

04/29/2005

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

RIGHT NUMBER: 77-2048  
NAME AND ADDRESS: NANCY MARIE KOZLOWSKI  
4410 BROOKSIDE LN  
BOISE ID 83703  
SOURCE: LICK CREEK TRIBUTARY: BIG CREEK  
QUANTITY: 0.200 CFS  
13,000 The quantity of water under this right for domestic use shall not exceed  
gallons per day.  
PRIORITY DATE: 07/06/1928  
POINT OF DIVERSION:  
T20N R09E S2 NESW Within VALLEY County  
PURPOSE AND  
PERIOD OF USE:  

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| DOMESTIC              | 01/01 12/31          | 0.040 CFS       |
| IRRIGATION            | 05/01 10/01          | 0.200 CFS       |

  
PLACE OF USE: DOMESTIC Within VALLEY County  
T20N R09E S02 NWSW 6.0  
IRRIGATION Within VALLEY County  
T20N R09E S02 NESW 4.0 T20N R09E S02 NWSW 6.0

10 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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

**NOTICE OF ERROR  
REPLY**

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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: March 3, 2006**

Water right number: 77-2048

NANCY MARIE KOZLOWSKI  
4425 BROOKSIDE LN  
BOISE ID 83703

Telephone Number: (208)939-6732

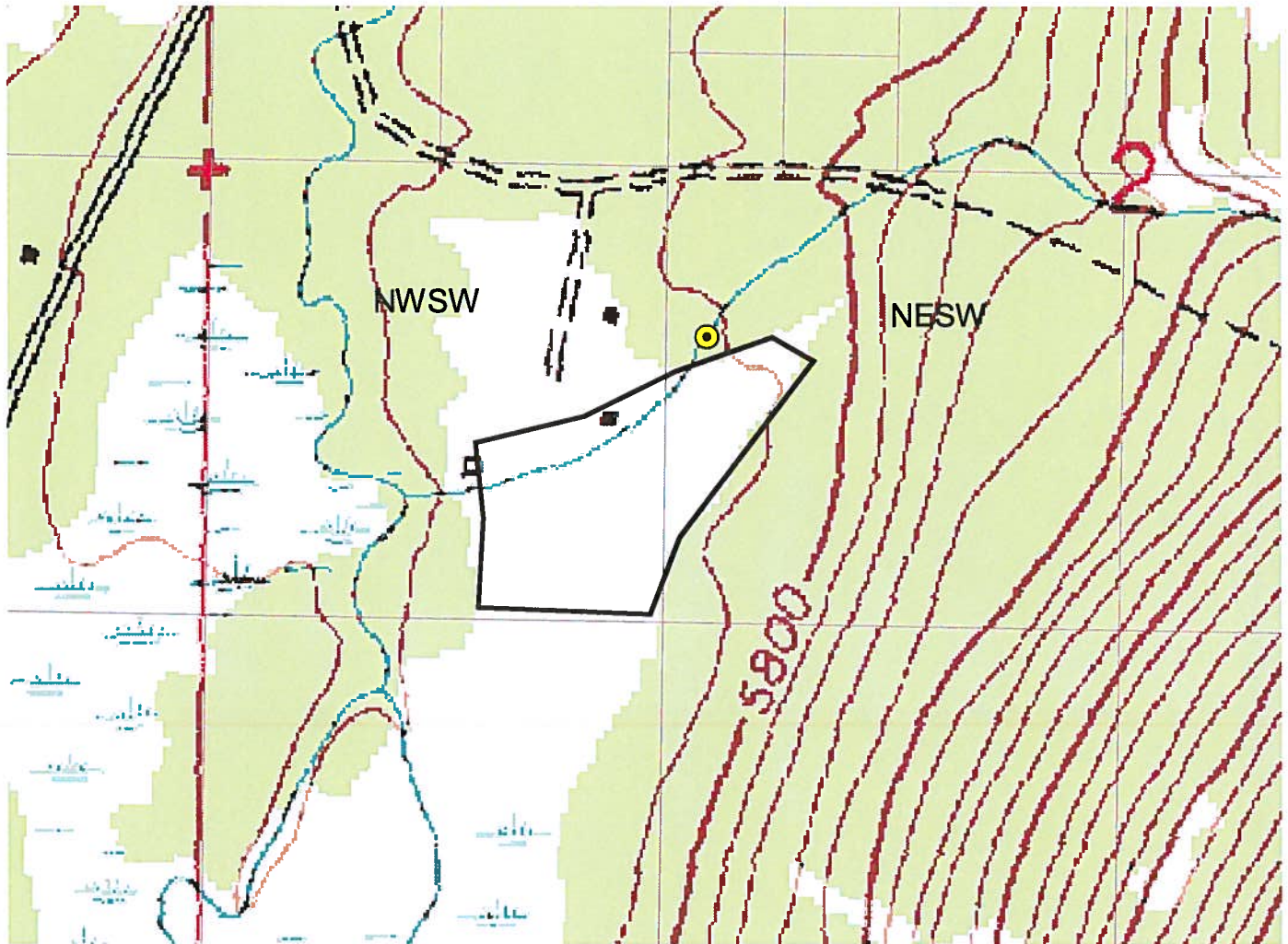
1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
  
