

05/26/2005

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

RIGHT NUMBER: 78-7097

NAME AND ADDRESS: JIM R ECKWORTZEL
PO BOX 248
POLLOCK ID 83547

CHARITY ECKWORTZEL
PO BOX 248
POLLOCK ID 83547

SOURCE: SPRING

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.040 CFS
4.000 AFY

PRIORITY DATE: 07/05/1977

POINT OF DIVERSION:

T22N R01E S16 NWSENE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/30	0.040 CFS 4.00 AFY

PLACE OF USE: IRRIGATION Within ADAMS County

T22N R01E S16 SENE 1.0

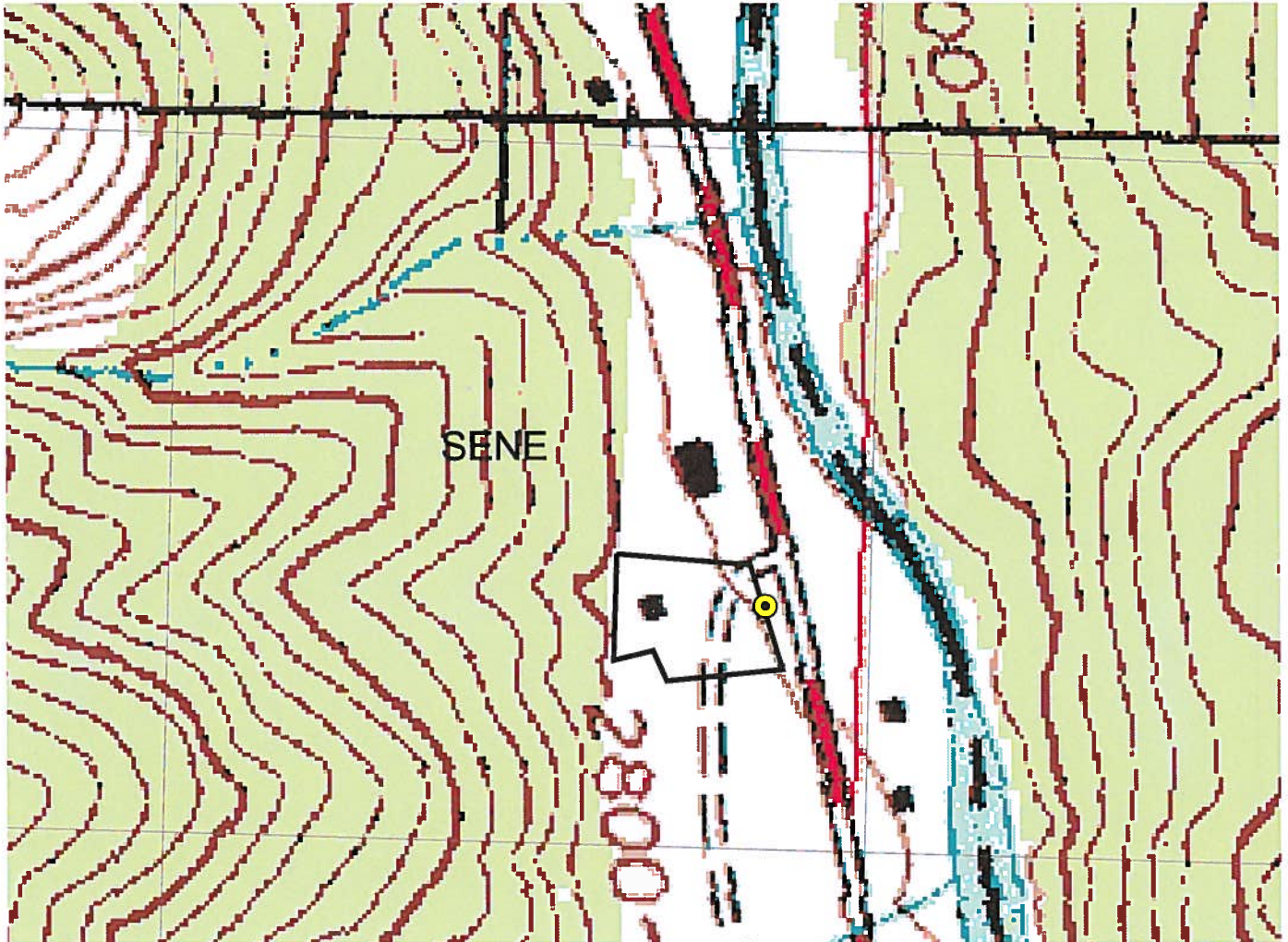
1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: License

78-7097



0 300 600 Feet

Section 16
T22N R1E



● Point of Diversion

□ Place of Use

Map prepared on May 26, 2005
By Kenneth Knoblock
Idaho 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 78-7097
Date Received: 6/7/1988
Receipt No: C001170
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JIM R ECKWORTZEL
PO BOX 248
POLLOCK ID USA 83547

Phone: (208) 628-3492

CHARITY ECKWORTZEL
PO BOX 248
POLLOCK ID USA 83547

Phone: (208) 628-3492

2. Date of Priority: 07/05/1977

3. Source: SPRING Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
22N	01E	16	NW SE NE	ADAMS	

5. Description of diverting works:

PUMP & CATCH BASIN W/AN OVERFLOW TO THE L. SALMON

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/30	0.04	

7. Total Quantity Appropriated is:
0.04 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
22N	01E	16	SE	NE	IRRIGATION	1
					Section Acres	1
					Total Acres	1

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

Claim amended 7/22/2004 to reflect the license.

