

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: **A63-26435**
Date Received: 3/26/1990
Receipt No: W011718
Received By: _____

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

1. Name: JOHN W GOODYEAR 503-223-2303
Address: 2920 NW MONTE VISTA TERRACE
PORTLAND OR 97210

2. Date of Priority: APR 1, 1885

3. Source: INDIAN CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	03W	36	NE	SW			CANYON

5. Description of diverting works:
DIRECT DIVERSION, CANVAS HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK, 51-100 RANGE CATTLE & HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03W	26	NE	SW		IRR	20.0
			NE	SW		STOCK	

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	20.0
					Total Acres	20.0

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:

ATTACHED ARE (1) POWER OF ATTORNEY FOR JOHN W. GOODYEAR BY CLARA P. STEWART; (2) MAP FOR LOCATING PROPERTY; (3) NOTICE OF WATER RIGHT LOCATION (1902); (4) AFFIDAVIT OF CLARA POWELL (1907); AND (5) AGREEMENT BETWEEN PIONEER IRR. DIST. AND CLARA GOODYEAR (1940).
CHANGE IN OWNERSHIP COMPLETED BY L.R.W.

15. Basis of Claim: BENEFICIAL USE

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: _____

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SEP 14 1992

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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IN RE THE GENERAL ADJUDICATION
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Date Received: 3/26/1990

Receipt No: W011718

Received By: _____

*Rec'd from
SO on 3-26-92*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLARA P STEWART 503-223-2303
Address: 2920 N W MONTE VISTA TERRACE
PORTLAND OR 97210

2. Date of Priority: APR 1, 1885

3. Source: INDIAN CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	03W	36	NE	SW			CANYON

5. Description of diverting works:
DIRECT DIVERSION, CANVAS HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK, 51-100 RANGE CATTLE & HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03W	26	NE	SW		IRR	20.0
			NE	SW		STOCK	

A63-26435

Page 1

Date: 03/25/92

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10. Place of Use: Continued

Section Acres 20.0

Total Acres 20.0

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:

ATTACHED ARE (1) POWER OF ATTORNEY FOR JOHN W. GOODYEAR BY CLARA P. STEWART; (2) MAP FOR LOCATING PROPERTY; (3) NOTICE OF WATER RIGHT LOCATION (1902); (4) AFFIDAVIT OF CLARA POWELL (1907); AND (5) AGREEMENT BETWEEN PIONEER IRR. DIST. AND CLARA GOODYEAR (1940).

15. Basis of Claim: BENEFICIAL USE

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)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

**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 ALB-26435Date Received 3/26/90Receipt Number W011718

RECEIVED
MAR 26 1990

Department of Water Resources
Western Regional Office

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

Please type or print clearly

1. Name of Claimant (s) Clara P. Stewart Phone (503) 223-2303
Mailing Address 2920 N.W. Monte Vista Terrace
Portland, Oregon Zip 97210

2. Date of Priority (Only one (1) per claim) April 1, 1885

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

4. a. Location of existing point of diversion is: Township 4 N Range 3 W Section 36,
1/4 of NE 1/4 of SW 1/4, Govt. Lot, B.M., County of Canyon

Additional points of diversion if any: T 4N, R 3W, Sec. 26, NE 1/4 of SW 1/4, N of Railroad.

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. Direct diversion, canvas headgate

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount .40 or _____

For Stockwater purposes from 1/1 to 12/31 amount .03 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .43 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 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.) Stockwater, 51-100 cattle and horses

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	3W	26									20								20
		26									S								

Total number of acres irrigated 20

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

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:

Attached are (1) power of attorney for John W. Goodyear by Clara P. Stewart; (2) map for locating property; (3) notice of water right location (1902); (4) affidavit of Clara Powell (1907); and (5) agreement between Pioneer Irrigation District and Clara Goodyear (1940).

Last Name STEWART Ident No. 463-26435

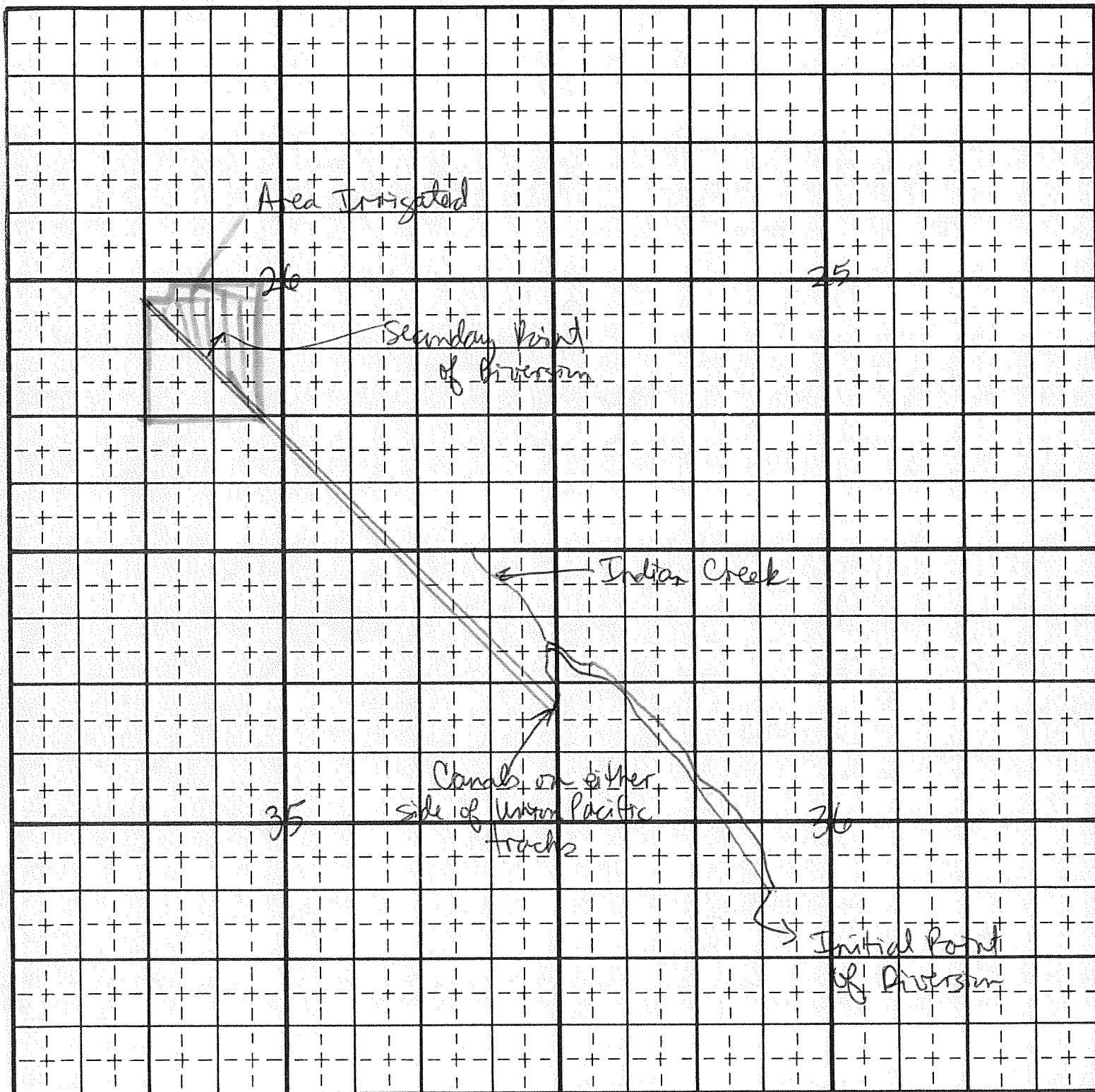
Copies White-State, Yellow-Claimant

SEP 14 1997

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

Scale: 2 inches equals 1 mile

T 4N R 3W



Last Name STEWART

Ident No. 463-26435

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Copies: White-State, Yellow-Claimant
SEP 14 1992

see notice of water right location

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

16. Signature (s)

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

Number of attachments 5

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

Signature of Claimant (s) Clara P. Stewart Date March 21, 1990
by John W. Goodyear, Attorney in fact 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 Oregon)
County of Multnomah) SS.

Subscribed and sworn (or affirmed) before me this 21st day of March 19 90

SEAL

Notary Public Patricia R. Seugel

Residing at Multnomah Co. Oregon

My Commission Expires 7-24-90

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name STEWART Ident. Number A63-26435

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Copies White-State, Yellow-Claimant

SEP 14 1992

TK

KNOW ALL MEN BY THESE PRESENTS, That I, -----CLARA P. STEWART-----

have made, constituted and appointed, and by these presents do hereby make, constitute and appoint
-----JOHN W. GOODYEAR-----

my true and lawful attorney for me and in my name, place and stead, and for my use and benefit to demand, sue for, recover, collect and receive all such sums of money, debts, rents, dues, accounts, legacies, bequests, interests, dividends, annuities and demands whatsoever, as are now or shall hereafter become due, owing, payable or belonging to me, to have, use and take all lawful ways and means in my name or otherwise for the recovery thereof, and to compromise, settle and adjust and to execute and deliver acquittances or other sufficient discharges for any of the same; to bargain, contract for, purchase, receive and take lands, tenements, hereditaments, and accept the seizin and possession thereof and all deeds and other assurances in the law therefor and to lease, let, demise, bargain, sell, remise, release, convey, mortgage and hypothecate lands, tenements and hereditaments, including my right of homestead in any of the same for such price, upon such terms and conditions and with such covenants as my said attorney shall think fit; to sell, transfer and deliver all or any shares of stock owned by me in any corporation for any price and receive payment therefor and to vote any such stock as my proxy; to bargain for, buy, sell, mortgage, hypothecate and in any and every way and manner deal in and with goods, wares and merchandise, choses in action, and other property in possession or in action, and to make, do and transact all and every kind of business of whatsoever nature or kind; for me and in my name and as my act and deed, to sign, seal, execute, acknowledge and deliver all deeds, covenants, indentures, agreements, mortgages, pledges, hypothecations, bills of lading, bills, bonds, notes, evidences of debt, receipts, releases and satisfactions of mortgages, judgments and other debts payable to me and other instruments in writing of whatever kind and nature which my said attorney in his discretion shall deem to be for my best interests; to have access to any safety deposit box which has been rented in my name, or in the name of myself and any other person or persons; to sell, discount, endorse, deliver and/or deposit all checks, drafts, notes and negotiable instruments payable to my order, to withdraw any moneys deposited in my name with any bank and generally to do any business with any bank or banker on my behalf; also

GIVING AND GRANTING unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that my said attorney or my said attorney's substitute or substitutes shall lawfully do or cause to be done by virtue of these presents.

In construing this instrument and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on 2 April, 1987.

Clara P. Stewart

STATE OF OREGON, County of Multnomah) ss.

2 April, 1987.

Personally appeared the within named CLARA P. STEWART

and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

Lawrence Steven Alex

Notary Public for Oregon.

My Commission expires

May 12, 1989

(SEAL)

Power of Attorney

CLARA P. STEWART

TO

JOHN W. GOODYEAR

AFTER RECORDING RETURN TO

*John W. Goodyear
2920 N.W. Monte Vista Ter.
Portland, Oregon 97210*

STATE OF OREGON

Multnomah County

I, a Deputy for the Recorder of Conveyances, in and for said County, do hereby certify that the within instrument of writing was received for record and recorded in the record of said County

1987 APR -3 PM 4:55

RECORDING SECTION
MULTNOMAH CO. OREGON

In Book

BOOK 1992 PAGE 2657

Witness my hand and seal of office affixed.

