

06/16/2006

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: 7/21/06

Water right number: 3-10016

DONALD H STARR
3774 E ISLAND RD
ONTARIO OR 97914
Telephone Number: (503)889-5877

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, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

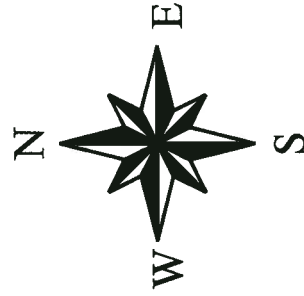
Idaho Department of Water Resources

Claim Number:

03-10016

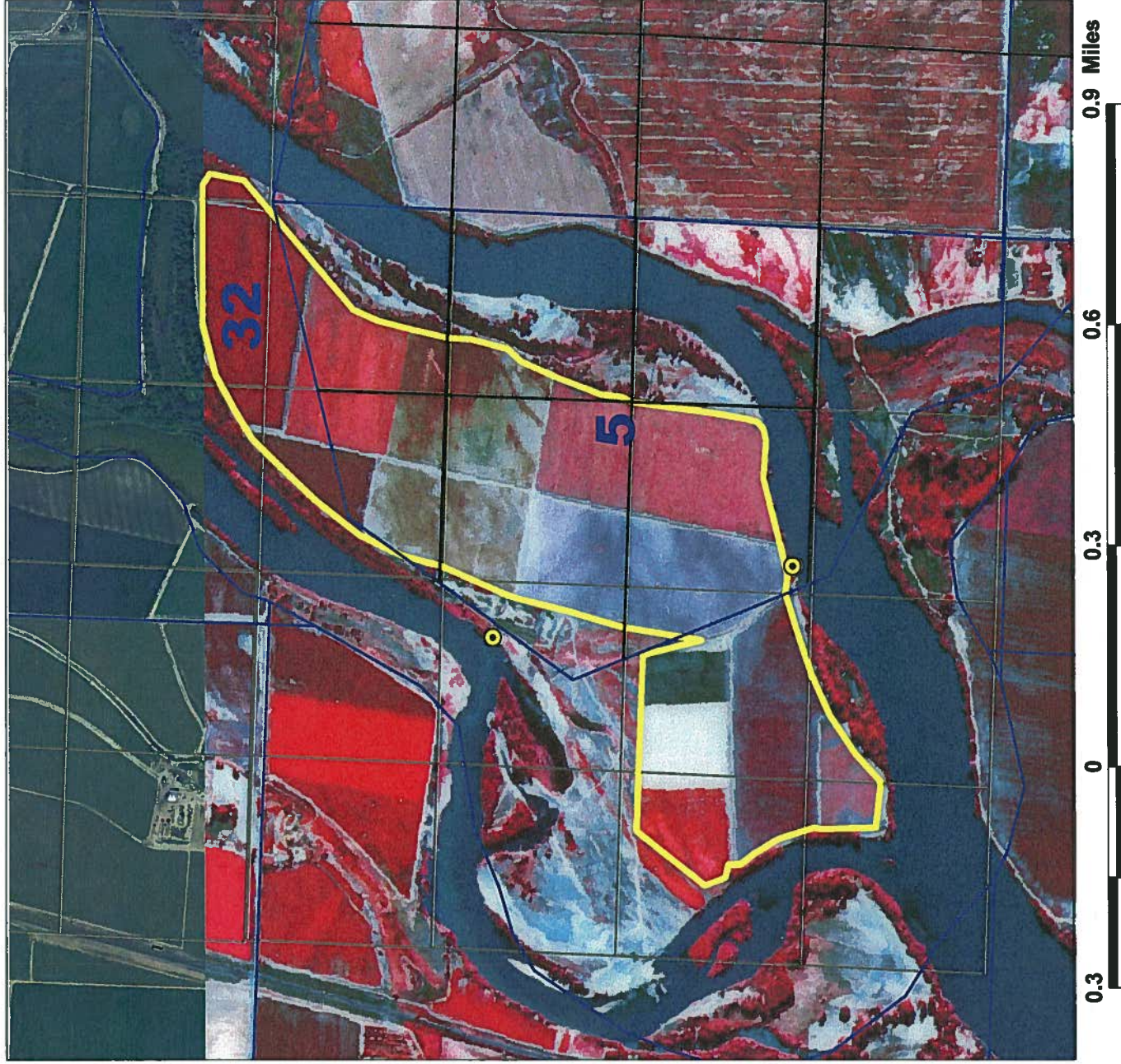
-  Points of Diversion
-  Sections
-  Quarter Quarters
-  Place of Use
-  Unofficial Quarter Quarters

**Legal: T07N, R05W, S5
T08N, R05W, S32**



Revised by: J. Dean 4/6/06

1987 NAAP Photo



04/06/2006

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

RIGHT NUMBER: 3-10016

NAME AND ADDRESS: DONALD H STARR
3774 E ISLAND RD
ONTARIO OR 97914

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.150 CFS
934.000 AFY

PRIORITY DATE: 03/15/1940

POINT OF DIVERSION:

T07N R05W S5 SENW Within PAYETTE County

T07N R05W S5 NWSE Lot 4 Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	4.150 CFS 934.00 AFY

PLACE OF USE: IRRIGATION Within PAYETTE County

T07N R05W S05	NENE	6.00	T07N R05W S05 Lot 1	NENE	15.00
T07N R05W S05	NWNE	8.00	T07N R05W S05 Lot 2	NWNE	20.00
T07N R05W S05 Lot 3	SWNE	40.00	T07N R05W S05	SENE	7.00
T07N R05W S05 Lot 3	SENW	4.00	T07N R05W S05	NESW	30.00
T07N R05W S05 Lot 4	NESW	6.00	T07N R05W S05	NWSW	16.00
T07N R05W S05	SWSW	4.00	T07N R05W S05	SESW	4.00
T07N R05W S05 Lot 4	NWSE	30.00	T08N R05W S32	SWSW	1.50
T08N R05W S32	SWSE	2.00	T08N R05W S32	SESE	13.50

207 ACRES TOTAL

T07N, R05W S5 NENE, NWNE, NESW, NWSW, SWSW, SESW; T08N, R05W S32 SWSE, SESE, & T08N, R05W, S33 SWSW is unsurveyed, nonfederal land except where noted by GCDB lot number.

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

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

04/06/2006

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

RIGHT NUMBER: 3-2011

NAME AND ADDRESS: DONALD H STARR
3774 E ISLAND RD
ONTARIO OR 97914

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY:

PRIORITY DATE: 10/30/1970

POINT OF DIVERSION:

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

PLACE OF USE: IRRIGATION Within PAYETTE County

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

Recommended as Right No. 3-10016.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Recommended as Right No. 3-10016: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.