Ownership changed by DB 7/22/2004

AC. IRR.=1.

REINSTATED 12-20-1982.

15. Basis of Claim: Permit

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED

JUL 12 2004

WATER RESOURCES
WESTERN REGION

RECEIVED
JUL 08 2004
DEPARTMENT OF
WATER RESOURCES

1. Water Right Number(s) 78-07097 (1 license)
Adjudication Claim Number(s) _____
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Andrew F. Porter
Box 202, Riggins, ID 83549
4. New Owner/Claimant(s) Jim R. Eckwortzel or Charity Eckwortzel
Name connector (Check one): [] AND, [X] OR, [] AND/OR
New Mailing Address P.O. Box 248
City, State and ZIP Code Pollock, ID 83547
New Telephone Number (208) 628 - 3492
5. Date you acquired the property March 27, 1997
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated n/a Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Jim R. Eckwortzel Date 7/7/04
Charity Eckwortzel Date 7/7/04
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

SCANNED

JUL 12 2004

COPY

For Value Received, DUANE MYERS and JACQUELYN MYERS, husband and wife

RECEIVED

the grantors, do hereby grant, bargain, sell and convey unto
JIM R. ECKWORTZEL and CHARITY ECKWORTZEL, husband and wife

JUL 08 2004
DEPARTMENT OF
WATER RESOURCES

the grantees, whose current address is, P.O., Box 248, Pollock, ID 83547

the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantees
their heirs and assigns forever. And the said Grantors do hereby covenant to and with
the said Grantees, that they are the owners in fee simple of said premises; that
they are free from all encumbrances excepting for all easements of record, rights of way,
matters visible, and all matters of record and title.

and that they will warrant and defend the same from all lawful claims whatsoever.

Date: March 27, 1997

Duane Myers
Duane Myers

Jacquelyn Myers
Jacquelyn Myers

STATE OF Idaho
COUNTY OF Adams

) ss

On this 27th day of March in the year of 1997, before me
a Notary Public, personally appeared
DUANE MYERS & JACQUELYN MYERS
known or identified to me to be the persons whose names
are subscribed to the within instrument, and acknowledged
to me that they executed the same

STATE OF IDAHO, COUNTY OF ADAMS
I hereby certify that this instrument was filed for record
at the request of Timberline Title & Escrow

at 02 minutes past 2 o'clock PM.
this 2 day of APRIL, 1997, in my
office, and duly recorded in Book
of Deeds at page

Christy C. Busby
Notary Public
Residing at Franklin, Idaho
Commission expires: 8/4/98

MICHAEL FISK
Ex-Officio Recorder

By: Deputy Fisk
Deputy

Fees \$ 6.00
Mail to: Timberline Title & Escrow

SCANNED

JUL 22 2004

SCANNED

JUL 12 2004

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JUL 08 2004
DEPARTMENT OF
WATER RESOURCES

Township 22 North, Range 1 East, Boise Meridian, Adams County, Idaho

Section 16: A tract in the SE1/4NE1/4 lying on the Westerly side of the right-of-way of U.S. Highway 95, and described as follows: Commencing at an iron pin marking the SE corner of that certain tract of land described in Warranty Deed dated April 27, 1959, recorded May 5, 1959 in Book 24 Deeds page 553, records of Adams County, Idaho; said iron pin marks the NE corner of the tract herein described and conveyed, and is approximately 2,075 feet South and 215 feet West of the NE corner of Section 16;

Thence South $06^{\circ}04'53''$ East 177.6 feet along the Westerly line of the right-of-way of U.S. Highway 95 to a point opposite Station 507+00 of said Highway survey;

Thence continuing Southerly along said right-of-way a distance of 55 feet to the NE corner of the "Houchin Tract" as described in Book 25 Deeds page 443, records of Adams County, Idaho;

Thence South 79° West along the Northerly line of said "Houchin Tract" 170 feet to the NW corner thereof;

Thence North 28° West 71 feet to the NE corner of the "Williams Tract" as described in Book 25 Deeds page 269, records of Adams County, Idaho (also shown as North $30^{\circ}13'35''$ West 75.990 feet);

Thence South 85° West 83 feet along the Northerly line of the said "Williams Tract" to the NW corner thereof (also shown as South $84^{\circ}46'54''$ West 79.109 feet);

Thence North $00^{\circ}03'$ West 227 feet to the NW corner of the tract hereby described and conveyed (also shown as North $01^{\circ}03'41''$ West 225.981 feet);

Thence North $89^{\circ}57'$ East 267 feet to the REAL POINT OF BEGINNING at the iron pin.

EXCEPTING THEREFROM the South 20 feet.