Recorder of Conveyances

Deputy

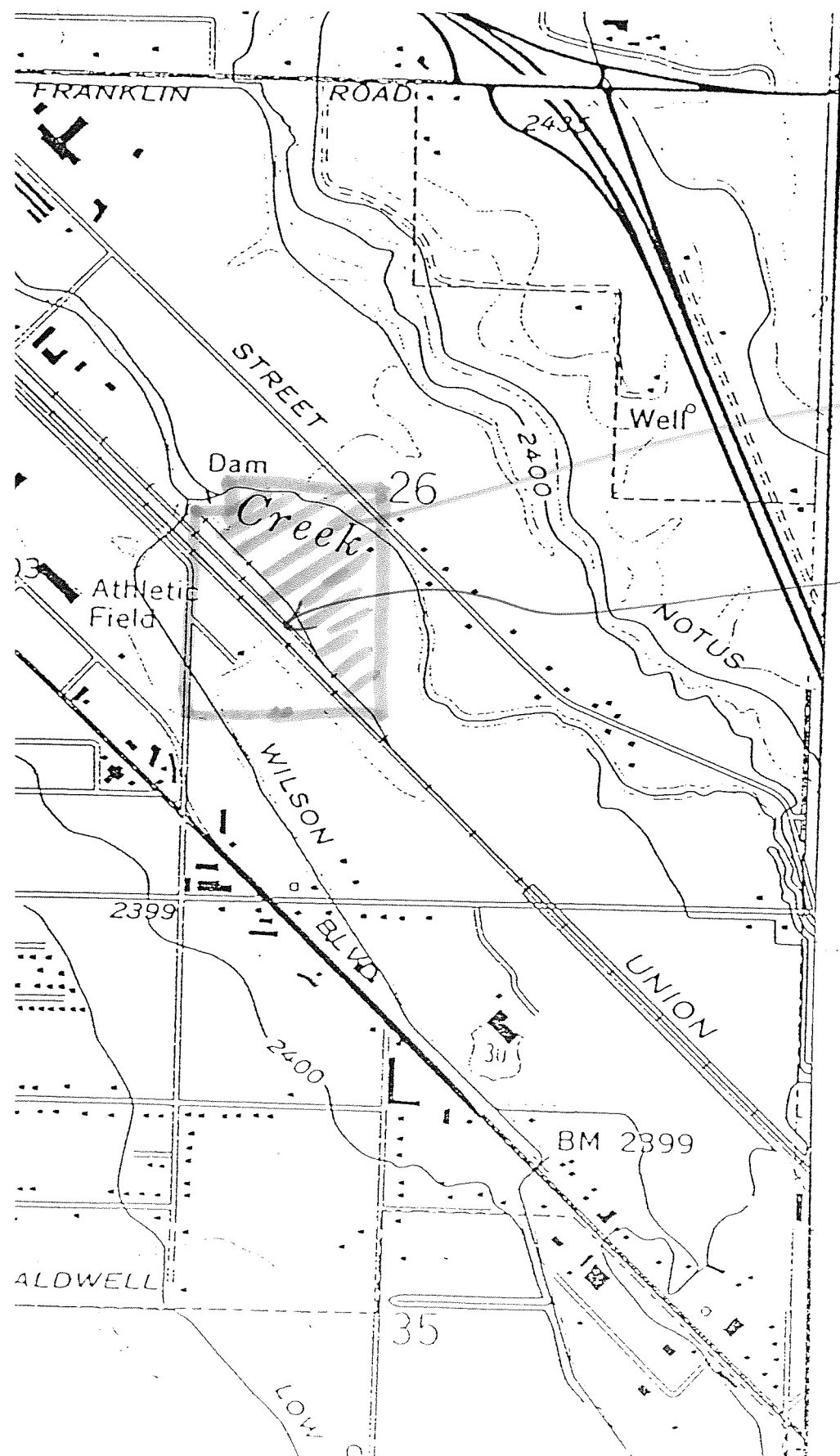
M. Wagner

MICROFILMED

CEP 14 1987

027297

No.



Area
Irrigated

Secondary
Point of Diversion

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SEP 14 1992

NOTICE OF WATER RIGHT LOCATION.

To Whom it May Concern:

Notice is Hereby Given, That

I, John R Ramells
 of Canyon County
 State of Idaho have
 this 10 day of May 1892, appropriated
 and hereby claim the use of the waters of Indian Creek

to the extent of five (5) cubic feet per second,
 in addition to 2.80 inches appropriated by Oliver
 flowing at the point of intended diversion which said point of intended
 diversion is particularly described as follows, to wit: (1)

at the north end of Railroad Cut about one
mile southeast of north west corner of
Sec. 36 T. 3 N. R. 4 W. B. M. in Canyon
County Idaho

That the special purpose or purposes for which said water is claimed
for domestic & irrigation purposes

The place of its intended use is upon SW 4 NE 4, NW 4
SE 4, SE 4 NW 4, NE 4 SW 4 and S 2 of SE 4
Sec. 26 and N 2 of NE 4 Sec. 35 T. 3 N. R. 4 W.
B. M. in Canyon County Idaho

That the general course of the proposed canal or conduit is north west

The length of said proposed canal or conduit is about
two & one half miles
 (2)

That it is intended to complete the works for the diversion and use of
 said water as aforesaid within (3) in now complete

A copy of this notice was duly posted at or near the point of intended
 diversion on the 10 day of May 1892.

Witness my hand at Caldwell,
 County of Canyon, State of Idaho,
 this 10 day of May 1892.

John R Ramells

Appropriator.....and

Claimant...

(1). Give legal subdivision when known, if not known describe with reference to some prominent landmark.

(2). If appropriation is for irrigating purposes, give a general description of the land proposed to be irrigated by such canal or conduit.

(3). The time necessary for completion of the work shall in no case exceed five years.

NOTE--A copy of this Notice must within 15 days after posting, be filed for record in the office of the Recorder of the County in which it is posted and a duplicate copy in the office of the State Engineer in Boise City. (Said copies may be filed by mail.)

MICROFILMED

SEP 14 1992

State of Idaho,
County of Canyon ss.

John R. Rasmussen
being first duly sworn, depose and say that he is of
lawful age and the appropriator and
and claimant of the Water Right described in the within and foregoing notice and
whose name he subscribed thereto. That the statements in said notice
are true, and that the original notice, of which the foregoing is a true copy, was
posted in a conspicuous place at or near the point of intended diversion
at 11 o'clock P. M., the 12 day of May, 1907

Subscribed and sworn to before me this 12
day of May, 1907

Seawallace
Notary Public

NOTE—Where there are several claimants, the above name and signature
to be one of them.

NOTICE OF WATER RIGHT LOCATION

County

STATE OF IDAHO.

Name of Stream

John R. Rasmussen
Claimant

Dated May, 1907

County of Canyon, ss.

I hereby certify that this instrument was filed
for record at the request of

John R. Rasmussen
at 11 o'clock P. M., this 12

day of May, 1907, in my

office, and duly recorded in Book 1 of

Water Rights, at page 476

Edgar M. Reed
Ex-officio Recorder

By Edgar M. Reed Deputy

Fees, \$ 1

State of Idaho)
) ss
County of Canyon)

Clara Powell, being duly sworn, deposes and says that she is administratrix of Perry N. Powell deceased, who purchased of John R. Rannells his right, title, interest and claim in and to the water location made May 10, 1902, by the said John R. Rannells, and recorded in Canyon County, State of Idaho, on the 12th day of May, 1902, in Book 1 of Water Rights at page 476: said purchase being evidenced by a warranty deed dated October 24, 1902, and recorded as instrument No. 1793, December 7, 1903, in book of Deeds No. 29 page 508:

Said notice of water right location says that the said John R. Rannells appropriated and thereby claims- "the use of the waters of Indian Creek to the extent of five (5) cubic feet per second in addition to the 200 inches appropriated by F. L. Omstead flowing at the point of intended diversion which said point of diversion is particularly described as follows, to wit: (1) At the north end of Rail Road cut about one mile southeast of north west corner of Sec. 36 Tp. 3 N R 4 W B M in Canyon County Idaho":

"That the special purpose or purposes for which said water is claimed for domestic and irrigation purposes"

Also that - "The place of its intended use is upon SW 1/4 NE 1/4, NW 1/4 SE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4 and S 1/2 of SE 1/4 Sec. 26 and N 1/2 of NE 1/4 of Sec 35 Tp. 3 N R 4 W B M in Canyon County Idaho"

"That the general course of the proposed canal or conduit is northwest",

"The length of said proposed canal or conduit is about two and a half miles"

"That it is intended to complete the works for the diversion and use of the said water as aforesaid within (3) is now completed":

Affiant declares that the said locator of said water right made an error in the description of the tract to which the said "water right" was to be applied, also the description of the point of diversion of said water from the "Indian Creek", and that the description in each case aforesaid should have read, Township 4 north, Range 3 west of Boise Meridian instead of Township 3 north of Range 4 west of Boise Meridian as given in said location.

That it is impossible that said locator could have intended to water the land as described in said location, but that he intended to locate said point of diversion and water to be used on the land described as above except that it is located in Township 4 north, Range 3 west of Boise Meridian.

For the reason:-

First, that the land in the township described by said location is situated near the east bank of the Snake River and is situated about ten or twelve miles from the point of actual diversion, and;

Second, that said locator had no right, title, interest or claim to any lands so described, or to lands near the lands so described upon which he could have used said water "for domestic and irrigating purposes."

Third, that there was no "Indian Creek" or any other creek at the point of diversion actually described in said location notice.

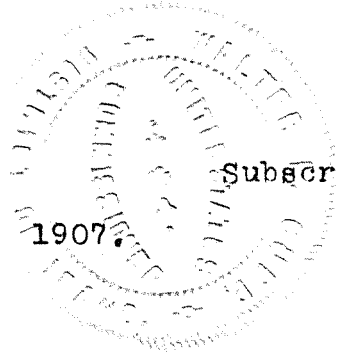
Fourth, that there is no railroad or railroad cut nor was there upon the date of said location of said water at or near the land actually described in said location.

Fifth, that said appropriation of "five cubic feet per second" as represented in said notice as "in addition to" and homologous with "the 200 inches appropriated by F.M.Olmstead" and whereas "the 200 inches appropriated by F.M.Olmstead" was used upon the SW 1/4 NE 1/4, NW 1/4 NE 1/4, SE 1/4 NW 1/4 and NE 1/4 SW 1/4 of Sec. 26, Township 4 north, Range 3 west of Boise Meridian, therefore the description of lands and locations by the said locator must have been homologous, near, adjoining, contiguous, or in the vicinity of the said "appropriation by F.M.Olmstead,"

Sixth, that by interchanging the township and range numbers as given in said notice ~~with~~ ^{we have} the description of the actual point

of diversion of said water from said "Indian Creek" as given and also the actual description and location of the land actually entered and claimed by said locator upon which he filed his intention to use said water for the reclamation of same as desert lands;

Affiant further declares that she knows of her own knowledge that it was the intention of the said John R. Rannells to locate said water, point of diversion, and description of the land upon which same was to be used in the said Township 4 north of Range 3 west of Boise Meridian instead of Township 3 north of Range 4 west of Boise Meridian.



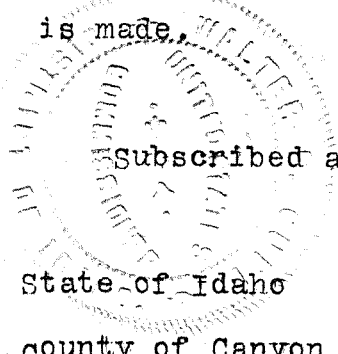
Clara Powell (Seal)
Administratrix

Subscribed and sworn to before me this 1st day of March

Walter R. Ruff (Seal)
U. S. Commissioner.