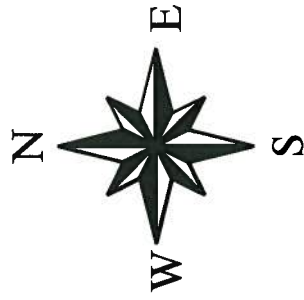
Idaho Department of Water Resources

Claim Number:

03-10016

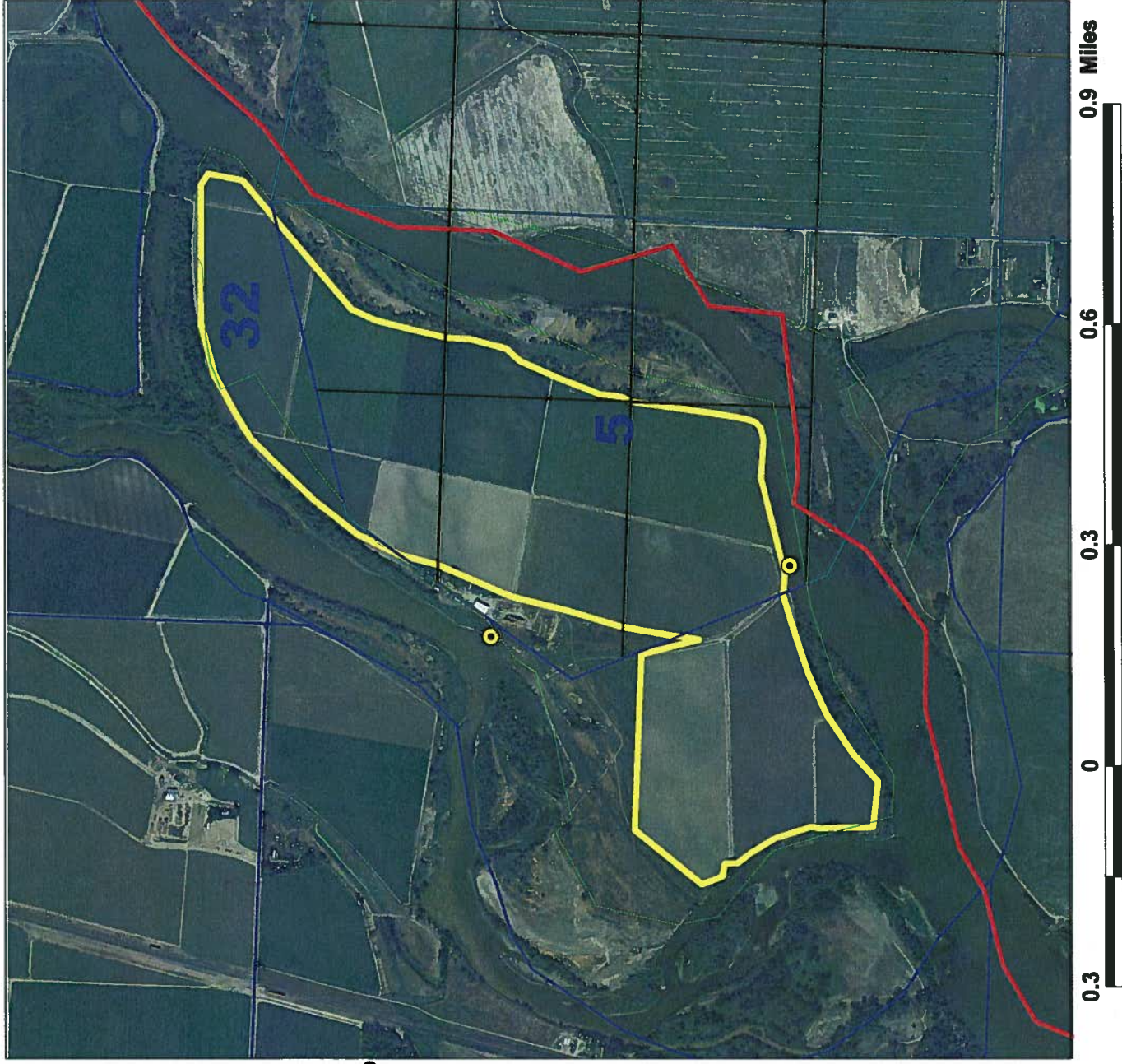
- Administrative BasinsAdminbas.shp
-  Payette taxlots
 -  Points of Diversion
 -  Sections
 -  Quarter Quarters
 -  Place of Use

**Legal: T07N, R05W, S5
T08N, R05W, S32**



Reveiwed by: J. Dean 4/6/06

2004 NAIP Photo



R. 5 W

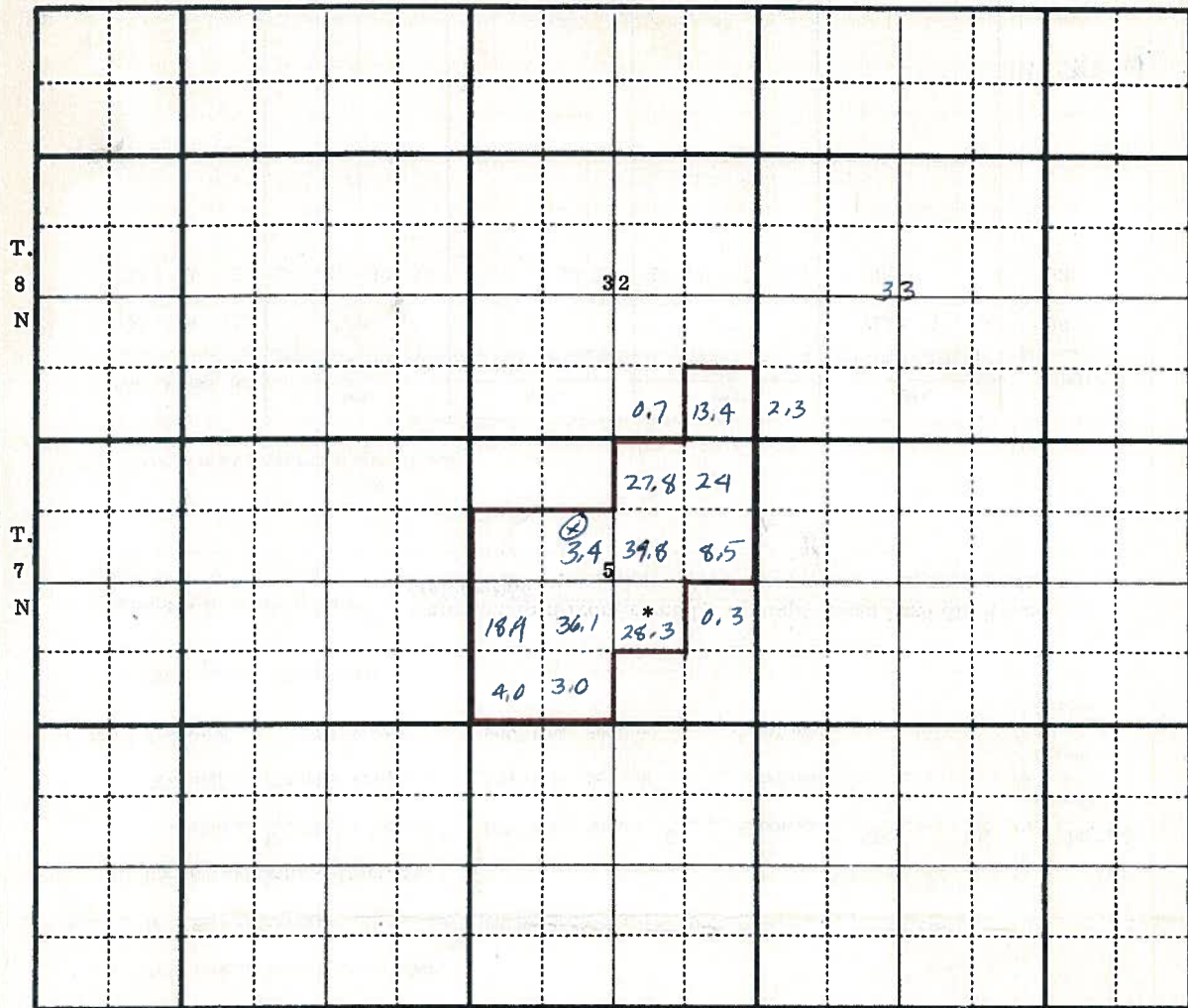


Diagram of System

(11)

Allis Chalmers 2600 GPM, 10" discharge 860 RPM
 " " Motor 20 HP, 860 RPM (Ser 206108858) 220 Volt
 Discharging into open ditch

