

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 63-31585
Date Received: 10/21/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DALE M FRAZELL
15205 N MC FARLAND CREEK RD
BOISE ID USA 83714

Phone: (208) 433-9282

KATHLEEN KEYS
15205 N MC FARLAND CREEK RD
BOISE ID USA 83714

Phone: (208) 433-9282

2. Date of Priority: 10/19/1908

3. Source: MC FARLAND CREEK Trib. to: CURRANT CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
05N	02E	29	NW	SW		ADA	
05N	02E	29	SW	NW		ADA	
05N	02E	29	NE	SW		ADA	

5. Description of diverting works:

Dams and ditches.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.39	
IRRIGATION STORAGE	01/01	12/31		90
IRRIGATION FROM STORAGE	03/01	11/15		90
STOCKWATER	01/01	12/31	0.04	
STOCKWATER STORAGE	01/01	12/31		0.67
STOCKWATER FROM STORAGE	01/01	12/31		0.67
DIVERSION TO STORAGE	01/01	12/31	0.39	

7. Total Quantity Appropriated is:
0.39 C.F.S. and/or 90 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 70 Range Cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	02E	29	SW	NW	IRRIGATION	10
			SE	NW	IRRIGATION	2
			NE	SW	IRRIGATION	4
			NW	SW	IRRIGATION	3
			SW	NW	STOCKWATER	
			SE	NW	STOCKWATER	
			NE	SW	STOCKWATER	
			NW	SW	STOCKWATER	
Section Acres						19
05N	02E	30	NE	SE	STOCKWATER	
			NE	SE	IRRIGATION	1
Section Acres						1
Total Acres						20

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

Address change by DB 4/15/2004

15. Basis of Claim: Beneficial Use

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Claim Number(s): 63-31247, 63-31585, 63-31586

Previous Mailing Address: Dale Frazell and Kathy Keys
2205 W. Fillmore Ave
Boise ID 83702

New Mailing Address:

Dale Frazell + Kathy Keys →
15205 N. McFarland Creek Rd
Boise, Id 83714
433-9282

Dale Frazell and Kathy Keys
15205 N McFarland Creek Rd
Boise, ID 83714

Telephone Number: (208) 433 9282

Signature of Claimant(s):

Kathy Keys
Dale Frazell

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177

MATT J. HOWARD**ATTORNEY AT LAW**

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

EMAIL MHOWARD@FIBERPIPE.NET

FACSIMILE TRANSMITTAL SHEET

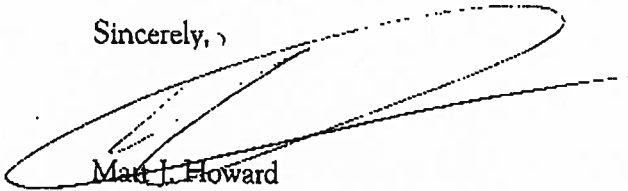
TO:	FROM:
IDWR Western Region	Matt J. Howard
COMPANY	DATE:
	April 15, 2004
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
334-2190 334-2348	2
RE:	
Change of Address - Water Right Nos. 63-31247, 63-31585, and 63-31586	

NOTES/COMMENTS:

Dear IDWR Western Region:

Enclosed is a SRBA Change in Address of Notice of Claim for water right nos. 63-31247, 63-31585, and 63-31586 executed by my clients, Dale Frazell and Kathy Keys. Please make the appropriate changes to your records. Please call me if you have any questions. Thank you very much.

Sincerely, ✓


Matt J. Howard**CONFIDENTIAL & PRIVILEGED INFORMATION**

This facsimile is confidential & privileged. It is for use of the individual(s) named on this cover sheet. If you are not the intended recipient, do not read this facsimile. Any further inspection, dissemination, or copying of this facsimile is prohibited. If you have received this facsimile by error, please notify us by phone immediately, and we will arrange to have it returned to us. Thank you for your cooperation.

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 *A63-31585*
Date Received: *10-21-02*
Receipt No: *W029815*
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DALE M FRAZELL Phone: (208) 283-7253
2205 PLEASANTON AVE.
BOISE, ID 83702

KATHLEEN KEYS Phone: (208) 283-7253
2205 PLEASANTON AVE.
BOISE, ID 83702

2. Date of Priority: 10/19/1908

3. Source: MC FARLAND CREEK Trib. to: CURRANT CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	02E	29	NW SW	ADA	
05N	02E	29	SW NW	ADA	
05N	02E	29	NW SW	ADA	
05N	02E	29	NE SW	ADA	

5. Description of diverting works: Dams and ditches.

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	03/01 11/15	0.39	
DIVERSION TO STORAGE	01/01 12/31	0.39	
IRRIGATION STORAGE	01/01 12/31		90.0
IRRIGATION FROM STORAGE	03/01 11/15		90.0
STOCKWATER	01/01 12/31	0.04	
STOCKWATER STORAGE	01/01 12/31		0.67
STOCKWATER FROM STORAGE	01/01 12/31		0.67

7. Total Quantity Appropriated is:
0.39 C.F.S. and/or 90.0 A.F.A.

8. Total consumptive use: N/A

9. Non-irrigation uses: Stock water for 70 head of range cattle.

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	02E	29	SW	NW	IRRIGATION	10
			SW	NW	STOCKWATER	
			SE	NW	IRRIGATION	2
			SE	NW	STOCKWATER	
			NE	SW	IRRIGATION	4
			NE	SW	STOCKWATER	
			NW	SW	IRRIGATION	3
			NW	SW	STOCKWATER	
Section Acres						19
05N	02E	30	NE	SE	IRRIGATION	1
			NE	SE	STOCKWATER	
			Section Acres			
Total Acres						20

11. Place of use in counties: ADA

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

13. Other Water Rights Used: 63-5107 (Spring).

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 63-5107.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: -0-

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):

[Handwritten Signature]
[Handwritten Signature]

Date: 10-07-02

Date: 10/7/02

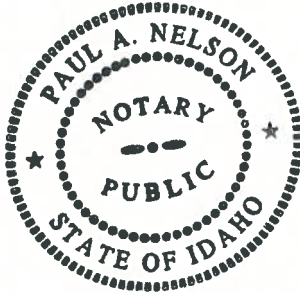
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this

of 7 September 2002

[Handwritten Signature: Paula A. Nelson]

Notary Public



Residing at Boise, ID

My commission Expires 9/3/04

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-31585

2006 DEC 19 PM 12:49

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

NAME AND ADDRESS: DALE M FRAZELL
KATHLEEN KEYS
15205 N MC FARLAND CREEK RD
BOISE, ID 83714

SOURCE: MC FARLAND CREEK TRIBUTARY: CURRANT CREEK

QUANTITY: 0.22 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-31247 & 63-32082 IS LIMITED
TO A TOTAL COMBINED DIVERSION RATE OF 0.22 CFS.
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 10/19/1908

POINT OF DIVERSION: T05N R02E S29 NENESW Within Ada County
NWNWSW
NENWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.22 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS

PLACE OF USE:	Irrigation	Stockwater
	T05N R02E S29	Within Ada County
	SWNW 5.1	SENW 1.2
	NESW 0.7	NWSW 3.1
	S30	
	11.0 Acres Total	
	Stockwater	Within Ada County
	Same as Irrigation	

USE OF THIS RIGHT WITH RIGHT NO. 63-31247 & 63-32082 IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 11 ACRES IN A SINGLE
IRRIGATION SEASON.

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

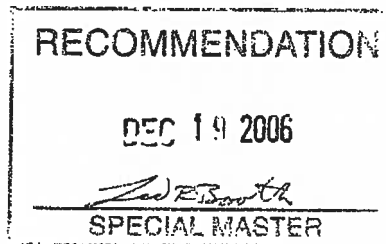
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



10/22/2005

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

RIGHT NUMBER: 63-31585

NAME AND ADDRESS: DALE M FRAZELL
15205 N MC FARLAND CREEK RD
BOISE ID 83714

KATHLEEN KEYS
15205 N MC FARLAND CREEK RD
BOISE ID 83714

SOURCE: MC FARLAND CREEK

TRIBUTARY: CURRANT CREEK

QUANTITY: 0.220 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-31247 & 63-32082 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.22 CFS.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 10/19/1908

POINT OF DIVERSION:

T05N R02E S29 NENESW Within ADA County

T05N R02E S29 NENWSW Within ADA County

T05N R02E S29 NWNWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.220 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION Within ADA County

T05N R02E S29	SWNW	5.1	T05N R02E S29	SENW	1.2
T05N R02E S29	NESW	0.7	T05N R02E S29	NWSW	3.1
T05N R02E S30	NESE	0.9			

STOCKWATER same as IRRIGATION

11 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-31247 & 63-32082 IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 11 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

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

Water Right 63-31585

1

10/22/2005

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Per Administrative Memorandum/Application Processing No. 67, February 28, 2003, this right does not require a storage component as the pond does not impound a larger volume of water than authorized for diversion within a 24 hour period.

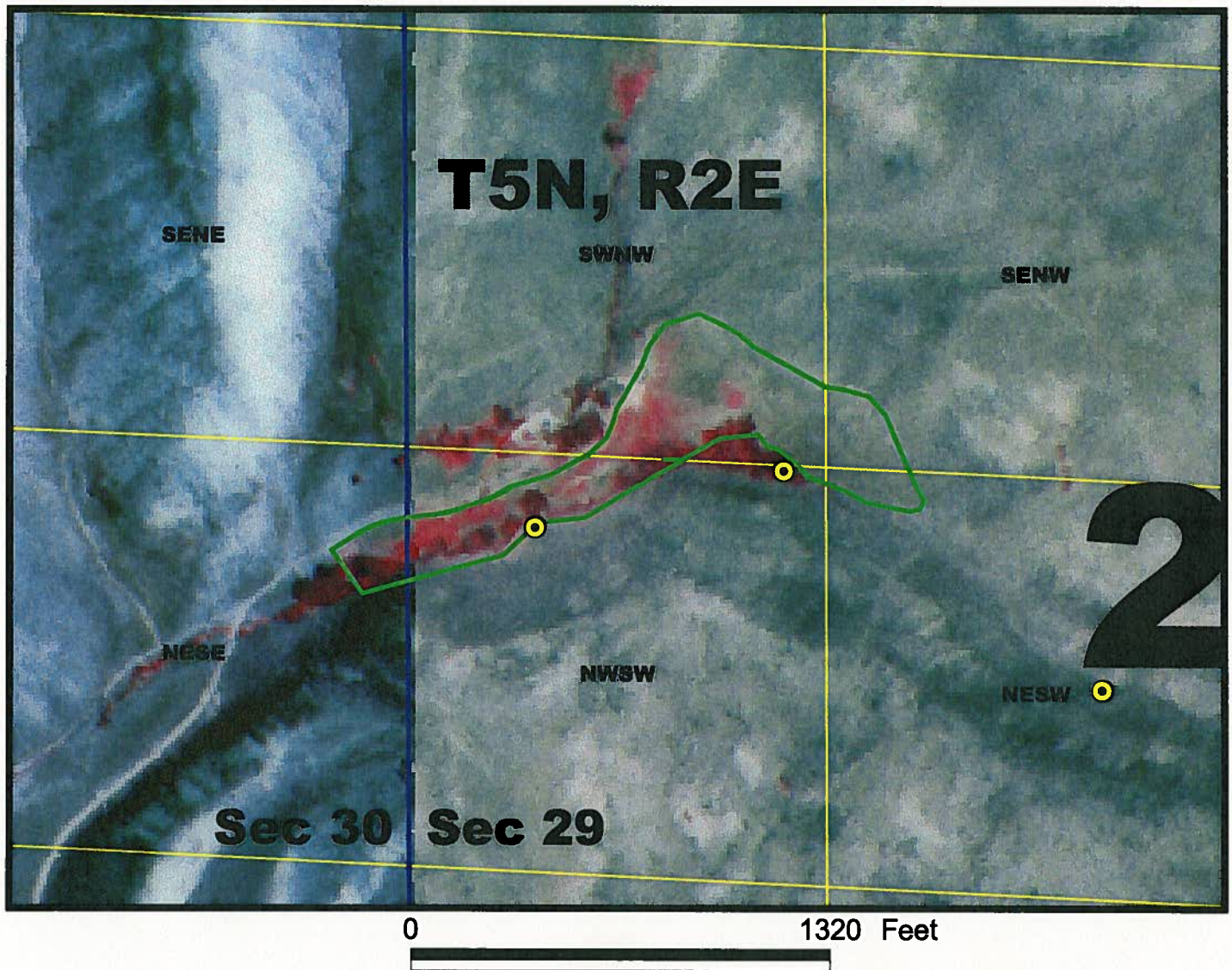
Stockwater use is for 70 range cattle.