SCANNED
III 22 2004

SCANNED
JUL 12 2004

78-7097

22N 1E
Sec. 16

Section Line



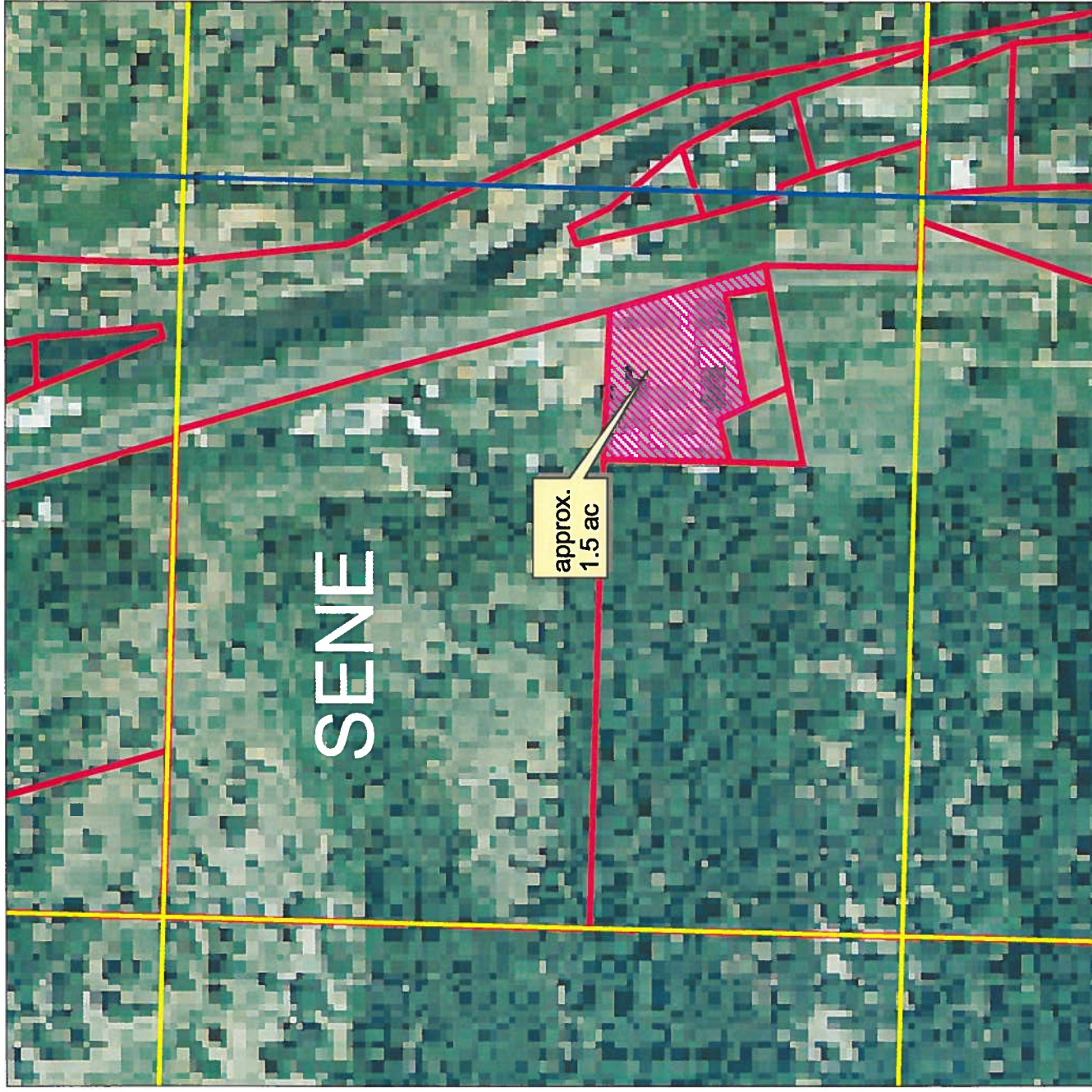
QQ Lines



Tax Lot Data



Metes & bounds description



0.02 0 0.02 0.04 Miles



STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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MAY 09 1997

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) 78-07097 (license)
Adjudication Claim Number(s) _____

2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Andrew F. Porter
Box 202, Riggins, ID 83549

4. New Owner/Claimant(s) Jim R. Eckwortzel or Charity Eckwortzel
Name connector (Check one): [] AND, [X] OR, [] AND/OR
New Mailing Address P.O. Box 248
City, State and ZIP Code Pollock, ID 83547
New Telephone Number () -

5. Date you acquired the property March 27, 1997

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated n/a Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Jim R. Eckwortzel Date 5-6-97
Charity Eckwortzel Date 5-6-97

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

SCANNED

111 22 2004

READ & APPROVED: Omper

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MAY 09 1997

WATER RESOURCES
WESTERN REGION

WARRANTY DEED

COPY

For Value Received Andrew F. Porter and Ruby W. Porter, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Duane Myers and Jacquelyn Myers, husband and wife, P.O. Box 22, Indian Valley, ID 83632

Hereinafter called the Grantee, the following described premises situated in Adams County, Idaho, to-wit:

See Attached Schedule C

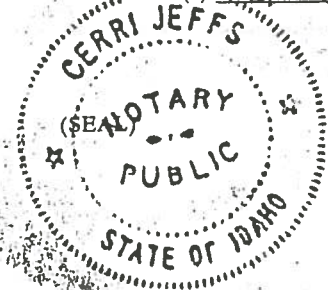
Subject to current year's taxes, irrigation district assessments, public utility easements, subdivision restrictions and U.S. Patent reservations.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: July 27, 1993

Andrew F. Porter
Andrew F. Porter

Ruby W. Porter
Ruby W. Porter

STATE OF ID
COUNTY OF ValleyOn this 23rd day of July, 19 93 before me, Cerri Jeffs,
personally appeared Andrew F. Porter & Ruby W. Porterwhose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public State of

Residing at:

Comm. Expires: 11/5/95INSTRUMENT NO. 84411State of Idaho)
County of Adams) ss.