  
  
  
  
2. Describe the changes you wish to make in the proposed recommendation:
  
  
  
  
  
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 3-3-06 SIGNATURE: Nancy Marie Kozlowski  
Please print your name: Nancy Marie Kozlowski

IDWR State Office, 322 E Front St  
PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

# 77-2048



0 400 800 Feet

Section 2  
T20N R9E



-  Point of Diversion
-  Place of Use

Map prepared on March 18, 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**

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

April 29, 2005

Nancy Kozwolski  
4401 Brookside Ln.  
Boise, ID 83714

RE: 77-2048 & 77-2095

Dear Ms. Koxwolski:

We have processed your change of water right ownership form. Enclosed are copies of the claims for your reference. We expect to submit our recommendations on your claims by the end of the year. The decreed right (77-10105) has been submitted to the State office for processing.

Sincerely,

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

Kenneth Knoblock  
Water Resources Agent

Instrument # 282798  
VALLEY COUNTY, CASCADE, IDAHO  
2004-05-10 11:39:34 No. of Pages: 1  
Recorded for: DAVISON, COPPLE  
LELAND G. HEINRICH Fee: 3.00  
Ex-Officio Recorder Deputy  
Index to: DEEDS

RECEIVED  
APR 29 2005  
IDWR/North

## PERSONAL REPRESENTATIVE'S DEED

The undersigned, NANCY MARIE KOZLOWSKI, as Personal Representative of the Estate of Winfield Scott Neal, deceased, does hereby grant and convey, without warranty, to Nancy Marie Kozlowski as her sole and separate property, whose address is 4425 N. Brookside Lane, Boise, Idaho 83714, all of decedent's interest in and to the following described real property situate in Valley County, Idaho:

N $\frac{1}{2}$  of the SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, and the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, all in Township 20 N., Range 9, E.B.M., Valley County, Idaho; and

Lots 39 and 40, Group "K", Payette Lakes Club Grounds, Valley County, Idaho.

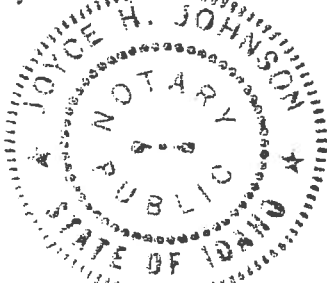
DATED this 11 day of May, 2004.

NANCY MARIE KOZLOWSKI, Personal Representative of the Estate of Winfield Scott Neal, Deceased

STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 7th day of May, in the year 2004, before me, the undersigned Notary Public in and for said State, personally appeared NANCY MARIE KOZLOWSKI, Personal Representative of the Estate of Winfield Scott Neal, deceased, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Joyce H. Johnson

Notary Public for Idaho

Residing at Boise, Idaho

My Commission Expires: 1/27/05

PERSONAL REPRESENTATIVE'S DEED  
N:\Clients\N\Neal, Scott probate\PR Deed-Valley Co.wpd

03/18/2005

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

RIGHT NUMBER: 77-2048  
NAME AND ADDRESS: ROSE NEAL  
4401 BROOKSIDE LN  
BOISE ID 83703  
SOURCE: LICK CREEK TRIBUTARY: BIG CREEK  
QUANTITY: 0.200 CFS  
13,000 The quantity of water under this right for domestic use shall not exceed  
gallons per day.  
PRIORITY DATE: 07/06/1928  
POINT OF DIVERSION:

T20N R09E S2 NESW Within VALLEY County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| DOMESTIC              | 01/01 12/31          | 0.040 CFS       |
| IRRIGATION            | 05/01 10/01          | 0.200 CFS       |

PLACE OF USE:

DOMESTIC Within VALLEY County

T20N R09E S02 NWSW 6.0

IRRIGATION Within VALLEY County

T20N R09E S02 NESW 4.0 T20N R09E S02 NWSW 6.0

10 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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

March 18, 2005

Nancy Kozowski  
4425 N. Brookside Ln.  
Boise, ID 83714

RE: 77-2048 & 77-2095

Dear Ms. Kozowski:

On November 17, 1988, Rose Neal submitted a Notice of Claim in the Snake River Adjudication (copies enclosed). It appears from the Valley County tax lot information and it appears that you may now own the property. If you do own the property, and the water is still being used, and you want your name in the final recommendation, then you need to file a change in water right ownership form and mail it to this office. Be sure to include a copy of the warranty deed or other document as described in item 2. B.

Sincerely.

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

Kenneth Knoblock  
Water Resources Agent

3/16/05

## PMO100 - PARCEL MASTER INQUIRY

12:11:43

PARCEL: RP 20N09E024805 A

F9=MS

F17=DD F19=SP

## LEGAL DESCRIPTION

KOZLOWSKI, NANCY MARIE

YOPT

NE4 SW4; SW4 SW4; SEC. 2

NW4 NW4 SEC. 11

ALL T20N R9E

ProVal Area Number 1

+

4425 N BROOKSIDE LN

CODE AREA 8-0000 OWNER CD

PARC TYPE LOC CODE 4700

BOISE ID 83714

EFFDATE 1011993 EXPDATE

PREV PARCEL RP20N09E024805A

| X for parcel |      | comments |    |        |    |      |    |      |    |      |
|--------------|------|----------|----|--------|----|------|----|------|----|------|
| CAT          | RY   | QUANTITY | UN | VALUE  | HO | MRKT | HO | EXMP | CB | MRKT |
| 7            | 2001 | 74000    | AC | 2960   |    |      |    |      |    |      |
| 12           | 2001 | 1000     | AC | 3790   |    |      |    |      |    |      |
| 18           | 2001 | 45000    | AC | 90740  |    |      |    |      |    |      |
| 34           | 2001 |          |    | 2930   |    |      |    |      |    |      |
| TOTALS       |      | 120000   |    | 100420 |    |      |    |      |    |      |

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG  
 F8=CT F13=TM F18=HS F20=SrcH F22=EU

3/16/05

PMO100 - PARCEL MASTER INQUIRY

12:11:58

PARCEL: RP 20N09E025405 A

F17=DD F19=SP

LEGAL DESCRIPTION

KOZLOWSKI, NANCY MARIE

YOPT

NW4 SW4

S2 T20N R9E

POOR CLASS TIMBER

ProVal Area Number 1

4425 N BROOKSIDE LN

CODE AREA 8-0000 OWNER CD

PARC TYPE LOC CODE 4700

BOISE ID 83714

EFFDATE EXPDATE

PREV PARCEL

| X   | for parcel | comments |    |       |         |         |         |       |  |
|-----|------------|----------|----|-------|---------|---------|---------|-------|--|
| CAT | RY         | QUANTITY | UN | VALUE | HO MRKT | HO EXMP | CB MRKT | OTHER |  |
| 7   | 2001       | 24000    | AC | 960   |         |         |         |       |  |
| 18  | 2001       | 16000    | AC | 23110 |         |         |         |       |  |

TOTALS

40000

24070

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG  
F8=CT F13=TM F18=HS F20=SrcH F22=EU

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: A77-02048

Date Received: 11/17/1988

Receipt No: W001486

Received By: DR ERL

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ROSE NEAL  
Address: 4401 BROOKSIDE  
BOISE, ID

208-939-6277

83703

2. Date of Priority: JUL 06, 1928

3. Source: LICK CREEK

Trib. to: BIG CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 20N      | 09E   | 2       |        | NE     | SW  |     | VALLEY |

5. Description of diverting works:  
DITCHES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 05/01 | 11/01 | 0.200  |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.040  |      |        |

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

A.F.A.

8. Total consumptive use is

73

Acre Feet Per Annum.

9. Non-irrigation uses:  
D/1 HOUSE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 20N      | 09E   | 2       | NE     | SW  |     | IRR | 4.0   |
|          |       |         | NW     | SW  |     | IRR | 6.0   |

Section Acres 10.0

A77-02048

Page

1

Date: 11/17/88

MICROFILMED

OCT 05 1992

10. Place of Use: Continued

Total Acres 10.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:  
77-02095

14. Remarks:

15. Basis of Claim: LICENSE  
Water Right Number: 16923

16. Signature(s)

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

Number of attachments:       

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Rose Neal Date: Nov. 21, 1988  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 21<sup>st</sup> day  
of Nov 19 88

D. R. Tuttle  
Notary Public

Seal

Residing at Boise Id  
My Commission Expires 9/14/1999

RANGE 9 EAST OF THE BOISE MERIDIAN, IDAHO

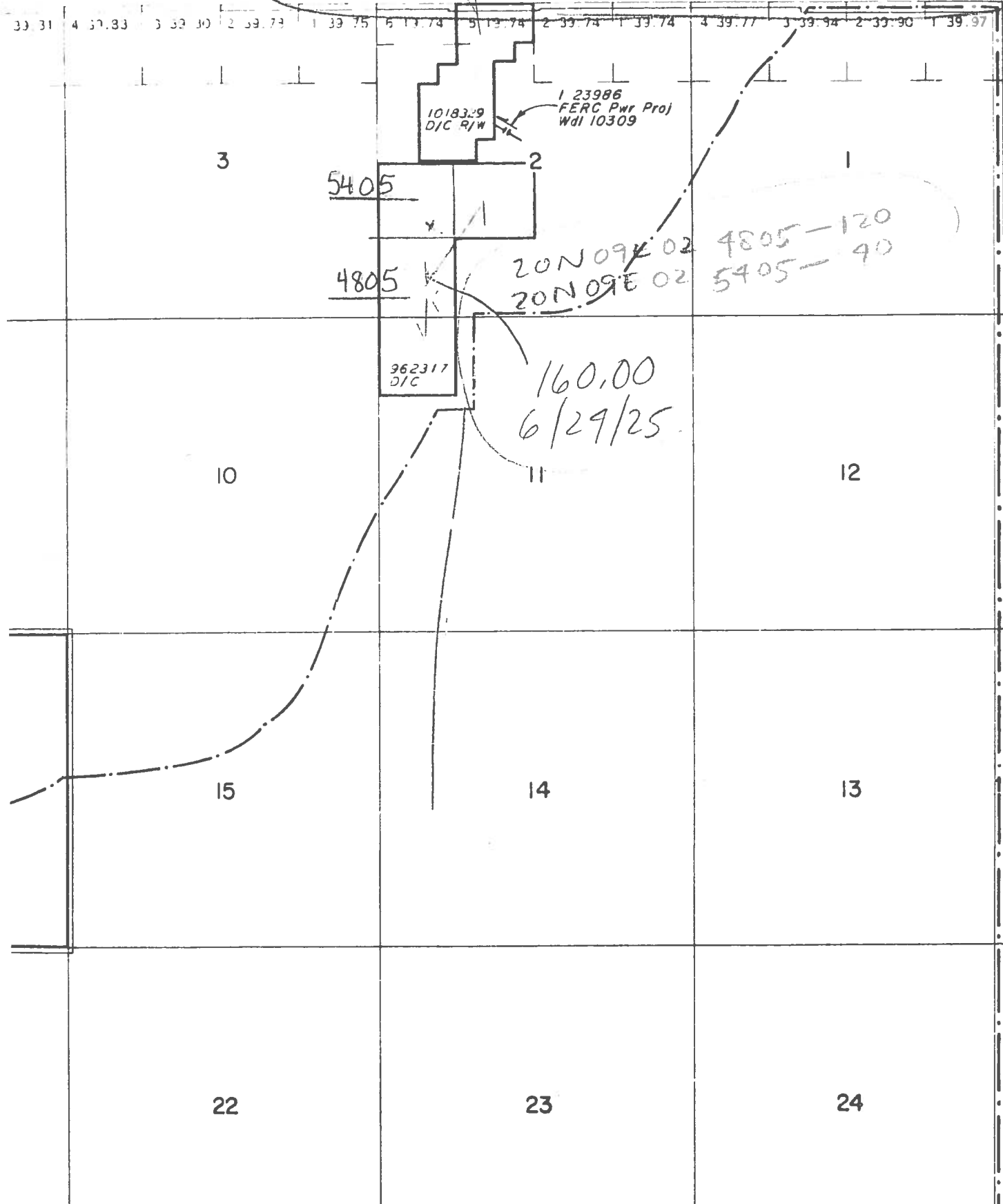
LEY COUNTY 085  
OISE DISTRICT

52.5<sup>00</sup>  
8/9/28

NWSENEENW  
SWNEENW  
SESENNWNW

E2SWNW  
NWSENEENW  
N2SWSENEENW  
SWSENEENW

EDWARDSBURGH #2 PLAT



**State of Idaho**  
**License and Certificate of Water Right**

Water License No. 16923  
Water District No.

Amount 0.2 Sec. Ft.  
Priority July 6, 1928

THIS IS TO CERTIFY that Joe Davis  
of Warren, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated July 6th, 1928; that Permit No. 16923  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
0.6 second feet, was issued thereunder on February 24, 1931, showing that said works  
were completed on the 5th day of February, 1931; and that on the 5th  
day of September, 1931,

Joe Davis

of Warren, State of Idaho, made proof to the satisfaction of the  
Commissioner of Reclamation of Idaho, of the right to use the waters of Lick Creek  
a tributary of Big Creek, for the purpose of Irrigation and Domestic  
under Use Permit No. 16923 of the Commissioner of Reclamation  
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is  
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7  
of Licenses, at page 3691, on the 10th day of March, 1932;

The right hereby confirmed dates from July 6th, 1928;

The Point of Diversion is located  
in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Sec. 2, Tp. 20 N., R. 9 E., B. M. Valley County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,  
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.2  
cubic feet per second.

Description and location of use:

| Twp.  | Range | Sec. | Forty-acre Tract                  | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|-------|-------|------|-----------------------------------|----------------------------------|---------------------------------|
| 20 N. | 9 E.  | 2    | NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 20                               | 4                               |
|       |       |      | NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 10                               | 6                               |
|       |       |      |                                   | 30                               | 10                              |
|       |       |      | Total No. of Acres to be Irr.     |                                  | 10                              |

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use  
herein described, as provided by the laws of Idaho.

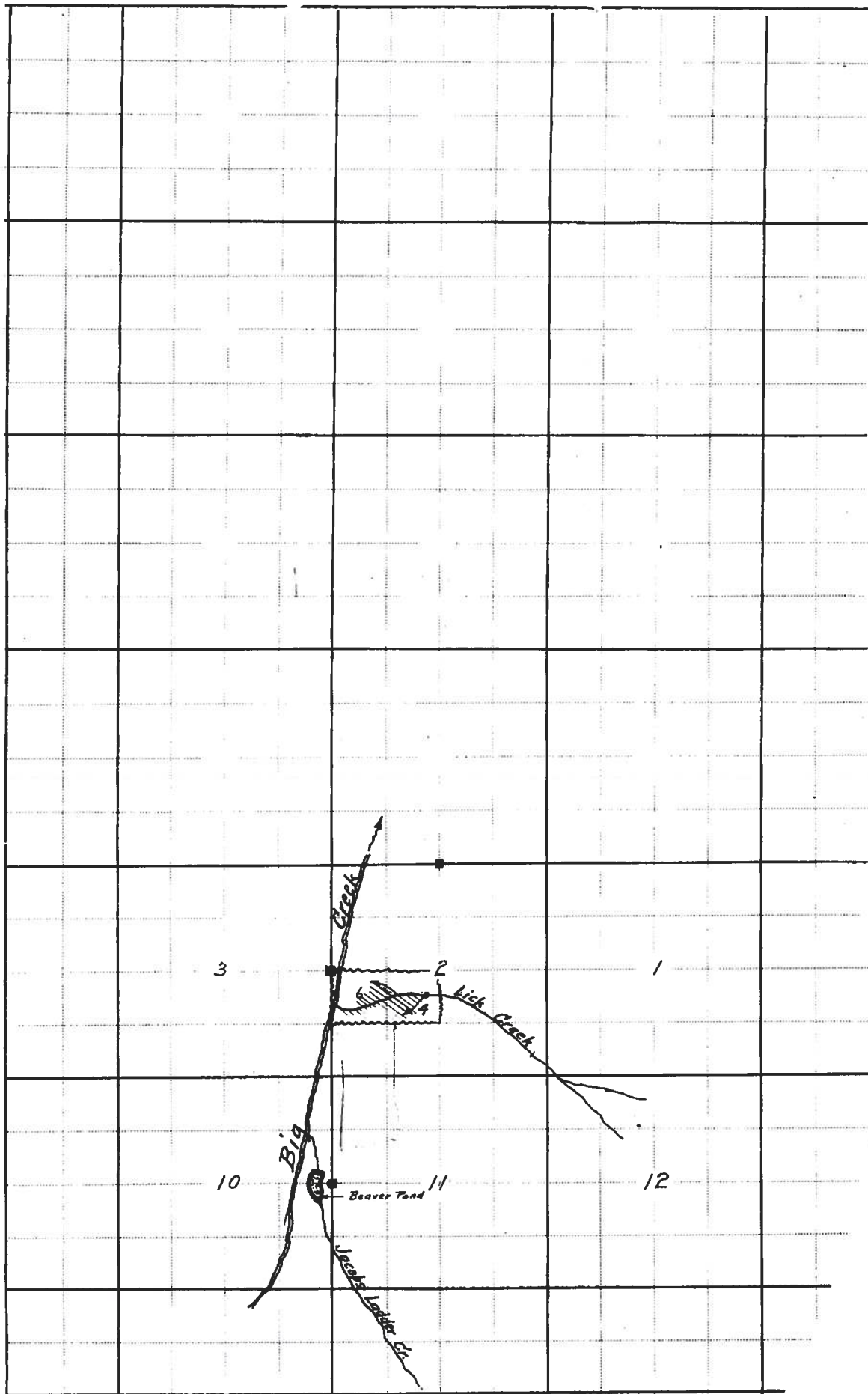
WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,  
this 10th day of March, 1932

R. W. FARIS  
Commissioner of Reclamation

(SEAL)

77 2048

77/2048



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

16923

[Close](#)**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Water Right Report**

11/30/2004

WATER RIGHT NO. 77-2048

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner     | JOE DAVIS<br>WARREN, ID |

Priority Date: 07/06/1928

Basis: License

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| LICK CREEK    | BIG CREEK        |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | /           | /         | 0.2 CFS               |               |
| DOMESTIC              | /           | /         |                       |               |
| Total Diversion       |             |           | 0.2 CFS               |               |

Location of Point(s) of Diversion:

LICK CREEK|NESW|Sec. 02|Township 20N|Range 09E|VALLEY County

Place(s) of use:

Place of Use Legal Description: IRRIGATION VALLEY County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|

20N      09E    2            NESW 4            NWSW 6

Place of Use Legal Description: DOMESTIC same as IRRIGATION

Total Acres: 10

Dates:

Licensed Date: 10/10/1979

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close