STATE OF IDAHO

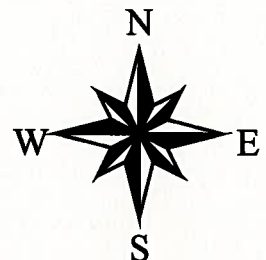
Department of Water Resources
Western Region

Water Right(s): 63-31585



Total Irrigated Acres: 11.0

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



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: February 2005

02/24/2005

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

RIGHT NUMBER: 63-31585

NAME AND ADDRESS: DALE M FRAZELL
15205 N MC FARLAND CREEK RD
BOISE ID 83714

KATHLEEN KEYS
15205 N MC FARLAND CREEK RD
BOISE ID 83714

SOURCE: MC FARLAND CREEK

TRIBUTARY: CURRANT CREEK

QUANTITY: 0.220 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-31247 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.22 CFS.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 10/19/1908

POINT OF DIVERSION:

T05N R02E S29 NENESW Within ADA County

T05N R02E S29 NENWSW Within ADA County

T05N R02E S29 NWNWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.220 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION Within ADA County

T05N R02E S29	SWNW	5.1	T05N R02E S29	SENW	1.2
T05N R02E S29	NESW	0.7	T05N R02E S29	NWSW	3.1
T05N R02E S30	NESE	0.9			

STOCKWATER same as IRRIGATION

11 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-31247 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 11 ACRES IN A SINGLE IRRIGATION
SEASON.

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 FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

02/24/2005

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

Per Administrative Memorandum/Application Processing No. 67, February 28, 2003, this right does not require a storage component as the pond does not impound a larger volume of water than authorized for diversion within a 24 hour period.

Stockwater use is for 70 range cattle.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31585 V1

WATER RIGHT NUMBER: 63-31585 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DALE M FRAZELL 15205 N MC FARLAND CREEK RD BOISE, ID 83714 (208) 433-9282
Current Owner	KATHLEEN KEYS 15205 N MC FARLAND CREEK RD BOISE, ID 83714 (208) 433-9282

Priority Date: 10/19/1908

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
MC FARLAND CREEK	CURRENT CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.220 CFS	
STOCKWATER	01/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.220 CFS	

Location of Point(s) of Diversion

MC FARLAND CREEK ADA County	NW1/4NW1/4SW1/4	Sec. 29, Twp 05N, Rge 02E, B.M.
MC FARLAND CREEK ADA County	NE1/4NW1/4SW1/4	Sec. 29, Twp 05N, Rge 02E, B.M.
MC FARLAND CREEK ADA County	NE1/4NE1/4SW1/4	Sec. 29, Twp 05N, Rge 02E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	02E	29							5.1	1.2	.7	3.1							10.1
05N	02E	30													.9				.9

Total Acres: 11

STOCKWATER same as IRRIGATIONConditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31585 V1

1. 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.
2. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. X02 Stockwater use is for 70 range cattle.

Remarks:

1. Explanatory Per Administrative Memorandum/Application Processing No. 67, February 28, 2003, this right does not require a storage component as the pond does not impound a larger volume of water than authorized for diversion within a 24 hour period.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 63-31247 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.22 CFS.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 63-31247 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 11 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. dbuffington 4/15/2004 Address change
Comment: The data in the name field was changed to show this right has an address change.
2. csaxton 2/24/2005 Recommendation Changed
Comment: Changed Ron Howertons original recommendation based on additional information provided by the claimant.
3. csaxton 2/24/2005 No Storage
Comment: Per Administrative Memorandum/Application Processing No. 67, February 28, 2003, this right does not require a storage component as the pond does not impound a larger volume of water than authorized for diversion within a 24 hour period.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal:
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	1/15/2003 11:39:33 AM	rhowerto			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31585 V1

Priority Date	1/15/2003 11:42:11 AM	rhowerto	Active
POD	1/15/2003 11:42:28 AM	rhowerto	Active
Source	1/15/2003 11:43:03 AM	rhowerto	Active
POU	1/15/2003 11:43:49 AM	rhowerto	Active
Use	1/15/2003 11:44:39 AM	rhowerto	Active
Season	1/15/2003 11:45:06 AM	rhowerto	Active
Quantity	1/15/2003 11:46:05 AM	rhowerto	Active
Summary	01/15/2003	rhowerto	Active
Summary	01/15/2003	rhowerto	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	1/15/2003 11:25:01 AM	rhowerto	Edited shape boundary
POU	1/15/2003 11:25:33 AM	rhowerto	Edited PLS
POD	1/15/2003 11:32:36 AM	rhowerto	Edited point location
POD	1/15/2003 11:34:28 AM	rhowerto	Edited point location
POD	1/15/2003 11:35:37 AM	rhowerto	Edited point location
Contacts	1/15/2003 11:39:34 AM	rhowerto	(No) 1. Do you want to schedule an appointment? Comment for 1: FX DONE 11-15-02
Priority Date	1/15/2003 11:42:12 AM	rhowerto	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 13. Has additional evidence of priority date been submitted? (Yes) 14. Can any portion of the claim be recommended as a valid water right? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	1/15/2003 11:42:28 AM	rhowerto	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (No) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31585 V1

Source	1/15/2003 11:43:04 AM	rhowerto	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (No) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - FIELD EXAM
POU	1/15/2003 11:43:50 AM	rhowerto	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (No) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - FX & 1987 NAPP
Use	1/15/2003 11:44:40 AM	rhowerto	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (No) 11. Does the file contain all the necessary information to verify the Water Use? (Yes) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - FX
Season	1/15/2003 11:45:06 AM	rhowerto	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31585 V1

Quantity	1/15/2003 11:46:06 AM	rhowerto	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - MANNING
Summary	1/15/2003 11:48:43 AM	rhowerto	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Is an additional remark and/or condition required?
Summary	1/15/2003 12:51:31 PM	rhowerto	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
POU	2/24/2005 2:56:14 PM	csaxton	Edited shape boundary
POU	2/24/2005 2:56:29 PM	csaxton	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31585 V1

WATER RIGHT NUMBER: 63-31585 V1

Owner Type Name and Address ✓
 Current Owner DALE M FRAZELL ✓
 15205 N MC FARLAND CREEK RD
 BOISE, ID 83714
 (208) 433-9282 ✓
 Current Owner KATHLEEN KEYS ✓
 15205 N MC FARLAND CREEK RD
 BOISE, ID 83714
 (208) 433-9282

Priority Date: 10/19/1908 ✓

Basis: Beneficial Use ✓

Status: Active ✓

Source Tributary
 MC FARLAND CREEK ✓ CURRANT CREEK ✓

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	03/01 to 11/15	0.200 CFS 0.22	
STOCKWATER ✓	01/01 to 12/31	0.030 CFS	
<u>Total Diversion:</u>		0.200 CFS 0.22	

Location of Point(s) of Diversion

MC FARLAND CREEK ADA County	NW1/4NW1/4SW1/4	Sec. 29, Twp 05N, Rge 02E, B.M.
MC FARLAND CREEK ADA County	NE1/4NW1/4SW1/4	Sec. 29, Twp 05N, Rge 02E, B.M.
MC FARLAND CREEK ADA County	NE1/4NE1/4SW1/4	Sec. 29, Twp 05N, Rge 02E, B.M.

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 02E 29							4.7	1.2	7	2.7							8.3 10.1
							5.1	1.2	0.7	3.1							
05N 02E 30													7				0.9
													0.9				0.9

Total Acres: 10 11.0

STOCKWATER same as IRRIGATIONConditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31585 V1

1. 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.
2. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. X02 Stockwater use is for 70 range cattle.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 63-31247 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF ~~0.2~~ CFS.
0.22
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 63-31247 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~10~~ ACRES IN A SINGLE IRRIGATION SEASON.
11.0

Comments:

1. dbuffington 4/15/2004 Address change

Comment: The data in the name field was changed to show this right has an address change.

Dates and Other Information:

Owner Name Connector: OR
Mitigation Plan: False

~~date?~~

*Exp: This doesn't need a storage component as it
fills in less than 24 hours.*

MEMORANDUM

Date: February 22, 2005

To: File

From: Craig L. Saxton

Re: Response to August 4, 2004 letter requesting re-evaluation of Preliminary Recommendations for SRBA claims 63-31247, 63-31585, and 63-31586.

On June 8, 2004, Jan Shurte and I met with Norm Young from ERO concerning his clients request to re-evaluation of Preliminary Recommendations for SRBA claims 63-31247, 63-31585, and 63-31586.

After our discussion, it was decided that more information was needed to review the requested changes.

63-31247:

Claimant Concern:

- Additional Acreage: The claimant requests that the POU for right 63-31247 be increased to represent the same POU as 63-31585.
- Addition Diversion Rate: The other point of concern, is if we do not increase the POU as requested, the diversion should be increased to 0.03 cfs per acre as the recommended POU is 5 acres or less.
- POD: Should be two POD's listed: pond embankment and the pumped and gravity diversions from the pond and spillway.

Conclusion:

- Additional Acreage: Cannot recommend the same POU as 63-31585 (upper area that cannot be flood irrigated by the spring). Concerning the argument that it wouldn't be an administrative issue if no-one else had a claim with an earlier priority date from this source, someone could still file a late claim with an earlier priority date. Plus, we can not just recommend an early priority date because no one else has. A new claim needs to be filed to represent the new appropriation of water, or when the water was pumped up gradient from the spring.

However, Additional acreage was added under both 63-31247 and 63-31585 to represent acreage irrigated under the tree canopy that was not originally included in the initial recommendation

- Additional Diversion Rate: Yes. Since we are not increasing acreage under this claim and we are recommending less than 5 acres (3.9), and the mannings equation conducted by Ron Howerton shows that the diversion works has the capacity, we can recommend 0.03 cfs per acre.

