

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 67-220
Date Received: 10/16/1989
Receipt No: W006278
Received By:

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

1. Name of Claimant(s)

PINE CREEK PROPERTY OWNERS IRR ASSN Phone: (208) 642-2766

C/O PEARL J KETZ
3608 ADVENT GULCH RD
CAMBRIDGE ID USA 83610

2. Date of Priority: 05/01/1901

3. Source: EAST PINE CREEK Trib. to: PINE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16N	04W	35	SE NE	WASHINGTON	
16N	04W	35	SE NE	WASHINGTON	
16N	04W	35	NW SE	WASHINGTON	
16N	04W	35	SE NE	WASHINGTON	
16N	04W	35	SE NE	WASHINGTON	
16N	04W	36	SW NW	WASHINGTON	
16N	04W	25	NE SW	WASHINGTON	
16N	04W	35	NW SE	WASHINGTON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.24	48

7. Total Quantity Appropriated is:
0.24 C.F.S. and/or 48 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	04W	25	SW	SW	IRRIGATION	5
			SE	SW	IRRIGATION	8
					Section Acres	13
16N	04W	35	SW	NE	IRRIGATION	2
			SE	NE	IRRIGATION	10
			NE	SW	IRRIGATION	8
			SW	SW	IRRIGATION	3
			SE	SW	IRRIGATION	3
			NW	SE	IRRIGATION	4
					Section Acres	30
16N	04W	36	NE	NW	IRRIGATION	1
			NW	NW	IRRIGATION	20
					Section Acres	21
					Total Acres	64

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This claim has been split as follows: 67-14458 for Bilboa (remainder) 55.2 acres; 67-14459 for Waldemer 3 acres; 67-14460 for Sidwell 1.3 acres; and 67-14461 for Livingston 4.5 acres. DB 5/27/2004

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

ACTUAL IRRIGATED ACREAGE=28.6 PLACES OF USE ARE LOCATED IN PORTIONS OF LOTS 2, 3A, 3B, 6-15 *****MEMO TO FILE***** IN REFERENCE TO THE ADDITION OF MITCH WHITEDS NAME TO THIS CLAIM. MR. WHITED IS THE OWNER OF LOT 13. HE WAS IN MY OFFICE AND INDICATED TO ME AT THAT TIME THAT HE WOULD LIKE HIS NAME ADDED TO THIS CLAIM. MR. BILBOA FILED ON THIS CLAIM AS LIEN HOLDER OF THIS PROPERTY. 12/13/89. L.R.W.

***** THIS CLAIM AMENDED PER TRANSFER 4236 APPROVED 6/22/94.

SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO 4236 IN FILE.

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER TRANSFER 4236 SHALL NOT EXCEED 1.28 CFS.

RIGHT NO 67-00220 IS LIMITED TO THE IRRIGATION OF 12 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

IRRIGATED ACRES DESCRIBED S35, T16N, R04W ARE LOCATED SOUTH OF THE ACCESS ROAD.

FOUR (4) POINTS OF DIVERSION ARE LOCATED WITHIN SENE, AND TWO (2) POINTS OF DIVERSION ARE LOCATED WITHIN NWSE, S35, T16N, R04W. A SINGLE POINT OF DIVERSION IS LOCATED ON OR NEAR THE LINE BETWEEN SENE, S35, AND SWNW, S36 T16N, R04W. THE SYSTEM HAS A TOTAL OF EIGHT (8) POINTS OF DIVERSION.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

Use of water under this water right will be regulated by the watermaster of State Water District No. 67.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Approval of Transfer 4236 amended SRBA claims 67-00219, 67-00220, 67-00226, and 67-00229. Previous splits of this right were done in error. The above claims were amended to reflect TR 4236. Note: This claim represents water right record 67-00219C as defined by TR 4236 (csaxton 5-12-05).

15. Basis of Claim: Decreed

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-220

WATER RIGHT NUMBER: 67-220

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CECIL BILBOA 3597 COW CREEK RD CAMBRIDGE, ID 83610 (208)257-3583
Original Owner	MITCH WHITED 2719 N 29TH BOISE, ID 83703 (208)384-0887

Priority Date: 05/01/1901

Basis: Decreed

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
EAST PINE CREEK	PINE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.240 CFS	48.00 AF
	<u>Total Diversion:</u>	0.240 CFS	48.00 AF

Location of Point(s) of Diversion

EAST PINE CREEK	SE1/4NE1/4	Sec. 35, Twp 16N, Rge 04W, B.M.
WASHINGTON County		
EAST PINE CREEK	SW1/4NW1/4	Sec. 36, Twp 16N, Rge 04W, B.M.
WASHINGTON County		
EAST PINE CREEK	NE1/4SW1/4	Sec. 25, Twp 16N, Rge 04W, B.M.
WASHINGTON County		
EAST PINE CREEK	NW1/4SE1/4	Sec. 35, Twp 16N, Rge 04W, B.M.
WASHINGTON County		

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	
16N	04W	25									5.0	8.0							13.0
16N	04W	35			2.0	10.0					8.0	3.0	3.0		4.0				30.0
16N	04W	36					1.0	20.0											21.0

Total Acres: 64

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-220

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
2. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks:

1. General ACTUAL IRRIGATED ACREAGE=28.6 PLACES OF USE ARE LOCATED IN PORTIONS OF LOTS 2, 3A, 3B, 6-15 *****MEMO TO FILE***** IN REFERENCE TO THE ADDITION OF MITCH WHITEDS NAME TO THIS CLAIM. MR. WHITED IS THE OWNER OF LOT 13. HE WAS IN MY OFFICE AND INDICATED TO ME AT THAT TIME THAT HE WOULD LIKE HIS NAME ADDED TO THIS CLAIM. MR. BILBOA FILED ON THIS CLAIM AS LIEN HOLDER OF THIS PROPERTY. 12/13/89. L.R.W.
***** THIS CLAIM AMENDED PER TRANSFER 4236 APPROVED 6/22/94.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO 4236 IN FILE.
THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER TRANSFER 4236 SHALL NOT EXCEED 1.28 CFS.
RIGHT NO 67-00220 IS LIMITED TO THE IRRIGATION OF 12 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
IRRIGATED ACRES DESCRIBED S35, T16N, R04W ARE LOCATED SOUTH OF THE ACCESS ROAD.
FOUR (4) POINTS OF DIVERSION ARE LOCATED WITHIN SENE, AND TWO (2) POINTS OF DIVERSION ARE LOCATED WITHIN NWSE, S35, T16N, R04W. A SINGLE POINT OF DIVERSION IS LOCATED ON OR NEAR THE LINE BETWEEN SENE, S35, AND SWNW, S36 T16N, R04W. THE SYSTEM HAS A TOTAL OF EIGHT (8) POINTS OF DIVERSION.
2. General This claim has been split as follows: 67-14458 for Bilboa (remainder) 55.2 acres; 67-14459 for Waldemer 3 acres; 67-14460 for Sidwell 1.3 acres; and 67-14461 for Livingston 4.5 acres. DB 5/27/2004

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-220

Dates and Other Information:

Claim Received Date: 10/16/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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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: **A67-00220**
Date Received: 10/16/1989
Receipt No: W006278
Received By: _____

AMENDED

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

AMENDED

1. Name: MITCH WHITED 208-384-0887
Address: 2719 N 29TH
BOISE ID 83703
OR
Name: CECIL BILBOA 208-257-3583
Address: RT 1 BOX 212
CAMBRIDGE ID 83610

2. Date of Priority: MAY 1, 1901

3. Source: EAST PINE CREEK Trib. to: PINE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	04W	25		NE	SW		WASHINGTON
		35		SE	NE		WASHINGTON
				NW	SE		WASHINGTON
		36		SW	NW		WASHINGTON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.240		48.00

7. Total Quantity Appropriated is:
0.240 C.F.S. (and/or) 48.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
16N	04W	25	SW		SW		IRR	5.0
			SE		SW		IRR	8.0
							Section Acres	13.0
		35	SW		NE		IRR	2.0
			SE		NE		IRR	10.0
			NE		SW		IRR	8.0
			SW		SW		IRR	3.0
			SE		SW		IRR	3.0
			NW		SE		IRR	4.0
							Section Acres	30.0
		36	NE		NW		IRR	1.0
			NW		NW		IRR	20.0
							Section Acres	21.0
							Total Acres	64.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

ACTUAL IRRIGATED ACREAGE=28.6

PLACES OF USE ARE LOCATED IN PORTIONS OF LOTS 2, 3A, 3B, 6-15

*****MEMO TO FILE*****

IN REFERENCE TO THE ADDITION OF MITCH WHITED'S NAME TO THIS CLAIM. MR. WHITED IS THE OWNER OF LOT 13. HE WAS IN MY OFFICE AND INDICATED TO ME AT THAT TIME THAT HE WOULD LIKE HIS NAME ADDED TO THIS CLAIM. MR. BILBOA FILED ON THIS CLAIM AS LIEN HOLDER OF THIS PROPERTY. 12/13/89. L.R.W.