Filed for record at the request of

Timberline Title & Escrow55 min. past 4 o'clock P.M.this 23 day of July, 19 93

MICHAEL FISK, RECORDER

by Sarah Wilson

Deputy

Fee \$ 6.00

Indexed

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SCHEDULE C
ORDER NO. 100-93-298

8441

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MAY 09 1997

WATER RESOURCES
WESTERN REGION

Township 22 North, Range 1 East, Bosie Meridian, Adams County, Idaho

Section 16: A tract in the SE1/4NE1/4 lying on the Westerly side of the right-of-way of U.S. Highway 95, and described as follows:

Commencing at an iron pin marking the Southeast corner of that certain tract of land described in Warranty Deed dated April 27, 1959, recorded May 5, 1959 in Book 24 of Deeds at page 553, records of Adams County, Idaho; said iron pin marks the Northeast corner of the tract herein described and conveyed, and is approximately 2,075.0 feet South and 215.0 feet West of the Northeast corner of Section 16;

Thence South 06 degrees 04'53" East 177.6 feet along the Westerly line of the right-of-way of U.S. Highway 95 to a point opposite Station 507+00 of said Highway survey;

Thence continuing Southerly along said right-of-way a distance of 55 feet to the Northeast corner of the "Houchin Tract" as described in Book 25 of Deeds at page 443, records of Adams County, Idaho;

Thence South 79 degrees West along the Northerly line of said "Houchin Tract" 170 feet to the Northwest corner thereof;

Thence North 28 degrees West 71 feet to the Northeast corner of the "Williams Tract" as described in Book 25 of Deeds at page 269, records of Adams County, Idaho.

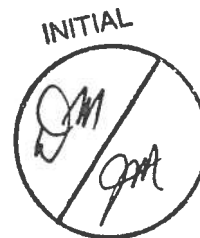
(Also shown as N 30 degrees 13'35" W 75.990 feet)

Thence South 85 degrees West 83 feet along the Northerly line of the said "Williams Tract" to the Northwest corner thereof; (Also shown as S 84 degrees 46' 54" W 79.109 feet)

Thence North 00 degrees 03' West 227 feet to the Northwest corner of the tract hereby described and conveyed;

(Also shown as N 01 degrees 03'41" W 225.981 feet)

Thence North 89 degrees 57' East 267 feet to the POINT OF BEGINNING at the iron pin.



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JUL 22 2004

RECEIVED

MAY 09 1997

WATER RESOURCES
WESTERN REGION

COPY

For Value Received, DUANE MYERS and JACQUELYN MYERS, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto
JIM R. ECKWORTZEL and CHARITY ECKWORTZEL, husband and wife

the grantees, whose current address is, P.O., Box 248, Pollock, ID 83547

the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantees
their heirs and assigns forever. And the said Grantors do hereby covenant to and with
the said Grantees, that they are the owners in fee simple of said premises; that
they are free from all encumbrances excepting for all easements of record, rights of way,
matters visible, and all matters of record and title.

and that they will warrant and defend the same from all lawful claims whatsoever.

Date: March 27, 1997

Duane Myers
Duane Myers

Jacquelyn Myers
Jacquelyn Myers

STATE OF Idaho
COUNTY OF Adams

On this 27 day of March in the year of 1997, before me
a Notary Public, personally appeared
DUANE MYERS & JACQUELYN MYERS
known or identified to me to be the persons whose names
are subscribed to the within instrument, and acknowledged
to me that they executed the same

STATE OF IDAHO, COUNTY OF ADAMS
I hereby certify that this instrument was filed for record
at the request of Timberline Title & Escrow

at 02 minutes past 2 o'clock PM.
this 2 day of APRIL, 1997, in my
office, and duly recorded in Book
of Deeds at page

Christy C. Anus
Notary Public
Residing at Franklin, Idaho
Commission expires: 8/4/98

MICHAEL FISK
Ex-Officio Recorder

By: Peggy Finkel
Deputy

Fees \$ 6.00
Mail to: Timberline Title & Escrow

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JUL 22 2004

RECEIVED

MAY 09 1997

WATER RESOURCES
WESTERN REGION

Township 22 North, Range 1 East, Boise Meridian, Adams County, Idaho

Section 16: A tract in the SE1/4NE1/4 lying on the Westerly side of the right-of-way of U.S. Highway 95, and described as follows: Commencing at an iron pin marking the SE corner of that certain tract of land described in Warranty Deed dated April 27, 1959, recorded May 5, 1959 in Book 24 Deeds page 553, records of Adams County, Idaho; said iron pin marks the NE corner of the tract herein described and conveyed, and is approximately 2,075 feet South and 215 feet West of the NE corner of Section 16;

Thence South $06^{\circ}04'53''$ East 177.6 feet along the Westerly line of the right-of-way of U.S. Highway 95 to a point opposite Station 507+00 of said Highway survey;

