

07/06/2005

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

RIGHT NUMBER: 78-12240

NAME AND ADDRESS: PAUL S BOYER
1025 S DANCOVE DR
WEST COVINA CA 91791

SOURCE: SHINGLE CREEK

TRIBUTARY: RAPID RIVER

QUANTITY: 0.140 CFS
60.000 AFY

PRIORITY DATE: 06/10/1969

POINT OF DIVERSION:

T23N R01W S1 NENW Lot 3 Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.140 CFS 60.00 AFY

PLACE OF USE: IRRIGATION Within IDAHO County

T23N R01W S01 NWSE 16.0

16 ACRES TOTAL

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

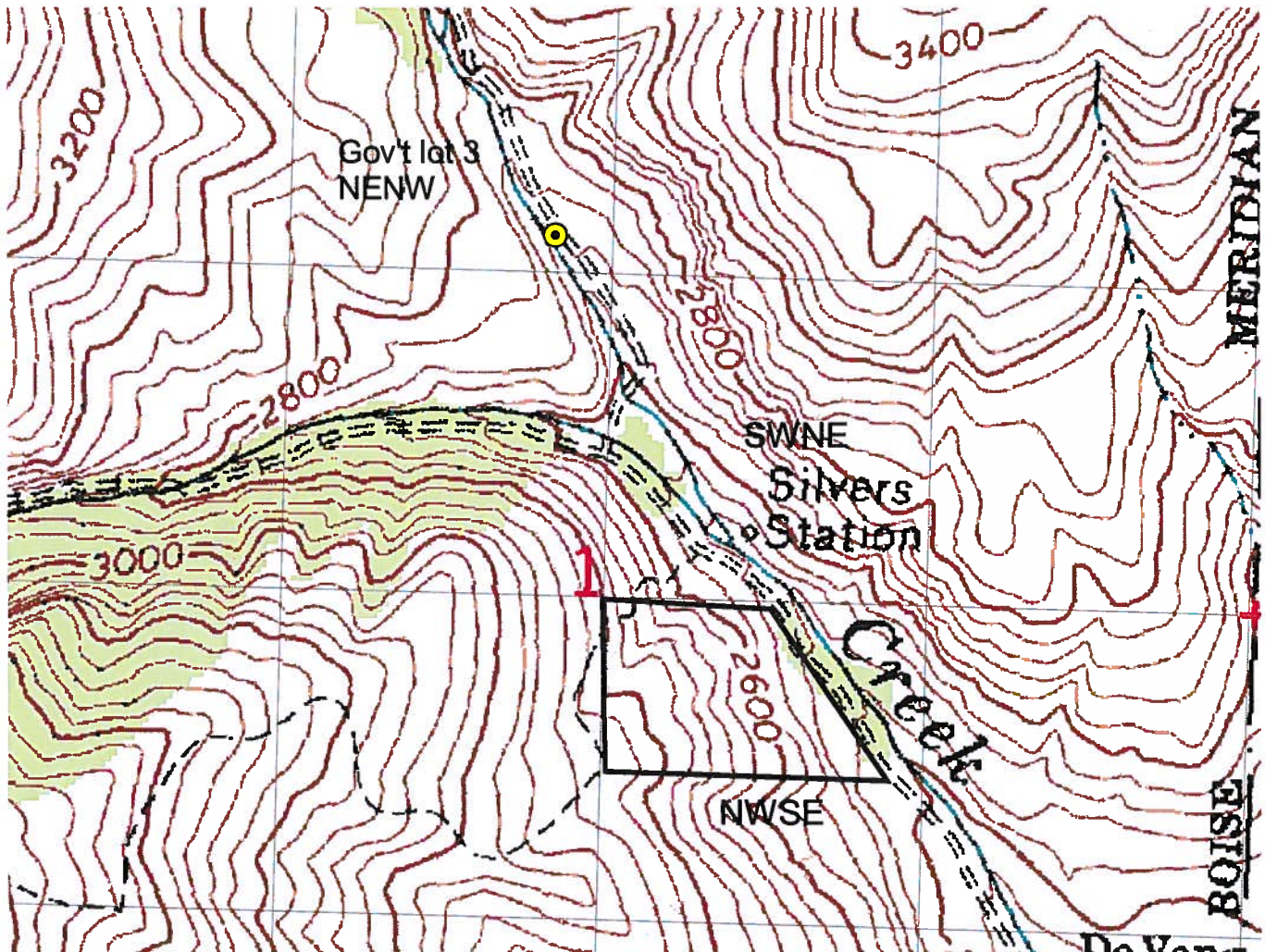
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 78-7010 .