State of Idaho)
County of Canyon) ss

I David P. Dodd of Caldwell Idaho being duly sworn depose and say that I have read the within affidavit of Clara Powell and know of my own knowledge that the statements therein made are true, and that he makes this affidavit at the request of Clara Powell and that he is not interested in any way or manner directly or indirectly, present or prospective, in the title in support of which this affidavit is made.



David P. Dodd
Subscribed and sworn to before me this 18 day of March 1907.
Walter R. Ruff
U. S. Commissioner.

State of Idaho)
county of Canyon) ss

I Samuel H. Vassar of Caldwell Idaho being duly sworn depose and say that I have read the within affidavit of Clara Powell and know of my own knowledge that the statements therein made are true, and that he makes this affidavit at the request of Clara Powell and that he is not interested in any way or manner directly or indirectly, present or prospective, in the title in support of which this affidavit is made.



Samuel H. Vassar
Subscribed and sworn to before me this 18 day of March 1907.
Walter R. Ruff (Seal)

Affidavit.

Clara Powell.

✓

quest of *M. R. Enfield*

at *50* minutes past *2*

o'clock *P.M.*, this *29th*

of *March* *1907* in the

office, and duly recorded in book

2 *Miss Page* *331*

O. H. Badley

Ex-officio Recorder.

By *Ellen V. Hornum*

Deputy.

Fees \$ *2* *20*

Mrs. Goodyear

AGREEMENT

THIS AGREEMENT, Made this _____ day of July, 1940, between PIONEER IRRIGATION DISTRICT, of Canyon County, Idaho, as first party, and CLARA GOODYEAR, of Caldwell, Idaho, as second party,

WITNESSETH, That WHEREAS second party is the owner of a part of

Northeast Quarter of Southwest Quarter of Section Twenty-six (26) in Township Four (4) North of Range Three (3) West of the Boise Meridian in Canyon County, Idaho,

for twenty-nine acres of which she has a water right by means of water diverted from Indian Creek by means of a dam located east of Union Pacific Railroad right-of-way in Northeast Quarter of Southwest Quarter of Section Thirty-six (36) in said Township and Range, which water was and is conveyed to second party's said land by means of a ditch running from said dam in a north-westerly direction through said Northeast Quarter of Southwest Quarter and crossing through Southeast Quarter of Northwest Quarter and Southwest Quarter of Northwest Quarter of said Section 36 to a point on or near the south line of Northwest Quarter of Northwest Quarter (during all of said distance said ditch follows along the west side of Indian Creek); running thence west on or near said south line of said Northwest Quarter of Northwest Quarter to a point just north of the southwest corner thereof; running thence north on or along said west line of Northwest Quarter of Northwest Quarter to a point about one hundred and fifty feet south of the Northwest Quarter corner of said Northwest

Quarter of Northwest Quarter; running thence west about one hundred and fifty feet; thence north about one hundred fifty feet to the north line of Northeast Quarter of Northeast Quarter of Section 35 in said Township and Range; running thence west along said north line about five or six hundred feet to the point where said ditch turns north into Southeast Quarter of Southeast Quarter of Section 26 of said Township and Range, said point being the end of the portion of said ditch which is owned and operated by said District, and

WHEREAS, About twenty years ago said second party made an agreement with said first party under which first party was given the right to the use of said ditch above described for the purpose of conveying to certain lands in said district a part of the water right then owned by second party and also such other water as had been or might be acquired by said district, under which agreement and as a consideration therefor to second party the first party agreed to transport to second party, without expense to her, through said ditch to said point on the south line of said Southeast Quarter of Southeast Quarter of Section 26 (where said District's ditch ends) the water to which second party may be entitled for the irrigation of her said twenty-nine acres in said Northeast Quarter of Southwest Quarter of Section 26, it being understood that second party has a sufficient water right for her said twenty-nine acres.

NOW THEREFORE, In consideration of the mutual agreements of the parties hereto and for the purpose of preserving in writing the said agreement between the parties hereto, hereinbefore set out,

the parties hereto hereby agree to carry out and perform said agreement in all respects according to the terms and conditions hereinbefore set forth in all respects to the same effect as though said agreement had been entered into in writing at the time it was actually made; that the agreement and arrangement covered by this agreement shall be a permanent, and not merely a temporary agreement and arrangement, but in case said first party shall at any time abandon the use of said ditch then all rights of said second party shall be and remain the same as though this agreement had not been made; and that second party shall not be liable for any damage or liability which may accrue from, or by reason of, first party's operation of its section of said ditch, unless such damage be caused by the act of second party, her successors, assigns, agents or employees.

IN WITNESS WHEREOF, Said first party has caused these presents to be executed by its President and Secretary, and second party has hereunto set her hand and seal, the day and year in this agreement first above written.

PIONEER IRRIGATION DISTRICT

By J. Q. Baum
Its President

ATTEST:

Fred L. Evans
Secretary.

Clara Goodyear
CLARA GOODYEAR
Second Party

(SEAL)

In.-Direct	all	259943
In.-Reverse	all	
Bl. & P. D.	OK	
Bl. & P. R.	OK	
Assigned		
Released		

Dee Anderson
Notary

Chas. Goodyear

Agreement

STATE OF IDAHO)
County of Canyon } ss.

I hereby certify that this instrument
was filed for record at the request of

Mrs. Clara Goodyear

April 8, 1941

at *11* minutes past *1* o'clock *P*. M.

in my office, and duly recorded in book

15 of *B. V. R.*

at page *265*

Clara Anderson
Ex. Officio Recorder

By *[Signature]* Deputy
Fee \$ *1.40*

Box 524, Caldwell

ADJUDICATION CLAIM REVIEW CHECKLIST

4-3-91
CLAIMANT'S NAME Stewart, Clara P. CLAIM IDENT. NO. AL63-26435

DATE RECEIVED 3-26-90 RECEIPT # W011718 AMOUNT \$ 207.⁰⁰

	YES	NO	Required 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?	☒	☐	
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, see Adjudication Memo # 4	☒	☐	*
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? (See Item No.'s 16 & 17 for checking other water rights)	☒	☐	
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 basis of claim is shown as license, permit, or decree is the existing water rt. no. listed? N/A	☒	☐	*
(Compare claim with the existing water rt. and either attach a proof report or state in comments that the existing right was compared to the claim)			
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. or name on the claim? N/A	☐	☒	?
(If yes, describe the right in "Comments" and attach a proof report) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.			
18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A	☒	☐	
19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time, or was an extension granted?	☒	☐	*
22. Is the fee enclosed correct? Exempt	☒	☐	*

MICROFILMED

23. Should this claim be data entered? ☒ Yes ☐ No

Claim reviewed by: af Date 3-13-92

Claim data entered by: J. Schultz Date 3/25/92

Claim is being returned to claimant: ☐ (Yes) ☒ (No)

Claimant is being notified of modifications: ☐ (Yes) ☒ (No)

Comments:

08/15/2006

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

RIGHT NUMBER: 63-26435

NAME AND ADDRESS: JOHN W GOODYEAR
2920 NW MONTE VISTA TERR
PORTLAND OR 97210

SOURCE: INDIAN CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.360 CFS
81.000 AFY

PRIORITY DATE: 03/01/1940

POINT OF DIVERSION:

T04N R03W S36 NESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/01 11/15

QUANTITY
0.360 CFS
81.00 AFY

PLACE OF USE: IRRIGATION Within CANYON County
T04N R03W S26 NESW 18.00

18 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Property is also known as Creekside Subdivision.

Idaho Department of Water Resources



**T04N, R03W,
SEC 26 & 36**

Claim No: 63-26435

Prepared By: Kimberly Brown

Date: August 15, 2006



Place of Use



Section Lines

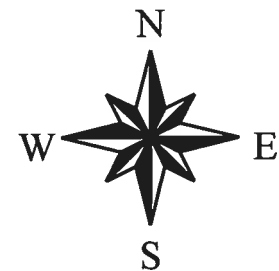


1/4 1/4



Point of Diversion

Irrigated Acres = 18



0 0.06 Miles



1987 NAPP

Oct 12, 2006

To whom it may concern,

63-26434

63-26435

Dear Sirs,

COPY

In reply to your communication dated 10/6/06 re: Water User of Basin 63 Part 3, please note that John P. Goodenow died 8/11/99, and that the property was sold in its entirety. The closing date of sale was Oct. 1, 1999.

Sincerely yours,
Mrs. John W. Goodenow
2920 N.W. Monte Vista Ter.
Portland, OR 97210
Tel. 503-223-2303

RECEIVED

OCT 19 2006

WATER RESOURCES
WESTERN REGION

09/29/2006

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-26434

JOHN W GOODYEAR
2920 NW MONTE VISTA TERR
PORTLAND OR 97210
Telephone Number: (503)223-2303

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

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

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

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

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

09/29/2006

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

RIGHT NUMBER: 63-26434

NAME AND ADDRESS: JOHN W GOODYEAR
2920 NW MONTE VISTA TERR
PORTLAND OR 97210

SOURCE: INDIAN CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.120 CFS
27.00 AFY

PRIORITY DATE: 03/01/1940

POINT OF DIVERSION:
T04N R03W S36 NESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.120 CFS
27.00 AFY

PLACE OF USE: IRRIGATION Within CANYON County

T04N R03W S26 NESW 6.00

6 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 - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-26435

Conditions of Approval:

1. ATTACHED ARE (1) POWER OF ATTORNEY FOR JOHN W. GOODYEAR BY CLARA P. STEWART; (2) MAP FOR LOCATING PROPERTY; (3) NOTICE OF WATER RIGHT LOCATION (1902); (4) AFFIDAVIT OF CLARA POWELL (1907); AND (5) AGREEMENT BETWEEN PIONEER IRR. DIST. AND CLARA GOODYEAR (1940).
CHANGE IN OWNERSHIP COMPLETED BY L.R.W. ON 4/17/92.

Remarks:

Comments:

Water Supply Bank:

(in-office review)

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$ 73.⁰⁰
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) A63 - 26435Owner: John W. Goodyear Phone No. _____Current Address: 2920 NW Monte Vista Terr., Portland, OR
97210

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER Creekside MHC LLC
- ☐ No change Address
- ☒ NEW ADDRESS 228 E. Plaza, Suite G, Eagle
- ☐ How long owned property? _____

Accompanied by: in-office verification**PRIORITY DATE**

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☒ Priority date is acceptable/within mandatory filing dates? * Mrs. John W. Goodyear returned the original letter requesting evidence with "deceased Aug. 1997" written next to Mr. Goodyear's name (see file).

Priority date, per claimant, is: 04/01/1885

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

The Notice of Water Right location, dated 1902, applies to T03N, 204W and, therefore, is not applicable. However, the Agreement between Pioneer Irr. Dist. and Clara Goodyear, dated 1940, applies to the

Source: _____ Tributary to _____
☒ No Change – SAME SOURCE
☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change (OVER)
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

to the
 NESW,
 T04N,
 R03W
 and is,
 therefore,
 applicable
 to this
 right.

Recommend¹: 03/01/40
 beginning irr. season

The field Report states that the POB is located in the NE SW, Sec. 26, however, the Agreement between Pioneer Irr. Dist. and Clara Goodyear states the POB is located in Sec. 26. After speaking with my supervisor, Jan Shute, regarding this matter she feels that the POB in S. 26 is where the Subdivision gets their Pioneer Irr Dist. water from.

DIVERSION AND DELIVERY SYSTEM Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

See Field Report.

