28, 1914 to the use of 2.18 cubic feet per second of the waters of Guess Gulch,

in the County of Canyon and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 4 N., R. 4 W., B.M.,

and conducted to and upon 109 acres of land, divided as follows: 22 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17, 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 39 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 16, T. 4 N., R. 4 W., B. M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS My hand and the seal of my office at Boise, Idaho, this 29th day of December, A. D. nineteen hundred and seventeen.

(Seal)

J. H. SMITH,

State Engineer.

REPORT OF ENGINEER

Permit 10681.

1. State name of applicant and number of permit: F. M. Dines and James J. Neary
2. State source of water supply: Guass Gulch
3. Location of point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16, T. 4 N., R. 4 W. B.M.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: _____

5. Describe works as they exist, giving dimensions and capacities of same: _____
- Water from Guass Gulch flows directly into
a flume 3' x 2' 6 1/2' long with out any diversion dam.
At the lower end of the flume is a Handgate 2' x 2'
which separates the water into two canals. Each
about 1/2 mile in length 2' on bottom 2.5' at water line
grade 7' per mile.
1' deep. Capacity 6 cuf. ft. each.
Capacity flume 9 sec. ft. or 952 min. in hours.

6. State whether or not water has been turned into works of diversion: yes

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): _____

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16, T. 4 N., R. 4 W. B.M.

<u>NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17</u>	<u>TAN RAN B.M.</u>	<u>22 Acres</u>
<u>NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16</u>	<u>" " "</u>	<u>40 "</u>
<u>NE $\frac{1}{4}$ NW $\frac{1}{4}$ "</u>	<u>" " "</u>	<u>39 "</u>
<u>NW $\frac{1}{4}$ NE $\frac{1}{4}$ "</u>	<u>" " "</u>	<u>8 "</u>
<u>Total -</u>		<u>109 "</u>

8. Submit map on enclosed plat, showing location and details of above description.

Remarks: _____

The land is of poor quality and several large
deposits of alkali were noted. The land is watered
and used for pasturage.
The source of water supply is a seepage and drainage
from the Golden Gate Canal of the U.S.B.S. system.