- Additional POD: Yes. I can recommend second POD as the dam/pond embankment on the upstream side of the pond. Since the spring is in the pond then we can consider the embankment of the pond as the man-made diversion works.

- Storage Volume: The wording in the remark limiting the storage volume has been changed to limit volume stored only, but not the amount of life flow that may be diverted from the spring source.

- Note: If we change the storage from the spring, we need to know how many times the pond fills during an irrigation season.

- K06 added to recognize that 63-31586 is an enlargement of this right.

(There is a question whether right 63-31586 can be recommended as an enlargement of this right. It is currently being reviewed by the legal staff.)

63-31585:

Claimant concern:

- Additional POU: Recognize previously missed irrigated acreage that is under the canopy of the trees along the creek that could not be seen from aerial photography.

- Storage Volume: Add Explanatory stating that no storage needed because the pond can be filled in less than 24 hours.

Conclusion:

- Additional POU: Yes. One acre added.

- Storage Volume: Yes, we can add and Explanatory remark stating that no storage needed because the pond can be filled in less than 24 hours.

63-31586:

Claimant concern:

- Combined Use Limitation: Make sure that the limiting remark refers only to the volume that can be stored and not live flow.

Conclusion:

- Combined Use Limitation: Agreed, remark altered to reflect that change.

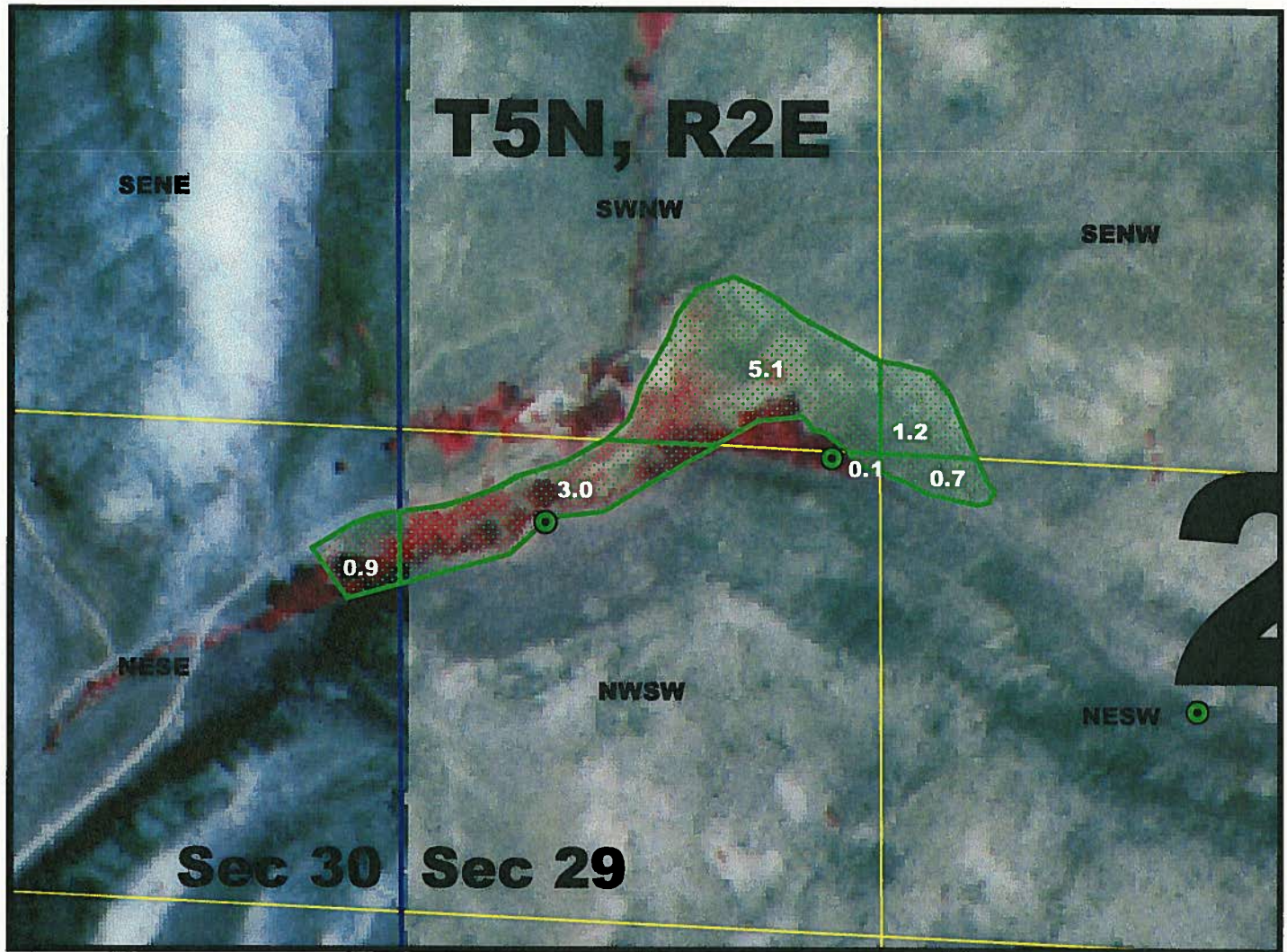
- Note: If we change the storage from the spring, we need to know how many times the pond fills during an irrigation season.

- Add enlargement priority condition C11 and General Remark K02.

(There is a question weather this right can be recommended as an enlargement of 63-31247. It is currently being reviewed by the legal staff.)



63-31585 POU & POD Claim Map 1987 Photography



0 1320 Feet

-  Claimed Point of Diversion
-  Claimed Place of Use
-  Ada County Tax Lot Data
-  Quarter Quarter Lines
-  Section Lines

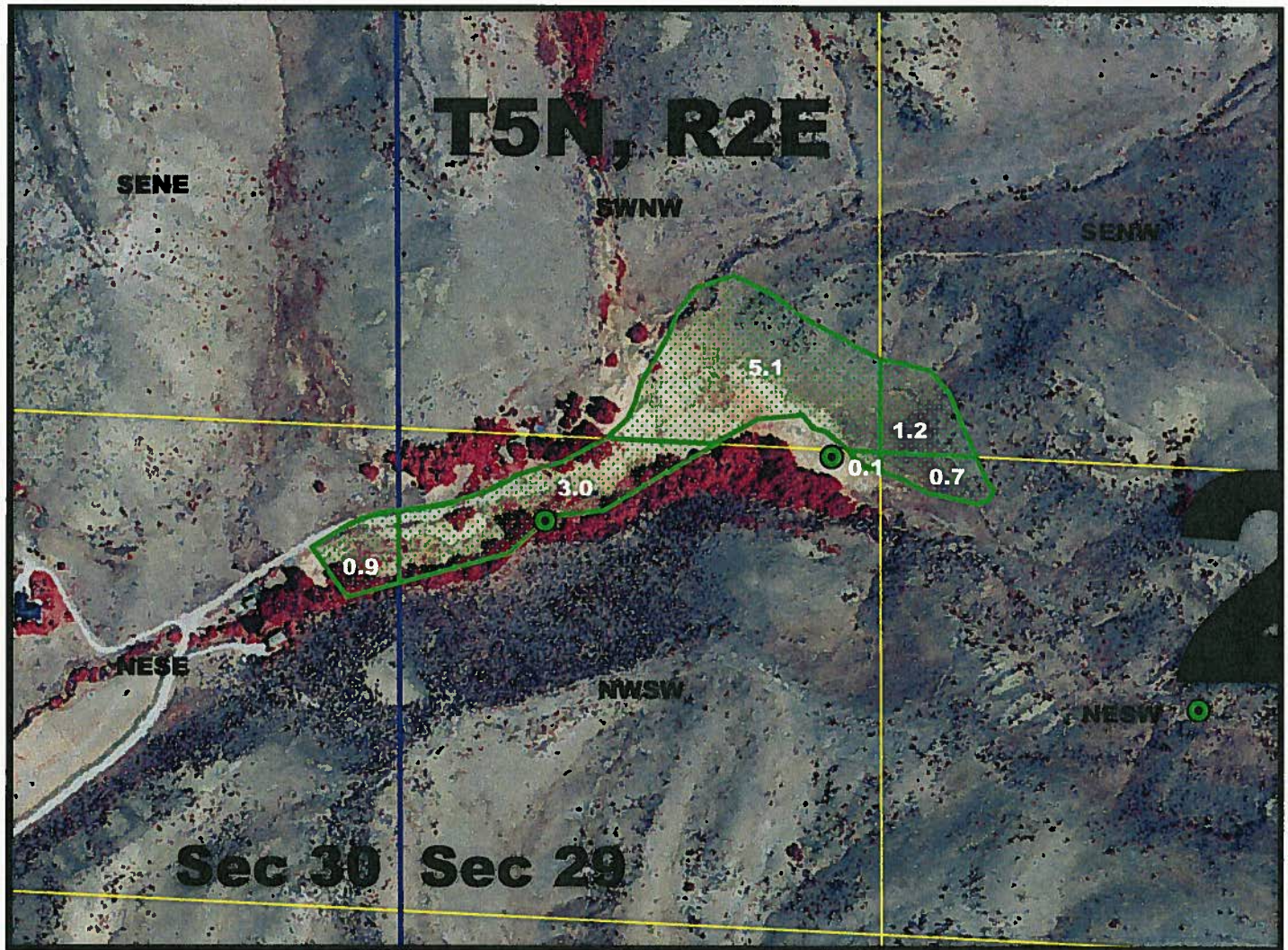
Total Claimed Acres: 20.0
Initial Review found acres: 11.0



Prepared by: C. Saxton
Date: February 2005



63-31585 POU & POD Claim Map 2000 Photography



0 1320 Feet

-  Claimed Point of Diversion
-  Claimed Place of Use
-  Ada County Tax Lot Data
-  Quarter Quarter Lines
-  Section Lines