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RIGHT NO 67-00220 IS LIMITED TO THE IRRIGATION OF 12 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

IRRIGATED ACRES DESCRIBED S35, T16N, R04W ARE LOCATED SOUTH OF

14. Remarks: Continued

THE ACCESS ROAD.

FOUR (4) POINTS OF DIVERSION ARE LOCATED WITHIN SENE, AND TWO (2) POINTS OF DIVERSION ARE LOCATED WITHIN NWSE, S35, T16N, R04W. A SINGLE POINT OF DIVERSION IS LOCATED ON OR NEAR THE LINE BETWEEN SENE, S35, AND SWNW, S36 T16N, R04W. THE SYSTEM HAS A TOTAL OF EIGHT (8) POINTS OF DIVERSION.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

T4236 - 67-00220 summary 9-25-95

WR

67-00220

DR: .24 cfs.

P/U: 19 acres

AJ

A67-00220 - Bilbao

DR: .24 cfs

P/U: Not specified
(28.6 acres.)

- 00220A - Tillamook

DR: .10 cfs

P/U: 6 acres

- 00220B - Noah

DR: .24 cfs

P/U: 3.5 acres.

SD-0607-2 Prefix: A Basin: 67 Starting Water Right: 00220

STATE

Water Right No.	Name Last, First	O W N	Priority Date	Stg/ Sts	Source	Use Code	Desc
A67-00220	BILBOA, CECIL WHITED, MITCH	C C	05/01/1901	D/	PINE CREEK	01	IRR
A67-00220A	HILLIARD, DONALD HILLIARD, VEDA HILLIARD, CRAIG HILLIARD, LORI	C C C C	05/01/1901	D/	PINE CREEK, E. F	01	IRR
A67-00220B	NOAH, BILL E NOAH, ZOLA A	C C	05/01/1901	D/	PINE CREEK	01	IRR
A67-00221	GIBSON, HAROLD W	C	05/01/1901	D/	PINE CREEK LITTLE PINE CREE	01	IRR
A67-00222	GIBSON, HAROLD W	C	05/01/1905	D/	PINE CREEK LITTLE PINE CREE	01	IRR
A67-00223	SPLIT RIGHT, DELETE	C	05/01/1902	/Z	LITTLE PINE CREE SPLIT RIGHT	01	IRR
A67-00224	SPLIT RIGHT,	C	05/01/1904	/Z	PINE CREEK SPLIT RIGHT	01	IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu)

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

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Water Right Number - 67-00220

Prefix Translation:

WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***

PINE CREEK PROPERTY OWNERS IRR ASSN

*** O - ORIGINAL OWNER ***
HOWLAND

ROY O

1 - C/O PEARL J KEITZ
2 - 3608 ADVENT GULCH RD
3 -
City- CAMBRIDGE
Phone - 208-642-2766

State- ID Zip- 83610

1 -
2 -
3 -
City-
Phone - 208-000-0000

State- ID Zip-

Priority Date - - +
05/01/1901

Region - - - +
14 WESTERN

Stage - - - +
D - DECREED

Status - - - +

Source - - - - +
EAST PINE CREEK

Tributary - - - - +
PINE CREEK

Turn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
------	-----	-----	-------	-----	------	--------	--------------------	----------------	----------------	---------------

16N	04W	25	NE SW			(87) WASHINGTON				
		35	SE NE			(87) WASHINGTON				
			NW SE			(87) WASHINGTON				
		36	SW NW			(87) WASHINGTON				

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
------	-------------	-------------	-----------	-----------	----------------	------------------

01 - IRRIGATION
+ - Total Div. Rate - + 0.240
+ - Total Div. Volume - + 48.00
+ - Total Div. Capacity - +

Turn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
16N	04W	25	SW SW		5.0	01 IRRIGATION		(87) WASHINGTON
16N	04W	25	SE SW		8.0	01 IRRIGATION		(87) WASHINGTON
16N	04W	35	SW NE		2.0	01 IRRIGATION		(87) WASHINGTON
16N	04W	35	SE NE		10.0	01 IRRIGATION		(87) WASHINGTON
16N	04W	35	NE SW		8.0	01 IRRIGATION		(87) WASHINGTON
16N	04W	35	SE SW		3.0	01 IRRIGATION		(87) WASHINGTON
16N	04W	35	SW SW		3.0	01 IRRIGATION		(87) WASHINGTON
16N	04W	35	SE SE		4.0	01 IRRIGATION		(87) WASHINGTON
16N	04W	36	NW SE		1.0	01 IRRIGATION		(87) WASHINGTON
16N	04W	36	NE NW		20.0	01 IRRIGATION		(87) WASHINGTON

Total Acres: 64.0

Prefix Translation: WATER RIGHT

+ - - Other Rights for Same Use -

Remarks
the total independent direction of motion from all points of

The total instantaneous diversion of water from all points of diversion under Transfer No. 4236 shall not exceed 1.28 cfs. Right No. 67-00220 is limited to the irrigation of 12.0 acres in the place of use described above in a single irrigation season. Irrigated acres described in S35, T16W, R04W, are located south of the access road.

Four (4) points of diversion are located within SENE, and two (2) points of diversion are located within NME, S35, T16W, R04W. A single point of diversion is located on or near the line between SENE, S35 and S4W, S36, T16W, R04W. The system has a total of eight (8) points of diversion.

```
+-----+ Old Water Right Numbers -----+
+-----+ No Old Water Right Numbers found.
```

Conditions of Approval

- Use of water under this water right will be regulated by the watermaster of State Water District No. 67.

- watermaster of State Water District No. 67.

R31 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the

- lands above.

T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

- within one (1) year of the date of this approval.

T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval

- of the transfer should not be rescinded.

T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing

- Snake River Basin Adjudication.

T17 - Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department

- from all authorized points of diversion which will allow

- determination of the total rate of diversion.

+ - - - Decree Plaintiff	- - +
+ - - - Decree Defendant	- - +
+ - Decree Date	- +

06/20/1921

Date: 01/06/1994 User Id: PRODMGR Subject: TRANSFER NO. 4236
 -Comments-

Transfer N. 4236 was filed to add diversion points and change the place of use under Right NOS. 67-00219A/219B/220/226 and 229. The transfer reflects a combined system with at permissible place of use and will recombine parts A and B of 67-00219 into part C.

+ - - Audit Fields - 04/08/85 05/01/88 CONVERT 01/06/94 PRODMGR 05/17/94 SKAGGS 06/08/94 SKAGGS

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

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Page 3

Water right number - 67-00220

Prefix Translation: WATER RIGHT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 04/08/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	- W016995	Water District	- 67
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- J
Decree Date	- 06/20/1921	Name Connector	-	POU Ownership Flag	- Y
Presumption Flag	-				

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

✓ Carter
Koranne
Western AJ

TRANSFER NO. 4236

WATER RIGHT NO(S). 67-00219C/67-00220/67-00226/67-00229

RECEIVED

This is to certify that: PINE CREEK PROPERTY OWNERS IRR ASSN
C/O PEARL J KETZ
3608 ADVENT GULCH RD
CAMBRIDGE ID 83610

AUG 11 1994

WATER RESOURCES
WESTERN REGION

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 67-00219C :			
IRRIGATION	04/01 to 10/31	0.28 CFS	56.0 AF
Priority: 05/01/1901			
Right No. 67-00220 :			
IRRIGATION	04/01 to 10/31	0.24 CFS	48.0 AF
Priority: 05/01/1901			
Right No. 67-00226 :			
IRRIGATION	04/01 to 10/31	0.34 CFS	68.0 AF
Priority: 05/01/1902			
Right No. 67-00229 :			
IRRIGATION	04/01 to 10/31	0.42 CFS	84.0 AF
Priority: 05/01/1908			
TOTAL:		1.28 CFS	256.0 AF

SOURCE

TRIBUTARY OF

EAST PINE CREEK

PINE CREEK

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 25, Township 16N, Range 04W
SENE , Sec. 35, Township 16N, Range 04W
NWSE , Sec. 35, Township 16N, Range 04W
SWNW , Sec. 36, Township 16N, Range 04W
WASHINGTON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
16N 04W 25	SWSW 5	SESW 8		13
35	SWNE 2	SENE 10	NESW 8	
	SWSW 3	SESW 3	NWSE 4	30
36	NENW 1	NWNW 20		21
		Total number of acres irrigated:		64

TRANSFER NO. 4236
WATER RIGHT NO(S). 67-00219C/67-00220/67-00226/67-00229

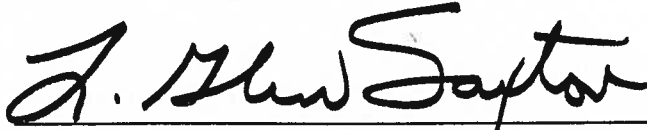
CONDITIONS/REMARKS:

- R04 1. Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
- R31 2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
- T07 3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- T17 6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4236 shall not exceed 1.28 cfs.
- * 8. Right No. 67-00219C is limited to the irrigation of 14.0 acres in the place of use described above in a single irrigation season.
- * 9. Right No. 67-00220 is limited to the irrigation of 12.0 acres in the place of use described above in a single irrigation season.
- * 10. Right No. 67-00226 is limited to the irrigation of 17.0 acres in the place of use described above in a single irrigation season.
- * 11. Right No. 67-00229 is limited to the irrigation of 21.0 acres in the place of use described above in a single irrigation season.
- * 12. Right No. 67-00229 has been reduced by 0.40 cfs that has been lost through non-use.
- * 13. Irrigated acres described in S35, T16N, R04W, are located south of the access road.
- * 14. Four (4) points of diversion are located within SENE, and two (2) points of diversion are located within NWSE, S35, T16N, R04W. A single point of diversion is located on or near the line between SENE, S35 and SWNW, S36, T16N, R04W. The system has a total of eight (8) points of diversion.