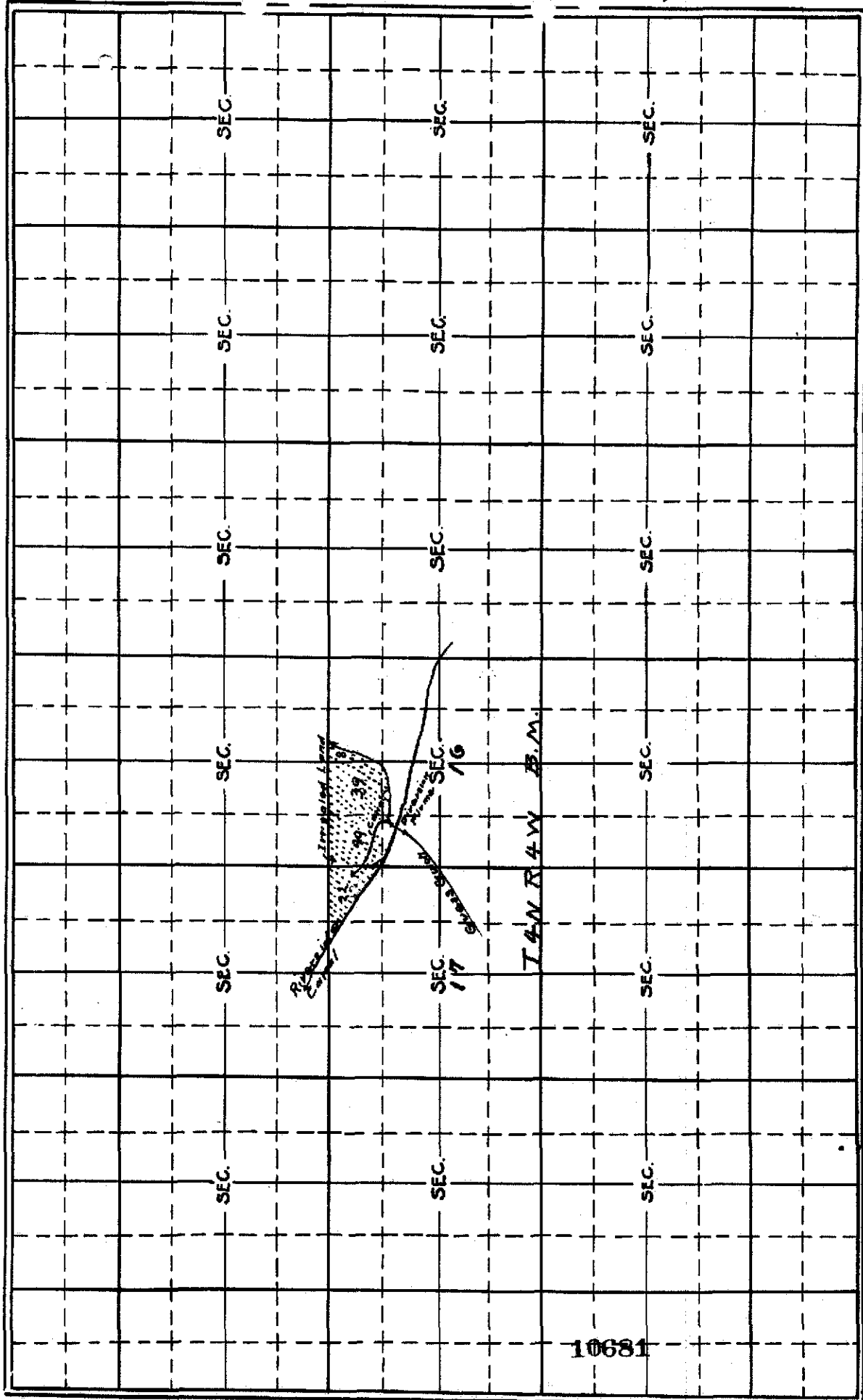
This examination was made on the 14th day of November 1917

(Signed)

H. H. Palmer

Examiner.

Name of Applicant... F. M. Dines and James B. Neary...



10681

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK

No. 15621

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: F. M. Dines & J. J. Neary

Postoffice address: Greenleaf

County: Canyon

State: Idaho

I. If applicant is a corporation, give

(a) Date and place of incorporation:

(b) The amount of capital stock:

(c) The amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. The quantity of water claimed is 3 2/10 cubic feet per second.

3. Source of water supply: Gues's Gulch

4. Location of point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16, 4 N. 4 W.

County of Canyon

5. To be used for: Irrigation & Domestic Use.

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 160 acres.
 (b) In the following legal subdivisions: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ and
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16, T. 4 N. R. 4 W.B.M.

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

H. P. under

ft. head

(c) Is water to be returned to any stream?
return:

(d) If so, name stream and locate point of

6. Estimated cost of works: \$100.00

7. Description of works for diversion: Ditch

I. Kind of works: Ditch

II. Dimensions of works: A Ditch Two ft. deep by 4 ft. wide

(a) Height of dam feet, length of dam at top feet,

length of dam at bottom feet. Material used in construction:

(b) Capacity of reservoir acre feet. (c) Size of headgate, width 3 feet,

Height 2 feet. (d) Conduit Ditch width at bottom two feet,

width at water line four feet, depth of water two feet; diameter of pipe

inches; average grade per mile is feet. Length of conduit is miles,

and it crosses the following quarter sections: NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 16 and NE $\frac{1}{4}$ Sec. 17,
T. 4 N. R. 4 W.

8. The time required for the completion of the construction of such work is Two years.

9. Time required for the complete application of the water to the proposed use is One additional years.

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

F. M. Dines
James J. Neary

Applicant.