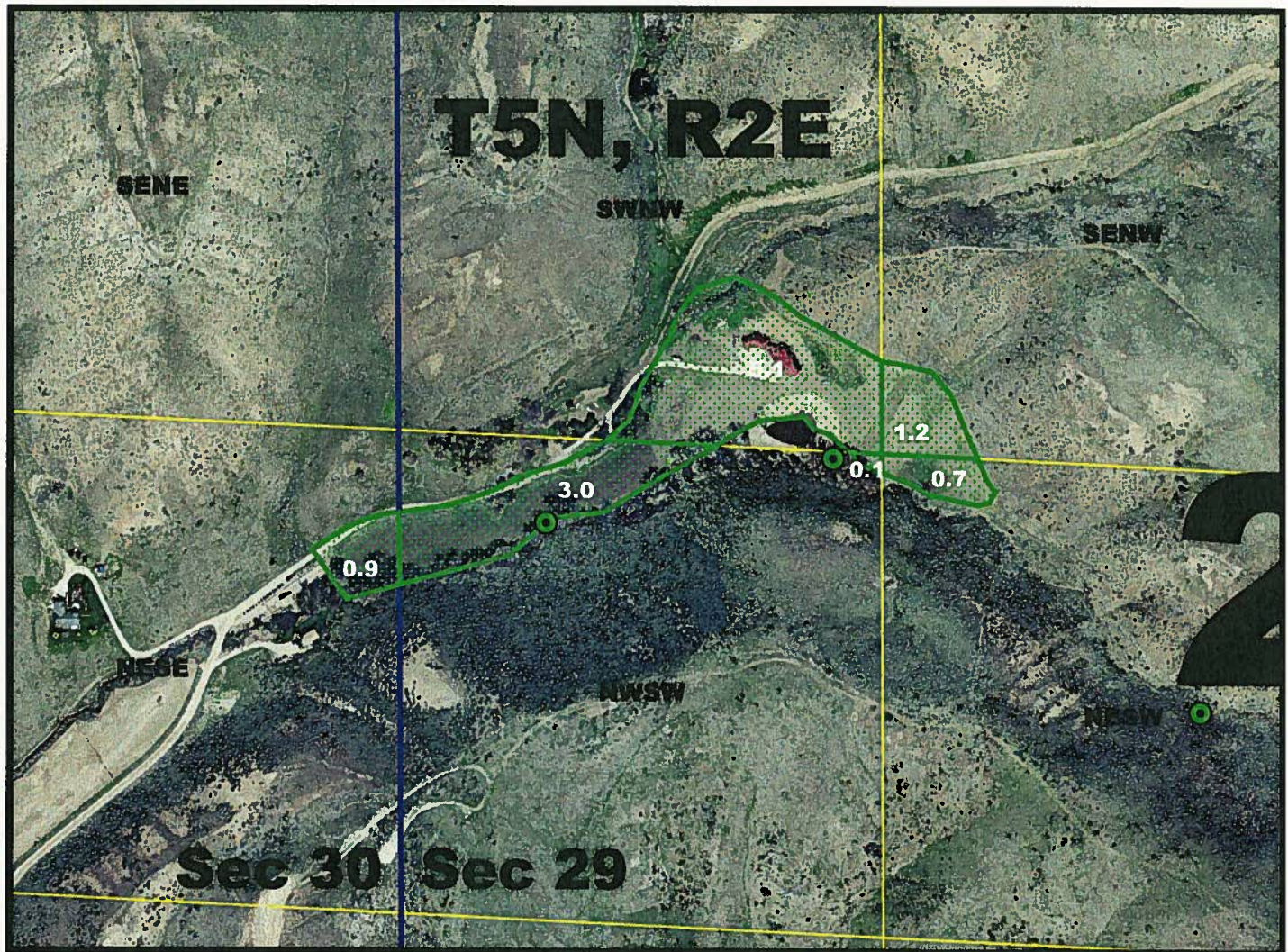
Total Claimed Acres: 20.0
Initial Review found acres: 11.0



Prepared by: C. Saxton
Date: February 2005



63-31585 POU & POD Claim Map 2003 Photography



0 1320 Feet

-  Claimed Point of Diversion
-  Claimed Place of Use
-  Ada County Tax Lot Data
-  Quarter Quarter Lines
-  Section Lines

Total Claimed Acres: 20.0
Initial Review found acres: 11.0



Prepared by: C. Saxton
Date: February 2005



ERO Resources Corp.
1106 N. Cole Rd. Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax: 373-7985
Denver • Boise
www.eroresources.com
eroboise@eroresources.com

RECEIVED

AUG 06 2004

WATER RESOURCES
WESTERN REGION

August 4, 2004

Craig Saxton
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705

RE: Claim Nos. 63-31247, 63-31585 and 63-31586 (Frazell and Keys)

Dear Mr. Saxton:

Much thanks to you and Jan Shurte for meeting with me on June 8, 2004 to discuss the above referenced claims. I am sure you will remember that I have been assisting Matt Howard in a review of the preliminary recommendations posted in IDWR's electronic database for issuance of partial decrees on the claims. Because Mr. Howard has accepted a position with the U.S. Bureau of Reclamation and has indicated that the right holders' remaining concerns are more technical than legal in nature, I was asked to review with you, on behalf of the right holders, the concerns listed and discussed below:

Description of Diversion and Use of Water under Claim Nos. 63-31247, 63-31585 and 63-31586.

Water is diverted and used from two sources – McFarland Creek and a spring tributary to McFarland Creek - for irrigation, stock watering and fire protection purposes. The integrated water use system includes: 1) open ditches to divert water from McFarland Creek and the spring for irrigation, 2) a pond fed both by the spring and from McFarland Creek for storage for irrigation, stock watering and for fire protection, and 3) a portable pump has been used to re-divert water from the pond for irrigation and to fight fires.

Three diversions directly from McFarland Creek and at least two from the spring have been used to establish and exercise the water uses claimed under these rights. The uppermost diversion from McFarland Creek is located near the right holders' eastern property line. At this location, a check structure of earth and rock has been used to divert water into an open ditch for direct application of water to the field north and east of the pond. A second diversion from McFarland Creek is located just upstream from

the pond where an open ditch has been used to divert water to the pond for storage or through the pond for direct irrigation. The third diversion from McFarland Creek is located downstream from the confluence of the spring and the creek. Water diverted at this point by a check structure in the creek and an open ditch has been used for direct irrigation of the fields below the pond.

The first diversion from the spring source is the embankment across the spring channel that creates the pond. Because the pond does not have a low-level outlet, the stream channel has been effectively relocated to the spillway channel located on the west end of the embankment. A diversion from this channel, located just upstream from the confluence of the spillway channel with McFarland Creek, takes water in an open ditch to directly irrigate the fields below the pond. In addition to these diversions, a portable pump has been used to re-divert water from the pond. The water diverted using the pump is a combination of stored water and natural flow moving through the pond. The water rising in and diverted to the pond can be used for irrigation of fields above and below the pond, for stock watering and for fire fighting purposes.

During most years, McFarland Creek flows are largest during spring runoff and after major storm events. Based upon the cross-section of the stream channel and the slope of the stream as it enters and flows across the right holders' property, it is visually apparent that peak flows exceed by many times the total recommended diversion rate for Right No. 63-31585. When the flow available in the stream tapers off and stops as the irrigation season progresses, the more stable flow rate available from the spring that feeds the pond is spread to as much of the place of use as possible to sustain the pasture and other crops.

Concerns Raised by the Preliminary Recommendations and Requested Revisions:

1. Place of use and Point of Diversion for Claim No. 63-31247 (Spring Source).

The recommendation limits the place of use for this right to land that can be irrigated using open ditches and surface application of water. However, the original claimant, Harold Brush (see the attached affidavit signed by Mr. Brush), has indicated that a portable pump has been used to irrigate land from the pond. Note that according to Mr. Brush the pond and its uses were in existence when he bought the property in 1958. The priority date assigned to the irrigation use from the pond for the lands relying upon pumping should not be an issue in administration of this reach of McFarland Creek unless there are rights with priority dates later than 1908 but earlier than the pre-1958 date that can be attached to the use of pumped water under this claim. Please let me know if you disagree and feel that a separate claim is needed to cover the pumped water with a later priority than 1908. Because the spring and pond provide a more reliable supply of water after the flow in the creek has diminished, the available water has been judiciously put to beneficial use as needed on the property. Accordingly the place of use of Claim No. 63-31247 (Spring Source) should duplicate the place of use of Claim No. 63-31585 (McFarland Creek). At least two points of diversion should be listed in the SESWNW, Section 29 to reflect the pond embankment and the pumped and gravity diversions from the pond and spillway.

2. Rate of Flow for Claim No. 63-31247 (Spring Source).

Agreed

The rate of flow recommended is apparently based upon 0.02 cfs per acre or upon a measurement made in late summer during a drought period. Early in the irrigation season during wetter periods and when the pond has been drawn down by pumping, the spring discharge exceeds the rate now recommended. As you noted during the meeting, Ron Howerton's notes indicate that the capacity of the ditch from the pond, based upon a calculation using Manning's Equation and the size and slope of the ditch, is larger than the presently recommended diversion rate. For irrigation of parcels of 5 acres or less, IDWR's standard rate of flow is 0.03 cfs per acre (References: Rule 35.03b of the "Beneficial Use Examination Rules" IDAPA 37.03.02, Application Processing Memorandum No. 17 and Paragraph 5f of Transfer Processing Memorandum No. 24). If the place of use is not changed from that now recommended, the diversion rate should be increased to 3.3 acres times 0.03 cfs/acre = 0.10 cfs. If the place of use is changed to that recognized in the previous paragraph, the rate of flow should be 0.02 cfs per acre recommended to allow diversion and use of the full supply available from the spring source to continue as it has historically been used.

3. Acreage for Claim No. 63-31585 (McFarland Creek).

As we discussed at the meeting, the claimants are concerned that the number of acres recommended by IDWR to be irrigated from McFarland Creek is substantially less than the number of acres they understood had irrigation rights when they purchased the property. My visual inspection of the property led me to believe that additional area should be added to reflect a more northerly location for the ditch from McFarland Creek from the furthest upstream diversion and to recognize irrigation along the canopy of trees along McFarland Creek and on the west side of the irrigated area. Based upon your higher resolution photographs, the location of the upper ditch from McFarland Creek appears to have been accurately described in the recommendation. My understanding from the meeting was that IDWR would review the place of use to assure that the recommendation adequately includes some areas, including under the canopy of the large trees at the west end of the field and along the creek, an area on the extreme east end of the upper parcel and an area on the west side of the upper parcel. An aerial photo with these areas circled is attached.

4. Storage as a purpose of use on No. 63-31585 (McFarland Creek).

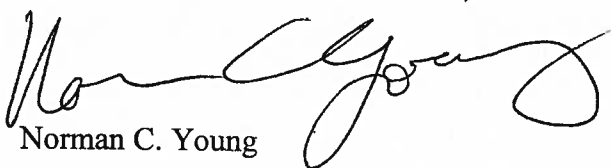
IDWR's files include information recognizing that water can be diverted from the creek into the pond, but the notations made by the initial claims reviewer, Ron Howerton, indicate that storage does not need to be included as a purpose of use on the water right because the rate of flow from the creek under this right is large enough to refill the pond within 24 hours. Under the 24-hour guideline used by IDWR, short-term storage is considered to be necessary for efficient operation of irrigation systems and is allowed without specific authorization on the right. During our meeting, we agreed that a remark could be added to the recommendation for this right noting that the storage from McFarland Creek occurs in the pond under this guideline.

— What type of Remark does your client want added. No recollection of this discussion.

5. Combined Use Limitation.

The combined use limitation attached to the preliminary recommendations for Claim No. 63-31247 (Spring Source) and Claim No. 63-31586 (Fire Protection) should be adjusted to incorporate the rate of flow ultimately recognized for Claim No. 63-31247 and to clarify that the volume limitation relates only to the use of water from storage and is not a limitation on the volume that is allowed to be diverted directly for the purposes authorized under these rights. It is also my understanding that IDWR will also apply recently received administrative guidance concerning the annual volume allowed for storage from ponds that are drafted and filled more than once during a year.

Sincerely,



Norman C. Young

encl. Brush affidavit
Aerial photo

cc: Dale Frazell and Kathy Keys

AFFIDAVIT

RECEIVED

AUG 06 2004

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
County of Valley)ss.