Dated this 22 day of

June

19 94


Chief, Water Alloc. Bureau

POOR ORIGINAL

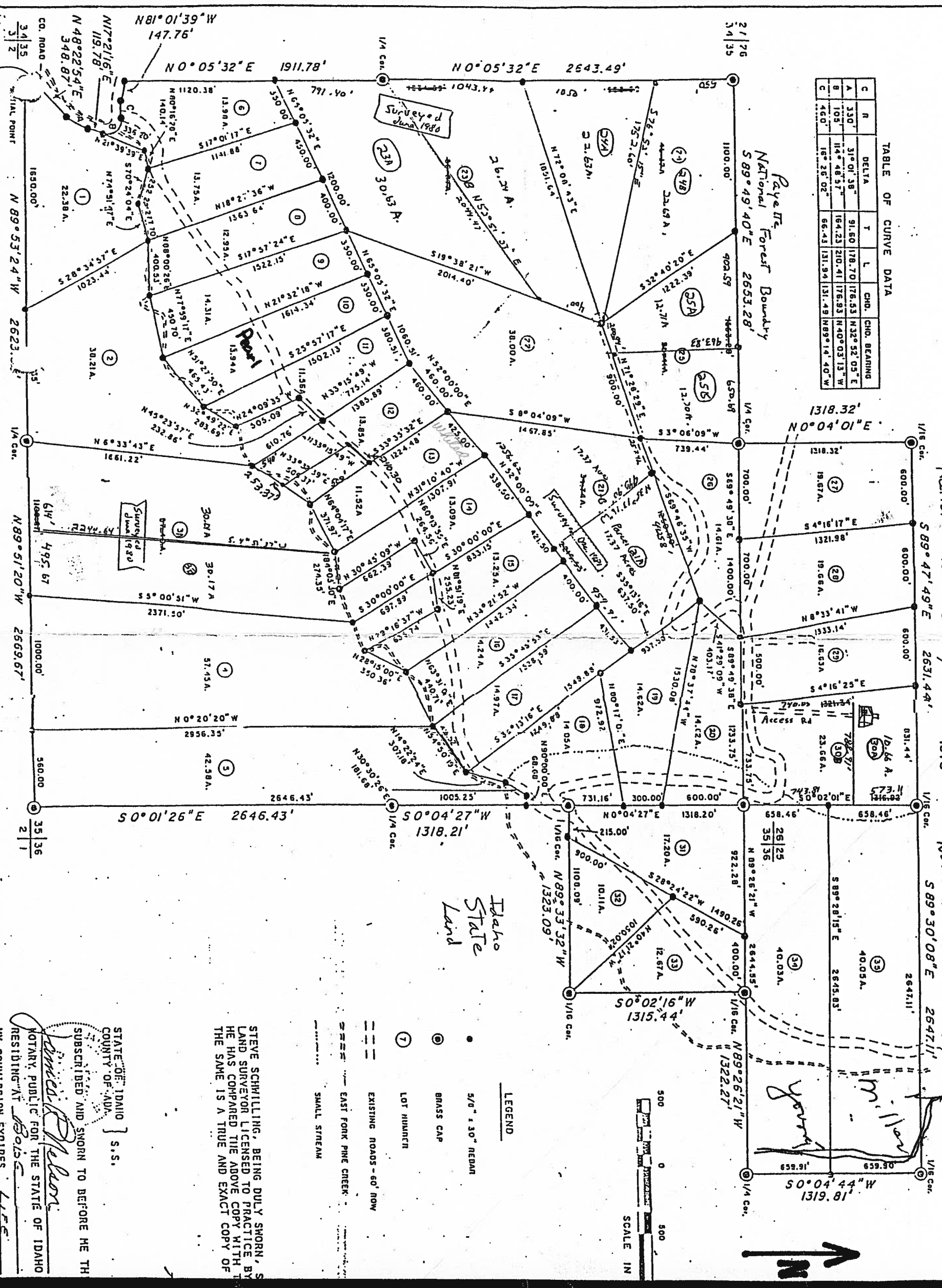
PINE CREEK MOUNTAIN ESTATES

S 1/2 of the SE 1/4 of Sec. 26; S 1/2 of the SW 1/4 of Sec. 25; NW 1/4 of the NW 1/4 of Sec. 36; and Sec. 33, T.16N., R.4 W., B.M., Washington County, Idaho

Payette National Forest Boundary 1978

TABLE OF CURVE DATA

C	R	DELTA	T	L	CHD.	CHD. BEARING
A	330'	31° 01' 38"	91.60	178.70	176.53	N 32° 52' 03" E
B	105'	114° 48' 57"	164.23	210.41	176.93	N 40° 03' 13" W
C	460'	16° 26' 02"	66.43	131.94	131.43	N 89° 14' 40" W



STATE OF IDAHO] S.S.
COUNTY OF ADA
SUBSCRIBED AND SIGNED TO BEFORE ME TH
NOTARY PUBLIC FOR THE STATE OF IDAHO
RESIDING AT Boise
MY COMMISSION EXPIRES

STEVE SCHWILLING, BEING DULY SHORN, S
LAND SURVEYOR LICENSED TO PRACTICE BY
HE HAS COMPARED THE ABOVE COPY WITH T
THE SAME IS A TRUE AND EXACT COPY OF

The purpose of the transfer is to identify the points of diversion presently used and establish a regulation system for the water masters. It will facilitate regulation as well as many more take out water unregulated. We stand by

Page 1 of 14

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

Transfer No. 4236

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

OF WATER RIGHT
CHANGES ON PGS. 1 & 2 plus addition of
pgs. 11 & 12 Approved by President FCR initials
12-1-93

Name of applicant Pine Creek Property Owners Irrigation Assoc. Phone 642-2744 date 8/3/10
Post Office address % Pearl J. Katz, President 3608 Advent Gulch Rd. Cambridge ID.

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other - CREATE "PERMISSIBLE PLACE OF USE"
2. Describe the reason for the proposed changes Consolidate water right use in Pine Creek Mountain Estates. Provide a clear record of all acres irrigated & all points of diversion used. Clarify records-keeping for Watermaster Jerry Myers & owner Cecil Bilbao. SEE memo (Attachment A) of explanation.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
67-00219A	5/1/1901	.205	Irrigation	3/15 to 11/15
67-00219B	5/1/1901	.075	"	" to "
67-00220	5/1/1901	.24	"	" to "
67-00226	5/1/1902	.34	"	" to "
67-00229	5/1/1908	.82	"	" to "

2. Total amount of water being transferred 8.6 ³¹¹⁷¹⁴⁰⁸ ~~1.68~~ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water East Pine Creek tributary to Pine Creek (See Attachment A)
4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use: *Common acreage for all H₅ rights*

[illegible]

PART 1

6. General Information:

a. Description of diversion system 8 diversions include several ditches and several pumping sites for various irrigation uses throughout acreage.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

No new lands put into production & no old lands taken out of production. Transfer seeks to codify uses that have been in place for at least last 5 year period.

d. Remarks:

per Transfer 3377 and 5/20/93 Exam

Land below the old unused ditch but above the access Road from Lots 6 through 14 will not be irrigated under this transfer. In the event of priority cuts, water use will be limited as follows based on 5/8" per acre as decreed: #226 27 acres, #220 19 acres, #219B 6 acres, #219A 16 acres.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

* HAVE been rounded off (27.2, 19.2, 6, 16.4)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

SEE SRBA CLAIMS

A67-00219 through
002196**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. 67-00219A Decreed to Elizabeth Webber
in case of Munia vs. Allison
dated 6/20/1921 in 7th Jud. Dist. county of Washington
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3377 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below: - Attachment C☐ Tax Notice☒ Warranty Deed☐ Other _____3. Source of water Pine Creek tributary to Weiser River4. Date or priority 5/1/1901

5. Water is used for the following purpose:

amount .205 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right .205 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	36	16N	4W	Washington	"Basque Spring Creek" per transfer 3377 - see Part 2C2 of " " .