(12)

20HP AJAX Motor 1725 RPM, (Ser LMI3865 QY)
 10" discharge into open ditch

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 18662/03-2011 Priority Oct. 30, 1970 Amount 4.15 cfs
(late proof)

THIS IS TO CERTIFY, that ERNEST L. STARR
of Silverton, Oregon, has complied with the terms and conditions of Permit
No. 18662/03-2011 issued pursuant to Application for Permit dated August 1, 1938,
and has submitted proof to the Department of Water Administration on November 13, 1972,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 10.07 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from the Snake River
tributary of the Columbia River, is hereby confirmed in the following amounts:
Amount 4.15 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 4.15 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NW $\frac{1}{4}$ SE $\frac{1}{4}$ & SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Twp. 7 N, Rge. 5 W, B. M.

in the county of Payette; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 934 acre feet per year or _____
4.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7 N	5 W	5	24	28	40	8.5				3	36	19	4	3		28			193.5
8 N	5 W	32														0.7	13.3		14.0
																(lot 5)			

Total number of acres irrigated 207.5

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

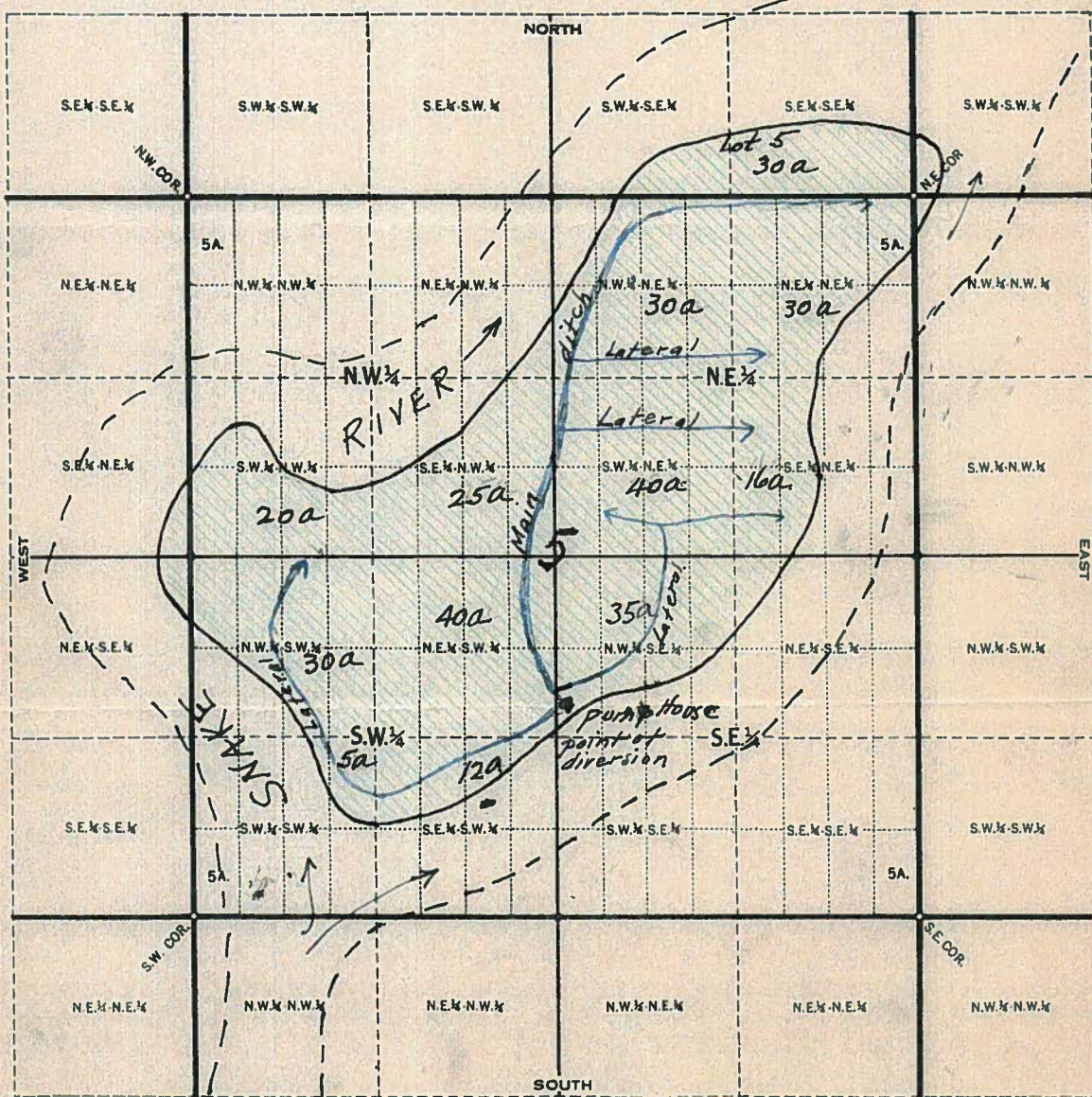
Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of
December, 19 73.


Director

03-2011

No. 723 SURVEYORS SECTION PLAT
THE CLASON MAP CO., CHICAGO-DENVER

SECTION NO. 5 TWP. 7N. RANGE 5W COUNTY Payette STATE Idaho
32 8N. 5W " " "



SCALE, 1000 FEET = ONE INCH

Conover Island in Snake River

Map to accompany application for
Permit by Ernest L Starr of
Silverton Oregon
July 12 1938

Permit Map No. 18662

As Approved

AUG 15 1938
R. W. FARIS

Commissioner of Registration

18662

The Idaho-Oregon Boundary between Payette and Malheur Counties

by Sheldon Bluestein
Idaho State Mapping Coordinator
208-334-7750
7/19/94 revision of 1986 work

In 1986, Harold Curt, Payette County Assessor, reported a problem with Idaho State Tax Commission (S.T.C.) code area maps. These maps show the various tax code areas--areas with unique combinations of taxing districts, such as road districts, school districts, mosquito abatement districts, etc. A question arose over whether McPherson Island, in the Snake River near Ontario, Oregon, was in a particular rural fire district. S.T.C. maps for Payette County did not show McPherson Island at all, and thus did not include it in any tax code area.

S.T.C. code area maps are drawn on base maps copied from Idaho State Department of Transportation county maps. (See Figure 1.) In turn, these are based on U.S. Geological Survey (U.S.G.S.) topographic maps. On the U.S.G.S.'s Nyssa 1:24000 topographic map, McPherson Island is shown as part of Oregon, not Idaho.

In contrast, both Malheur and Payette Counties have always considered McPhersons Island as part of Idaho. Malheur County's plat map is Figure 2.

Idaho's 1891 enabling act defined its western boundary as following Oregon's boundary. Oregon's 1859 enabling act defined its eastern boundary as "the middle of the main channel of the Snake River". Thus, to establish the boundary line between the two states, one must determine where the river was in 1859, where it is today, and how and why it moved.

Surveys of the Boundary: General Land Office (G.L.O.) township plats are normally the oldest survey-based maps of Idaho. The 1868 G.L.O. survey plat for Township 7 North Range 5 West, Boise Meridian (Figure 3) shows the present island as an upland area attached to Idaho, part of Section 5. The township was surveyed by Allen M. Thompson, who generally has a good reputation. Thompson's notes say the meandered area had "land level, soil 1st rate, subject to inundation".

The 1874 G.L.O. survey plat for T18N R47E, Willamette Meridian (Figure 4), seems to conform well with the Idaho side. There seems to have been some exaggeration of the river's meanders between 1868 and 1874. Note that the Oregon survey shows much more detail of the river's meanders than does the Idaho survey.