OVERLAP REVIEW

Other water rights with the same point of diversion: 63-26435

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

share same POB

WATER USES

Remove Stock water use - see Field Report

☐ No change

☐ Different Uses

Use Irrigation From 3/01 To Amount 0.36 CFS 81.0 AFA 0.02 cfs/ft
 Use From To Amount CFS AFA 0.36 cfs
 Use From To Amount CFS AFA

18.0 acres x af/acre = 81.0 af/annum (v) 0.36 cfs x 1.9835 x 260 days = 185.7 af/annum

TOTAL VOLUME - Groundwater only

- ☒ Incomplete on claim, the total is, Amount 81.0 CFS 81.0 AFA
- ☒ Changes found, the new total is, Amount 0.36 CFS AFA
- ☐ More than 1" per Acre? Yes (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☐ No change

☐ Changes Exam found: Domestic # of homes Stock #

Types Additional comments:

PLACE OF USE:

☐ No Change

☒ Changes shown below:

ADD 501 - Also known as Reelside Subdivision (Mobile Home Park)
 Parcel No: subdivided into many parcels

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											18.0								18.0

Overlap with other water rights: 63-26434

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

no overlap - separate POW

Delivery System Narrative: See Field Report.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
 - ☒ Photographs of POD's and POU
 - ☒ GPS readings
 - ☒ Completed map and or GIS layout showing POD's and POU
- > Field Ex

> Field Exam - 7/27/06

DATE EXAM CONDUCTED: 8.15.06 (in-office review)

DATE EXAM CONDUCTED: 01-12-2022 88
FIELD EXAMINER: Kimberly Brown

April 7, 1975

OPERATIONS DIVISION
ADMINISTRATOR'S MEMORANDUM

TO: District Office
FROM: A. Kenneth Dunn
SUBJECT: Annual Use of Water for Stockwater Purposes

No. of Stock (head)	RANGE CATTLE		DAIRY CATTLE	
	Rate* c.f.s. (1)	Volume AF/yr. (1)	Rate* c.f.s. (2)	Volume AF/yr. (2)
0 - 10	0.02	0.2	0.02	0.4
11 - 25	0.02	0.4	0.02	1.0
26 - 50	0.02	0.7	0.04	2.0
51 - 100	0.03	1.4	0.07	4.0
101 - 200	0.05	2.7	0.13	7.9
201 - 300	0.07	4.1	0.20	12.0
301 - 400	0.09	5.4	0.26	16.0
401 - 500	0.12	6.7	0.33	20.0
501 - 600	0.14	8.1	0.39	24.0
601 - 700	0.16	9.4	0.46	28.0
701 - 800	0.19	11.0	0.52	32.0
801 - 900	0.20	12.0	0.58	36.0
901 - 1000	0.23	14.0	0.65	40.0
1001 - up (3)				

(1) The amounts shown are based on 12 gpd/head with a 12 month period of use. (i.e. for range cattle, horses and mules). The amount does not include a loss (i.e. thru conveyance, etc.)

2. The amounts shown are based on 35 gpd/head with a 12 month period of use. (i.e. for dairy cattle). The amount does not include a loss. (i.e. thru conveyance, etc.).

3. For annual use calculations which involve more than 1000 head, round the number of head up to the next even one hundred, and

Volume

a) for livestock use @ 12 gpd/hd, N (0.0134).

b) for dairy use @ 35 gpd/hd, N (0.0391).

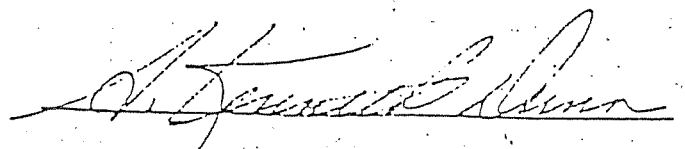
Rate

a) for livestock use @ 12 gpd/hd, N (0.00022).

b) for dairy use @ 35 gpd/hd, N (0.00065).

The answer should be rounded up to the nearest whole acre-foot.

*The rate is based upon approx. 2 hr/day diversion to obtain daily requirement.

12,500 gpd
12 gal/day/animal


REAL PROPERTY INQUIRY

+++++

01 7R35333-000- -0 001-00 SCH132+ 01 17,700 23.00

+++++ 22 18,000 1.00

GOODYEAR, JOHN W

+

+

+

+

+

6920 NW MONTE VISTA TER

+

PORTLAND OR 97210

+

+++++

26-4N-3W SW + TOTAL 35,700 24.00

TX 8 IN NESW LESS TX 8-A &

+++++

LESS R/R

+ SURVEY INST 9201845

+ DRAIN DR VALUE APPR JRC

+ CLASS REAP 95 MAN UNIT 0

E CHICAGO ST, CA

+ PARCEL 7RC00000264915 H/O N C/B N

+ PRIOR ACCOUNT 6R35333-000- -0

+ 02 MH on Property NO

MODE:F ACTION:

TRAITS INQUIRY

TRQK318

ACCOUNT NUMBER R35333000 0 UNIT 001 TOTAL UNITS

SITE E CHICAGO ST CA SEC/TWN/RNG 26-4N-3W

ASSESSED VALUE 0 ACREAGE 14.31

SUB/PARK NAME YEAR/MAKE

CLASS NO BUILDING CLASS SPACE LOT BLOCK

+++++

YR BUILT 0 AIR COND AIR - NONE CARPORT N

STORY NO BLDG HEATING CARPORT SQ FT

FIRST SQ FT 0 EXTERIOR UNKNOWN DECK/PATIO? N

SECOND SQ FT ROOF UNKNOWN POOL? N

BEDS 0 BSMT SQ FT SPA? N

BATHS .00 % BSMT FIN LOT SIZE

FRPLC 0 GARAGE N NEIGHBORHOOD 0

GARAGE SQ FT

+++++

COMMENTS

MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO

MODE:F ACTION:

COMPANION SHEET INQUIRY

TRQK361

01 ACCOUNT: 6R35333-000- -0 AREA 001-12 DRAIN VALUE CLASS H/O N

SEC 26 TWN 4N RNG 3W QTR SW CITY/SUB C BLK LOT 4914

OWNERSHIP MUST BE 'C' FOR CURRENT OR 'P' FOR PREVIOUS

OWNERSHIP C

OWNERSHIP P

CITY OF CALDWELL

ELORDI, ANTHONY V

& ELORDI, TERESA A H/W

& RINEARSON, TERRY

MAILING ADDRESS

LEGALS

PO BOX 1177

26-4N-3W SW

CALDWELL ID 83606

TX 92,02690 & N 25' OF W 264.92'

SITE ADDRESS

OF TX 13 NE OF WILSON CR DR SESW

E CHICAGO ST CA

& TX 8 NESW ALL SW OF GRIFFITHS

COMMENTS

PARK DR

REMARKS

PRIOR ACCOUNT 5R35333000 0

SP2.9 TO R35366(200302223)NEEDS TO

PARCEL C00000264914 SRVY

LS OT TX 11A(SP4.59AC TO RD(20025-

INSTR 9726242 ACRES 14.31

2844)R35339010-COMBINED WITH THIS

SPLIT YR 1998 DOCUMENT DD

(200253383)

SP8.23AC & 7.40AC TO 35333-11 & 12

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-26435

03/24/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2114	Claim	04N	03W	26	NE	SW		IRRIGATION	35/1000	PIONEER IRRIGATION DISTRICT
21481	Claim	04N	03W	26	NE	SW		IRRIGATION	2/2	ERNEST L WILSON
26434	Claim	04N	03W	26	NE	SW		IRRIGATION	6/6	JOHN W GOODYEAR
~~26435~~	~~Claim~~	~~04N~~	~~03W~~	~~26~~	~~NE~~	~~SW~~		~~IRRIGATION~~	~~20/20~~	~~JOHN W GOODYEAR~~
2114	Water Right	04N	03W	26	NE	SW		IRRIGATION	35/1000	PIONEER IRRIGATION DISTRICT
26434	Claim	04N	03W	26	NE	SW		STOCKWATER		JOHN W GOODYEAR
~~26435~~	~~Claim~~	~~04N~~	~~03W~~	~~26~~	~~NE~~	~~SW~~		~~STOCKWATER~~		~~JOHN W GOODYEAR~~
20198	Water Right	04N	03W	26	NE	SW		STOCKWATER		AVONA RUSSI
26436	Water Right	04N	03W	26	NE	SW		STOCKWATER		CITY OF CALDWELL
20198	Water Right	04N	03W	26	NE	SW		DOMESTIC		AVONA RUSSI
21483	Water Right	04N	03W	26	NE	SW		DOMESTIC		ERNEST L WILSON
26438	Water Right	04N	03W	26	NE	SW		DOMESTIC		CITY OF CALDWELL

- no supplemental surface
water used from Pioneer,
according to the Field Exam.

- no overlap w/ #63-26434 -
separate POU's

overlap review-

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-26438

WATER RIGHT NUMBER: 63-26438

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	JOHN W GOODYEAR 2920 NW MONTE VISTA TERR PORTLAND, OR 97210 (503)223-2303
Current Owner	CITY OF CALDWELL 621 CLEVELAND BLVD CALDWELL, ID 83605 (208)455-3006
Original Owner	CLARA P STEWART 2920 NW MONTE VISTA TERR PORTLAND, OR 97210 (503)223-2303

Priority Date: 04/01/1885

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER

SW1/4NE1/4SW1/4

Sec. 26, Twp 04N, Rge 03W, B.M.

CANYON County

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	26																	X

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. STOCKWATER, 26-50 RANGE CATTLE.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-26438

3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

Comments:

1. WERNER 4/20/1992 CHANGE IN OWNERSHIP

Comment: CHANGE COMPLETED ON 4/17/92. COPY OF REQUEST SENT TO SO. CONTRACTOR VERIFICATION REQUIRED.

2. CORR4 9/16/1997 COPIED FROM REMARKS

Comment: #5. (CON'T) PIPE TO HOUSE; WELL ENLARGED TO PRESENT SIZE IN 1930.

3. KWATERS 9/14/1998 OWNERSHIP

Comment: ACCORDING TO COUNTY ASSESSOR, JOHN GOODYEAR NO LONGER OWNS THIS PROPERTY. ITS NOW SPLIT AND OWNED BY CITY OF CALDWELL AND GEM STAR PROPERTIES. RECOMMENDED AS IS PER J. SHURTE.

4. AJU10-DS 6/22/2000 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Water Supply Bank:

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-26436

WATER RIGHT NUMBER: 63-26436

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	JOHN W GOODYEAR 2920 NW MONTE VISTA TERR PORTLAND, OR 97210 (503)223-2303
Original Owner	CLARA P STEWART 2920 NW MONTE VISTA TERR PORTLAND, OR 97210 (503)223-2303
Current Owner	CITY OF CALDWELL 621 CLEVELAND BLVD CALDWELL, ID 83605 (208)455-3006

Priority Date: 04/01/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WILSON DRAIN	INDIAN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.030 CFS	

Location of Point(s) of Diversion

WILSON DRAIN	SW 1/4 NE 1/4 SW 1/4	Sec. 26, Twp 04N, Rge 03W, B.M.
CANYON County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	26																	X

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. STOCKWATER, 26-50 RANGE CATTLE & HORSES
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-26436

4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

Comments:

1. WERNER 4/20/1992 CHANGE IN OWNERSHIP

Comment: CHANGE COMPLETED ON 4/17/92. COPY OF REQUEST SENT TO SO. CONTRACTOR VERIFICATION REQUIRED.

2. KWATERS 9/14/1998 OWNERSHIP

Comment: ACCORDING TO COUNTY ASSESSOR, JOHN GOODYEAR NO LONGER OWNS THIS PROPERTY. IT HAS BEEN SPLIT AND IS NOW OWNED BY THE CITY OF CALDWELL AND GEM STAR PROPERTIES. RECOMMENDED AS IS PER J.SHURTE.

3. AJU10-DS 6/22/2000 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-20198

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. STOCKWATER, 20 RANGE CATTLE PARCEL NO. 3R 35328
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

Comments:

Water Supply Bank:

overlap review

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-21483

WATER RIGHT NUMBER: 63-21483

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ERNEST L WILSON 2615 E CHICAGO CALDWELL, ID 83605 (208)459-1222
Current Owner	MARYETTA WILSON 2615 E CHICAGO CALDWELL, ID 83605 (208)459-1222

Priority Date: 10/16/1949

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.030 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4	Sec. 26, Twp 04N, Rge 03W, B.M.
CANYON County		

Place of Use

DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
04N 03W 26	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
		X			

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. PARCEL NO. 4R353260000 STOCKWATER, 4 HORSES PROPERTY ALSO KNOWN AS 2615 E CHICAGO.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-21483

Remarks:

Comments:

1. DUNN1 8/27/1993 COPIED FROM REMARKS
Comment: SEE A63-21481 FOR MAP.
2. SSHERMAN 2/11/1999 ADDRESS CHANGE
Comment: ROUTE AND BOX TO GRID.

Water Supply Bank:

Receipt Details for ID W011718

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/26/1990 1:36:18 PM	3/26/1990	Western	\$207.00	Check
Payer		MILLER, NASH, WIENER		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
108347			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$207.00	ADJUDICATION CLAIM FEE	410162	9337	0	0	6490

Refund(s):

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

** Paid Amounts incorrectly applied to each claim:*

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	26434		\$25.00	Claim
63	26435		\$25.00	Claim
63	26436		\$25.00	Claim
63	26437		\$59.00	Claim
63	26438		\$73.00	Claim

should be \$56.00
should be \$70.00
ST - decreed \$25.00
D#S - decreed \$25.00
D#S - decreed \$25.00

*Pd. \$207.00
 (over pd.)*

(V.)

\$201.00

Print Report

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: **R63-26435**
Date Received: 3/26/1990
Receipt No: W011718
Received By: _____

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

1. Name: JOHN W GOODYEAR 503-223-2303
Address: 2920 NW MONTE VISTA TERRACE
PORTLAND OR 97210

2. Date of Priority: APR 1, 1885

3. Source: INDIAN CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	03W	36	NE	SW			CANYON

5. Description of diverting works:
DIRECT DIVERSION, CANVAS HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK, 51-100 RANGE CATTLE & HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03W	26	NE	SW		STOCK	
			NE	SW		IRR	20.0

10. Place of Use: Continued

Section Acres 20.0

Total Acres 20.0

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: BENEFICIAL USE

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 _____

MILLER, NASH, WIENER, HAGER & CARLSEN
ATTORNEYS AND COUNSELORS AT LAW
3500 U.S. BANCORP TOWER
III S. W. FIFTH AVENUE
PORTLAND, OREGON 97204-3699
TELEPHONE (503) 224-5858
TELEX 364462 KINGMAR PTL
FACSIMILE (503) 224-0155

SEATTLE OFFICE
6500 COLUMBIA CENTER
701 FIFTH AVENUE
SEATTLE, WASHINGTON 98104-7075
TELEPHONE (206) 622-8484
FACSIMILE (206) 622-7485

CLARK M. MERKLEY

March 22, 1990

CERTIFIED MAIL
RETURN-RECEIPT REQUESTED

Idaho Department of Water
Resources
2735 Airport Way
Boise, Idaho 83705

RECEIVED
MAR 23 1990

Department of Water Resources
Western Regional Office

Subject: Filing of Notices of Claim to Water Rights
for Property Owned by Clara P. Stewart

To Whom It May Concern:

Enclosed is a check in the amount of \$207 to cover
filing fees for five separate notices of claim to water
rights. Each claim and its appropriate fee is listed below:

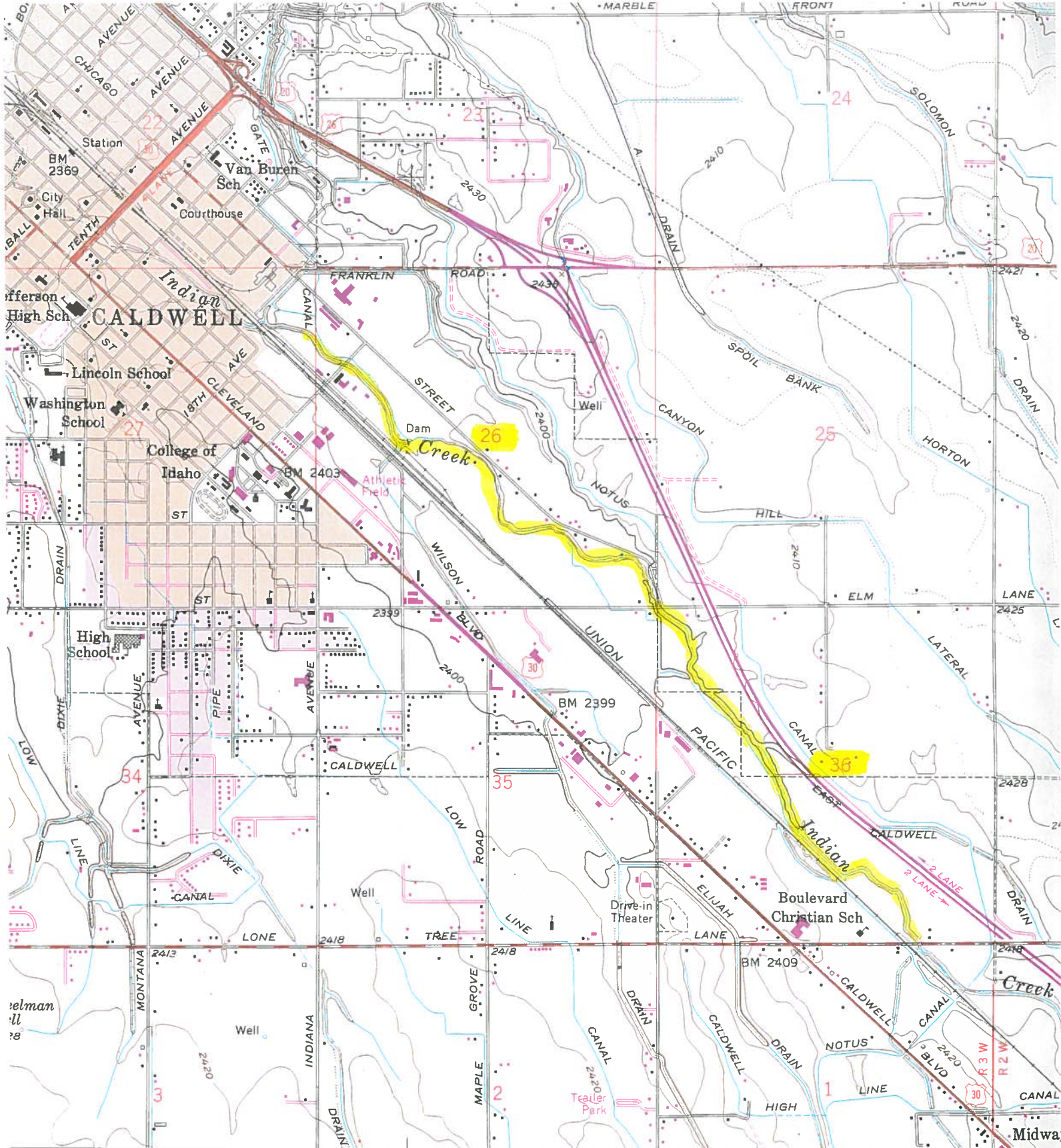
1. Claim for domestic well - T 4N, R 3W, Sec. 26,
SW 1/4 of NE 1/4 of SW 1/4 - \$25;
2. Claim for stockwater - T 4N, R 3W, Sec. 26, NW 1/4
of SE 1/4 of SW 1/4 - \$25;
3. Claim for stockwater - T 4N, R 3W, Sec. 26, SW 1/4
of NE 1/4 of SW 1/4 - \$25;
4. Claim for irrigation and stockwater - T 4N, R 3W,
Sec. 26, NE 1/4 of SW 1/4, S of Railroad - \$59; and
5. Claim for irrigation and stockwater - T 4N, R 3W,
Sec. 26, NE 1/4 of SW 1/4, N of Railroad - \$73.

Thank you for your assistance in this matter.

Very truly yours,

Clark M. Merkley
Clark M. Merkley

MICROFILMED



LAKE LOWELL)
2671 II SW
SCALE: 1:24 000

526 40' 527

528000m E

4n, 3w

ROAD CLASSIFICATION

Heavy-duty	Light-duty
Medium-duty	Unimproved dirt

U. S. Route State Route Interstate Route

INTERVAL 10 FEET
REPRESENT 5-FOOT CONTOURS
TIC VERTICAL DATUM OF 1929

1 MILE
0 3000 4000 5000 6000 7000 FEET
0 1 KILOMETER

IDAHO

NAMPA (P.O.) 4.4 MI.
BOISE (STATE CAPITOL) 25 MI.

CALDWELL, ID

Field Exam Date 7/27/2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

RECEIVED

AUG 14 2006

WATER RESOURCES
WESTERN REGION

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 63-26435

Owner: John W. Goodyear Phone No. (503) 223-2303

Current Address: 2920 NW Monte Vista Terr., Portland, OR 97210

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER Creekside Estates LLC attention Jeff Hebert
- ☐ No change Address
- ☒ NEW ADDRESS 228 Plaza St. # H, Eagle, Id 83616 (208) 230-3484
- ☒ How long owned property? 2002

Accompanied by: Not accompanied, but speaking to Jeff Hebert

PRIORITY DATE while on-site

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 4/1/1885

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

Source: Indian Creek Tributary to Boise River

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: _____
- ☒ If different, when did POD change? always from this location, but improved system was designed & installed by Earl Mason of Caldwell.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
ADDD2134			NE	SW	26	4N	3W	Canyon	N 43° 39.374'
									W 116° 40.055'

Description of diverting works

Indian Creek, concrete wall diverts water into a 12" PVC line to a 48" x 16' deep wet well, where it is pumped out to the system

OVERLAP REVIEW

Other water rights with the same point of diversion: None

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: 3" discharge, 62 psi

WATER USES

☐ No change

☒ Different Uses

Use Irrigation From 3/15 To 11/15 Amount 0.36 CFS 81.0 AFA in past, could not be verified
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA + none
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA are watered at present or in future

TOTAL VOLUME – Groundwater only N/A

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☐ No change

☒ Changes Exam found: Domestic # of homes 100 Stock # _____

Types _____ Additional comments: irrigation of yards & common area only (no internal use)

PLACE OF USE:

☐ No Change

☒ Changes shown below: Reduced # acres, due to manufactured homes.

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	3W	26									17.93								17.93

Overlap with other water rights: None

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

Delivery System Narrative: 3" PVC based main surround the outer boarder of the lots + cutting through the middle of the subdivision at Cardinal St. Various generic sprinklers used in individual lots.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
A0002134	No tag	20	No tag	No tag	3"

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Jim Conger, Conger Management Group (308) 336-5355 gave information on system via phone conversation.
System designed by Earl Mason, in Caldwell,
Average size lots are 5000 - 5500 sq ft, manufactured homes average 950 sq. ft. There are 100 manufactured homes with common areas located around & in the middle of the subdivision.

Directions: 184, 10th St/Caldwell off ramp, under overpass going toward town, Left on Chicago, Right Sparrow Ave (Creekside Estates sign), POD: Chicago, Rt Sparrow Ave, Rt Gosling St, South of 2301 Gosling St. POU: Sparrow Ave, Gosling St, Red Robin Way, Cardinal Dr, Grouse Dr. (the subdivision loop + goes back out on to Chicago St.)

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: _____

8/14/06

FIELD EXAMINER: _____

Andy Hemminger

Claim No. and Name: A63-26435 Goodyear

Current Owner: Creekside Estates LLC

Date of Inspection: 7/27/2006

Field Inspector: Sandy Hemenway

Measurements/Calculations:

Irrigation:

20 acres originally = 871,200 sq ft

100 manufactured homes w/ 900 sq ft average size = 90,000 sq ft

$871,200 - 90,000 = 781,200 / 43,560 = 17.93$ acres irrigated

Confirmed acres irrigated: $17.93 \text{ acres} \times 0.02 \text{ cfs} = 0.3586 \text{ cfs} = \mathbf{0.36 \text{ cfs}}$

Season 3/15 - 11/15 = 246 days

Required V.i.r = allowable acres under permit x requirement IDWR chart (figure 2)=

$17.93 \text{ acres} \times 4.5 = 80.685 = \mathbf{81.0 \text{ afa}}$

Potential V.d.r. = max. allowable cfs x permit season x 1.9835 =

$0.36 \times 246 \times 1.9835 = 175.65 = 175.7 \text{ afa}$

Stockwater:

None - no knowledge of # livestock in the past. Currently no livestock, or will there be in the future.

3" PVC Maximum Capacity: 0.25 cfs

Capacity of System (see pumpback calculation):
0.70 cfs

Please mail
ownership change
to:
Creekside Estates LLC
228 Plaza St # H
Eagle, Id 83616

✓ done

8-15-06

-Kimberly
Brown

Pumpback Computation Spreadsheet (DRT 1/24/1995)

Data Entered By: Sandy Hemenway

Project: Flow Computation for A63-26435

Given: See Data Table

Compute head losses with the Williams and Hazen Formula:

$$f = 0.2083 \cdot (100 / \text{roughness})^{1.85} \cdot ((\text{cfs} \cdot 448.8)^{1.852} / \text{ID}^{4.8655} \cdot \text{Length} / 100)$$

To Find: Compute Rate of Flow for a Pumpback System

Data Table

Vertical Lift: 10.00 feet

Pressure Req'd: 62.00 psi

Required Head: 153.22 feet

Pump Horsepower: 20.00 horsepower

Pipe Roughness: 150.00 Note: pvc = 150, smooth and straight pipe = 140
aluminum - joint length 20' = 125, joint length
30' = 130, joint length 40' = 132, joint length
50' = 134, new riveted steel = 100
old riveted steel = 100, old cast iron = 95,
old pipes in poor condition = 60 to 80

Inside Diameter in Inches	Equivalent Length in Feet	Unit Head Loss	Total Friction Head Loss from Pipe Friction	Head Loss per 100 ft
2.50	50.00	24.01		48.02
1.50	0.00	0.00		#DIV/0!
1.00	0.00	0.00		#DIV/0!
			24.01	

Initial Estimate of Rate of Flow: 0.700 CFS

Computation of Rate of Flow: 0.70



POD:
Indian
Creek
concrete
wall diverts
water into
a 12" pvc to
a 48" x 16'
deep wet
well, where
it is pumped
out to the
system

27/07/2006

July 27, 2006 SH



location
of
pump,
next to (SE)
2301
Gosling St.

27/07/2006

63 - 26435 Goodyear
Current Owner: Creekside Estates LLC

July 27, 2006 SH



48" x
16' wet
well

No tag,
20HP,
10' lift,
3" discharge
to 3" PVC
Looped
main for
pressurized
irrigation
62 psi

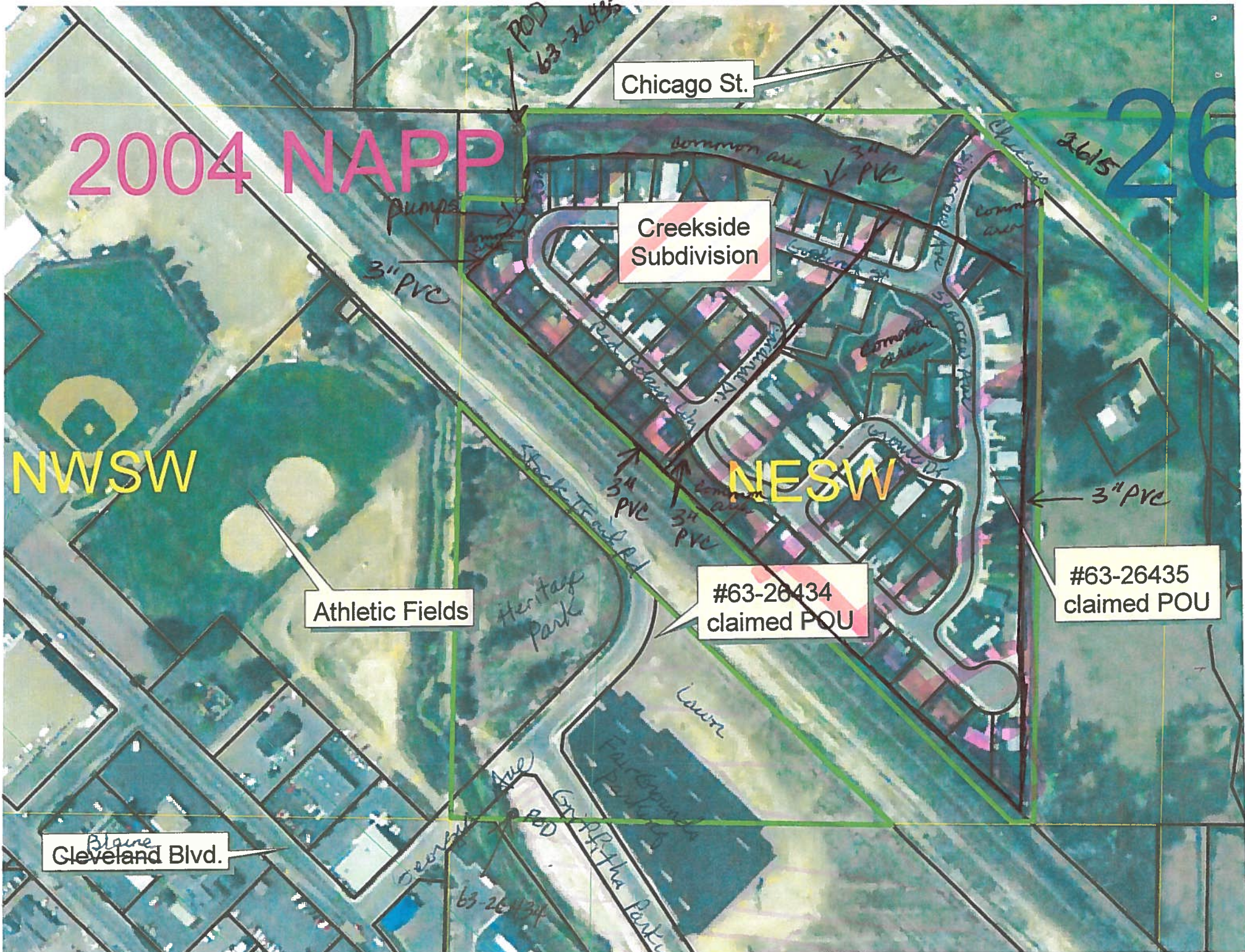
July 27, 2006 SH



POU:
Sparrow Ave
Gosling St,
Red Robin W
Cardinal Dr.
Grouse Dr,
+ a
common
area

63 - 26435 Goodyear
Current Owner: Creekside Estates LLC

July 27, 2006 SH



POD

POD - 63-26435 - 7/27/2005 - SH

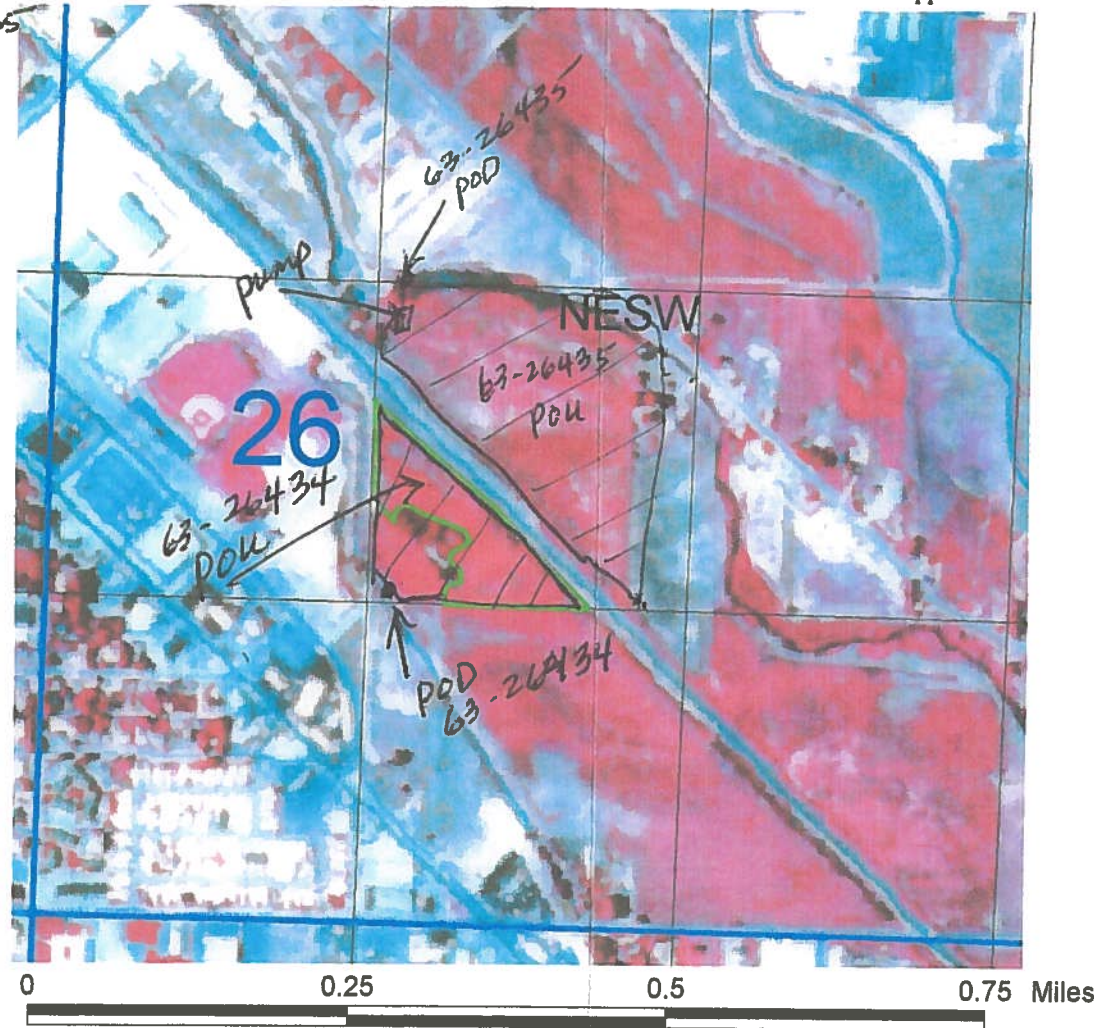
12-26425

Idaho Department of Water Resources

Claim Number: 63-26434 + 63-26435
Legal: T04N, R03W, S26
Reviewed By:

1987 Napp Photo

-  Point of Diversion
(Located outside of view)
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



Sandy H. -

* 2 claims:

A63-26434 & A63-26435 Field Exam Request:
Goodyear

Contact:

04/11/2006

There is no one, that I am aware of, to contact to set up a field exam since both Clara Stewart and John Goodyear, of Portland, OR; are deceased.