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals.
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16N	4W	35									X	X	X	X					16

Total acres 16

9. Describe any other water rights used for the same purpose as described above

NONE

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

N/A

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

N/A

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

SEE SRBA claims
 A67-00219 Through
 002196

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 67-00219B Decreed to Elizabeth Webber
 in case of Maria vs. Allison
 dated 6/20/1921 in 7th Ind. Dist. county of Washington
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3377 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☒ Warranty Deed☐ Other _____3. Source of water Pine Creek tributary to Weber River4. Date or priority 5/1/1901

5. Water is used for the following purpose:

amount .075 cfs for Irrigation purposes from 3/15 to 11/15
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right .075 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	35	16N	4W	Washington	
		NE	NW	36	16N	4W	"	"Basque Spring Creek" per Transfer 3377

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals.
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16N	4W	35									4			2					6

Total acres 69. Describe any other water rights used for the same purpose as described above NONE

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

N/A

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

N/A

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

SEE SRBA claims
A67-00220 through
00220B

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 67-00220 Decreed to Roy O. Howland
in case of Minor vs. Allied
dated 6/20/1921 in 7th Ind. Dist. county of Washington
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water Pine Creek tributary to Weiser River

4. Date or priority 5/1/1901

5. Water is used for the following purpose:

amount .24 cfs for Irrigation purposes from Assume 3/15 to 11/15 per not specified in decree but
(cfs/ac-ft)
amount _____ for _____ purposes from Standard to Season
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .24 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
								<u>Not specified in decree</u>

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>16N</u>	<u>4W</u>	<u>35</u>			<u>X</u>	<u>X</u>										<u>X</u>	<u>X</u>		<u>19</u>

Total acres 19

9. Describe any other water rights used for the same purpose as described above

NONE

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

no If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

SEE SRBA claims
 A67-00226 through
 00226B

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 67-00226 Decreed to S. M. Rutledge
 in case of Muir vs. Allison
 dated 6/20/1921 in 7th Jud. Dist. county of Washington
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☒ Warranty Deed☐ Other _____3. Source of water Pine Creek tributary to Weiser River4. Date or priority 5/1/1902

5. Water is used for the following purpose:

amount .34 cfs for Irrigation purposes from assumed 8/15 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
								<u>not specified in decree</u>

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals.
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>18N</u>	<u>4W</u>	<u>25</u>											<u>x</u>	<u>x</u>					} <u>27</u>
		<u>26</u>															<u>x</u>		
		<u>35</u>	<u>x</u>																
		<u>36</u>					<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>									

Total acres 279. Describe any other water rights used for the same purpose as described above NONE

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

N/A

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

N/A

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2
 (Attach one copy for each right)

SEE SRBA CLAIM
 A67-00229

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 67-00229 Decreed to Joe/ W. Weimer
 in case of Muir vs. Allison
 dated 6/20/1921 in 7th Ind. Dist. county of WASHINGTON
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below: Attachment C☐ Tax Notice☒ Warranty Deed☐ Other _____3. Source of water Pine Creek tributary to Weiser River4. Date or priority 5/1/1908

5. Water is used for the following purpose:

amount .82 cfs for Irrigation purposes from 3/15 to 11/15 not specified in decree but assume
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right .82 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
							<u>WASHINGTON</u>	<u>Point of diversion not specified in decree</u>

8. Lands irrigated or place of use:

NOT GIVEN IN DECREE

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals.
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

9. Describe any other water rights used for the same purpose as described above UNKNOWN

NO If yes, describe _____

- N/A

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

[illegible][illegible]

- N/A

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

[illegible][illegible]

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE Attachment D

3 maps per 5/20/93 site visit:

- * topo showing 8 points of diversion
- * orthophoto showing estimated acres
(questionable areas not included
in total - see Attachment E)
- * orthophoto showing ditch layout

PART 3

B. CHANGES IN NATURE OF USE N/A

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

[Signature] President
(Signature of Applicant) AND TITLE

Subscribed and sworn to before me this 20th day of September, 1993.

[Signature]
residing at: Trumbull (Notary Public)

My commission expires 5/24/94

FOR DEPARTMENT USE ONLY

Transfer contains 12¹⁴ pages and 6 attachments (A through F)

Received by SL Date 9/27/93 Protest filed by _____

Prelim. check by SL Fee \$50 + \$20

Receipted by VJH Date 3/24/92 # W014363

Published in Upper County News Reporter 12-2-93 W016995 (AMENDED)

Pub. dates Oct. 21 + 28, 1993

Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Original filed 3/24/92 - this is Revised version based on
Field Exam by CJH on 5/20/93.

12-22-93 letter from applicant.

A67-02096, A67-00226, A67-00229, A67-00220:

MEMO TO FILE

The exact point of diversion and number of acres is not known. Mr. Bilboa wanted to file on this right because he is the lein holder and does not want them lost due to an unfiled claim. A field exam should be done to determine where and if there is a usage.

MICROFILMED

OCT 01 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

Ident. Number: A67-00220
Date Received: 7/12/1989 10-16-89
Receipt No: 0006278
Received By: _____

RECEIVED
OCT 16 1989

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources
Western Regional Office

1. Name: CECIL BILBOA
Address: RT. 1, BOX 212
CAMBRIDGE, ID

208-257-3583

83610

2. Date of Priority: MAY 01, 1901

3. Source: PINE CREEK

Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	04W	25	SW	NE			WASHINGTON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.240		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	04W	35	SW	NE		IRR	
			SE	NE		IRR	
			NW	SE		IRR	
			SW	SE		IRR	

A67-00220

Page 1

Date: 09/14/89

MICROFILMED
OCT 01 1992

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

ACTUAL IRRIGATED ACREAGE=28.6

PLACES OF USE ARE LOCATED IN PORTIONS OF LOTS 2, 3A, 3B, 6-15

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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): Coral B. Miller Date: 10/5/89

Date: _____

State of Idaho)
County of WASHINGTON) SS.

Subscribed and sworn (or affirmed) before me this 5TH day
of OCTOBER 19 89

B. G. Soules
Notary Public

Seal

Residing at CAMBRIDGE
My Commission Expires 8-71-91

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-220

NAME AND ADDRESS:

PINE CREEK PROPERTY OWNERS IRR
ASSN
C/O PEARL J KETZ
PO BOX 190
CAMBRIDGE ID 83610

SOURCE:

Source:

EAST PINE CREEK

Tributary:

PINE CREEK

QUANTITY:

0.240 CFS

48.000 AFY

The total instantaneous diversion of water from all points of diversion under Transfer No. 4236 shall not exceed 1.28 cfs.

PRIORITY DATE:

05/01/1901

POINT OF DIVERSION:

T16N R04W S25 NESW
Within WASHINGTON County

T16N R04W S35 SENE
Within WASHINGTON County

T16N R04W S35 SENE
Within WASHINGTON County

T16N R04W S35 SENE
Within WASHINGTON County

T16N R04W S35 SENE
Within WASHINGTON County

T16N R04W S35 SENE
Within WASHINGTON County

T16N R04W S35 NWSE
Within WASHINGTON County

T16N R04W S35 NWSE
Within WASHINGTON County

~~T16N R04W S36 SWNW~~
~~Within WASHINGTON County~~

**PURPOSE AND
PERIOD OF USE:**

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

0.240 CFS

48.00 AFY

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

PLACE OF USE: IRRIGATION within WASHINGTON County

T16N R04W S25 SWSW 5.0
T16N R04W S25 SESW 8.0
T16N R04W S35 SWNE 2.0
T16N R04W S35 SENE 10.0
T16N R04W S35 NESW 8.0
T16N R04W S35 SWSW 3.0
T16N R04W S35 SESW 3.0
T16N R04W S35 NWSE 4.0
~~T16N R04W S36 NENW 1.0~~
T16N R04W S36 NWNW 20.0

63 ACRES TOTAL

~~64 ACRES TOTAL~~

Right No. 67-00226 is limited to the irrigation of 17.0 acres within the place of use described above in a single irrigation season.

Right No. 67-00220 is limited to the irrigation of 12.0 acres within the place of use described above in a single irrigation season.

Right No. 67-00219 is limited to the irrigation of 14.0 acres within the place of use described above in a single irrigation season.

Right No. 67-00229 is limited to the irrigation of 21.0 acres within the place of use described above 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Four (4) points of diversion are located within SENE, and two (2) points of diversion are located within NWSE, S35, T16N, R04W. A single point of diversion is located on or near the line between SENE, S35 and SWNE, S36, T16N, R04W. The system has a total of eight (8) points of diversion.

The change authorized by Transfer No. 4236 shall be accomplished within one (1) year of the date of this approval.

Irrigated acres described in S35, T16N, R04W, are located south of the access road.

Use of water under this water right will be regulated by the watermaster of State Water District No. 67.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Right No. 67-00229 has been reduced by 0.40 cfs that has been lost through non-use.