78-12240



0 500 1000 Feet

Section 1
T23N R1W



● Point of Diversion

□ Place of Use

Map prepared on July 6, 2005
By Kenneth Knoblock
Idaho Department of Water Resources



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 11, 2005

Paul Boyer
1025 S. Dancove Dr
West Covina, CA 91791

RE: 78-12240

Dear Mr. Boyer:

We have processed a change of water right ownership form submitted by Roy Travis.
Enclosed is a copy of our recommendation for your portion of the water right, which we
expect to submit by the end of the year.

Sincerely,

A handwritten signature in black ink, appearing to read 'Knoblock', written over a light blue horizontal line.

Kenneth Knoblock
Water Resources Agent

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 78-12240
Date Received: 7/6/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PAUL S BOYER Phone:

1025 S DANCOVE DR
WEST COVINA CA USA 91791

2. Date of Priority: 06/10/1969

3. Source: SHINGLE CREEK Trib. to: RAPID RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
23N	01W	1	NW NE	IDAHO	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.14	60

7. Total Quantity Appropriated is:
0.14 C.F.S. and/or 60 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	01W	1	NW	SE	IRRIGATION	16
					Section Acres	16
					Total Acres	16

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

This right is a split from former right 78-7010 .

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
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

Travis 74 acres 78-12241

Boyer 16 acres 78-12240

78-12240 Boyer 16 acres X ~~0.008~~ .008 ~~#~~ .14 ~~cf~~
60 AF

78-12241 - Travis 74 acres X .018 .6 ~~cf~~
278 AF

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 18 2001

**WATER RESOURCES
 WESTERN REGION**

1. Water Right No(s): 78-7010
 Adjudication Claim No(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 attached to your deed or on file with the county.)
 OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant SOUTHERN IDAHO DISTRICT COUNCIL

4. New Owner/Claimant(s) ROY M. TRAVIS AND GAIL C. TRAVIS, H/W
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address PO BOX 101
 City, State and ZIP Code RIGGINS ID 83549
 New Telephone Number (208) 628-3243

5. Date you acquired the property DEC. 20TH, 2000

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. TRAVIS' TO ACQUIRE 278 A.F.A.
 Number of acres you irrigate 40 Number and type of stock _____
 Diversion rate in CFS .80 Number of homes 2 Other uses _____

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 or Claimant(s) Roy M. Travis
Gail Travis
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

COPY

CORRECTED WARRANTY DEED

416985

FOR VALUE RECEIVED

COPIED 11
INDEXED 11
SCANNED 11

SOUTHERN IDAHO DISTRICT COUNCIL, a religious organization

the Grantor, does hereby execute this Corrected Warranty Deed to correct that earlier Warranty Deed, dated the 15th day of December, 2000, which deed was recorded on the 20th day of December, 2000 as Idaho County Instrument Number 0414786. The Grantor states the earlier legal description contained an erroneous legal description and the correct legal description is shown and described in Exhibit A to this deed, referred to as "Corrected Legal Description." Together with, those joint rights in an Irrigation Maintenance Agreement including the terms and conditions thereof by and between Roy Travis and Gail Travis, husband and wife, and the Southern Idaho District Council recorded December 20, 2000 under Instrument No. 0414789, records of Idaho County, Idaho. Together with, a partial assignment of an Idaho Department of Water Resources Water Right being #A78-07010, originally claimed by Paul S. Boyer, with this partial transfer being of 278 acre feet of water to benefit the Exhibit A property.

That the Grantees are the same as they were in the earlier deed, namely

ROY M. TRAVIS and GAIL C. TRAVIS, husband and wife,

whose current address is

P.O. Box 101, Riggins, ID 83549-0101.

That, the Grantees shall have and hold the premises, with their appurtenances unto the Grantees, their heirs and assigns forever. That the said Grantor does hereby covenant with the Grantees that they are owners in fee simple of the premises; they are free and clear of all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent of or of record.

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

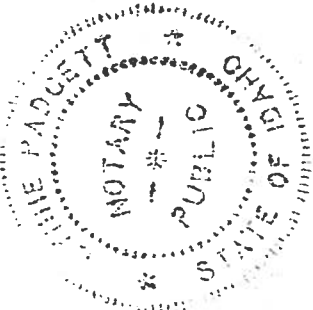
DATED this 24 day of May, 2001.