Thence continuing Southerly along said right-of-way a distance of 55 feet to the NE corner of the "Houchin Tract" as described in Book 25 Deeds page 443, records of Adams County, Idaho;

Thence South 79° West along the Northerly line of said "Houchin Tract" 170 feet to the NW corner thereof;

Thence North 28° West 71 feet to the NE corner of the "Williams Tract" as described in Book 25 Deeds page 269, records of Adams County, Idaho (also shown as North $30^{\circ}13'35''$ West 75.990 feet);

Thence South 85° West 83 feet along the Northerly line of the said "Williams Tract" to the NW corner thereof (also shown as South $84^{\circ}46'54''$ West 79.109 feet);

Thence North $00^{\circ}03'$ West 227 feet to the NW corner of the tract hereby described and conveyed (also shown as North $01^{\circ}03'41''$ West 225.981 feet);

Thence North $89^{\circ}57'$ East 267 feet to the REAL POINT OF BEGINNING at the iron pin.

EXCEPTING THEREFROM the South 20 feet.

SCANNED

III 2 2 2001

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: A78-07097
Date Received: 6/06/1988
Receipt No: C001170
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ANDREW F. PORTER
Address: P.O. BOX 202
RIGGINS, ID 83549
208-628-3306
2. Date of Priority: JUL 05, 1977
3. Source: SPRING Trib. to: L. SALMON
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 22N | 01E | 16 | NW | SE | NE | | ADAMS |
5. Description of diverting works:
PUMP & CATCH BASIN W/AN OVERFLOW TO THE L. SALMON
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 10/30 | 0.040 | | |
7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 3.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
22N	01E	16	NE	NE		IRR	0.5
			SE	NE		IRR	0.5
Section Acres							1.0

A78-07097

Page 1

Date: 10/21/88

MICROFILMED
OCT 06 1992
SCANNED

10. Place of Use: Continued

Total Acres 1.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
PER. 78-7028.

14. Remarks:
AC. IRR.=1.
REINSTATED 12-20-1982.

15. Basis of Claim: PERMIT

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 _____

451 ^{ea}

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: 39356

Ident. Number 78-07097

Date Received

Receipt Number C.001170

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUN - 6 1988

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Andrew F. Porter Phone (208) 628-3306Mailing Address Box 202 Riggins Id. 83549 Zip 835492. Date of Priority (Only one (1) per claim) July 5, 19773. Source of water supply (a) Unnamed Spring
which is tributary to (b) Little Salmon4. a. Location of existing point of diversion is: Township 22N Range 1E Section 16,
NW 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Adams

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.2.5 ac. Pump - catch Basin with
and overflow to the Little SalmonMICROFILMED
OCT 06 1992

SCANNED

JUL 22 2004

Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Oct 30 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 3.0 acre feet per annum.

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

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	
22N	1E	16	.5			.5													1

Total number of acres irrigated 1

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

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

14. Remarks:

Last Name Porter Ident No. _____

SCANNED

Copies: White -State, Yellow-Claimant

MICROFILMED
OCT 06 1992

Scale: 2 inches equals 1 mile

Handwritten notes on the graph paper include:

- $22N$ at the top center.
- 16 in the second row, tenth column.
- A circled equation: $\odot \rightarrow P.D + P.O.U$ in the second row, twelfth column.
- $MICRO$ in red at the bottom right.

MICROFILMED
OCT 06 1992

Porter

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 78-7097

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 X 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) Andrew F. Porter Date 5-17-88

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 Adams) SS.

Subscribed and sworn (or affirmed) before me this 17th day of May 19 88

SEAL

Notary Public Carla Fritsch

Residing at Engle, Id

My Commission Expires 3-21-94

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 _____

MICROFILMED
OCT 06 1992

Last Name _____ Ident. Number _____

SCANNED Copies White-State, Yellow-Claimant

III 2 2 2001

CONVERSATION MEMORANDUM

DATE 10-21-88

FILE _____

NAME OF PARTY Porter, Andrew

EMPLOYEE J. Warner

RE: P/D = 22N, 1E, Sec. 16

Consumptive use = 3.0

MICROFILMED
OCT 06 1992

SCANNED
JUL 27 2004

9/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Porter Andrew

CLAIM IDENT. NO.

A78-07097

DATE RECEIVED

6-6-88

CK #

265

AMOUNT \$

51⁰⁰

YES

NO

1. Is the name and address complete with zip code?

☒☐

2. Is a priority date entered?

☒☐

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

☒☐

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?

☒☐

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 ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4.

☒☐

10. Is (are) the place(s) of use entered?

☒☐

11. Is (are) the county(ies) entered?

☒☐

12. Is the ownership of p.u. checked?

☒☐

13. Are other water rights listed or "none" checked?

☒☐

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 checked?

☐☒

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

☒☐

Has the claim been signed, sealed, and dated by a notary?

☒☐

Is the fee enclosed correct?

☒☐

If this claim is based on an existing water right, has the identification number been entered?

N/A

☒☐

Should this claim be receipted and data entered?

☒☐

Claim checked by

Comments: _____

SCANNED

JUL 22 2004

MICROFILMED
OCT 06 1992



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

July 22, 2004

JIM R ECKWORTZEL
CHARITY ECKWORTZEL
PO BOX 248
POLLOCK ID 83547

Re: Notice of Claim to a Water Right No. 78-7097

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink that reads "Denise Buffington". The signature is written in a cursive, flowing style.