By

Agent.

Date of first receipt at office of State Engineer 3.40 P.M. August 28, 1914.

Returned to applicant for correction September 3, 1914.

Corrected application received September 26, 1914.

APPROVAL OF STATE ENGINEER

The number of this permit is 10681

Recorded in Book 56 Page 10681 Approved October 20, 1914.

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

Bond in the sum of _____ to be filed on or before
Work to begin on or before December 19, 1914 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before October 20, 1915.
The whole of said work to be completed on or before October 20, 1916.
Beneficial use of water appropriated in accordance herewith, to be made on or before October 20, 1917.

Witness my hand this 20th day of October, 1914.

Herbert Wing
Idaho State Engineer.

Remarks:

Proof of completion of works made Oct. 23, 1916.
Certificate issued Nov. 10, 1916.

PERMIT NO. 10681.

CERTIFICATE OF COMPLETION OF WORKS.

TO ALL WHOM IT MAY CONCERN:

This is to certify that F.M. Dines & J.J. Neary of Greenleaf, County of Canyon, and State of Idaho, the holders of Permit No. 10681, issued upon Application No. 15621, bearing date of priority of August 28, 1914, authorizing the diversion of 3.2 second feet of the waters of Guess Gulch, County of Canyon, State of Idaho, for irrigation and domestic purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.2 second feet of the waters of Guess Gulch; that the point of diversion of said waters is in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 16, T. 4 N., R. 4 W., B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 17, NW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 16, T. 4 N., R. 4 W., B.M.

Witness my hand this 10th day of November, A.D. 1916.