STATE OF IDAHO)

ss

County of Canyon)

On this 1st day of May, 2001, before me, a Notary Public in and for said state, personally appeared DUANE E. BUHLER, Superintendent for Southern Idaho District Council, or identified to me to be the person whose name is subscribed to the within Instrument and acknowledged to me that he executed same as officers of the organization named above and did affix the name of said organization. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Duane Padgett
Notary Public for the State of Idaho,
Residing at Nampa, therein.
My commission expires 4/13/02.

STATE OF IDAHO)

ss

County of Canyon)

On this 1st day of May, 2001, before me, a Notary Public in and for said state, personally appeared ED KREINER, Secretary Pro-Tem for Southern Idaho District Council, or identified to me to be the person whose name is subscribed to the within Instrument and acknowledged to me that he executed same as officers of the organization named above and did affix the name of said organization. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Duane Padgett
Notary Public for the State of Idaho,
Residing at Nampa, therein.
My commission expires 4/13/02.

DROULARD LAND SURVEYING

JOEL W. DROULARD
Professional Land Surveyor

POST OFFICE BOX 99
McCALL, IDAHO 83638

TELEPHONE 208-634-7398 ♦ FACSIMILE 208-634-1051
E-MAIL DROU@CTCWEB.NET

EXHIBIT A

April 12, 2001

SOUTHERN IDAHO DISTRICT COUNCIL TO TRAVIS

A parcel of land situate in the SE $\frac{1}{4}$ of Section 1, T. 23 N., R. 1 W., and Government Lot 7, Section 6, T. 23 N., R. 1 E., B.M., Idaho County, Idaho, more particularly described as follows:

Commencing at a brass cap marking the south east corner of Section 1, T. 23 N., R. 1 W., B.M., Idaho County, Idaho; thence, N. 00° 01' 50" W., 195.93 feet to the center line of an existing road, the REAL POINT OF BEGINNING:

Thence, S. 73° 18' 01" W., 37.09 feet along said existing road center line,
Thence, S. 69° 16' 06" W., 69.21 feet along said existing road center line,
Thence, S. 57° 55' 06" W., 175.58 feet along said existing road center line,
Thence, S. 66° 08' 06" W., 43.60 feet along said existing road center line,
Thence, S. 71° 39' 06" W., 49.20 feet along said existing road center line,
Thence, S. 58° 54' 06" W., 66.94 feet along said existing road center line to its intersection with
the south boundary of said Section 1,
Thence, S. 89° 58' 12" W., 2,228.92 feet to a brass cap marking the south 1/4 Corner of said
Section 1,
Thence, N. 00° 15' 51" W., 1,919.22 feet along the west boundary of said SE $\frac{1}{4}$ of Section 1 to a
1/2 inch rebar,
Thence, S. 89° 52' 18" E., 992.39 feet to a 1/2 inch rebar,
Thence, S. 35° 03' 06" E., 183.32 feet to a 1/2 inch rebar,
Thence, S. 16° 26' 27" E., 311.18 feet to a 1/2 inch rebar,
Thence, S. 28° 59' 42" E., 150.85 feet to a 1/2 inch rebar,
Thence, S. 03° 12' 42" E., 98.40 feet to a 1/2 inch rebar,
Thence, S. 38° 13' 36" E., 269.34 feet to a 1/2 inch rebar,
Thence, S. 32° 40' 54" E., 258.51 feet to a 1/2 inch rebar,
Thence, N. 89° 18' 34" E., 412.36 feet to a 1/2 inch rebar,
Thence, S. 79° 30' 44" E., 385.72 feet to a 1/2 inch rebar,
Thence, N. 65° 36' 28" E., 158.84 feet to a 1/2 inch rebar,
Thence, S. 66° 38' 43" E., 134.68 feet to a 1/2 inch rebar on the east boundary of said Section 1,
Thence, S. 00° 01' 50" E., 12.17 feet along said east boundary to a 5/8 inch rebar,
Thence, S. 58° 33' 54" E., 179.23 feet,
Thence, S. 29° 33' 33" W., 6.11 feet to a 5/8 inch rebar,
Thence, 77.66 feet along a curve to the right, whose radius is 76.75 feet, and delta angle is 57°
58' 38",
Thence, S. 38° 33' 46" W., 80.78 feet to a 5/8 inch rebar,
Thence, S. 85° 12' 40" E., 81.91 feet to a 5/8 inch rebar,
Thence, S. 58° 40' 54" E., 45.55 feet to a 5/8 inch rebar,
Thence, N. 39° 38' 35" E., 90.22 feet,
Thence, S. 34° 36' 54" E., 291.58 feet.
Thence, S. 72° 36' 06" W., 183.52 feet,
Thence, S. 76° 36' 06" W., 163.55 feet to the center line of an existing road,
Thence, S. 73° 02' 06" W., 133.77 feet to the Point of Beginning, containing 82.089 acres, more
or less.