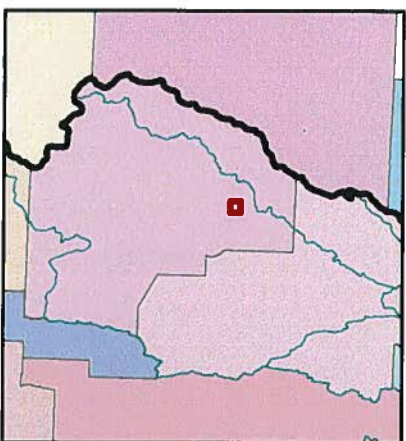
Idaho Department of Water Resources



**SRBA Recommendation
67-220
(IRRIGATION)**

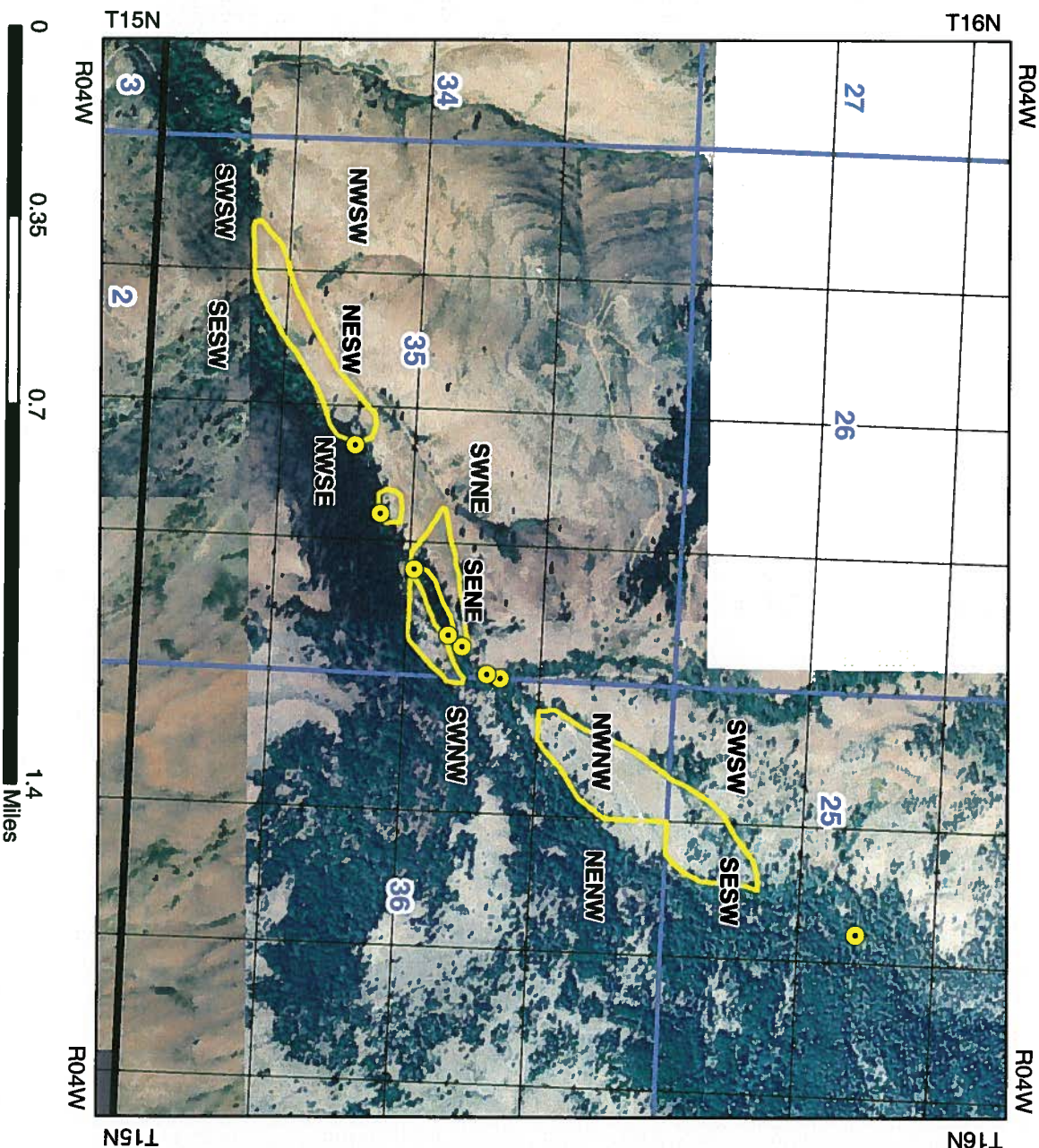
Legend

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



**Washington County
IDWR Basin 67**

Prepared by Craig Saxton
On August 14, 2008
1987/88 Aerial Photography



05/13/2005

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

RIGHT NUMBER: 67-220

NAME AND ADDRESS: PINE CREEK PROPERTY OWNERS IRR ASSN
C/O PEARL J KETZ
3608 ADVENT GULCH RD
CAMBRIDGE ID 83610

SOURCE: EAST PINE CREEK

TRIBUTARY: PINE CREEK

QUANTITY: 0.240 CFS
48.000 AFY

The total instantaneous diversion of water from all points of diversion under Transfer No. 4236 shall not exceed 1.28 cfs.

PRIORITY DATE: 05/01/1901

POINT OF DIVERSION:

T16N R04W S25 NESW Within WASHINGTON County
T16N R04W S35 SENE Within WASHINGTON County
T16N R04W S35 SENE Within WASHINGTON County
T16N R04W S35 SENE Within WASHINGTON County
T16N R04W S35 SENE Within WASHINGTON County
T16N R04W S35 NWSE Within WASHINGTON County
T16N R04W S35 NWSE Within WASHINGTON County
T16N R04W S36 SWNW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.240 CFS 48.00 AFY

PLACE OF USE: IRRIGATION Within WASHINGTON County

T16N R04W S25	SWSW	5.0	T16N R04W S25	SESW	8.0
T16N R04W S35	SWNE	2.0	T16N R04W S35	SENE	10.0
T16N R04W S35	NESW	8.0	T16N R04W S35	SWSW	3.0
T16N R04W S35	SESW	3.0	T16N R04W S35	NWSE	4.0
T16N R04W S36	NENW	1.0	T16N R04W S36	NWNW	20.0

64 ACRES TOTAL

Right No. 67-00229 is limited to the irrigation of 21.0 acres within the place of use described above in a single irrigation season.

Right No. 67-00226 is limited to the irrigation of 17.0 acres within the place of use described above in a single irrigation season.

Right No. 67-00220 is limited to the irrigation of 12.0 acres within the place of use described above in a single irrigation season.

Right No. 67-00219 is limited to the irrigation of 14.0 acres within the place of use described above in a single irrigation season.

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

Water Right 67-220

05/13/2005

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

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: Decreed

Four (4) points of diversion are located within SENE, and two (2) points of diversion are located within NWSE, S35, T16N, R04W. A single point of diversion is located on or near the line between SENE, S35 and SWNE, S36, T16N, R04W. The system has a total of eight (8) points of diversion.

The change authorized by Transfer No. 4236 shall be accomplished within one (1) year of the date of this approval.

Irrigated acres described in S35, T16N, R04W, are located south of the access road.

Use of water under this water right will be regulated by the watermaster of State Water District No. 67.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