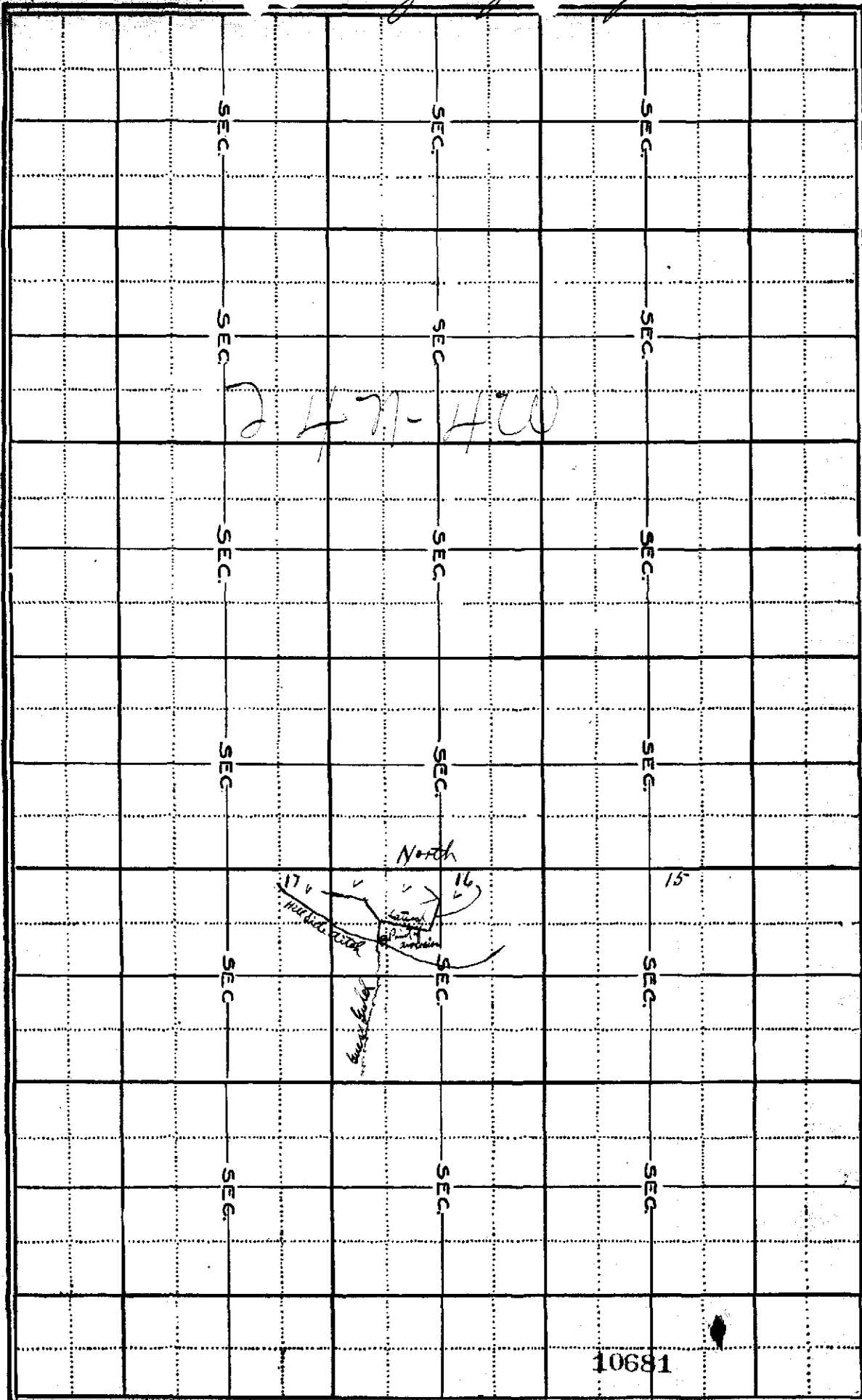
J.H. Smith,

State Engineer of the State of Idaho.

License issued for 2.15 second feet
Page 2112

Name of Applicant

J. M. Dines James J. May



SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.

Printed and for sale by the Statesman Shop, Boise, Idaho.

Receipt Details for ID C014085

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
1/18/1990 11:53:39 AM	1/18/1990	State	\$90.00	Check
Payer		NEARY, JOSEPH		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
4998			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$90.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	2249	B	\$90.00	Claim

OK

Print Report

ALEXANDERSON, DAVIS, RAINEY, WHITNEY & KERRICK

LAWYERS

110 NORTH NINTH AVENUE

POST OFFICE BOX 26

CALDWELL, IDAHO 83606-0026

AREA CODE 208
TELEPHONE 459-3659
FAX 345-6050

ROBERT L. ALEXANDERSON, P.A.
WAYNE E. DAVIS (1919-1986)
RONALD P. RAINEY, P.A.
DAVID L. WHITNEY, P.A.
DAVID E. KERRICK

January 29, 1993

RECEIVED
FEB 4 1993

RECEIVED
FEB 1 1993

Department of Water Resources
Western Regional Office

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237

Re: Estate of Joseph Neary
Water Right Identification No. A63-02249B

Gentlemen:

This office represents the above Estate, and I enclose a certified copy of the Order of the Court, the original of which was entered this date.

If more documentation is required, please advise me and furnish any form required to be completed and filed.

Very truly yours,

ALEXANDERSON, DAVIS, RAINEY, WHITNEY & KERRICK


Robert L. Alexanderson

jm

Enclosure

MICROFILMED

JUL 25 1994

RECEIVED

FEB 1 1993

Department of Water Resources

FILED	
2:15	A.M. P.M.
JAN 29 1993	
NED J. KERR, CLERK	
<i>T. No. Hall</i>	
DEPUTY CLERK	

ROBERT L. ALEXANDERSON
ALEXANDERSON, DAVIS, RAINEY,
WHITNEY & KERRICK
Attorneys at Law
110 North Ninth Avenue
Post Office Box 26
Caldwell, ID 83606-0026
Telephone (208) 459-3659

Attorneys for Personal Representative

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

In the Matter of the Estate of)
JOSEPH NEARY,)
Deceased.)