MEMORANDUM

TO: File

FROM: Steve Lester 

DATE: August 5, 2003

RE: Claim 78-7010 Ownership Change

Roy and Gail Travis visited the office on July 31, 2003, in response to the IDWR letter dated July 15, 2002. The letter outlined additional information needed to complete an ownership change for them for adjudication claim no. 78-7010.

They live in Riggins and do not get to Boise very often, making it difficult to set an appointment to fully discuss all the details. They provided the attached information during their visit, but it appears more information will be needed.

The right was licensed for 90 acres of irrigation, including 338 afa. The SRBA claim matches the licensed information. The ownership change form includes a note stating that Travis should have 278 afa or about 82% of the right. If this is the case, they can expect 74 acres of irrigation under their split ($278/338 \times 90 = 74$).

The survey plat indicates Travis bought two parcels totaling 82 acres ($80.324 + 1.676$). Almost all of their land is in Section 1; the small piece in Section 6 is not irrigated according to their information. They stated that some of the western portion of their land is not irrigated since it is too steep (see topo). We were unable to mark a definite irrigation boundary on the plat during their visit. Although the plat shows two parcels now owned by Travis, the 2002 tax notice identifies a single parcel of 79.4 acres. Perhaps the county has a current ownership plat available through the Internet. That might shed some light on the situation.

How can we determine the appropriate split in the Travis change of ownership? Should the split list a 74 acre portion of the right for them? If so, can they show irrigation of 74 acres on their property? Should a 74 acre portion of the right be recorded on a lesser number of actual irrigated acres on their land? A number of questions remain in this matter.

If we disregard the 278 afa statement on the ownership change form (if we can do that) and focus on actual irrigated land under their ownership, we can first eliminate 35 acres in the NESE since Travis does not own anything there. That leaves 55 acres from which to carve their split. They probably do not have 15 irrigated acres in the NWSE. They might have 10 irrigated acres in SWSE, but it appears they own slightly less than 30 acres

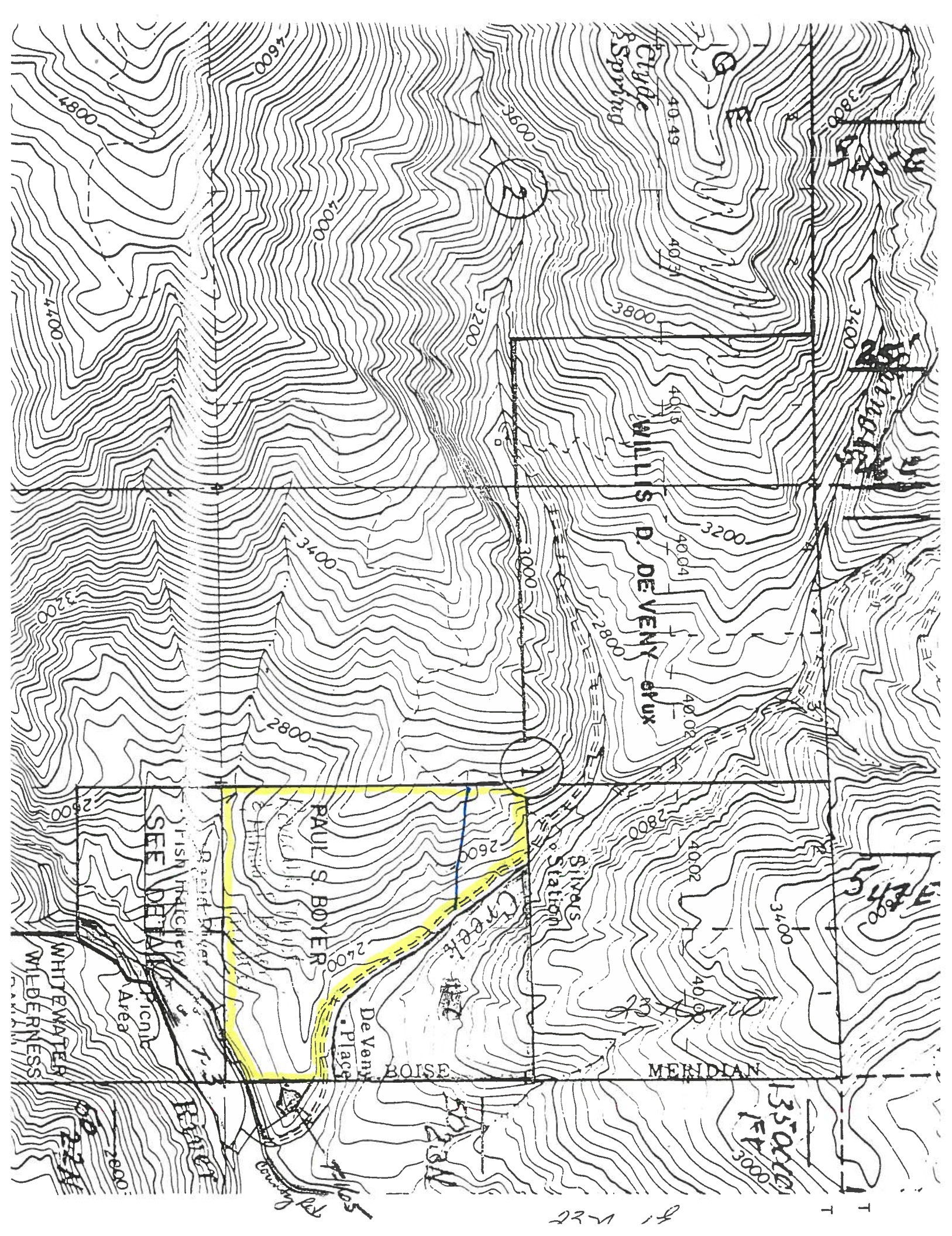
in the SESE. A few acres in Section 6 are not applicable to the split of 78-7010 or to any other recorded right (overlap research indicates nothing for Boyer recorded in SWSW Section 6).