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

SCANNED
JUL 22 2004

MEMORANDUM

DATE: JULY 9, 2004
FROM: KARI LYNN TOWNSEND
TO: DENISE BUFFINGTON
RE: FILE 78-7097

RECEIVED
JUL 12 2004
WATER RESOURCES
WESTERN REGION

=====

I spoke with Carter Fritschle and he suggested I send this ownership change request to you for processing.

He wanted to be sure that you knew that this is licensed on the WR side.

I have phoned Charity Eckwortzel and let her know that you will be processing this ownership change request and gave her your phone number.

SCANNED
JUL 22 2004

POINT OF DIVERSION OVERLAP REVIEW

WR-NUMBER	TWP	RNG	SC	TRACT	LT	SOURCE	NAME
				1\4 1\4 1\4			
7807097	22N	01E	16	SE NE		SPRING	PORTER, ANDREW
7807075						LITTLE SALMON RIVER	SATER, WILLIAM
7802068						UNNAMED STREAM	SOWELL, K. V.
7804022						UNNAMED STREAM	HOUCHIN, BENJA
7804061						SPRING	BARTON, FORRES
7807074						GROUNDWATER	SATER, WILLIAM

Identification No. 78-4024

Claim No. 78-4024

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

AMENDED
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Andrew Porter and/or Ruby Porter
post office address Box 202, Riggins, Idaho

2. The point of diversion is in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 16 Township 22 N
Range 1 E B.M. located on ADAMS Unnamed Spring
(Name of source)

tributary to _____ in Adams County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

1960 amount: 0.02 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 0.02 c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Domestic period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works: Collection box and pipe

a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: Is well flowing or pumped _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____ ;

If feeder canal is used give maximum carrying capacity _____ c.f.s.; If reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

LNCE	SEC.	NW16				SW16				SW16				SE16				TOTAL
		NW16	SW16	SW16	SE16	NW16	SW16	SW16	SE16	NW16	SW16	SW16	SE16					

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

1705 82

b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities. _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

Water has been used in house and lawn and garden since house was built.

State of Idaho

County of IDAHO } ss.

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

Sworn to before me this 10th day of December, 1971.