CASE NO. SP-92-01087

ORDER APPROVING FINAL ACCOUNT
AND TESTACY DETERMINATION AND
DECREE OF DISTRIBUTION

The Petition of MICHAEL E. NEARY for Determination of Testacy and Settlement and Distribution of the above-named estate having come before the Court for hearing, the Court makes the following findings:

1. MICHAEL E. NEARY is the duly appointed, qualified and acting Personal representative of the above-named estate.
2. The Personal Representative has filed an Inventory and appraisal of all property of the estate known to him.
3. Notice to Creditors has been published, and the time for presenting claims that arose prior to the death of the decedent has expired.

MICROFILMED

JUL 25 1994

4. All debts of the decedent and of the estate and all expenses of administration and all taxes that have attached to or accrued against the estate have been paid.

5. The Personal Representative has filed a Final Account, and the estate is in a condition to be closed.

6. Proof of Service of the notice of time for filing objections to the Final Account and Petition for Determination of Testacy and Settlement and Distribution has been filed herein. No objections have been filed.

7. The decedent, JOSEPH NEARY, died testate on the 1st day of July 1992; and decedent's Will, previously admitted to probate in informal proceedings on the 7th day of July 1992, was validly executed and is the last Will of the decedent.

8. The 1977 Oldsmobile ID No. 362947M129065 was previously transferred to THOMAS H. NEARY.

9. By the terms of the decedent's Will, the following persons are entitled to distribution of the property remaining in the estate in the following manner:

TO MICHAEL E. NEARY, son, 1433 Southwest Belmont,
Albany, Oregon 97321, an undivided one-third (1/3)
interest therein;

THOMAS H. NEARY, son, No. 2, Aspen, Great Falls,
Montana 59405, an undivided one-third (1/3)
interest therein;

NANCY ANNE WHITE, daughter, 1724 Cunningham Street,
Santa Clara, California 95050, an undivided one-
third (1/3) interest therein;

which said remaining property is described in Exhibit "A" attached hereto and made a part hereof.

IT IS HEREBY ORDERED AND DECREED:

1. That the Final Account is allowed and settled.
2. That the decedent died testate, and decedent's Will, previously admitted to probate in informal proceedings on the the 7th day of July 1992, is the last Will of the decedent.
3. That the Personal Representative is directed to make distribution of the remaining estate property, and any other property of the decedent or the estate not now known or discovered, to the persons and in the manner set forth above, and said property is hereby distributed to said persons.

DATED This 29th day of January, 1993.

GORDON W. PETRIE

Magistrate

EXHIBIT "A"

REAL PROPERTY

Northwest Quarter of the Northwest Quarter, Section 16, Township 4 North, Range 4 West of the Boise Meridian in Canyon County, Idaho;

Together with all water, water rights, ditches, and rights of way for ditches appurtenant thereto or in anywise appertaining;

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining;

Together with water right acquired under Idaho State Law, Identification No. A63-02249B

Northwest Quarter of the Northwest Quarter, Section 33, Township 4 North, Range 4 West of the Boise Meridian in Canyon County, Idaho;

Together with all water, water rights, ditches, and rights of way for ditches appurtenant thereto or in anywise appertaining;

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining;

PERSONAL PROPERTY

Pilgrim Group Securities, Account #1630024211

Lord Abbett US Govt. Sec. Fund, Inc., Account #4000500970

Checking Account #03109755, First Interstate Bank

Certificate of Deposit, First Interstate Bank, #9197761

State of Idaho }
County of Canyon } ss.
I hereby certify that the foregoing instrument
is a true and correct copy of the original as the
same appears in this office.
DATED

MICROFILMED 1-29-93

DECREE OF DISTRIBUTION - Page 4 JUL 25 1994

NED J. KERR, Clerk of the District Court
and Ex-Officio Recorder.

By John Hall
Deputy