One way to tackle the issue involves field exam information used to issue the license. Unfortunately there does not appear to be a good aerial photo or other document clearly showing how 90 acres of irrigation were identified by the exam. What appears to be a soil typing map/photo might have been used to determine the P/U for the license. The microfiche version of that document is hard to read. Maybe the SO Vault file will be more useful. If that map/photo or something else in the original SO file was used to calculate the number and location of irrigated acres in defining the license, one could prepare an overlay from that product (or maybe from a pre-1987 aerial photo if available in ArcView). The overlay could be matched to an outline of the Travis property to estimate the number of irrigated acres to be shown under the split. This information could be provided to them. Travis could then provide any information to modify the proposed split.

This might be the best way to figure out this puzzle. More complications will be encountered if the ownership change information is adequate to support a 278/338 afa split for them when it is fairly clear they do not own 74 acres of irrigated land.

SUMMARY

1. Travis bought about 82 acres mostly in the SE ¼ of Section 1.
2. It is not clear if they should get a 278/338 portion of the 90 acres of irrigation or a lesser amount based on actual irrigated acres within the P/U of 78-7010 purchased by Travis.
3. The 2002 tax notice is helpful but also leaves some details unanswered.
4. Field exam information is not conclusive unless something not on microfiche but in the original SO Vault file can be found.
5. IDWR should prepare something comparing the current ownership plat with the apparent licensed P/U and use that for a proposed split of 78-7010.
6. The proposed split should be sent to the new owners, leaving them to rebut any tentative conclusions reached by IDWR in this matter.
7. This should resolve the ownership split.



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

478-07010

Date Received

30 June 88

Receipt Number

W 000 427 OKP

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Paul S. Boyer Phone (208) 628-3339
Mailing Address 1025 S. Dancove Dr. West Covina, CA Zip 91791

2. Date of Priority (Only one (1) per claim) June 10, 1969

3. Source of water supply (a) Shingle Creek
which is tributary to (b) Rapid River

4. a. Location of existing point of diversion is: Township 23N Range 1W Section 1,
1/4 of NW 1/4 of NE 1/4, Govt. Lot, B.M., County of Idaho

Additional points of diversion if any: SW NE Sec. 1 T. 23N Rge 1W

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.