Basically, the 20 acres claimed for 63-26435 are now known as: **Creekside Subdivision Mobile Home Court** and the 6 acres claimed for 63-26434 are now owned by the **City of Caldwell and Canyon County**. Therefore, in order to conduct the field exam for what is now the subdivision (63-26435), for example, you may want to speak to a resident that may happen to be outside while you are there or knock on a few Creekside Subdivision homes to speak to someone and see if they use surface water from Indian Creek to irrigate their lawns. Regarding the 6.0 acres now owned by Caldwell and Canyon Co. (63-26434), I would suggest that you visit the site without trying to contact anyone.

property ownership change form mail to them

Change of ownership attached for property owned by City of Cal

Property Addresses:

Both pieces of property are located between Chicago Street and Cleveland St, Caldwell -- just east of the Simplot Stadium/Athletic Field. Please refer to the next two attached pages (1958 Topo and Gem Co. maps) in order get the location of these two parcels.

Requests:

*Please verify **all** of the elements of both of these rights.

In addition, please verify:

- Is **Indian Creek** water used to irrigate these two parcels and to water stock? *Yes (irrigate) No (stockwater)*
- ✓ **GPS** the location of the **initial POD** located in **T04N, R03W, Sec 36, NESW** and verify whether there are **secondary PODs** for **both** pieces of property in **T04N, R03W, Sec 26, NESW**.
- Is **Pioneer Irrigation District** water used to supplement either of these rights? *No unknown*
- How many **stock** were watered from the springs and wastewater in **1987**? Are there **currently** any stock on either of these parcels? *No, except on property located at 2615 Chicago but they don't use water*
- **1987 Aerial Photo:** Please draw the **irrigated acres** on the enclosed **1987 aerial photograph**. Draw the **diversion works** on the enclosed aerial photos also; along *Indian Creek (use city of Caldwell water)* with the **initial and secondary points of diversion** for both parcels.
- **Capacity of System:** Calculate the capacity of the system. Verify that the claimed **0.043 cfs for #63-26435** and the **0.15 cfs for #63-36434** are both possible and/or applicable. *see attachment*

Kimberly Brown, Water Resource Agent, IDWR - Western Region

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 ALB-26435
Date Received 3/26/90
Receipt Number W011718

RECEIVED

MAR 26 1990

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Clara P. Stewart Phone (503) 223-2303
Mailing Address 2920 N.W. Monte Vista Terrace Zip 97210
Portland, Oregon
2. Date of Priority (Only one (1) per claim) April 1, 1885
3. Source of water supply (a) Indian Creek
which is tributary to (b) Boise River
4. a. Location of existing point of diversion is: Township 4 N Range 3 W Section 36,
1/4 of NE 1/4 of SW 1/4, Govt. Lot, B.M., County of Canyon
Additional points of diversion if any: T 4N, R 3W, Sec. 26, NE 1/4 of SW 1/4, N of Railroad
- 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. Direct diversion, canvas headgate

MICROFILMED

SEP 14 1992

claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount .40 or _____
 For Stockwater purposes from 1/1 to 12/31 amount .03 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .43 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 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.) Stockwater, 51-100 cattle and horses

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	3W	26									20								20
		26									S								

Total number of acres irrigated 20

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

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:

Attached are (1) power of attorney for John W. Goodyear by Clara P. Stewart; (2) map for locating property; (3) notice of water right location (1902); (4) affidavit of Clara Powell (1907); and (5) agreement between Pioneer Irrigation District and Clara Goodyear (1940).

Last Name STEWART Ident No. 463-26435

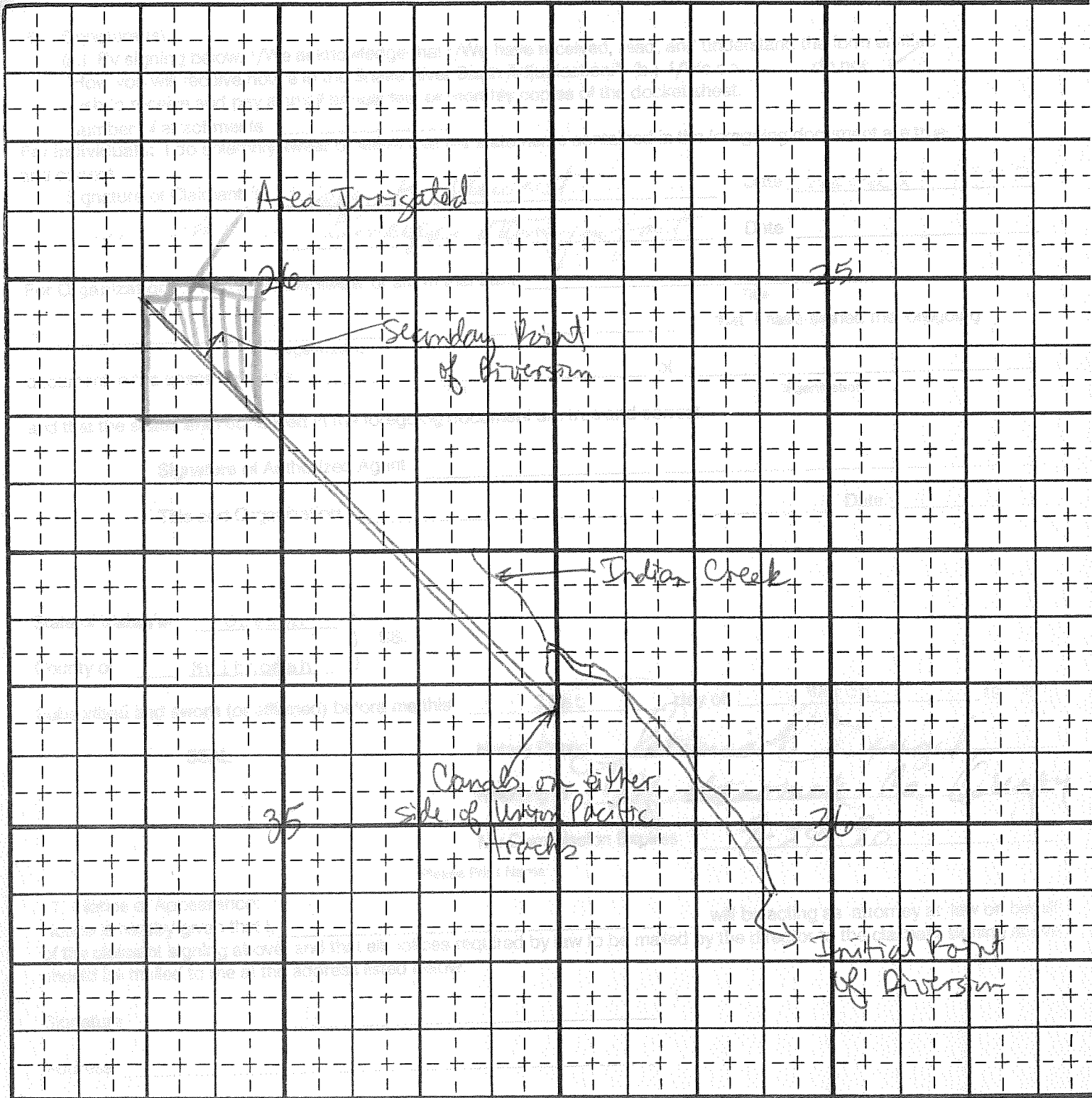
Copies: White: State, Yellow: Claimant

SEP 14 1992

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

Scale: 2 inches equals 1 mile

T 4N R 3W

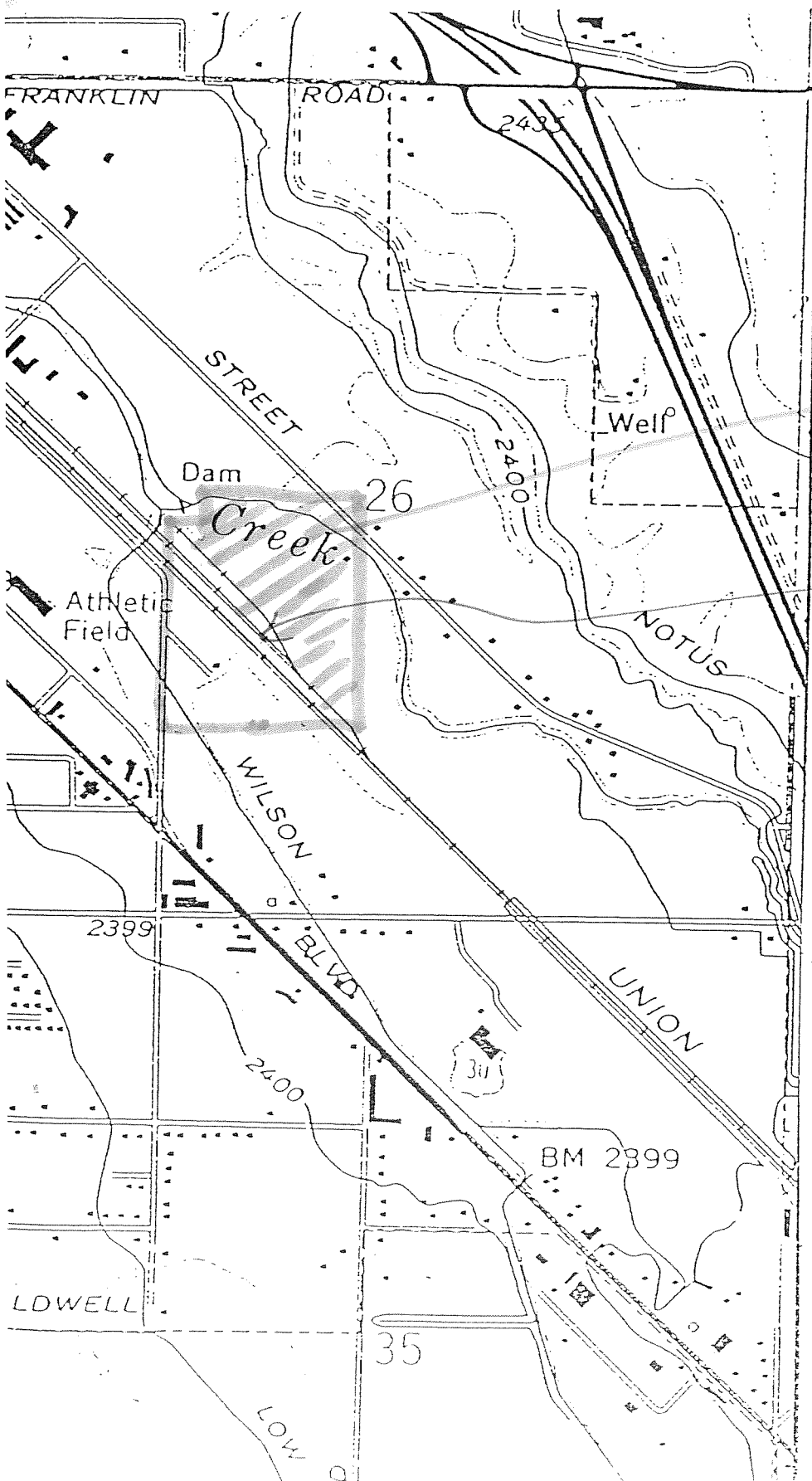


Last Name STEWART

Ident No. 463-26435

Copies: White-State, Yellow-Claimant

SEP 14 1992



Area Irrigated

Secondary Point of Diversion

MICROFILMED
SEP 14 1992

A63-26434 & A63-26435 Field Exam Request:
Goodyear

Contact:

04/11/2006

There is no one, that I am aware of, to contact to set up a field exam since both Clara Stewart and John Goodyear, of Portland, OR; are deceased.