x *John L. R. Porter*
Claimant

C. M. [Signature]
Notary Public
Residing at *Riggins, Idaho*

My commission expires *4/15/75*

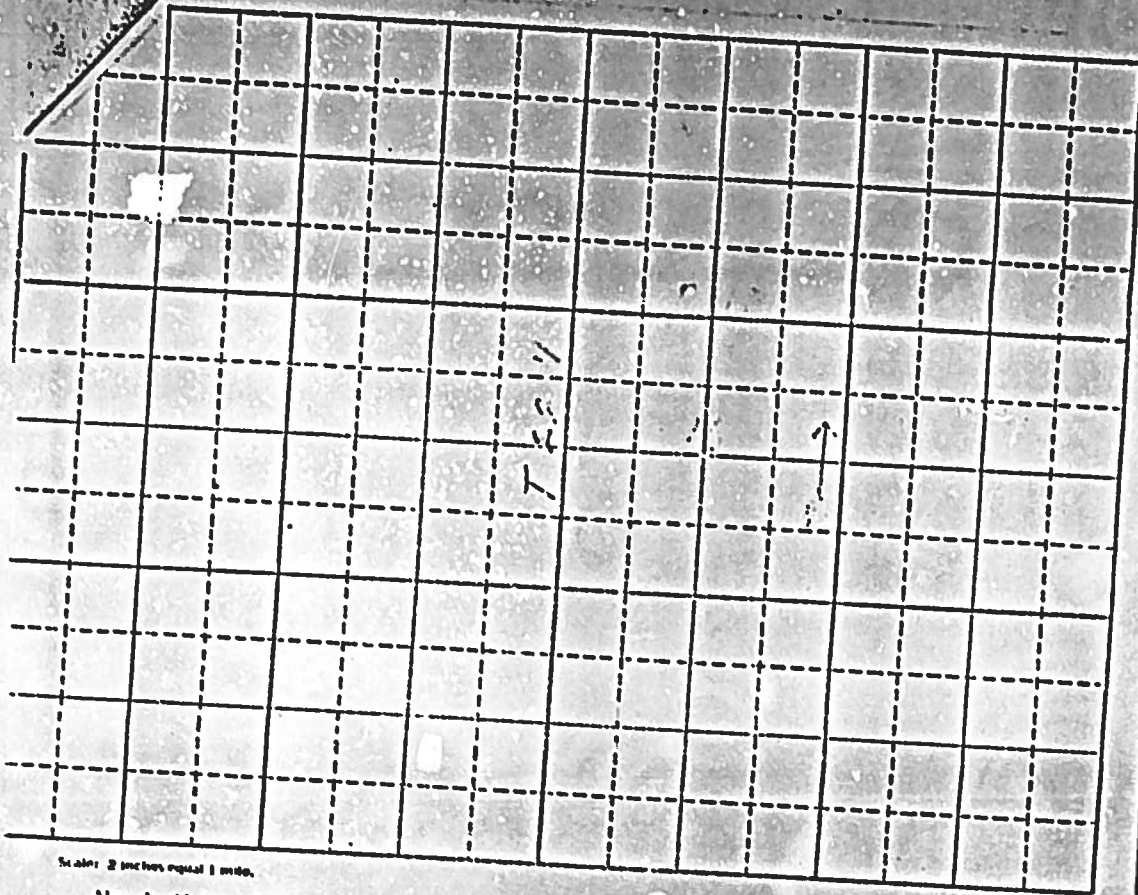
For Department Use Only

Received by	Date	Exception filed by	Forwarded to claimant by	Date
Prelim. check by <u><i>[Signature]</i></u>	Date <u><i>12-15-71</i></u>			
Fee received by <u><i>[Signature]</i></u>	Date <u><i>12-15-71</i></u>	Fee \$ <u><i>3.75</i></u>		
Approved for publication by <u><i>[Signature]</i></u>				
Published in <u><i>Idaho City Leader</i></u>	Dates <u><i>12-23 & 24-71</i></u>			

78 1024-

COPY

(7) If you are claiming water as a member of an organization, list name of organization:



Scale: 2 inches equal 1 mile.

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

State of Idaho

County of *Canyon*

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

Sworn to before me this *7th* day of

Loren L. Graham
Loren L. Graham
 (Claimant)
 May 1973

LOREN L. GRAHAM

Notary Public, Building of Farms, Idaho
 My Commission Expires June 30, 1974

Residing at

[Signature]

My commission expires *10/24/73*
 Notary Public, Building of Farms, Idaho
 My Commission Expires June 30, 1974

For Department Use Only

Received by *KHF*
 Prelim. check by
 \$10.00 fee received by *KHF*
 Approved for publication by
 Published in
 Dates

Date *5/10/73*
 Date *5/10/73*
 Date *5/10/73*

Exception filed by:

Forwarded to
 claimant by:

Date

Rec'd 10/18/73

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

KEYPUNCHED

A. GENERAL INFORMATION

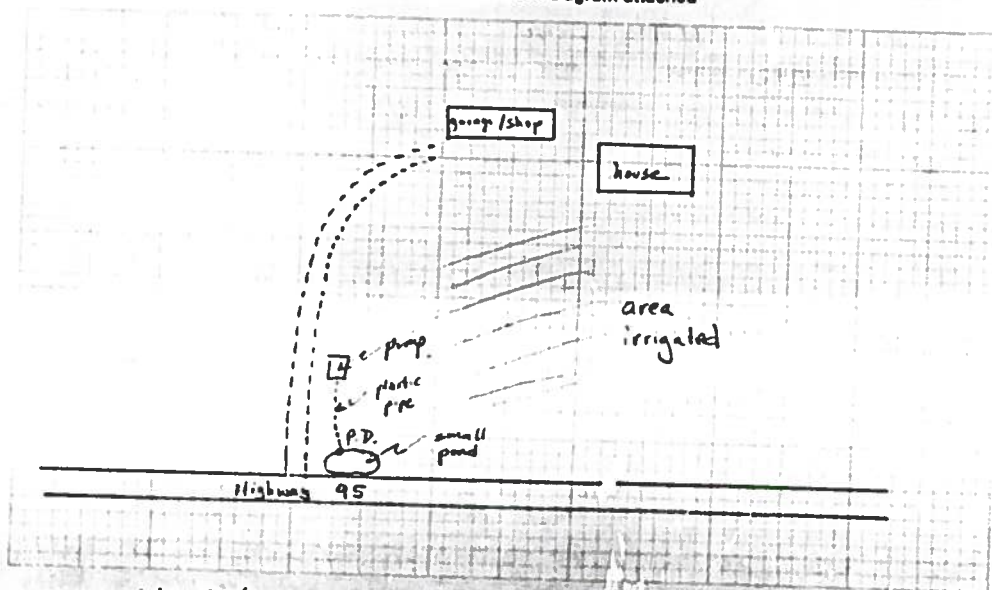
1. Owner: Andrew F. Porter Permit No. 78-7097
Current Address: Box 202,iggins, ID 83549 Phone No. 628-3306
2. Accompanied by: Mr. Porter EXAM. DATE: 7/22/87
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: unwalled spring tributary to _____

B. OVERLAP REVIEW

- for conversation with Mr. Porter see remarks
1. Other water rights with same place of use: 78-7028 : for a different spring that is dry ☒ Copies Attached as 78-7097
2. Other water rights with same point of diversion: 78-4041 - same spring but for McIlwain property (see photo) ☒ Copies Attached ☐ Copies of Field Exam's Attached
78-4024 : same spring as 78-7097, but for domestic use

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = Not to Scale

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Source of water is a small pond. Mr. Porter stated that it is a spring fed from the bottom of the pond. A 1 HP pump is used to sprinkle an area of about one acre.

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Century	1	8-150053-20	Perrin	1 1/4"

*Code to correspond with No. on map and aerial photo

Notes for connection with Adams Co. Assessors, Mr. Porter owns property located in the SENE sec. 16 only.