Both sides' G.L.O. surveys are shown on Figure 5, drawn on the USGS Nyssa topographic map. Note that the U.S.G.S. map shows McPhersons Island as Section 27 of the Oregon township. The Idaho survey is also drawn on Figure 6, an aerial photo.

In reviewing the U.S.G.S. topographic map, another problem arises--that of the area south of McPhersons Island, in Whitley Bottom. An area which shows on the map as Sections 33 and 34 of the Oregon township, is on the Idaho side of the river and the boundary line.

Another relevant map is the U.S.G.S.'s 1898 Nampa 1:125000 topographic map, shown as Figure 7. Based on an 1891 survey, it shows McPhersons Island as an island on the Oregon side of the river. Channels divide the Whitley Bottom problem area into two islands--a northern one which seems to be the upland area of Oregon's Sections 33 and 34,

and a southern one which appears to be the upland area of Idaho's Section 8.

The Oregon Short Line Railroad map of 1883 is shown as Figure 8. This stretch marks the railroad's closest approach to the river. What Figure 2 calls "Crow Island" is here shown as "Low Island". While the survey doesn't show any detail of islands, it does show riprap along the river bank just south of Low Island.

A last relevant map is a 1908 survey of McPhersons Island by C.P. Lattig, a Licensed Surveyor. It shows a "Present Main Channel of Snake River" where the U.S.G.S. maps show it; the "Survey of 1868 channel of Snake River"; and a "By-channel". It shows accretion land along the southwest side of McPhersons Island. This survey, Figure 9, was recorded in Canyon County.

Starr Island Visit: Harold Curt stated that deeds for McPhersons Island have always been recorded in Idaho. The Starr family has owned McPhersons Island for three generations, and has always paid taxes in Idaho. Harold and I visited Mr. Starr on December 18, 1986.

Mr. Starr affirmed that he lived in Idaho, and that Oregon considered he lived in Idaho. Malheur County (Oregon) road services end at the causeway entering his island. His children attended school in Malheur County, and had to pay tuition because they were considered Idaho residents. Malheur County plat maps show McPhersons Island as part of Idaho, and the Whitley Bottom land as part of Oregon's Sections 33 and 34--as on the original GLO survey. Malheur County plat maps show land in those sections as cut off from Oregon.

On my visit, I could clearly see a drop in elevation that appears on the U.S.G.S. Nyssa map as the 2155 foot contour, and which is very close to the Idaho G.L.O. survey's meander line. Below that 2155 foot contour, the bottomland appears to be accretion land as shown on the 1908 Lattig survey.

Mr. Starr said that he had once asked an older resident of the area, a Mr. Oris Dearborn, about the river and the island. That individual, whose account Mr. Starr wrote down as Figure 10, said that there were few changes in the river from GLO days to when the Oregon Short Line Railroad was built along the Oregon side of the river (1883). Mr. Dearborn stated that a railroad jetty (perhaps the riprapping shown in the area) cut off a slough running toward Ontario that was an important overflow channel for the river. One flood year around 1900, the river cut off McPhersons Island.

The earliest newspapers for this area did not appear until 1892. I reviewed what I could find (mostly the Caldwell paper), but came up with no mention of major flooding around 1900.

Conclusion: I believe that in 1859, at the time of Oregon statehood, the Snake River substantially followed the course shown in the 1868 and 1874 G.L.O. surveys. I also believe that railroad causeway construction and riprapping changed the river's flood behavior about 1883, and that it avulsively changed course sometime before 1891. I believe that other, accretionary changes have occurred in the river's banks since then.

Based on these beliefs, it is suggested that the state boundary between Oregon and Idaho be changed. This new boundary line could be mapped through procedures outlined in the Manual of Instructions for the Survey of the Public Lands of the United States 1973, page 170 (Figure 11). For mapping purposes, the line could be determined without field surveys. It would look approximately like Figure 12. U.S.G.S. maps, Idaho Transportation Department maps, and S.T.C. code area maps should be changed accordingly.

One last point: the Idaho Bureau of Land Management's state office in Boise now has

on staff their national expert on water boundary surveying. It would be great if we could convince the B.L.M. to have Mark Smirnoff review this information. He's awfully good at poking holes in weak arguments (mine included). It would be even better if we could get Mark to work on this problem and at least come up with a mapping solution.



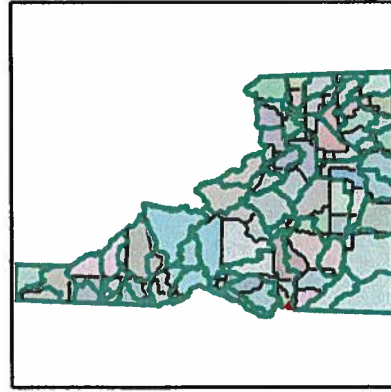
Idaho Department of Water Resources

Adjudication Claim:

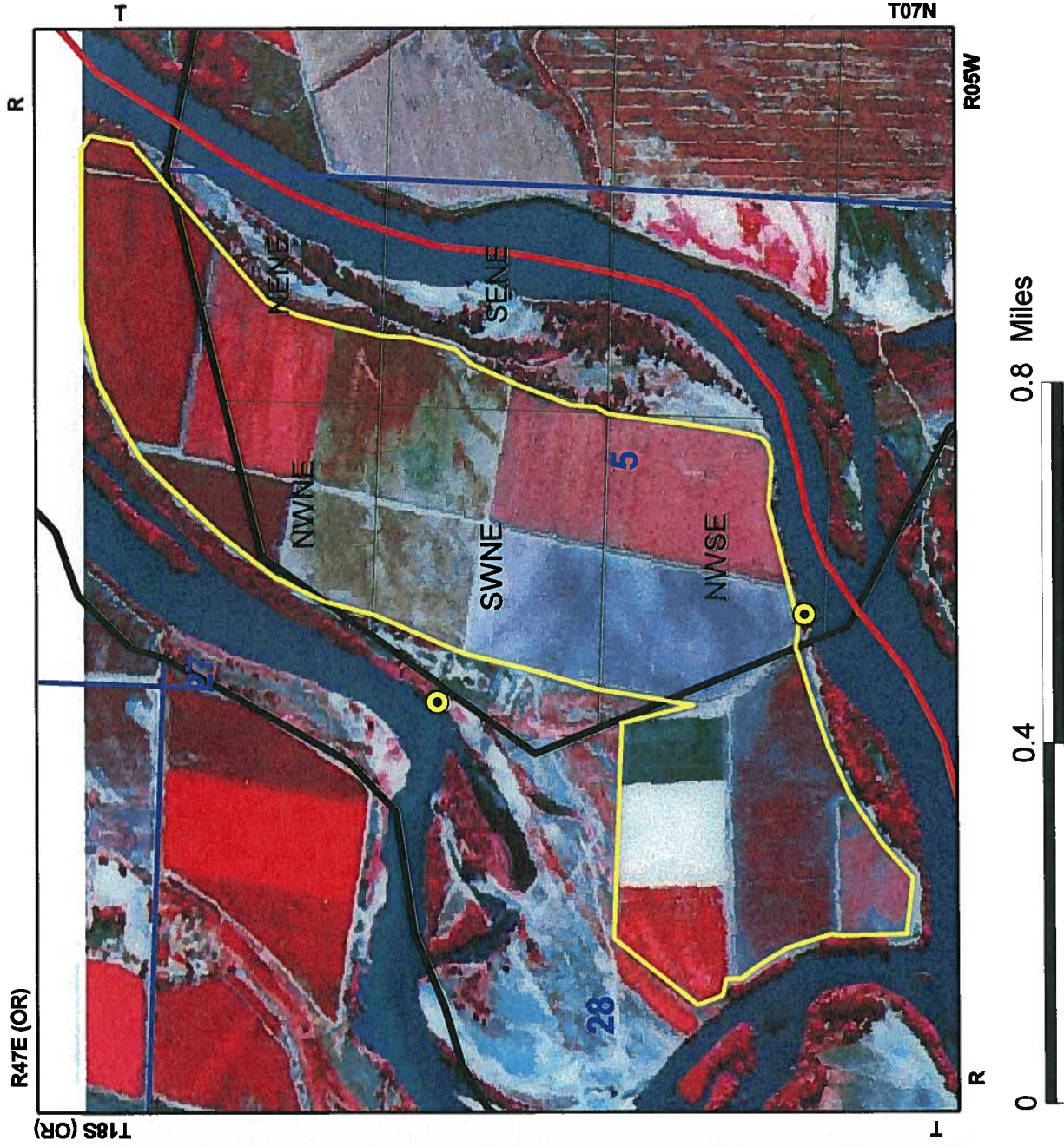
3-10016

Legend

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



County
IDWR Basin 3



Prepared by J. Dean
On Thursday, April 6, 2006
1987/88 Aerial Photography

Idaho Dept. of Water Resources
322 E. Front St. Boise, ID
April 6, 2006

To: 3-2011 & 3-10016 Claim Files
From: Jennifer Dean JD
Subject: Amended Claim

The previous memo in the file (Steve Robischon, 9/2/2005) suggests that an amended claim is needed for claim 3-10016. It also suggests that the claimant was satisfied with the claimed priority date of March 15, 1940 and a POU of 207 acres. It further indicates that the purpose of claim 3-10016 (Beneficial Use) is to receive an earlier priority than the licensed right (3-2011). After a review of the claim files and memo with Roxanne Brown, I have decided that the amended claim is unnecessary to make the recommendation outlined above.

With relation to the priority date, the supplied evidence of priority supports irrigation back to 1937 or before. Information related to the licensing process for 3-2011 supports irrigation back to the same time period. If Mr. Starr is satisfied with March 15, 1940 for the priority date there is no reason to amend the claimed priority date.

With relation to the POU, the claim for 3-10016 is 232 acres. Because the licensing field exam for 3-2011 was after the claimed priority date for 3-10016, the total number of acres that can be recommended are the 207 acres found in the field exam for 3-2011. Additionally, the 1955 aerial photo that Mr. Starr submitted showed the irrigation of 207 acres. These acres were arranged differently than the present irrigation system (as shown by aerial photos from 1987, 1998, & 2004). Due to the fact that the claim for 3-10016 is for more acres than what we can recommend, there is no need to amend the claim to with regard to the POU. An accomplished transfer will account for the differences in arrangement of acres between 1955 and 1987 aerial photos.

Based on the aforementioned information, I will go ahead and recommend 3-10016 with a priority date of March 15, 1940 for 207 acres. Other elements are subject to review. I will also disallow claim 3-2011 with the condition that it has been recommended as 3-10016.

Idaho Dept. of Water Resources
322 E. Front St. Boise, ID
April 6, 2006

To: 3-10016 Claim File
From: Jennifer Dean *JD*
Subject: Unsurveyed Lands

At various places along the Snake River (and other rivers) the most recent federal land survey (as represented by the BLM's Geographic Coordinate Database, GCDB) stops at river meander lines. Since the time of the survey, the river has changed course in several places, which created land that is not represented in the survey data. This land is known as omitted lands.

This recommendation for this claim consists of 207 acres. Of those acres, 85 are on omitted lands. In order to create a meaningful description of the place of use, I copied $\frac{1}{4}$ $\frac{1}{4}$ section lines and overlaid them on the omitted lands, carefully lining them up with the existing GCDB $\frac{1}{4}$ $\frac{1}{4}$ section lines. In so doing, there were a couple of the theoretical $\frac{1}{4}$ $\frac{1}{4}$ section lines that were divided by existing lots as well as existing lots that were divided by the theoretical $\frac{1}{4}$ $\frac{1}{4}$ section lines. In these instances I used ArcView to calculate the acres for the smallest division.

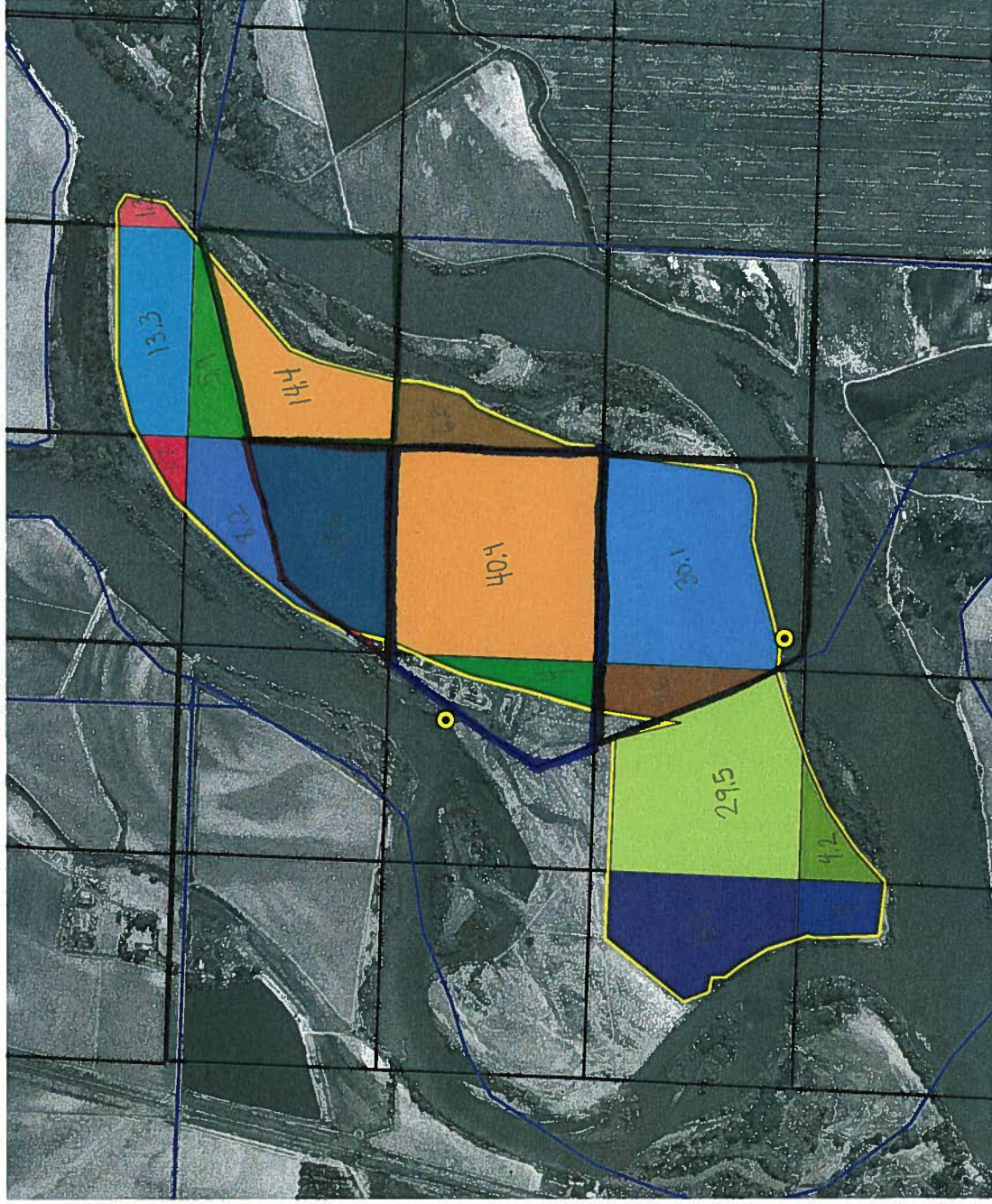
For example, I recommended 30 acres in T07N, R05W, S5 **NWSE** Lot 4. I also recommended an additional 6 acres in T07N, R05W, S5 **NESW** Lot 4. Additionally, there were 30 acres recommended as unsurveyed land in T07N, R05W, S5 **NESW**. Dividing the acres in the recommendation in this way allows both the acres for each lot and the acres for each theoretical $\frac{1}{4}$ $\frac{1}{4}$ to be calculated by simple addition. According to the example, there are a total of 36 acres in T07N, R05W, S5 **Lot 4**. There are also a total of 36 acres in T07N, R05W, S5 **NESW**. This method also keeps the government lot as part of the recommendation, which provides a more accurate legal description.

Additionally, when I calculated the acres in ArcView, the sum of acres calculated for each section was smaller than the acres calculated for the total shape. Because the shapes were uncertain, I rounded up each shape to the nearest acre or half acre using the license for 3-2011 as a guide, where appropriate.

3-10016 Acres

Lot 1
 Lot 2
 Lot 3
 Lot 4

- Graph54.shp
- Graph53.shp
- Graph52.shp
- Points of Diversion
- Sections
- Quarter Quarters
- Graph51.shp
- Graph50.shp
- Graph49.shp
- Graph48.shp
- Graph47.shp
- Graph46.shp
- Graph45.shp
- Graph44.shp
- Graph43.shp
- Graph42.shp
- Graph41.shp
- Graph40.shp
- Graph39.shp
- Place of Use
- 3_10016_extended_qq.shp

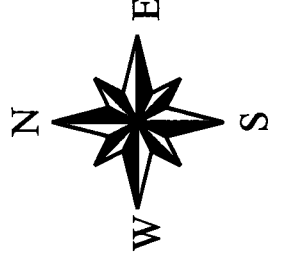


0.8 Miles

0.4

0

0.4



Township	Range	Section	QQ	Lot	GIS Acres	Rec Acres	QQ Sum	License
07N	05W	5	NENE	1	14.4	15	21	24
07N	05W	5	NENE		5.9	6		
07N	05W	5	NWNE	2	19.6	20	28	28
07N	05W	5	NWNE		8.2	8		
07N	05W	5	SWNE	3	40.4	40	40	40
07N	05W	5	SENE		6.5	7	7	8.5
07N	05W	5	SENE	3	4	4	4	3
07N	05W	5	NESW	4	5.6	6	36	36
07N	05W	5	NESW		29.5	30		
07N	05W	5	NWSW		15.8	16	16	19
07N	05W	5	SWSW		4	4	4	4
07N	05W	5	SESW		4.2	4	4	3
07N	05W	5	NWSE	4	30.1	30	30	28
08N	05W	32	SWSE		1.7	2	2	0.7
08N	05W	32	SESE		13.3	13.5	13.5	13.3
08N	05W	33	SWSW		1.3	1.5	1.5	
					204.5	207	207	207.5

Indicates Unsurveyed Lands

Idaho Department of Water Resources

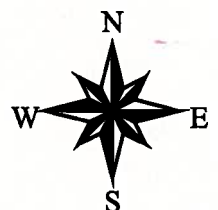
1987 NAPP



0 0.25 0.5 0.75 1 Miles

Claim Number: 03-10016
Legal: T07N, R05W, S05
Reviewed By: MRM 09/22/05

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



Idaho Department of Water Resources

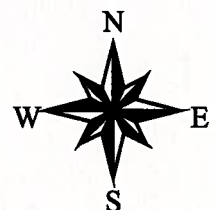
1987 NAPP



0 0.25 0.5 0.75 1 Miles

Claim Number: 03-10016
Legal: T07N, R05W, S05
Reviewed By: MRM 09/22/05

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines





To: File 3-2011, 3-10016

From: Steve Robischon

Date: 9/2/2005

Re: Priority Date and Place of Use

Mr. Don Starr came in to the State office to discuss his SRBA claims. He has a claim for a licensed right (3-2011, 207 acres, 1970 priority date, late proof) and another beneficial use claim (3-10016) covering the same place of use (plus 25 acres). The beneficial use claim asserts a priority date of 1940.

Mr. Starr discussed the history of the land use and brought in several aerial photos along with two affidavits. He has been farming the land since 1956. He described the pre-leveled farming methods of using the ridges and sloughs for supply and drainage, and indicated on the aerial photos where the ditches ran and which lands were farmable. The affidavits (one signed by Thomas P. and the other by Reva S. Allen) state that water was diverted to the land (unspecific as to exact quantity/location) in 1937. Thomas Allen states that in 1938 he hauled some grain, and in 1939 beets, off the island. Reva Allen helped her father (Walter Starr) prime "the big pump that pumped water out of the river."

Mr. Starr also brought in a title abstract that contains a posted notice (appears to have been received in both Payette and Canyon counties) dated December 8, 1902. The notice specifies the intent to divert 35 cfs for power, irrigation, and mining purposes. The intended place of use indicated is 500 acres in T07N, R05W, Sections 5, 8 and 9. The claimed place of use lies in Section 5 and in T08N, Section 32 (14 acres).

Mr. Starr's license (3-2011) file includes documentation of proof of completion of diversion works dated August 1939. Due to the late proof of beneficial use, the priority date on the license was advanced to 1970. His beneficial use claim (3-10016) asserts a priority date of 1940 that covers the 207 acres in the original license as well as 25 additional acres. The major portions of the additional acres lie in the SENW (10 acres) and the NWSW (11 acres). Irrigation of these additional acres was not supported by Mr. Starr's description using the aerial photo.

We explained to Mr. Starr that the additional acres he has claimed on 3-10016 are not supported by the licensing field exam. Further review of the license file indicates the additional acres claimed in the SENW and NWSW match up with the numbers contained on the permit map, not the field exam.

Mr. Starr was asked to provide a markup of the 1955 aerial photo indicating the irrigated acreage. Once received, we will digitize the markup and use the area computed from the resulting polygon(s) to create an amended claim for 3-10016. The amended claim will be sent to Mr. Starr, with an included remark withdrawing his claim for the license (3-2011). When he signs and returns the amended claim, 3-10016 can be recommended with the claimed priority date of 1940 and a place of use not exceeding the 207 acres found on the 3-2011 license.

SCANNED
SEP 02 2005

Ontario, Oregon

4-16-1990

TO WHOM IT MAY CONCERN:

I Thomas P. Allen do here by certify that there was water pumped out Snake River in 1937 and before, on to what is now knowen as Starr Island out of Ontario, Oregon in Payette county Idaho. In 1938 I ★ hauled some grain, 1939 I hauled beets off the Island for Walter Starr.

Thomas P. Allen

Thomas P. Allen

Datricia Ireland

Notary Public for Oregon

My commission expires 7-26-92

(SEAL)

SCANNED
SEP 02 2005

Ontario, Oregon

4-16-1990

TO WHOM IT MAY CONCERN:

I Reva Starr Allen do here by certify that there was water pumped out Snake River in 1937 and before, on to what is now known as Starr Island out of Ontario, Oregon in Payette County Idaho. I use to help my dad Walter Starr prime the big pump that pumped water out river.

Reva S. Allen
Reva S. Allen

(SEAL)

Dustin Ireland
Notary Public for Oregon
My commission expires 7-26-92

SCANNED
SEP 12 2005

3.

William W. White, Claimant,

to

The Public

NOTICE OF WATER RIGHT

Dated Dec. 8, 1902

Ackl. Dec. 8, 1902

Filed Mar. 17, 1903

Rec. Bk. 2 Water Loc. p. 10 Can. Co.

Rec. Bk. A Misc. p. 515 Pay. Co.

Recites: To all concerned. Notice is hereby given: 1st. That, I, William W. White of Payette, Idaho, hereby claim the use of the waters of Snake River to the extent of 35 cubic feet per second.

It is intended to divert said water at or near the point where a copy of this notice is posted and more definitely described as follows: Near the SE corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8, Township 7 North, Range 5 West of the Boise meridian.

(In above description give legal subdivision of land or describe the place with reference to some prominent landmark).

2nd. The purpose for which said water is intended to be used is Irrigation Power and Mining Purposes. The place of intended use is Township 7 North, Range 5 West of the Boise meridian.

3rd. It is intended to divert said water by means of canal or ditch. The general course of the proposed conduit is NE. The length of the proposed conduit is 1 $\frac{1}{4}$ miles.

The destination of the proposed conduit is Snake River.

It is intended to use said water for irrigating the following described lands.

SW $\frac{1}{4}$ and E $\frac{1}{2}$ of NW $\frac{1}{4}$ and W $\frac{1}{2}$ of NE $\frac{1}{4}$ Section 9, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, Lots 4 and 5 Section 5, all in Township 7 North of Range 5 West of the Boise Meridian.

The areas of land proposed to be irrigated by said conduit is 500 acres. WITNESS my hand at Payette, Idaho this 8th day of December, 1902.

William W. White,
Claimant.

State of Idaho, County of Canyon, ss.

William W. White being first duly sworn deposes and says: That he is of lawful age and he is claimant of the Water Right mentioned in the foregoing notice and whose name is 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 place of intended diversion (as provided by law) on the 8th day of December, 1902 at 30 minutes past 4 o'clock P. M.

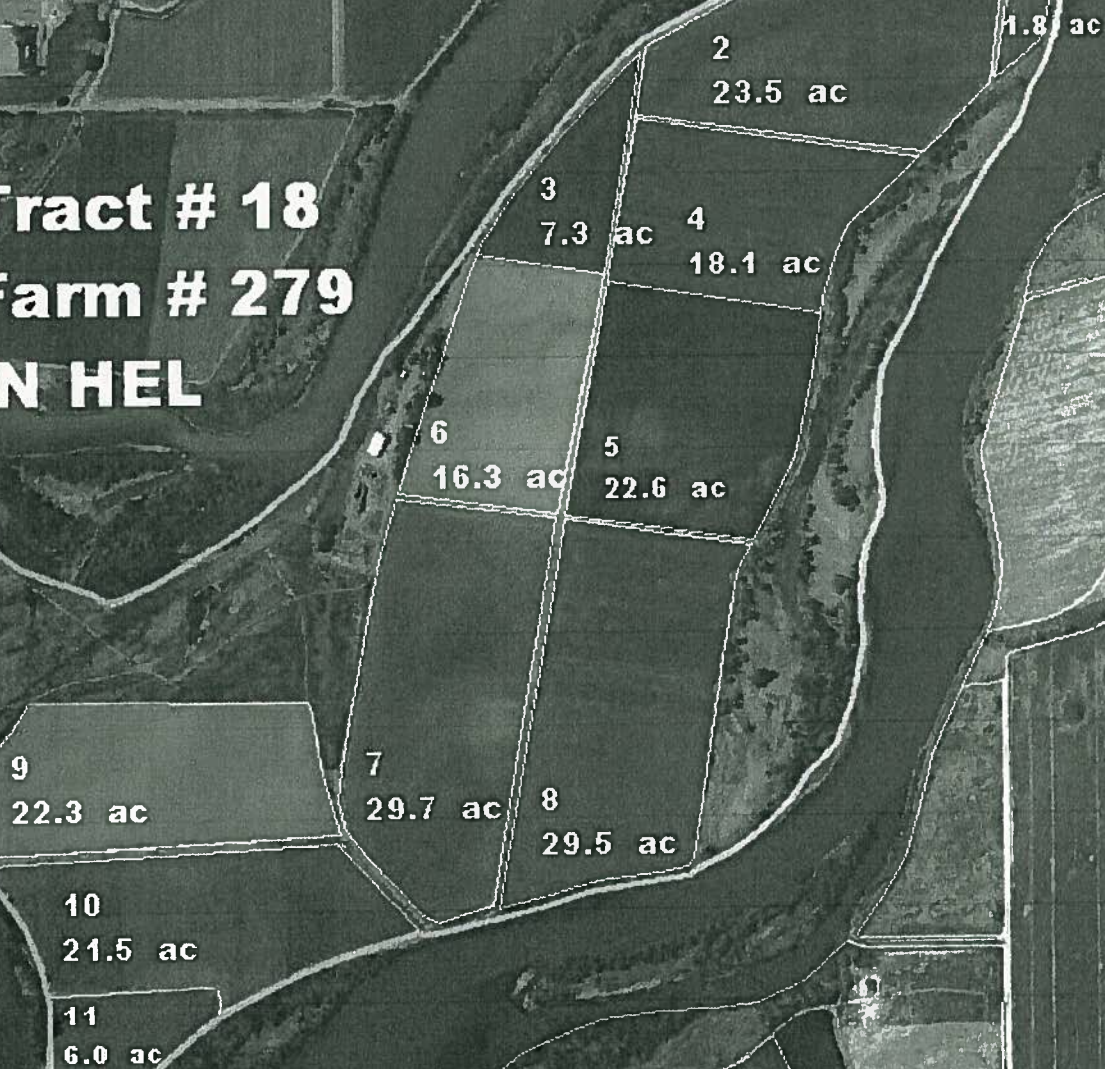
William W. White.

Acknowledged by William W. White, before J. S. Thurston, Justice of the Peace Payette Precinct, Canyon County, Idaho.

SCANNED
SEP 02 2005

105

Tract # 18
Farm # 279
N HEL



Map of T18

SCANNED
SEP 02 2005

0.08 0 0.08 0.16 0.24 0.32 Miles



Map Printed: May 16, 2005



Map of T18

SCANNED
SEP 02 2005

0.1 0 0.1 0.2 0.3 0.4 Miles



Map Printed: Jan 15, 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 17, 2005

3-10016
DONALD H. STARR
3774 EAST ISLAND ROAD
ONTARIO, OR

RESPONSE DEADLINE
September 19, 2005

Re: Evidence of Priority Date, Snake River Basin Adjudication claim 3-10016

Dear Claimant(s):

The Notice of Claim to a Water Right (claim) identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR may recommend the SRBA Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence dating as far back as possible. If you choose to submit statements from individuals as evidence, the statements should be in the form of a notarized affidavit. Also, in your particular case you also have a claim for approximately the same land, which is based on a license, claim number 3-2011. This letter is in regards to the second claim 3-10016 which is for 25 more acres than what was licensed and also has an earlier priority date. If you submit sufficient proof of priority for **all** the acres claimed on 3-10016 we will recommend this claim to the court. In this case we would also disallow claim 3-2011. If you cannot provide sufficient proof we will recommend 3-2011 as licensed to the courts and disallow 3-10016.

Should you decide to return materials in a mailer other than that enclosed, please include the notation "ATTN: SRBA Claim Number 3-10016" on the front of the mailer.

If you have any questions, please contact this office. Our toll free number is 1-800-451-4129. It will help speed things along if you have your claim number, 3-10016, handy when you call.