Diversion dam to pipeline,
then to gravity flow ditch to distribution box,
to sprinkler system

MICROFILMED

OCT 06 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 10-31 amount 0.8 or 4.0 AS/per acre

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.8 (cfs) and/or (b) 4.0 af per acre (acre feet)

8. Total consumptive use claimed is 180 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	
23N	1W	1													35	15	10	30	90

Total number of acres irrigated 90

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

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 (☒)

14. Remarks:

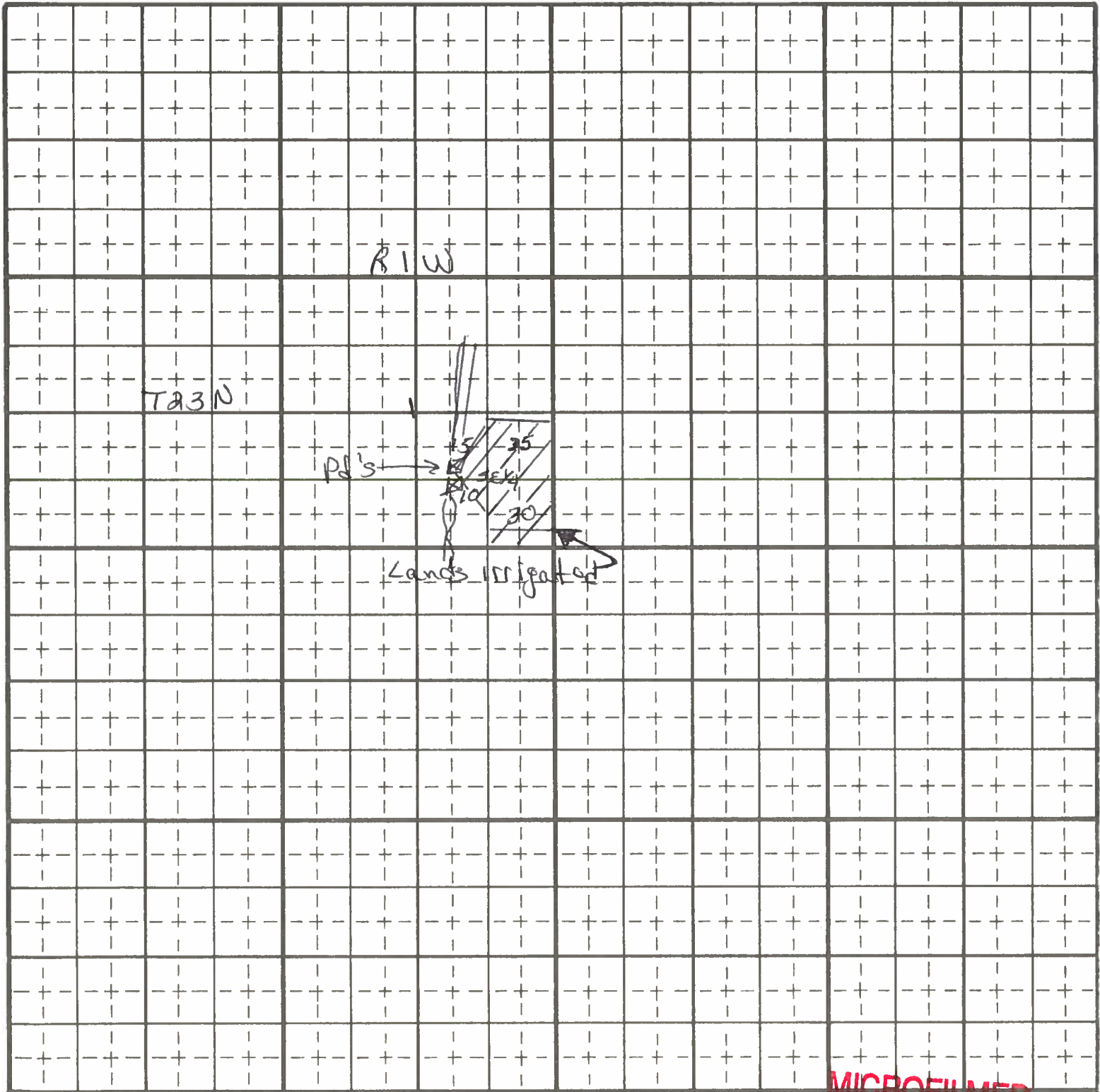
MICROFILMED
OCT 06 1992

Last Name Boyer Ident No. 78-7010

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



MICROFILMED
OCT 06 1992

Last Name Boyer Ident No. 78-7010

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 78-7010
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 _____

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

Signature of Claimant (s) Paul S. Boyer 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 30th day of June 19 88

SEAL

Notary Public Nancy M. Lindgren

Residing at Boise

My Commission Expires 1-19-1994

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 Boyer Ident. Number 78-7010

Copies White-State, Yellow-Claimant



NWSE

NESE

NV

SWSE

SESE

SV

NWNE

NENE

N