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NE		16	22N	1E	Adams	Topog Map - see above

6. Place(s) of Use:

Indicate Method of Determination as above

Place(s) of Use:			Quarter Sections of Section 16																
Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
22N	1E	16				1												1	

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
<i>Electric</i>						

2. Measurements:

none made; allow .03 cfs irrigation

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_a = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1 \times 4.0 = 4.0 \text{ afa}$

$V_{oa} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .03 \times 212 \times 1.9835 = 12.6 \text{ afa}$

$V = \text{Smaller of } V_a \text{ and } V_{oa} = 4.0 \text{ afa}$

2. Volume Calculations for Other Uses:

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Overlap Summary:

where rights with same P.D. as 78-7097:

78-4024: Porter, domestic use

78-4041: McLogg (neighbor), domestic use

note: at time of exam, neither right was being used; Porter has a well for domestic purposes now.

Same P.U.: 78-7028 - spring for irrigation; going dry.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
irrigation	4/1	10/30	.03	4.0
Totals:			.03	4.0

2. Recommended Amendments

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☒ None
☐ Other

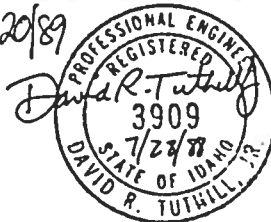
J. AUTHENTICATION

Field Examiner's Name Brad F. Dingee
Signature Brad F. Dingee
Certification Date _____
Field Report Preparation Date 6/10/88

CONSULTANT SEAL

- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

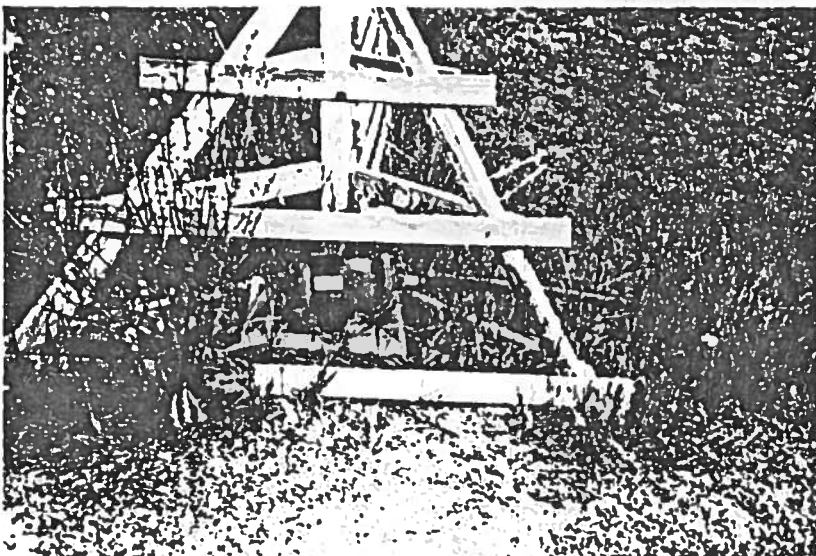
JOM 3/20/89



78-7097

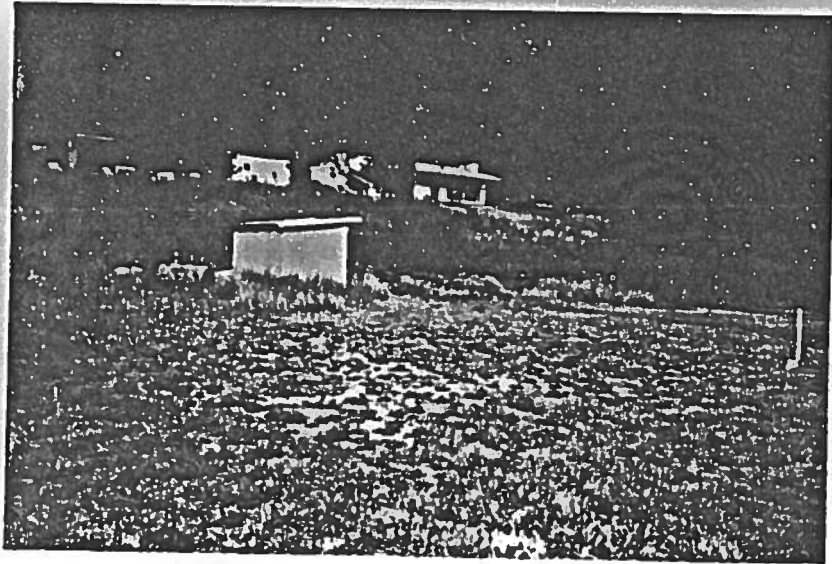


P.D.
note black
plastic pipe



Pump.

78-7097 p.2



P.U.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 78-07097

Priority: July 5, 1977

Maximum Diversion Rate:
Maximum Diversion Volume: 1

0.03 CFS
4.0 AF

This is to certify, that ANDREW F. PORTER
P.O. BOX 202

RIGGINS, ID 83549 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated July 5, 1977; and
has submitted Proof of Beneficial Use on July 9, 1982. An examination indicates
that the works have a diversion capacity of .030 cfs of water from:

SPRING tributary to SINKS

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/30	0.03 CFS	4.0 AF

LOCATION OF POINT(S) OF DIVERSION: NESENE, Sec. 16, Township 22N, Range 01E
ADAMS County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
22N	01E	16	SENE 1			1

Total number of acres irrigated: 1

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 16th
day of NOVEMBER, 1989.


R. Keith Higginson, Director

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

T-2-R-1E S-16 R-2 +
P.O.

78-797