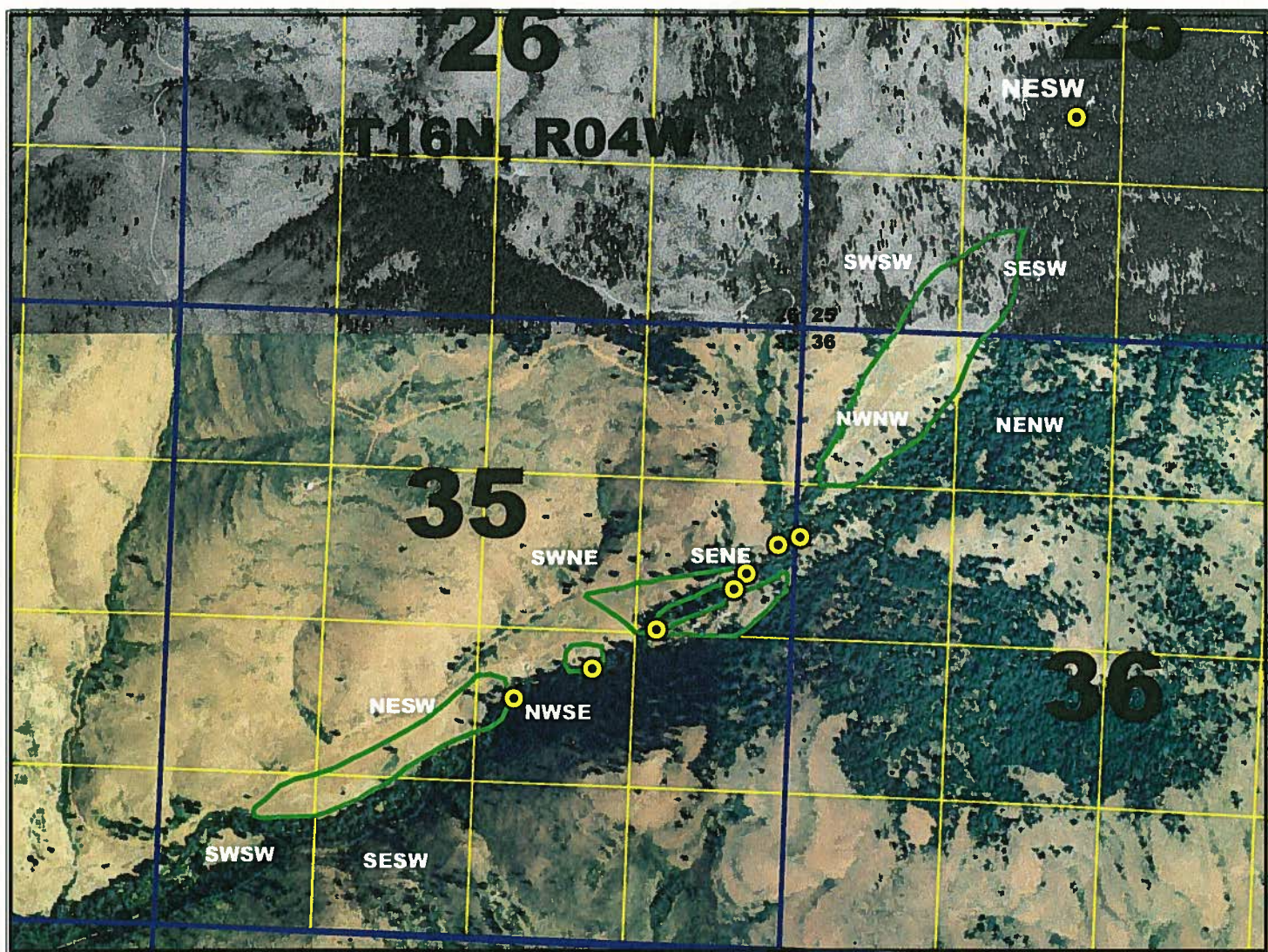
Right No. 67-00229 has been reduced by 0.40 cfs that has been lost through non-use.



STATE OF IDAHO

Department of Water Resources

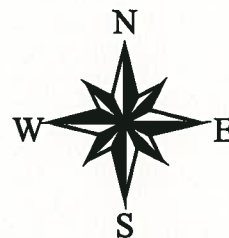
Water Right(s): 67-219, 67-220
67-226, 67-229



1320 0 1320 2640 3960 5280 6600 Feet

Total Irrigated Acres: 64.0

-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-220 V1

WATER RIGHT NUMBER: 67-220 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PINE CREEK PROPERTY OWNERS IRR ASSN C/O PEARL J KETZ 3608 ADVENT GULCH RD CAMBRIDGE, ID 83610 (208)642-2766
Original Owner	CECIL BILBOA 3597 COW CREEK RD CAMBRIDGE, ID 83610 (208)257-3583
Original Owner	MITCH WHITED 2719 N 29TH BOISE, ID 83703 (208)384-0887

Priority Date: 05/01/1901

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
EAST PINE CREEK	PINE CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.240 CFS	48.00 AF
	<u>Total Diversion:</u>	0.240 CFS	48.00 AF

Location of Point(s) of Diversion

EAST PINE CREEK WASHINGTON County	SE1/4NE1/4	Sec. 35, Twp 16N, Rge 04W, B.M.
EAST PINE CREEK WASHINGTON County	SE1/4NE1/4	Sec. 35, Twp 16N, Rge 04W, B.M.
EAST PINE CREEK WASHINGTON County	NW1/4SE1/4	Sec. 35, Twp 16N, Rge 04W, B.M.
EAST PINE CREEK WASHINGTON County	SE1/4NE1/4	Sec. 35, Twp 16N, Rge 04W, B.M.
EAST PINE CREEK WASHINGTON County	SE1/4NE1/4	Sec. 35, Twp 16N, Rge 04W, B.M.
EAST PINE CREEK WASHINGTON County	SW1/4NW1/4	Sec. 36, Twp 16N, Rge 04W, B.M.
EAST PINE CREEK WASHINGTON County	NE1/4SW1/4	Sec. 25, Twp 16N, Rge 04W, B.M.
EAST PINE CREEK WASHINGTON County	NW1/4SE1/4	Sec. 35, Twp 16N, Rge 04W, B.M.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-220 V1

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	
16N	04W	25											5.0	8.0					13.0
16N	04W	35			2.0	10.0					8.0		3.0	3.0		4.0			30.0
16N	04W	36					1.0	20.0											21.0

Total Acres: 64

Conditions of Approval:

1. The total instantaneous diversion of water from all points of diversion under Transfer No. 4236 shall not exceed 1.28 cfs.
2. Four (4) points of diversion are located within SENE, and two (2) points of diversion are located within NWSE, S35, T16N, R04W. A single point of diversion is located on or near the line between SENE, S35 and SWNE, S36, T16N, R04W. The system has a total of eight (8) points of diversion.
3. T07 The change authorized by Transfer No. 4236 shall be accomplished within one (1) year of the date of this approval.
4. X27 Right No. 67-00229 is limited to the irrigation of 21.0 acres within the place of use described above in a single irrigation season.
5. X27 Right No. 67-00226 is limited to the irrigation of 17.0 acres within the place of use described above in a single irrigation season.
6. X27 Right No. 67-00220 is limited to the irrigation of 12.0 acres within the place of use described above in a single irrigation season.
7. Irrigated acres described in S35, T16N, R04W, are located south of the access road.
8. X27 Right No. 67-00219 is limited to the irrigation of 14.0 acres within the place of use described above in a single irrigation season.
9. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
10. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.
13. Right No. 67-00229 has been reduced by 0.40 cfs that has been lost through non-use.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-220 V1

Comments:

1. mvanbussum 5/13/2005 Transfer 4236

Comment: Transfer 4236 approved in 1994. Recommend per transfer.

2. mvanbussum 5/13/2005 Recommendation

Comment: Approval of Transfer 4236 amended SRBA claims 67-00219, 67-00220, 67-00226, and 67-00229. Previous splits of this right were done in error. The above claims were amended to reflect TR 4236. Note: This claim represents water right record 67-00219C as defined by TR 4236 (csaxton 5-12-05).

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: S

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	5/13/2005 1:02:05 PM	mvanbussum			Active
Priority Date	5/13/2005 1:03:23 PM	mvanbussum			Active
POD	5/13/2005 1:04:30 PM	mvanbussum			Active
Source	5/13/2005 1:18:00 PM	mvanbussum			Active
POU	5/13/2005 1:21:32 PM	mvanbussum			Active
Use	5/13/2005 1:27:57 PM	mvanbussum			Active
Season	5/13/2005 1:29:38 PM	mvanbussum			Active
Quantity	5/13/2005 1:31:40 PM	mvanbussum			Active
Summary			05/13/2005	mvanbussum	Active
Summary			05/13/2005	mvanbussum	Active
Summary			05/13/2005	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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MEMORANDUM

Date: May 2, 2005

To: File

From: Craig L. Saxton

Re: Pine Creek Property Owners Irrigation Association

Summary:

I plan to recommend SRBA claims in the name of an organization rather than the individual users. The following describes why.

Background:

Transfer 3377 split water right record 67-219 into 67-219A and 67-219B.

In 1994, transfer 4236 was approved to combine 67-219A and 67-219B into 67-219C. Transfer 4236 then combined 67-219C, 67-220, 67-226, and 67-229 into a permissible place of use in the name of Pine Creek Property Owners Irrigation Association.

It appears that one of the original land owners was Cecil Bilboa.

There are 25 SRBA claims currently active for use of Pine Creek water. These claims are for portions of original *Muir vs. Allison* decreed rights 67-219, 67-220, 67-226, and 67-229.

Some of the 25 claims were filed before transfer 4236 was approved, and some of the claims appear to have been filed based on the results of transfer 4236.

SRBA claim 67-219 was filed by Cecil Bilboa in 1989 for the entire decreed right, but was amended upon approval of TR 4236. The name on the data base remained as Bilboa despite that TR 4236 was in the name of Pine Creek Property Owners Irrigation Association. The claim has been subsequently split.

SRBA claim 67-220 was filed by Cecil Bilboa in 1989 for the entire decreed right, but was amended upon approval of TR 4236. The name on the data base remained as Bilboa despite that TR 4236 was in the name of Pine Creek Property Owners Irrigation Association. The claim has been subsequently split.

SRBA claim 67-226 appears to have been filed by Cecil Bilboa for the entire right, but was amended upon approval of TR 4236. The name on the data base remained as Bilboa despite that TR 4236 was in the name of Pine Creek Property Owners Irrigation Association. The claim has been subsequently split.

SRBA claim 67-229 appears to have been filed by Cecil Bilboa for the entire right, but notes on the claim say that the claim was amended per approval of Transfer 4236. The parent claim remained in Bilboa's name despite that TR 4236 was in the name of Pine Creek Property Owners Irrigation Association. The claim has been subsequently split.