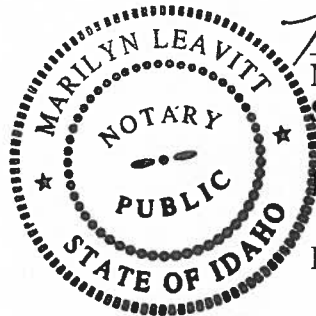
HAROLD R. BRUSH, being first duly sworn upon oath, deposes and says:

1. I make the following statements based upon my personal knowledge.
2. I am familiar with a 20-acre parcel of land located within the S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 29 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, all in Township 5 North, Range 2 East, Boise Meridian, which lands are currently owned by Dale Frazell and Kathy Keys (the Frazell-Keys parcel).
3. From 1958 until 2001, my wife and I owned the Frazell-Keys parcel.
4. There is a small pond located on the Frazell-Keys parcel that I maintained and used for irrigation and fire protection purposes (hereinafter "the pond"). The pond was in existence when I bought the property, and had been used by the previous owner for these purposes. The pond is fed by a spring or springs located in the bottom of the pond.
5. ^{54 HRR} From 1961 to 1987, I used the water from the pond to irrigate portions of the Frazell-Keys parcel located both above and below the pond elevation. In order to irrigate the ground up gradient from the pond, I used a 5-hp (or it could have been a 6-hp) gasoline powered pump to divert water from the pond. I ran approximately four to five Rainbird-brand sprinklers from the pump and spaced the sprinklers approximately 30 to 40 feet apart. I operated the sprinklers in one area for about four hours, and then shut off the sprinklers to allow the pond to refill. I would then move the sprinklers to another area and repeat the process. On average, the sprinklers were moved approximately once per week, sometimes more or less depending upon the availability of water, weather conditions, and the need to use the water from the pond on land below the pond by gravity flow using either or both of the two ditches that diverted downstream of the pond. I have five children, who are all adults now, who used to help me move the sprinklers around.
6. I used the water from the pond to grow alfalfa.

Further your affiant sayeth naught.

Harold R. Brush
HAROLD R. BRUSH

SUBSCRIBED AND SWORN to before me on this 2nd day of August, 2004



Marilyn Leavitt
NOTARY PUBLIC FOR THE
STATE OF IDAHO

Residing at: McCall

My Commission Expires: 7-28-09

• **NENE\$W**

Memorandum

Date: June 8, 2004

From: Craig L. Saxton

To: File

RE: Requested change in recommendations for 63-31247 and 63-31585

Norm Young from ERO made an appointment to meet with myself and Jan Shurte concerning SRBA claims 63-31247 and 63-31585 at 8:30 am on June 8, 2004.

Mr. Young's client had several concerns:

- There are actually two points of diversion from the pond. We agreed to add the second POD. One point of diversion for the dam and one for the ditch from the pond.
- The limiting remark on both 63-31586 and 63-31247 (spring source) listed the volume as less than it should be. After a discussion with Jan Shurte, it was thought that this remark might not even be needed. It appears the limit was for the storage AF amount and not the diversion volume. Either the remark needs to be changed to be more specific to storage AF or deleted completely. We need to revisit this subject at a later time. The AF storage amount could be increased if it is shown that the pond fills more than one time during the irrigation season.
- No storage component was recommended under claim 63-31585 from McFarlands ck. This was assumed to have been done because under the recommended diversion rate, the pond could be filled or drained in a 24 hour period and a storage volume was not necessary.
- POU was too small. I said I could support 11 acres instead of 10 based on the aerial photography.
- Feels that the spring right 63-31247 should include the entire place of use as defined by 63-31585. A conclusion on this was not reached. I called Ron Howerton, who originally made the recommendation, and confirmed with him that there was not evidence that a pump was in place in 1908 and that the acreage recommended under this right should be limited to what could have been flood irrigated. We are waiting to see if Mr. Young can find evidence to support otherwise.

Saxton, Craig

From: Saxton, Craig
Sent: Thursday, May 13, 2004 1:29 PM
To: 'Norm Young'
Cc: Shurte, Jan
Subject: RE: 63-31585 and 63-31247 (Frazell and Keys)

Hey Norm,

Here are the shape files that you requested. I took them directly off the recommendation layer so they are what Ron recommended. Note that the POU shapes for 63-31585 and 63-31247 overlap each other so it might be hard to see one over the other.

As far as who is responsible for these recommendations at this point, it will be me. And regarding your original E-mails, these recommendations have not been submitted as a directors report yet. Thus, there is still room for changes to be made to the recommendations without filing a formal objection. That being said, I am not very familiar with the files and why Ron made the recommendations the way he did. But it is my understanding that Ron worked extensively with Matt Howard as well as conducting detailed field exams. In order for me to feel comfortable changing the recommendations, I would need some extensive evidence to prove the water rights should be described differently.

If you have other questions, let me know. Hope this helps.

Craig

-----Original Message-----

From: Shurte, Jan
Sent: Thursday, May 13, 2004 8:35 AM
To: 'Norm Young'
Cc: Saxton, Craig
Subject: RE: 63-31585 and 63-31247 (Frazell and Keys)

Hi Norm,

Thanks for the kind reminder. I did just give that to Craig this week and am sending him a cc of this note. In his defense I believe it was on Tuesday, so he hasn't had a chance to prepare a response. He is planning on emailing you Ron's shapefiles after he reviews the files.

It did almost slip through - somehow it surfaced in my mind again. Maybe there is hope for me yet.

Jan

-----Original Message-----

From: Norm Young [mailto:nyoung@erresources.com]
Sent: Wednesday, May 12, 2004 11:30 AM
To: Shurte, Jan
Subject: Re: 63-31585 and 63-31247 (Frazell and Keys)

Jan:

I do not mean to "bug" you on this request, but I do want to check on the status just to be sure that the information has not already been prepared and has gone astray before I received it.

Thanks for your help - I know you have to be the busiest person at IDWR given your staffing level and workload.

5/13/2004

Norm

----- Original Message -----

From: Shurte, Jan**To:** 'Norm Young'**Sent:** Friday, April 30, 2004 4:29 PM**Subject:** RE: 63-31585 and 63-31247 (Frazell and Keys)

Norm - I have a CD of Ron's shapefiles and haven't had a chance to look at it to send a copy to you. I will do that first thing Monday. Thanks for your patience.

Jan

-----Original Message-----

From: Norm Young [mailto:nyoung@eroresources.com]**Sent:** Tuesday, April 27, 2004 4:41 PM**To:** Shurte, Jan**Cc:** Matt Howard**Subject:** 63-31585 and 63-31247 (Frazell and Keys)

Jan:

I am working with Matt Howard evaluating whether these two rights are worth a little more land/water than the current IDWR recommendations as shown in the data base. Ron Howerton did the claims review, so I am not sure who may have the responsibility for these, now.

Would it be possible to email the shape files for the rights to me so I can compare some GPS readings that I took?

My understanding is that these recommendations have not yet been included in a Director's report. If that is correct, and I find some adjustments that I think should be made, can these be discussed and perhaps implemented with IDWR staff?

Thanks for your help.

Norm

04/15/2004

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

RIGHT NUMBER: 63-31585

NAME AND ADDRESS: DALE M FRAZELL
15205 N MC FARLAND CREEK RD
BOISE ID 83714

KATHLEEN KEYS
15205 N MC FARLAND CREEK RD
BOISE ID 83714

SOURCE: MC FARLAND CREEK

TRIBUTARY: CURRANT CREEK

QUANTITY: 0.200 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-31247 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.2 CFS.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 10/19/1908

POINT OF DIVERSION:

T05N R02E S29 NENESW Within ADA County
T05N R02E S29 NENWSW Within ADA County
T05N R02E S29 NWNWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.200 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION Within ADA County

T05N R02E S29	SWNW	4.7	T05N R02E S29	SENW	1.2
T05N R02E S29	NESW	0.7	T05N R02E S29	NWSW	2.7
T05N R02E S30	NESE	0.7			

STOCKWATER same as IRRIGATION

10 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-31247 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 10 ACRES IN A SINGLE IRRIGATION
SEASON.

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 FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

Stockwater use is for 70 range cattle.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2004

DALE M FRAZELL
KATHLEEN KEYS
15205 N MC FARLAND CREEK RD
BOISE ID 83714

Re: Notice of Claim to a Water Right No. 63-31247, 63-31585 & 63-31586

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflects your change in address.

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

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

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

cc: Matt J Howard, attorney

01/15/2003

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

RIGHT NUMBER: 63-31585

NAME AND ADDRESS: DALE M FRAZELL
2205 W PLEASANTON AVE
BOISE ID 83702

KATHLEEN KEYS
2205 W PLEASANTON AVE
BOISE ID 83702

SOURCE: MC FARLAND CREEK TRIBUTARY: CURRANT CREEK

QUANTITY: 0.200 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-31247 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.2 CFS.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 10/19/1908

POINT OF DIVERSION:

T05N R02E S29 NENESW Within ADA County
T05N R02E S29 NENWSW Within ADA County
T05N R02E S29 NWNWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.200 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION Within ADA County

T05N R02E S29	SWNW	4.7	T05N R02E S29	SENW	1.2
T05N R02E S29	NESW	0.7	T05N R02E S29	NWSW	2.7
T05N R02E S30	NESE	0.7			

STOCKWATER same as IRRIGATION

10 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-31247 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 10 ACRES IN A SINGLE IRRIGATION
SEASON.

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 FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use
Stockwater use is for 70 range cattle.

MATT J. HOWARD

ATTORNEY AT LAW

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

EMAIL: MHOWARD@FIBERPIPE.NET

July 16, 2003

RECEIVED

JUL 17 2003

WATER RESOURCES
WESTERN REGION

Ron Howerton
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RE: Notices of Claim for Water Right Nos. 63-31247, - 31585, and -31586

Dear Ron:

Enclosed are copies of the patents and affidavit that you requested to support the claimed priority dates for the above-referenced water rights. After you have had a chance to look at the enclosed documents, I will need to talk with you concerning the possibility of filing amended claims. I will be out of the office next week but will contact you shortly after my return.

Very truly yours,

Matt J. Howard

Enclosures
Cc: Clients

THE UNITED STATES OF AMERICA.

To all to whom these Presents shall come, Greeting:

CERTIFICATE

No. 909

Territory

Whereas Patrick McFarland of Ada County Idaho

has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Boise City Idaho Territory whereby it appears that full payment has been made by the said Patrick McFarland

according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the South West quarter of the North West quarter and the North West quarter of the South West quarter of Section twenty nine in Township five North of Range two East of Boise Meridian in Idaho Territory, containing eighty acres.

according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract had been purchased by the said Patrick McFarland

Now know ye, That the United States of America, in consideration of the premises and in conformity with the several Acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant unto the said Patrick McFarland

and to his heirs, the said Tract above described: To have and to hold the same together with all the rights, privileges, immunities and appurtenances, of whatsoever nature, thenceunto belonging, unto the said Patrick McFarland

and to his heirs and assigns, forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and canals used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietors of a main or ledge to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof I, Benjamin Harrison President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the twenty seventh day of September, in the year of our Lord one thousand eight hundred and ninety, and of the Independence of the United States the one hundred and fifteenth

By the President:

Benjamin Harrison

M. M. Kern Secretary

J. R. Cornell Recorder of the General Land Office

The United States of America,

Us all to whom these presents shall come, Greeting:

Homestead Certificate No. 2908.