Misty Mount
Adjudication Technical Support

Enclosures
Evidence of Priority pamphlet

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 03-10016

Date: 9-18-02

	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	7N	5W	5	24	28	40	8				13	40	30	4	3		28			218
GIS				15	19	49	6.7													
Claim	8N	5W	32															-5		
GIS																		1	13	14
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 2

Total Claimed Acres: 232

Overlapping FOU Claim #'s:

03-02011

Total GIS Acres: 232

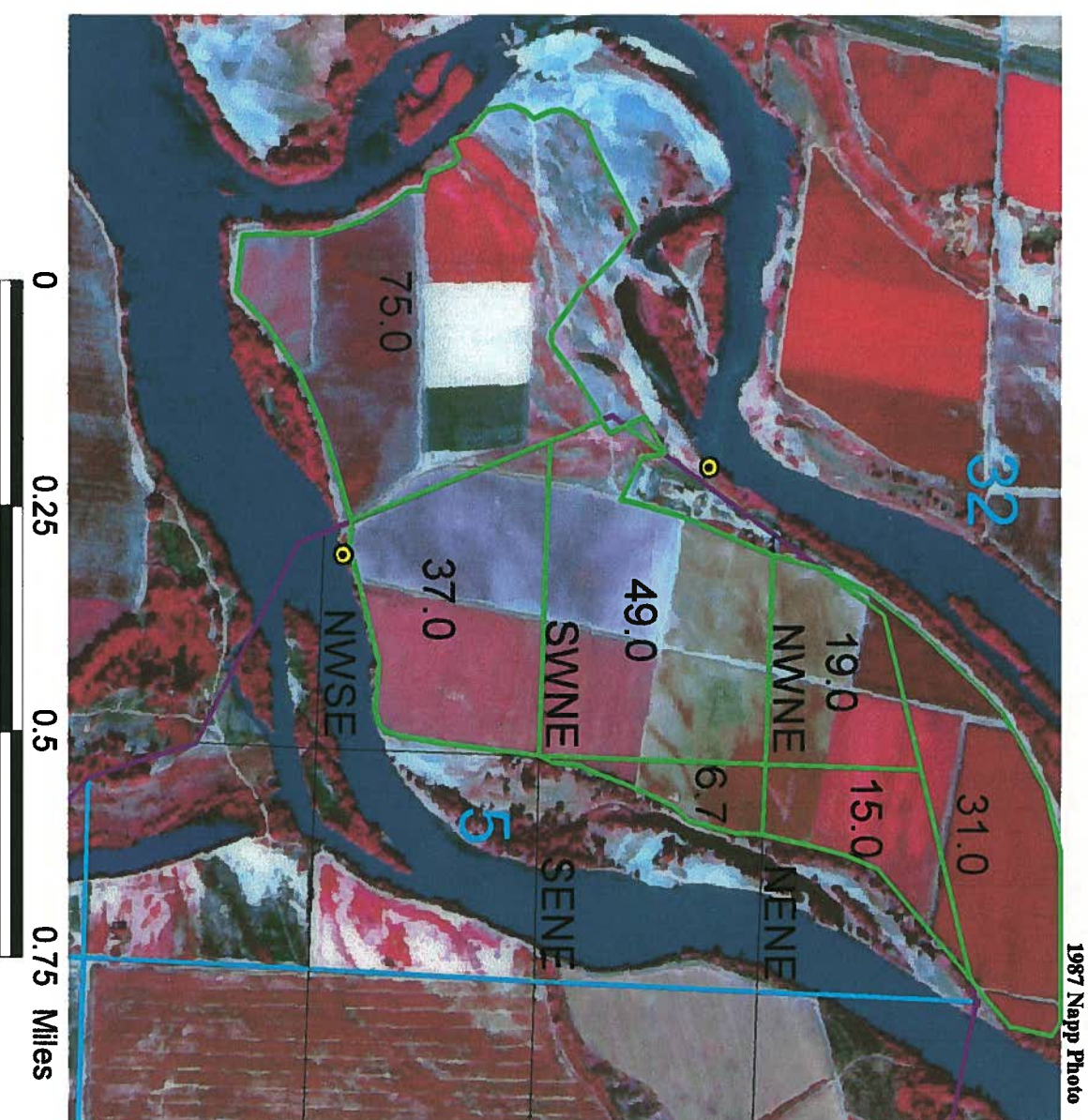
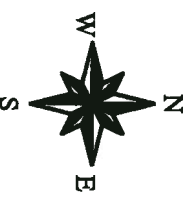
COMMENTS:

Per overlapping claim, county boundaries + image interpretation. A portion of the claim didn't have the gcdb; therefore, I didn't breakout all acres by g.g. Imagery is cut off right at top of claim

Idaho Department of Water Resources

Claim Number: 03-10016
Legal: T07N, R05W, S05, 32
Reviewed By:

- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines
- Township/Range Lines





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 20, 1992

Donald H. Starr
3774 East Island Rd.
Ontario, OR 97914

Re: Snake River Basin Adjudication (SRBA) - Payette County
Identification Number Change

Dear Mr. Starr,

The identification number of your Notice of Claim to a Water Right has been changed from A65-18501 to A03-10016. The Idaho Department of Water Resources assigns "administrative basin numbers" that represent a particular geographic location within the state. The "basin number" is used as part of the identification number of the water right. During the process of investigating your claim, it was discovered that your right is in "Basin 03" rather than "Basin 65". This change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new identification number. Refer to this record number in any future inquiries or correspondence. Please do not hesitate to contact this office, if you have any questions.

Sincerely,

Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

Enclosures:
copy of Notice of Claim

MICROFILMED
AUG 10 1992

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

renumbered: A03-10016

Ident. Number: ~~A65-18501~~

Date Received: 4/10/1990

Receipt No: M006542

Received By: *[Signature]*

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

1. Name: DONALD H. STARR
Address: 3774 EAST ISLAND ROAD
ONTARIO, OR

503-889-5877

97914

2. Date of Priority: MAR 15, 1940

3. Source: SNAKE RIVER

Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	05W	5		SE	NW		PAYETTE
				NW	SE		PAYETTE

5. Description of diverting works:
PUMP, PIPELINE, SPRINKLERS, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.150		934.00

7. Total Quantity Appropriated is:
4.150 C.F.S. (and/or) 934.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	05W	5	NE	NE		IRR	24.0
			NW	NE		IRR	28.0

A65-18501

Page 1

Date: 04/10/90

MICROFILMED

AUG 10 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	05W	5	SW	NE		IRR	40.0
			SE	NE		IRR	8.0
			SE	NW		IRR	13.0
			NE	SW		IRR	40.0
			NW	SW		IRR	30.0
			SW	SW		IRR	4.0
			SE	SW		IRR	3.0
			NW	SE		IRR	28.0
						Section Acres	218.0
08N	05W	32	SW	SE	5	IRR	1.0
			SE	SE		IRR	13.0
						Section Acres	14.0
						Total Acres	232.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:
A03-02011

14. Remarks:

THIS HAS BEEN IRRIGATED EVER SINCE 1940 OR BEFORE WAS FILED ON
IN 1970.

15. Basis of Claim: BENEFICIAL USE
Water Right Number: 18662

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): *Donald H. Starr* Date: *April 10, 1990*

Date: _____

State of Idaho)
County of *Ada*) SS.

Subscribed and sworn (or affirmed) before me this *10th* day
of *April* 19 *90*

Melvin E. Gibson
Notary Public

Seal

Residing at *Boise, Idaho*
My Commission Expires *9-2-1994*

A65-18501

OREGON
IDAHO

POD

B 282

B
40.1

1973 net area
AH. aff 5.1

32 33
5.4

POD

EXROFILMED

AUG 10 1992

615