Issue:

The situation appears to be that individual water users that are part of Pine Creek Property Owners Irrigation Association filed separate claims, when really Pine Creek Property Owners Irrigation Association should have filed 4 SRBA claims based on transfer 4263.

The question arose, that since TR 4236 was approved in 1994, can four claims be filed for recommendation by Pine Creek Property Owners Irrigation Association to replace the 25 individual claims filed for the same water.

Conclusion:

Per a discussion with David Tuthill, it was concluded that the administrative action of approving TR 4236 had the effect of amending the claims represented in the transfer to the name of Pine Creek Property Owners Irrigation Association.

These water rights, numbered 67-219C, 67-220, 67-226, and 67-229, were awarded a permissible place of use. My directive in the SRBA is to recommend the rights as such to the SRBA court.

Action:

Amend SRBA claims 67-219, 67-220, 67-226, and 67-229 to the name of Pine Creek Property Owners Irrigation Association, and represent the elements of the respective water rights as defined in TR 4236.

Disallow individual filings for portions of the above rights as "Recommended as 67-____....".

Note: TR 4236 defines a transfer on 67-219C. Transfer 3377 split water right record 67-219 into 67-219A and 67-219B. In 1994, transfer 4236 was approved to combine 67-219A and 67-219B into 67-219C.

The SRBA claim 67-219 will represent the WR record of 67-219C. They are one in the same.

Split history for Decreed Right 29-00220

WR History

SRBA Calm History

Recommended

TR 4236	67-00220	Pine Ck Assn
	0.24	cfs
	12 (64)	ac
	48	af

67-00220	Bilboa
	0.24
	64
	48

67-00220A	Hillard
	0.1
	6
67-00220B	Mc Donald
	0.03
	3.5

67-00220A	Hillard
	0.1
	6
67-00220B	Mc Donald
	0.03
	3.5

67-00220A	Hillard
	Disallow
67-00220B	Mc Donald
	Disallow

67-00220C	Bilboa/Whtied
	0.24
	12 (64.5)
	48
67-14462	Bilboa
	0.2
	45.7
	40
67-14463	Waldemer
	0.01
	3 Lot 8
	2.6
67-14464	Sidwell
	0.006
	1.3
	1.14
67-14465	Livingston
	0.02
	4.5
	4

67-14462	Bilboa
	0.2
	45.7
	40
67-14463	Waldemer
	0.01
	3 Lot 8
	2.6
67-14464	Sidwell
	0.006
	1.3
	1.14
67-14465	Livingston
	0.02
	4.5
	4

67-14462	Bilboa
	Disallow
67-14463	Waldemer
	Disallow
67-14464	Sidwell
	Disallow
67-14465	Livingston
	Disallow

67-00220	Pine Ck Assn
	0.24
	12 (64)
	48

67-00220	Pine Ck Assn
	0.24
	64 Limit 12 ac
	48

67-00220	Pine Ck Assn
	0.24
	64 Limit 12 ac
	48

Sum CFS =	0.606
Sum Acres =	128
Sum AF =	102.74

Sum CFS =	0.24
Sum Acres =	64
Sum AF =	48

Extra CFS =	-0.366
Extra Acres =	-64
Extra AF =	-54.74

Extra CFS =	0
Extra Acres =	0
Extra AF =	0

*Last updated 5-15-05 (csaxton)
For digital copy of Excel spreadsheet file: See Craig L. Saxton

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4236

WATER RIGHT NO(S). 67-00219C/67-00220/67-00226/67-00229

This is to certify that: **PINE CREEK PROPERTY OWNERS IRR ASSN**
C/O PEARL J KETZ
3608 ADVENT GULCH RD
CAMBRIDGE ID 83610

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 67-00219C : IRRIGATION Priority: 05/01/1901	04/01 to 10/31	0.28 CFS	56.0 AF
Right No. 67-00220 : IRRIGATION Priority: 05/01/1901	04/01 to 10/31	0.24 CFS	48.0 AF
Right No. 67-00226 : IRRIGATION Priority: 05/01/1902	04/01 to 10/31	0.34 CFS	68.0 AF
Right No. 67-00229 : IRRIGATION Priority: 05/01/1908	04/01 to 10/31	0.42 CFS	84.0 AF
TOTAL:		1.28 CFS	256.0 AF

SOURCE

EAST PINE CREEK

TRIBUTARY OF

PINE CREEK

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 25, Township 16N, Range 04W
SENE , Sec. 35, Township 16N, Range 04W
NWSE , Sec. 35, Township 16N, Range 04W
SWNW , Sec. 36, Township 16N, Range 04W
WASHINGTON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
16N	04W	25	SWSW 5	SESW 8		13
		35	SWNE 2	SENE 10	NESW 8	
			SWSW 3	SESW 3	NWSE 4	30
		36	NENW 1	NWNW 20		21

Total number of acres irrigated: 64

JUL 27 1994

TRANSFER NO. 4236
WATER RIGHT NO(S). 67-00219C/67-00220/67-00226/67-00229

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4236 shall not exceed 1.28 cfs.
8. Right No. 67-00219C is limited to the irrigation of 14.0 acres in the place of use described above in a single irrigation season.
9. Right No. 67-00220 is limited to the irrigation of 12.0 acres in the place of use described above in a single irrigation season.
10. Right No. 67-00226 is limited to the irrigation of 17.0 acres in the place of use described above in a single irrigation season.
11. Right No. 67-00229 is limited to the irrigation of 21.0 acres in the place of use described above in a single irrigation season.
12. Right No. 67-00229 has been reduced by 0.40 cfs that has been lost through non-use.
13. Irrigated acres described in S35, T16N, R04W, are located south of the access road.
14. Four (4) points of diversion are located within SENE, and two (2) points of diversion are located within NWSE, S35, T16N, R04W. A single point of diversion is located on or near the line between SENE, S35 and SWNW, S36, T16N, R04W. The system has a total of eight (8) points of diversion.

Dated this 22nd day of June, 1994.

J. Allen Saylor
Chief, Water Alloc. Bureau

RECEIVED
JUL 27 1994

MEMORANDUM

To: Jan Shurte

From: Sharla Curtis

Date: January 24, 2005

Re: Splits of Rights 67-219 and 67-220

Several months ago, I looked at some complicated ownership change documents that had been submitted for the above referenced rights. Looking back, it appears that for some unknown reason we either worked from the pedigree table which showed only the base rights with no splits having previously occurred or we looked for "active" rights under the information search function. We then created two new splits for 67-219 and four new splits for 67-220. The new numbers were 67-14456 thru 67-14461.

To add to the confusion, the splits which had previously occurred (creating rights 67-219B thru 219H and 67-220A thru 220C) reflect more recent land ownership than the changes of ownership that Denise and I were trying to process. So after further extensive review, it was determined that the previous splits of the right are the most current representation of land ownership.

Therefore, numbers 67-14456 thru 67-14461 should simply be deleted entirely and the pedigree table needs to then accurately be modified showing the suffixed numbers already created. Lastly, the recommendation records for 219B thru H and 220 A & C need to have a status listed (the status field is blank now). The claim record for ~~219C~~ should be changed to something other than "parent" (the parent status came from the splits we made in error).

*not
verified
yet till
final Rec
is made*

220C

*Done - changed
to see Remarks
3-8-05 CS.*

11-19-04

SHARLA - THESE SPLITS HAD PROBLEMS WOULD YOU PLEASE CHECK OUT WHAT REAHN SHOULD HAVE BEEN SPLIT & HOW, THEN GIVE TO LIBERTY WITH A NOTE. IF YOU HAVE QUESTIONS, DENISE HAS KNOWLEDGE OF THE PROBLEMS WITH THESE. TKS! JAN

SHARLA - CAN YOU WRITE A MEMO LETTING ME KNOW WHAT HAPPENED SO WE CAN DOCUMENT FOR B67 RECOMMENDATIONS. I SURE WOULD APPRECIATE IT. TKS, JAN

Jan -

Let me know if theres anything I didnt address.

Sharla

ONE THING I NOTICED THAT STALLED ME OUT RIGHT AWAY IS THAT 67-220 APPEARS AS A WHOLE NUMBER & IS NOT LABELLED AS A SPLIT. I DID NOT GO ANY FURTHER. ^{SORRY} JAN

Jan/Liberty -
done! Yikes! Herin what needs to be

1) Ask Dave Brindle to delete the following records in their entirety. I shouldnt have told Denise to make those splits

~~67-14458~~

14459

14460

14461

and

14456

14457

2) Tell Dave that the pedigree table for 67-219 & 67-220 needs

updating after the about 100 have been deleted. (Heater how we saved up in the first place)

3) If Dave has questions, he can call me.