Application 6095.

WHEREAS, There has been deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at Boise, Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of PATRICK McFARLAND

has been established and duly consummated, in conformity to law, for the southwest quarter of the southwest quarter of Section twenty-nine and the east half of the southeast quarter of Section thirty in Township five north of Range two east of the Boise Meridian, Idaho, containing one hundred twenty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said Patrick McFarland

the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said Patrick McFarland

and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Theodore Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

(SEAL)

GIVEN under my hand, at the City of Washington, the nineteenth day of October, in the year of our Lord one thousand nine hundred and eight, and of the Independence of the United States the one hundred and thirty-third.

By the President:

By

Secretary.

Recorder of the General Land Office.

BOISE 05021,

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **BOISE, IDAHO,**
has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant
SAMUEL P. GLENN

according to the provisions of the Act of Congress of April 24, 1920, entitled "An Act making further provision for the sale of the Public Lands" and the acts supplemental thereto, for the **SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION TWENTY-NINE IN TOWNSHIP FIVE NORTH OF RANGE TWO EAST OF THE BOISE MERIDIAN, IDAHO, CONTAINING ONE HUNDRED SIXTY ACRES,**

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States; reserving, also, to the United States all coal in the lands so granted, and to it, or persons authorized by it, the right to prospect for, mine, and remove coal from the same upon compliance with the conditions of and subject to the limitations of the ACT OF MARCH 3, 1909 --35 STAT., 844--.

IN TESTIMONY WHEREOF, I,

WILLIAM H. TAFT

President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the

TWENTY-THIRD

day of

JANUARY

In the year of our Lord one thousand

nine hundred and

ELEVEN

and of the Independence of the

United States the one hundred and

THIRTY-FIFTH.

By the President:

By

Secretary.

(SEAL)

RECORD OF PATENTS: Patent Number

172324

See Supplemental Patent No.

688844

issued under the Act of April 14, 1914

T05N, R02E, S30

T05N, R02E, S29

NESE

SWNW

63-31587

Certificate 909
63-31246(B)
63-31587(B)
63-31585(F)

63-31246

PROPERTY TAX LINES

Patent No: 688844
63-31585

63-31585

SENW

NESW

63-31247

63-31585

NWSW

Patent No: 688844
63-31585

Certificate 909
63-31247(F)
63-31585(F)
63-31587(B)

Certificate 2905
63-31247(F)
63-31585(F)



Idaho Department of Water Resources

CLAIM VERIFICATION NARRATIVE SHEET

Updated: November 27, 2002

Date of Exam: 11-15-02

Field examiner:

Ron Howerton
Senior Water Right Agent

Water Right Nos.: 63-31585

Contacts: Attorney, Matt Howard

Narrative:

Field Exam 11-15-02: POD1. McFarland Creek POD located in the NESW, S29, T05N, R02E. Location shown on 1987 NAPP. Gravity flow ditch. Manning measurement done for this ditch. See 1987 NAPP. Earth rock dam.

POD 2. This McFarland Creek POD is located in the NENWSW, S29, T05N, R02E and was used in part to divert flows into pond and lower ditch system. Earth rock dam.

POD 3. McFarland Creek POD is located in the NWNWSW, S29, T05N, R02E. This ditch carries both spring and McFarland Creek water. Earth rock dam.

McFarland Creek POD 3 has a lower place of use with overlapping spring and McFarland Creek water. Located in the NWSW, S29, T05N, R02E. The ditch from the pond, has co-mingled overlapping spring irrigation right 63-31247.

The pond for storage of spring irrigation right 63-31247 and enlargement fire protection right 63-31586 water is co-mingled. This pond also used as part of the diversion works from McFarland Creek right 63-31585. Pond is too small for storage from McFarland Creek source because it can fill in 24 hours with the recommended CFS. The historical McFarland Creek POD to this pond is shown on photo 2, POD 2. Per Matt Howard, Attorney for claimant.

See attached maps and Manning measurements.

**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
- ☒ 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

*changes made by
Craig Saxton
in pencil on
2-24-05*

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-31505

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER _____
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: MATT HOWARD - ATTORNEY FOR CLAIMANT**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?

Priority date, per claimant, is: _____

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

WAITING FOR EVIDENCE - RECEIVED 7-17-03

Source: _____ Tributary to _____

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

POINT OF DIVERSION

- ☐ No change CLARIFIED TO 10 ACRE TRACTS
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

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
		NE	NE	SW	29	5N	2E	AD	GPS
		NE	NW	SW					
		NW	NW	SW					

Description of diverting works

SEE ATTACHED NARRATIVE SHEET FOR POD DESCRIPTIONS

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:

WATER USES

☐ No change

☒ Different Uses

Use IRR From 3-1 To 11-15 Amount 2^{0.22} CFS AFA
 Use STK From 1-1 To 12-31 Amount .03 CFS AFA
 Use _____ From _____ To _____ Amount _____ CFS AFA

260 DAYS IN Irrig SEASON

TOTAL VOLUME -

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

☒ Changes found, the new total is, Amount 20^{0.22} 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: _____

POND CAN BE FILLED IN 24 HRS
 PER DUTY OF WATER
 $(.2)(1.9835) = .4 \text{ AFA}$
 $(0.22)(1.9835) = .44 \text{ AFA}$

PLACE OF USE:

☐ No Change

☒ Changes shown below:

POND IS .4 AFA
 SURFACE AREA MAX DEPTH SLOPE FACTOR
 $(.2) (5') (.4) = .4 \text{ AFA}$

63 - 31247

Sr Water Agent

[illegible]

USE/SOURCE	NUMBER	TNS	RNG	SEG	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
	63																					
5 PRING	31247	5N	2E	29										3.0						3.0		
				30										OVERLAPS					0.9	0.9	3.9	
COMBINED ACRE																						
TOTAL OVERLAP													4.7	1.2	3.0	7.7	2.7	0.9	7			

[illegible][illegible]

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	
5N	2E	29							5.1	1.2	0.7	3.1							10.1
									5	5	5	5							
		30													2.9				0.9
															5				
TOTAL																			11.0

Overlap with other water rights: 63-31247 (SPRING) (63-31586 NOT SAME USE)

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:
63-31247 = COMBINED ACRES RMK
11 CFS 11

Delivery System Narrative: SEE ATTACHED NARRATIVE SHEET

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

FLOW MEASUREMENTS: SEE ATTACHED MANNING MEAS.

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

SEE ATTACHED NARRATIVE SHEET AND PHOTOS

EOI QNT Rmk Ell Pou
NOS N08
C.18

*COMBINED WITH 63-31247

Limit to .2 cfs
Limit to 10 Acres

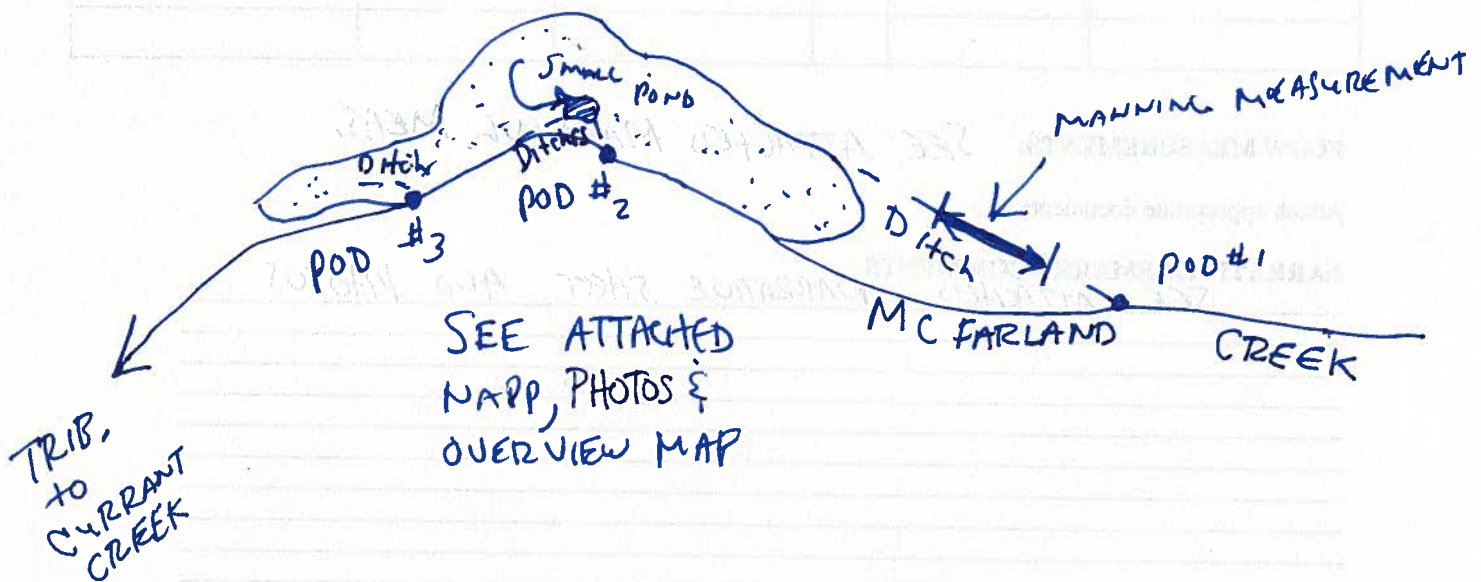
AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ 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: 11/15/02

FIELD EXAMINER: Ren Howerton
Sr Water Agent

System DIAGRAM



OVERVIEW MAP
ORTHO QUADS
X8 & X9
FRAZELL/KEYS & BRUSH

Pond
NESWNW
Manning

S29

SWNW

S30

TAX LOT LINES

Pond

SESWNW

Manning

SWSWNW

NENWSW

NWNWSW

T05N, R02E

Manning

NESE

NWSW

NESW

NENESW

SENW

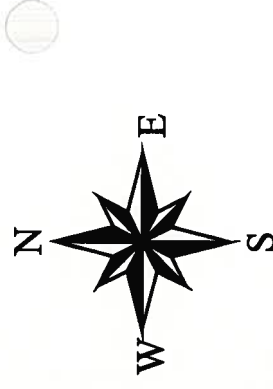
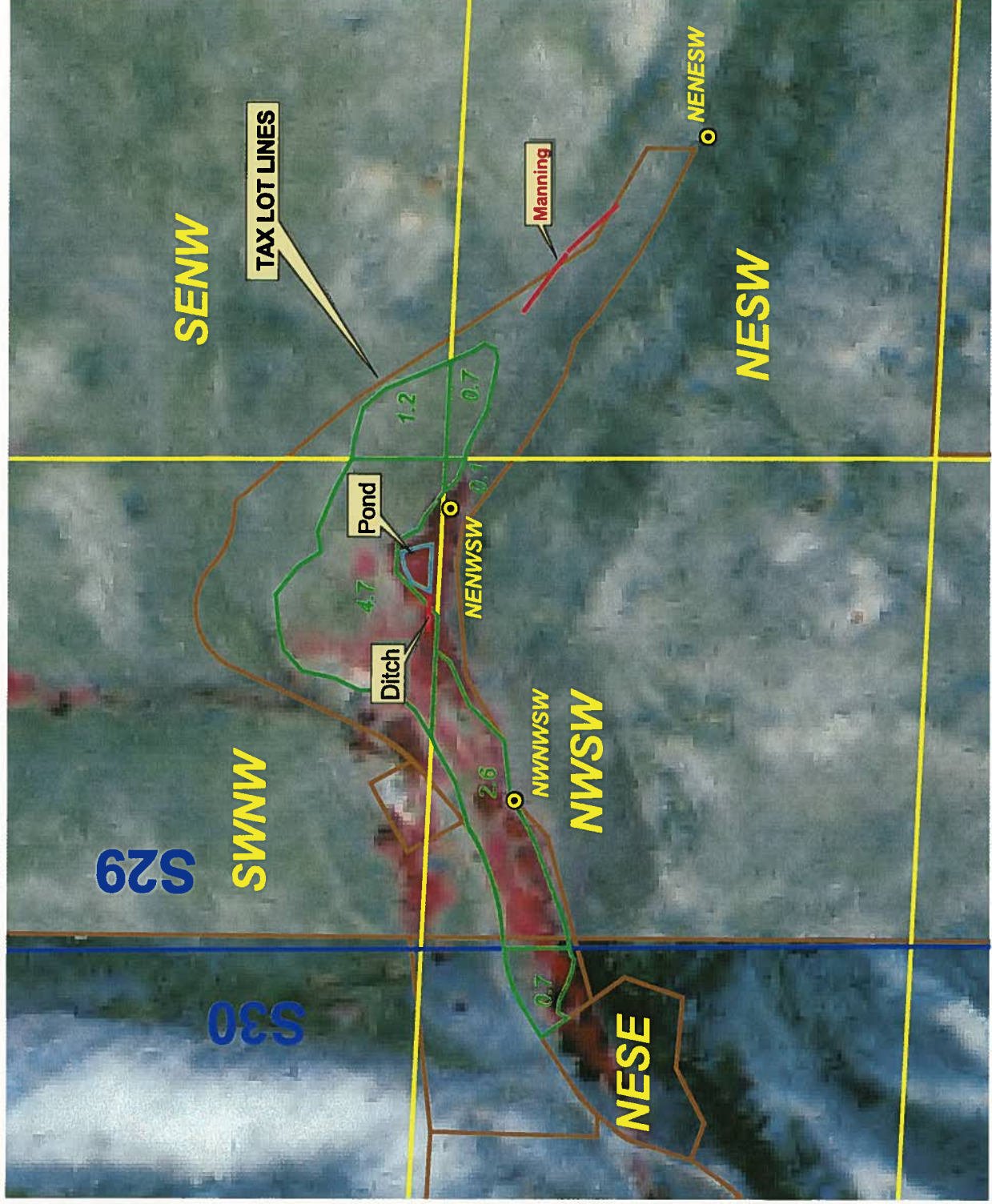
IDAHO DEPARTMENT OF WATER RESOURCES

Claims: 63-31585

Date Prepared: 12-12-02

Prepared By: Ron Howerton

**T05N, R02E
S29 & S30**



○ **Point of Diversion**



Place of use



Section



1/4 1/4

10.0 Acres

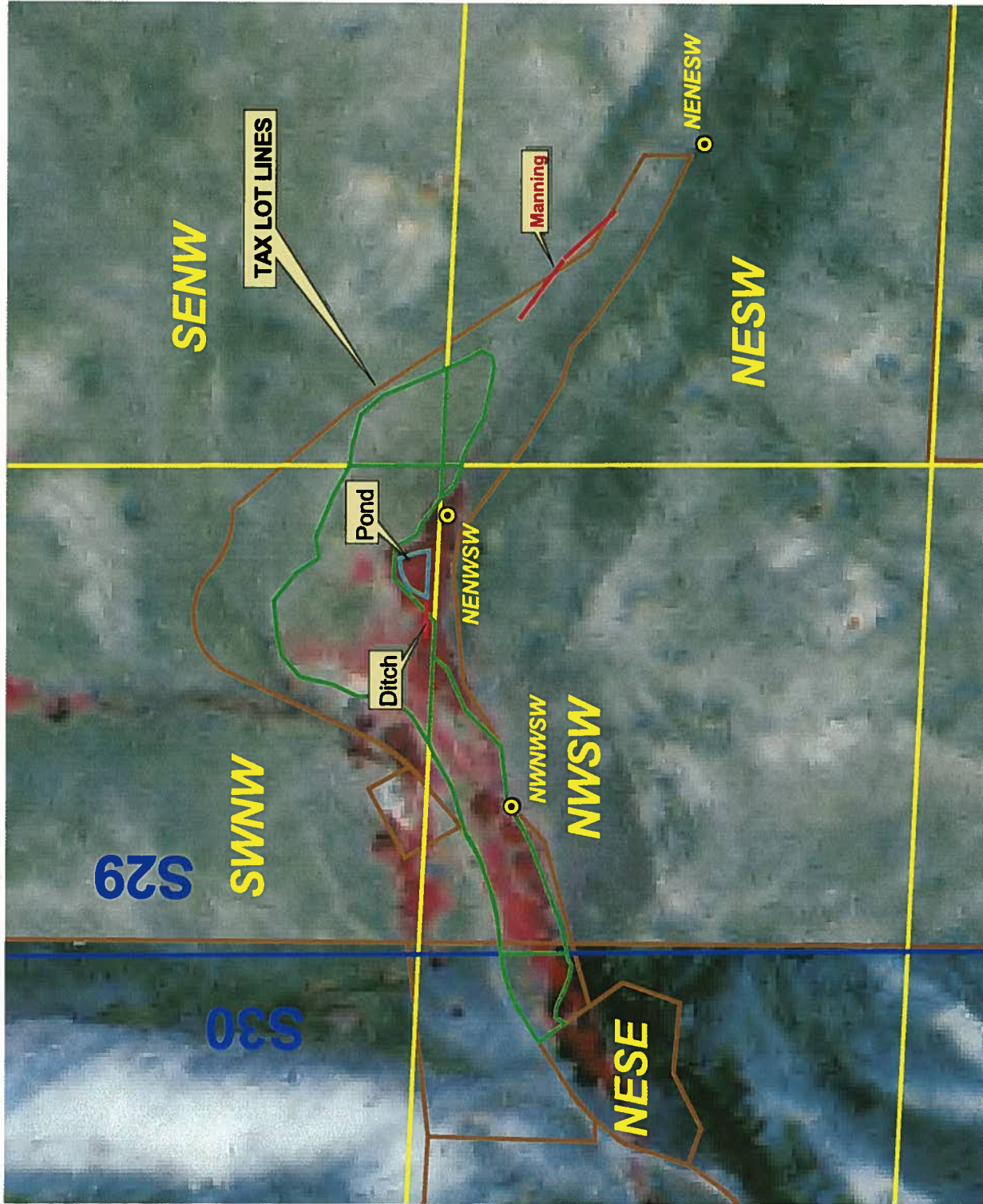
1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

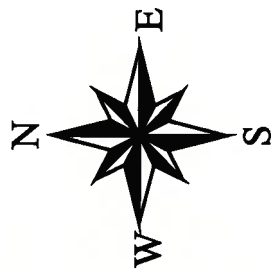
Claims: 63-31585

Date Prepared: 12-12-02

Prepared By: Ron Howerton



**T05N, R02E
S29 & S30**



○ **Point of Diversion**



Place of use

Section

1/4 1/4

0 0.1 0.2 0.3 0.4 0.5 Miles

1987 NAPP

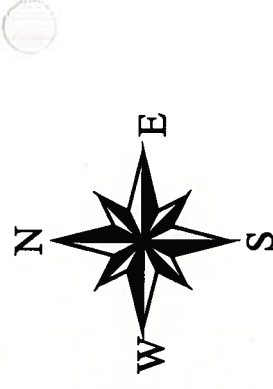
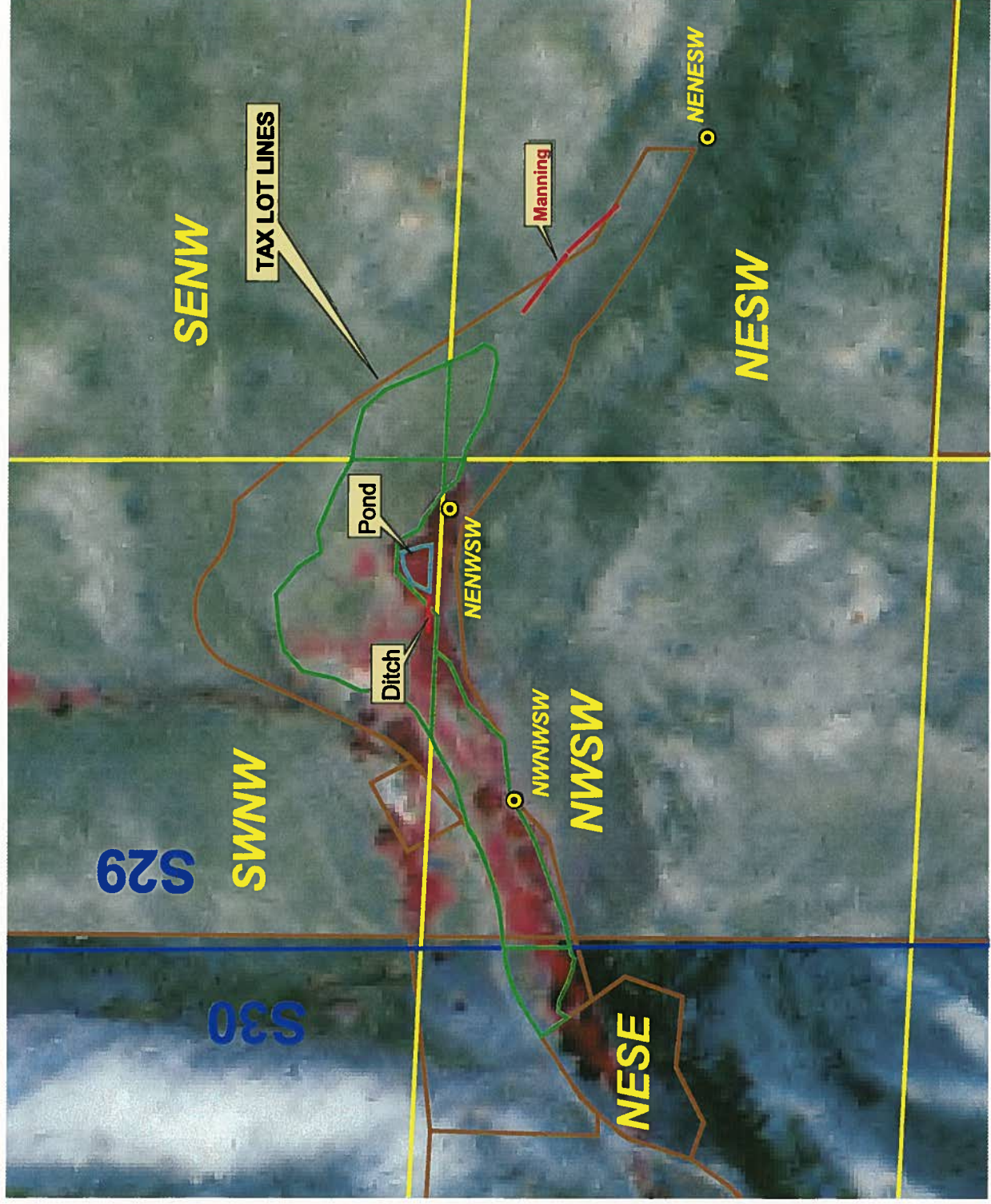
IDAHO DEPARTMENT OF WATER RESOURCES

Claims: 63-31585

Date Prepared: 12-12-02

Prepared By: Ron Howerton

**T05N, R02E
S29 & S30**



● Point of Diversion

□ Place of use

□ Section

1/4 1/4

0 0.1 0.2 0.3 0.4 0.5 Miles



1987 NAPP



Photo 1: 63-31585, Field Exam 11-15-02: POD1 from McFarland Creek located in the NESW, S29, T05N, R02E. Location shown on 1987 NAPP. Gravity flow ditch. Manning measurement done for this ditch. See 1987 NAPP. Earth rock dam. View downstream.

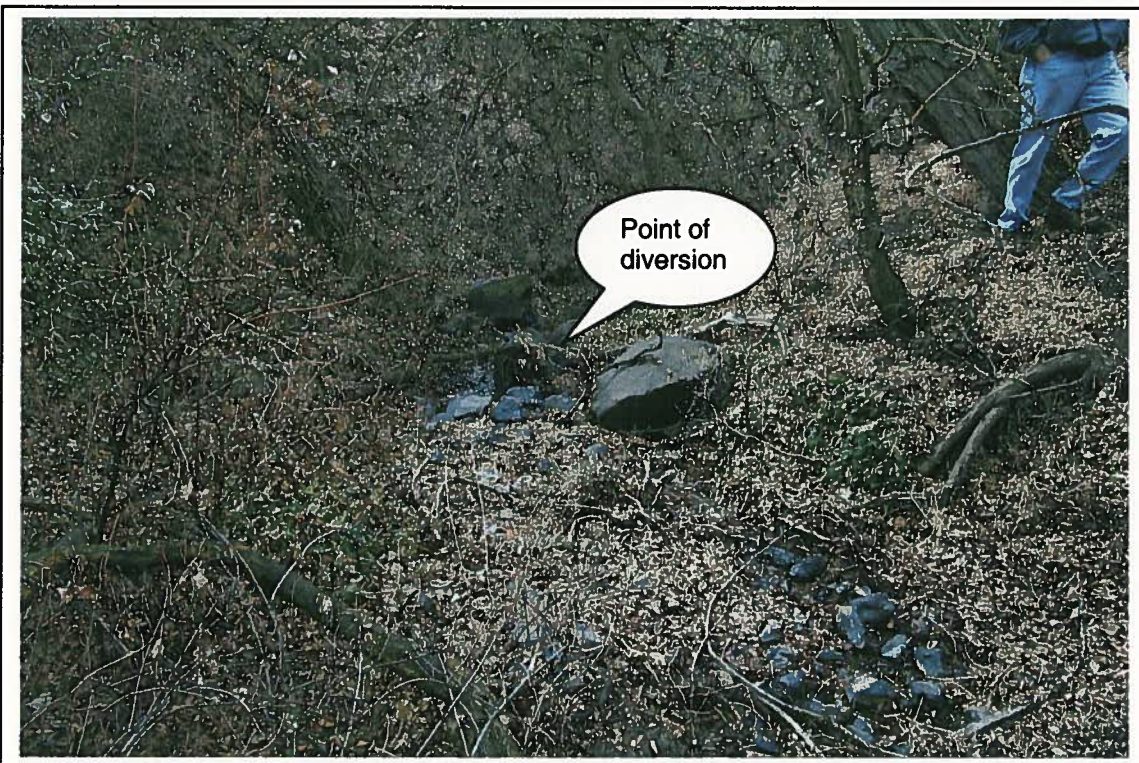


Photo 2: POD 2. This McFarland Creek POD is located in the NENWSW, S29, T05N, R02E and was used in part to divert flows into pond and lower ditch system. See attached topo layout. Earth rock dam. View is downstream.



Photo 3: This McFarland Creek POD 3 is located in the NWNWSW, S29, T05N, R02E. This ditch carries both spring and McFarland Creek water. See attached topo layout. Earth rock dam.



Photo 4: Lower place of use with overlapping spring and McFarland Creek water. View is from McFarland Creek POD 3. View is to West. Located in the NWSW, S29, T05N, R02E. Photos by RDH.



Photo 5: This pond is storage for spring irrigation right 63-31247 and enlargement fire protection right 63-31586. Water is co-mingled. This pond also used as part of the diversion works from McFarland Creek right 63-31585. Pond is too small for storage from McFarland Creek source because it can fill in less than 24 hours with the recommended CFS. The historical McFarland Creek POD to this pond is shown on photo 2, POD 2. Per Matt Howard, Attorney for claimant.



Photo 6: McFarland Creek water right 63-31585 ditch from the pond, which has co-mingled overlapping spring irrigation right 63-31247. Irrigation located in the NWSW, S29, T05N, R02E.

MANNING EQUATION - DATA COLLECTION

Claim Number(s): 6J-31585 GPS = MCGName of Claimant(s): FRAZELLName of Ditch, Canal, or Stream: MC FARLAND CR UPPER POD (#1)Date of Measurement: 11-15-02 Data Collected By: RON H.Measurement Location: NE_{1/4} SW_{1/4} Section 29 T SN R ZE

Cross Section Data

ACCOMPANIED BY
ATTORNEY - MATT
HOWARDBasis: high water mark(☒) maximum capacity()

Note: minimum of five depth or rod readings; first and last must be equal or zero

depth or rod reading	distance from initial point	depth or rod reading	distance from initial point
1. <u>0</u>	<u>0</u>	7. <u> </u>	<u> </u>
2. <u>.2</u>	<u>.5</u>	8. <u> </u>	<u> </u>
3. <u>.3</u>	<u>1</u>	9. <u> </u>	<u> </u>
4. <u>.3</u>	<u>1.5</u>	10. <u> </u>	<u> </u>
5. <u>.25</u>	<u>2</u>	11. <u> </u>	<u> </u>
6. <u>.2</u>	<u>2.5</u>	12. <u> </u>	<u> </u>
<u>0</u>	<u>3</u>		

Slope Data

Basis: high water mark(☒) channel bottom() land surface()

Level Readings:	upstream	downstream	
upper stadia	<u>7.50</u>	<u>9.31</u>	
center	<u>6.80</u>	<u>8.35</u>	
lower stadia	<u>6.11</u>	<u>7.37</u>	channel length
stadia difference	(<u>1.39</u> + <u>1.94</u>)	x 100 =	<u>333</u>

Note: for elevations, the downstream rod reading must be higher than the upstream rod reading

Comments

Are maps and/or photos attached? yes(☒)

MAN NG'S "n" (roughness coefficient)

BASIC "n" CHANNEL MATERIAL				CHANNEL OBSTRUCTIONS				
earth	.020	/	(1)	negligible	.000	/	(1)	
rock	.025		(2)	minor	.010		(2)	
fine gravel	.024		(3)		.015		(3)	
coarse gravel	.028		(4)	appreciable	.020		(4)	
					.030		(5)	
			severe	.040		(6)		
				.050		(7)		
				.060		(8)		
SURFACE IRREGULARITY				VEGETATION				
smooth	.000	/	(1)	low	.005	/	(1)	
minor	.005		(2)		.010		(2)	
moderate	.010		(3)	medium	.015		(3)	
severe	.020				.020		(4)	
					.025		(5)	
			high			.030		(6)
						.040		(7)
						.050		(8)
			very high			.060		(9)
						.075		(10)
		.100			(11)			
VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION				DEGREE OF MEANDERING				
gradual	.000	/	(1)	minor	1.00	/	(1)	
occasional	.005		(2)	appreciable	1.15		(2)	
frequent	.010		(3)	severe	1.30		(3)	
	.015		(4)					

MANNING EQUATION CHANNEL CAPACITY RESULTS

11-26-2002

File Number: 63-31585

Claimant: FRAZELL

Channel measured: MCFARLAND CREEK UPPER POD #1

Date of measurement: 11-15-02

Measurement location:

Calculation prepared by: RDH

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 333 feet.

The upstream and downstream rod readings are 6.80 and 8.35 feet.

The channel cross section is 0.63 ft-sq.

The wetted perimeter is 3.09 feet.

The hydraulic radius is 0.20 feet.

The slope is 0.0047

The roughness coefficient is 0.0250

The flow velocity is 1.401 ft/sec.

The rate of flow is 0.88 cfs.

CROSS SECTION NUMBER 1

For File Number 63-31585 for the MCFARLAND CREEK UPPER POD

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.20	0.20	0.50
3	0.30	0.30	1.00
4	0.30	0.30	1.50
5	0.25	0.25	2.00
6	0.20	0.20	2.50
7	0.00	0.00	3.00

The area for this cross section is 0.63 square feet
and the wetted perimeter is 3.09 feet.

MATT J. HOWARD

ATTORNEY AT LAW

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

EMAIL: MHOWARD@FIBERPIPE.NET

October 18, 2002

RECEIVED

OCT 21 2002

WATER RESOURCES
WESTERN REGION

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

RE: Dale Frazell and Kathy Keys – SRBA Notices of Claim (Basin 63)

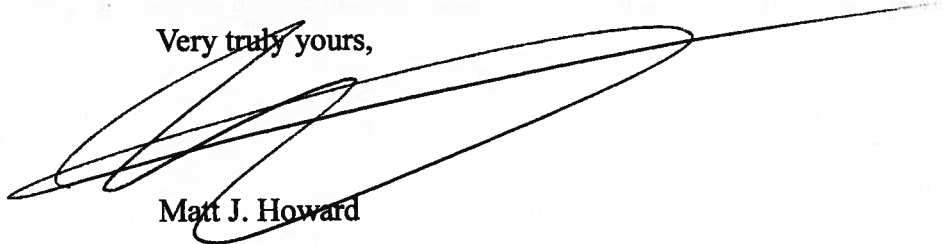
Dear Clerk:

Enclosed for filing are the following:

1. Amended Notice of Claim for 63-31247 (Spring – Irrigation and Stockwater);
2. Notice of Claim (McFarland Creek – Irrigation and Stockwater); and
3. Notice of Claim (Spring – Fire Protection).

Also, enclosed is a check in the amount of \$200 as payment of the filing fees for the above-mentioned claims. I have also enclosed an additional copy of the above-referenced claims that I would ask that you conform and return to me in the enclosed envelope. Please copy this office with all communications concerning the enclosed claims. Thank you.

Very truly yours,



Matt J. Howard

Enclosures

Cc: Client (w/o encls.)