Basically, the 20 acres claimed for 63-26435 are now known as: **Creekside Subdivision Mobile Home Court** and the 6 acres claimed for 63-26434 are now owned by the **City of Caldwell and Canyon County**. Therefore, in order to conduct the field exam for what is now the subdivision (63-26435), for example, you may want to speak to a resident that may happen to be outside while you are there or knock on a few Creekside Subdivision homes to speak to someone and see if they use surface water from Indian Creek to irrigate their lawns. Regarding the 6.0 acres now owned by Caldwell and Canyon Co. (63-26434), I would suggest that you visit the site without trying to contact anyone.

Property Addresses:

Both pieces of property are located between Chicago Street and Cleveland St, Caldwell -- just east of the Simplot Stadium/Athletic Field. Please refer to the next two attached pages (1958 Topo and Gem Co. maps) in order get the location of these two parcels.

Requests:

*Please verify **all of the elements** of both of these rights.

In addition, please verify:

- Is **Indian Creek** water used to irrigate these two parcels and to water stock?
- **GPS** the location of the **initial POD** located in **T04N, R03W, Sec 36, NESW** and verify whether there are **secondary PODs** for **both** pieces of property in **T04N, R03W, Sec 26, NESW**.
- Is **Pioneer Irrigation District** water used to supplement either of these rights?
- How many **stock** were watered from the springs and wastewater **in 1987**? Are there **currently** any stock on either of these parcels?
- **1987 Aerial Photo:** Please draw the **irrigated acres** on the enclosed **1987 aerial photograph**. Draw the **diversion works** on the enclosed aerial photos also; along with the **initial and secondary points of diversion** for both parcels.
- **Capacity of System:** Calculate the capacity of the system. Verify that the claimed **0.0.43 cfs for #63-26435** and the **0.15 cfs for #63-36434** are both possible and/or applicable.

Kimberly Brown, Water Resource Agent, IDWR - Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 29, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOHN W. GOODYEAR

deceased Aug. 1999

2920 NW MONTE VISTA TERRACE
PORTLAND OR 97210

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-26434 & A63-26435

MRS JOHN W GOODYEAR
2920 NW MONTE VISTA TER
PORTLAND OR 97210-3343



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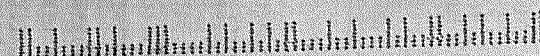
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Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

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WESTERN REGION

FIRST CLASS

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Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-26435

WATER RIGHT NUMBER: 63-26435

Owner Type

Original Owner

Name and Address

CLARA P STEWART
2920 NW MONTE VISTA TERR
PORTLAND, OR 97210
(503)223-2303

Current Owner

JOHN W. GOODYEAR *deceased*
2920 NW MONTE VISTA TERR
PORTLAND, OR 97210
(503)223-2303

MRS JOHN W GOODYEAR
2920 NW MONTE VISTA TER
PORTLAND OR 97210-3343



9261

83705

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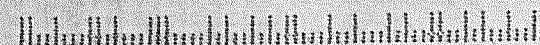
\$0.87
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*Idaho Department of Water Resources
Western Region
2735 Airport Way
Borise, Idaho 83705-5082*

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 29, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOHN W GOODYEAR
2920 NW MONTE VISTA TERRACE
PORTLAND OR 97210

RE: EVIDENCE OF PRIORITY

SNAKE RIVER BASIN CLAIM NO(S): A63-26434 & A63-23435

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled, **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by April 19, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you may be receiving a call from us in order to set-up an appointment for a field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-26434 & A63-36435

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-26435 Date: 3-25-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	3W	26									20								20
GIS												20								20
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 20

Overlapping POU Claim #'s:

Total GIS Acres: 20

COMMENTS:

POU per county boundaries and image interp, + claim map.

POD - estimated per claim map + legal.

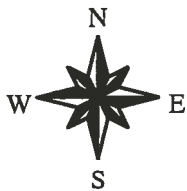
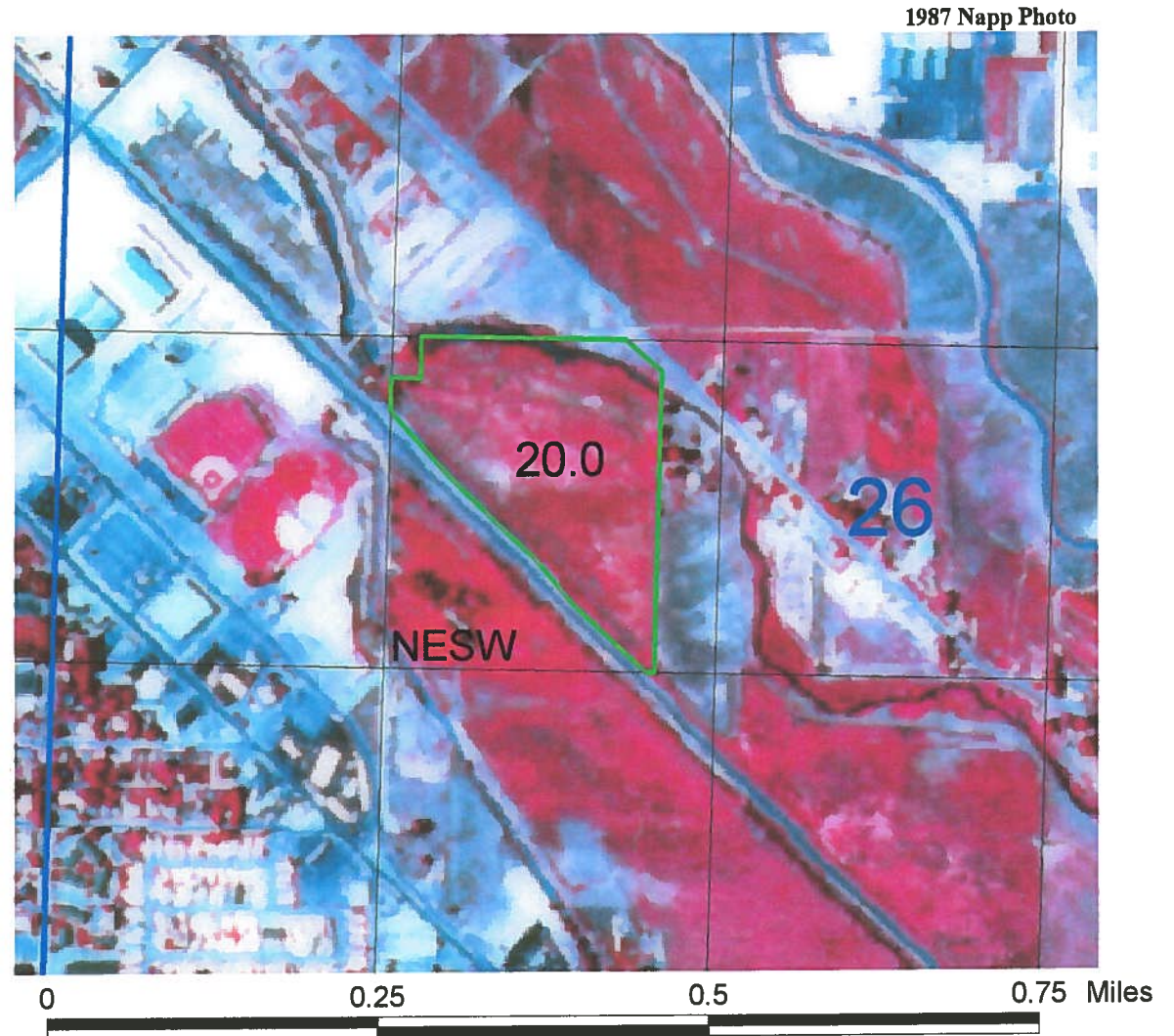
Idaho Department of Water Resources

Claim Number: 63-26435

Legal: T04N, R03W, S26

Reviewed By:

-  Point of Diversion
(Outside of View)
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



Memorandum

To: Lori Harris

From: Danni Smith

Date: July 23, 1997

RECEIVED

JUL 25 1997

WATER RESOURCES
WESTERN REGION

RE: attached Indian Ck Water Rts list

Per Dave Tuthill please file these in the claim files at your office. May want to run them by Jan so she is aware they are there. Keith Anderson, who is doing some work for City of Nampa, brought these into the office on Monday, thought we would like to have the discrepancy information.

So, I copied you can "file". Have a nice day.

Indian Creek Water Rights
(Downstream from Nampa Waste Water Treatment Plant)

Number	Name	CFS	Priority	Point of Diversion	Use	Remarks	See Footnote
63-02114	Pioneer Irrig. Dist.	8.64	10/15/1909	NE SW 36-04N 03W	Irrigation	License	
63-02279	Riverside Irrig. Dist.	89.90	11/04/1915	NW NE 21-04N 03W	Irrigation	Beneficial Use	
63-02374	Riverside Irrig. Dist.	88.50	08/02/1922	NW NE 21-04N 03W	Irrigation	License	
63-02386	Simplot Livestock Co.	1.56	01/17/1924	NW NE 21-04N 03W	Irrigation	License	
63-04009	Riverside Irrig. Dist.	180.00	11/04/1915	NW NE 21-04N 03W	Irrigation	Statutory Claim	
63-05219	Pioneer Irrig. Dist.	18.00	05/01/1961	SW NE 22-03N 02W	Irrigation	Beneficial Use	(1)
63-05237	Pioneer Irrig. Dist.	16.00	04/01/1910	NE SW 26-04N 03W	Irrigation	Beneficial Use	(2)
63-05255	Pioneer Irrig. Dist.	2.17	05/01/1915	SE SW 22-04N 03W	Irrigation	Beneficial Use	(3)
63-05374	Ralph/Avona Russi	0.21	01/01/1937	SE NW SE 26-04N 03W	Irrig/Stock	Statutory Claim	(4)
63-21481	Ernest/Maryetta Wilson	0.06	04/10/1944	SW NW 36-04N 03W	Irrigation	Beneficial Use	
63-26434	John W. Goodyear	0.15	04/01/1885	NE SW 36-04N 03W	Irrig/Stock	Beneficial Use	(5)
63-26435	John W. Goodyear	0.43	04/01/1885	NE SW 36-04N 03W	Irrig/Stock	Beneficial Use	(6)
63-28917	Ralph Smeed	0.54	03/15/1915	NE SW NW 36-04N 03W	Irrigation	Beneficial Use	
63-28938	Woodgrain Millwork Inc.	5.01	12/31/1958	SE SE 08-03N 02W	Fire Protection	Beneficial Use	

Information from both IDWR Files: "Listing of Water Rights" and "Adjudication Listing of Water Rights"

Footnotes:

- (1) From Adjudication List--also shown as 04/1/61 priority; as 16.00 cfs; Pt.Diversion in NW SE sec. 22; and Statutory Claim
- (2) From Adjudication List--also shown as Statutory Claim
- (3) From Adjudication List--also shown as 2.50 cfs; 04/01/1910 priority; Pt.Diversion in NW SW sec. 22; and Statutory Claim
- (4) From Adjudication List--includes 0.03 cfs stockwater; also shown as 0.19 cfs total including 0.01 cfs stockwater
- (5) Includes 0.03 cfs stockwater
- (6) Includes 0.03 cfs stockwater