4) Manila folders need to be ditched, etc. Believe it or not, that should clean

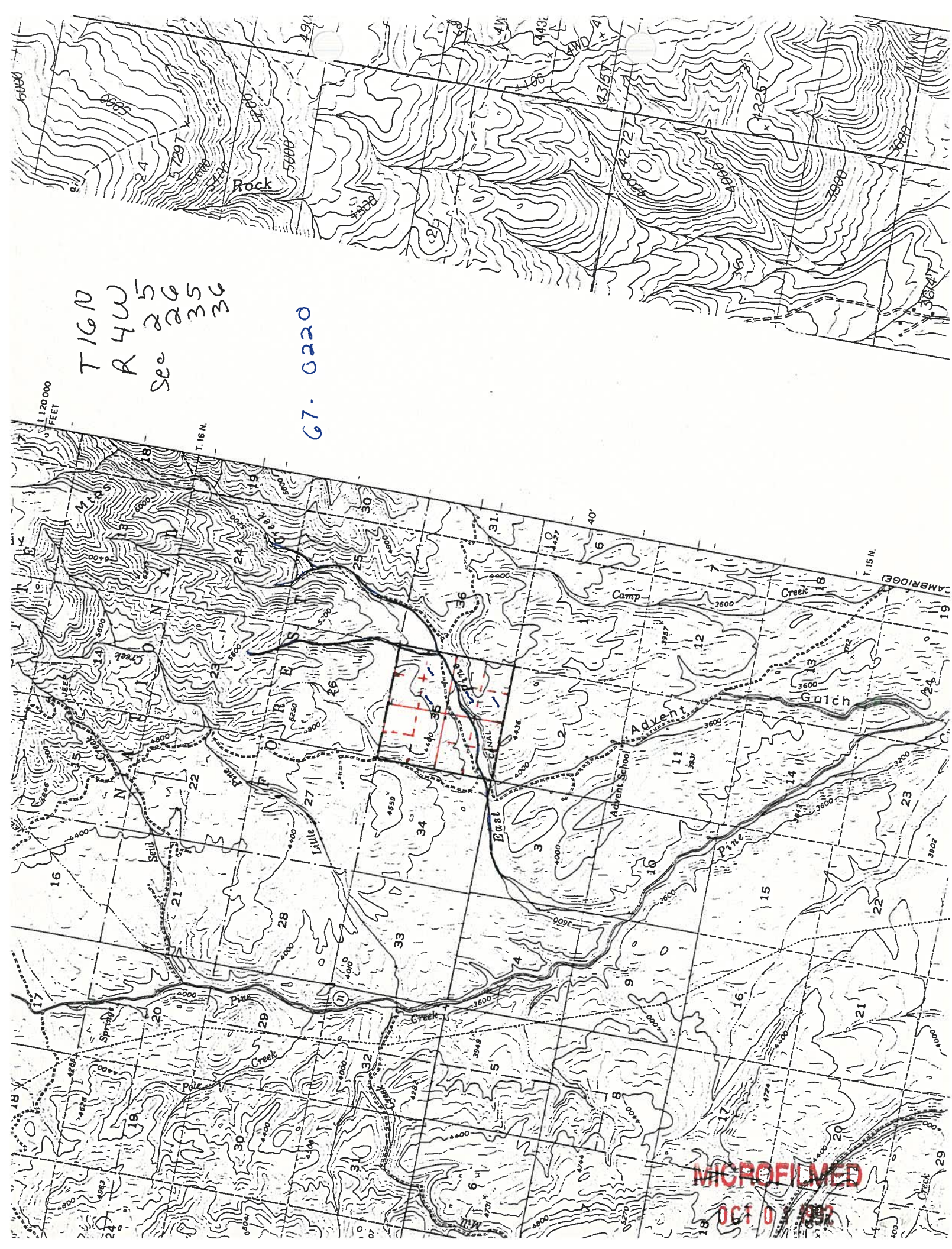
everything up because all remaining splits are OK.

for the numbers deleted.

Sharla

T 16 N
R 4 W
Sec 26 35 36

67-0220



MICROFILMED

18 OCT 10 1982

POOR ORIGINAL

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S27 S26
S34 S35

24 25

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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MITCH WHITED 2719 N 29TH BOISE ID 83703 (208) 384-0887	05/01/1901	IRRIGATION	04-01 10-31	0.240 CFS	48.00 AFA
TOTAL DIVERSION:					0.240 CFS	48.00 AFA

C CECIL BILBOA
RT 1 BOX 212
CAMBRIDGE ID 83610
(208) 257-3583

Water Source: EAST PINE CREEK

Tributary to: PINE CREEK

Stage: DECREED

Point(s) of Diversion:	T16M R04W S25 S35 S36	NESE SENE SENE	WASHINGT ON County WASHINGT ON County WASHINGT ON County
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Place of use Legal Description for: IRRIGATION												
			NE		NW		SW		SE			
T	R	S	NESE	SENE	NESE	SENE	NESE	SENE	NESE	SENE	SESE	SUM
16N	04W	25	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	13.0
16N	04W	35	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	30.0
16N	04W	36	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	21.0
TOTAL ACRES												64.0

POU County: WASHINGTON

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- Watermaster of State Water District No. 67.
- R31 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.0 afa per acre for
- irrigation of the lands above.
- T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.
- T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.
- T17 - Prior to diversion of water under this approval, the right holder
- shall provide a means of measurement acceptable to the Department
- from all authorized points of diversion which will allow
- determination of the total rate of diversion.

Remarks: GEN ACTUAL IRRIGATED ACREAGE=28.6

Remarks:

PLACES OF USE ARE LOCATED IN PORTIONS OF LOTS 2, 3A, 3B, 6-15
*****MEMO TO FILE*****
IN REFERENCE TO THE ADDITION OF MITCH WHITED'S NAME TO THIS
CLAIM. MR. WHITED IS THE OWNER OF LOT 13. HE WAS IN MY OFFICE
AND INDICATED TO ME AT THAT TIME THAT HE WOULD LIKE HIS NAME
ADDED TO THIS CLAIM. MR. BILBOA FILED ON THIS CLAIM AS LIEN
HOLDER OF THIS PROPERTY. 12/13/89. L.R.H.

THIS CLAIM AMENDED PER TRANSFER 4236 APPROVED 6/22/94.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY
OF APPROVED TRANSFER NO 4236 IN FILE.
THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER TRANSFER 4236 SHALL NOT EXCEED 1.28 CFS.
RIGHT NO 67-00220 IS LIMITED TO THE IRRIGATION OF 12 ACRES IN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
IRRIGATED ACRES DESCRIBED S35, T16N, R04W ARE LOCATED SOUTH OF
THE ACCESS ROAD.
FOUR (4) POINTS OF DIVERSION ARE LOCATED WITHIN SENE, AND TWO (2)
POINTS OF DIVERSION ARE LOCATED WITHIN NWSE, S35, T16N, R04W. A
SINGLE POINT OF DIVERSION IS LOCATED ON OR NEAR THE LINE BETWEEN
SENE, S35, AND SWNW, S36 T16N, R04W. THE SYSTEM HAS A TOTAL OF
EIGHT (8) POINTS OF DIVERSION.

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: 67 Field Inspection Flag:
Presumption Flag:

DATE: 01/26/01
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PINE CREEK PROPERTY OWNERS IRR ASSN C/O PEARL J KETZ 3608 ADVENT GULCH RD CAMBRIDGE ID 83610 (208) 642-2766	05/01/1901	IRRIGATION	04/01 10/31	0.240 CFS	48.00 AFA
TOTAL DIVERSION:					0.240 CFS	48.00 AFA

Water Source:	EAST PINE CREEK	Tributary to:	PINE CREEK	Stage:	DECEASED
Point(s) of Diversion:	T16M R04M	S25	NESW	WASHINGTON County	
	S35		SENE	WASHINGTON County	
	S36		SHNW	WASHINGTON County	
			NHSE		

Place of use Legal Description for: IRRIGATION																										
	NE				NW				SW				SE													
T	R	S	:	NENE	MINE	SHANE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	MNSW	SSSW	SESW	:	NESE	MNSE	SNSE	SESE	:	SUM		
16N	04W	25	:		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
16N	04W	35	:					:					:					:					:			
16N	04W	36	:			02	10	:					:		08	03	03	:			04		:			
TOTAL ACRES																										
																										64.0

Pou County: WASHINGTON

Conditions of Approval:

- R04. - Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
- R31 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- T17 - Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks:	GEN The total instantaneous diversion of water from all points of diversion under transfer No. 4236 shall not exceed 1.28 cfs. Right No. 67-00220 is limited to the irrigation of 12.0 acres in the place of use described above in a single irrigation season. Irrigated acres described in S35, T16N, R04W, are located south of the access road.
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WR5809NP
No. 67-00220

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/26/01
PAGE: 4

Remarks:

Four (4) points of diversion are located within SENE, and two (2) points of diversion are located within MWSE, S35, T16N, R04W. A single point of diversion is located on or near the line between SENE, S35 and S4W, S36, T16N, R04W. The system has a total of eight (8) points of diversion.

Dates:

App. Received: 05/01/1901
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc:

Water District Number: 67 Field Exam Fee: