

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 67-229
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: 05/01/1908

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16N	04W	25	NE SW	WASHINGTON	
16N	04W	36	SW NW	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	35	SE NE	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	4/01	10/31	0.42	

7. Total Quantity Appropriated is:
0.42 C.F.S. and/or 84 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? Yes

13. Other Water Rights Used:

14. Remarks:

This claim has been split. See nos. 67-229A & 67-229B.

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.

P/U NOT GIVEN IN DECREE.

CLAIM AMENDED PER TRANSFER NO 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 67-00229 IS LIMITED TO THE IRRIGATION OF 21 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

IRRIGATED ACRES DESCRIBED IN S35, 16N, 04W ARE LOCATED SOUTH OF THE ACCESS ROAD.

FOUR (4) POINTS OF DIVERSION ARE LOCATED WITH SENE, AND TWO (2) POINTS OF DIVERSION ARE LOCATED WITH NWSE, S35, 16N, 04W. A SINGL POINT OF DIVERSION IS LOCATED ON OR NEAR THE LINE BETWEEN SENE, S35 AND SWNW, S36, 16N, 04W. THE SYSTEM HAS A TOTAL OF EIGHT (8) POINTS OF DIVERSION.

RIGHT NO 67-00229 HAS BEEN REDUCED Y .40 CFS THAT HAS BEEN LOST THROUGH NON-USE.

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.

Failure of the right holder 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.

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.

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

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).

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

Right No. 67-00219C is limited to the irrigation of 14.0 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. 67-00226 is limited to the irrigation of 17.0 acres within the place of use described above in a single irrigation season.

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

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

Irrigated acres described in 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 SWNE, S36, T16N, R04W. The system has a total of eight (8) points of diversion.

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 67-229

WATER RIGHT NUMBER: 67-229

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CECIL BILBOA RT 1 BOX 212 CAMBRIDGE, ID 83610 (208)257-3583

Priority Date: 05/01/1908

Basis: Decreed

Status: Parent

<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	4/01 to 10/31	0.420 CFS	
	<u>Total Diversion:</u>	0.420 CFS	84.00 AF

Location of Point(s) of Diversion

EAST PINE CREEK	NE1/4SW1/4	Sec. 25,	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	SE1/4NE1/4	Sec. 35,	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 67-229

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 P/U NOT GIVEN IN DECREE.
CLAIM AMENDED PER TRANSFER NO 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 67-00229 IS LIMITED TO THE IRRIGATION OF 21 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
IRRIGATED ACRES DESCRIBED IN S35, 16N, 04W ARE LOCATED SOUTH OF THE ACCESS ROAD.
FOUR (4) POINTS OF DIVERSION ARE LOCATED WITH SENE, AND TWO (2) POINTS OF DIVERSION ARE LOCATED WITH NWSE, S35, 16N, 04W. A SINGL POINT OF DIVERSION IS LOCATED ON OR NEAR THE LINE BETWEEN SENE, S35 AND SWNW, S36, 16N, 04W. THE SYSTEM HAS A TOTAL OF EIGHT (8) POINTS OF DIVERSION.
RIGHT NO 67-00229 HAS BEEN REDUCED Y .40 CFS THAT HAS BEEN LOST THROUGH NON-USE.
2. General This claim has been split. See nos. 67-229A & 67-229B.

Comments:

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:
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

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-229

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

RIGHT NUMBER: 67-229

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:

0.420 CFS

84.000 AFY

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

PRIORITY DATE:

05/01/1908

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

0.420 CFS

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.

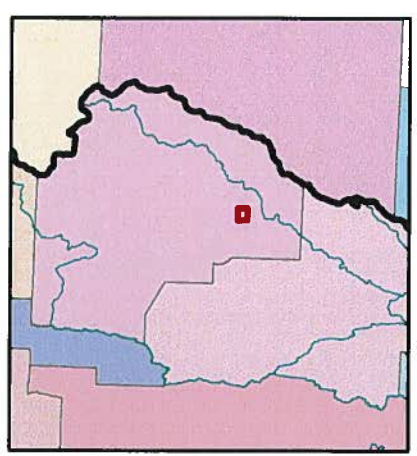
Idaho Department of Water Resources



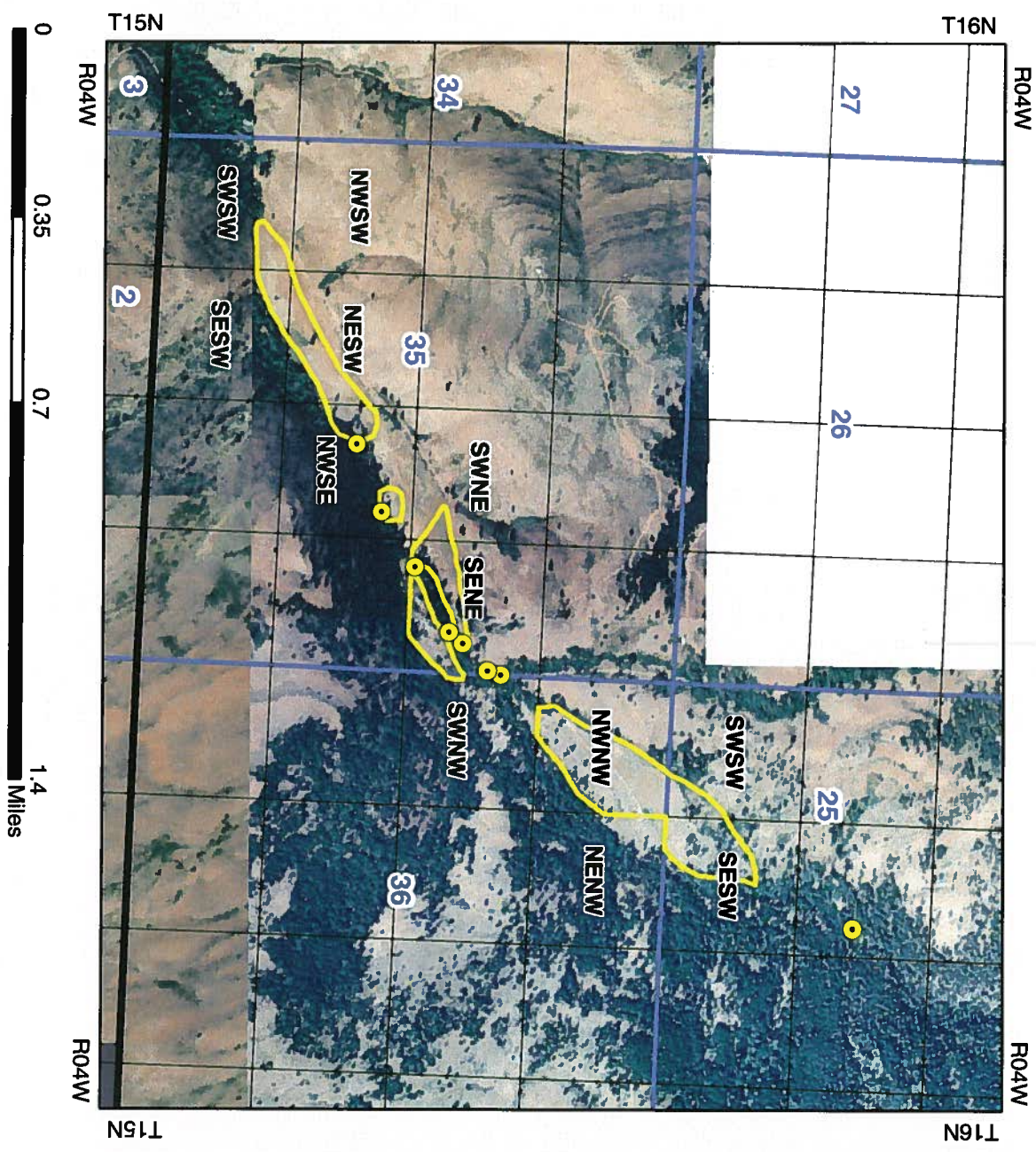
**SRBA Recommendation
67-229
(IRRIGATION)**

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: 67-229

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: 0.420 CFS
84.000 AFY

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

PRIORITY DATE: 05/01/1908

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	0.420 CFS

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. 67-00220 is limited to the irrigation of 12.0 acres within the place of use described above in a single irrigation season.

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

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

Right No. 67-00226 is limited to the irrigation of 17.0 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 67-229

1

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

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

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.

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

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

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.

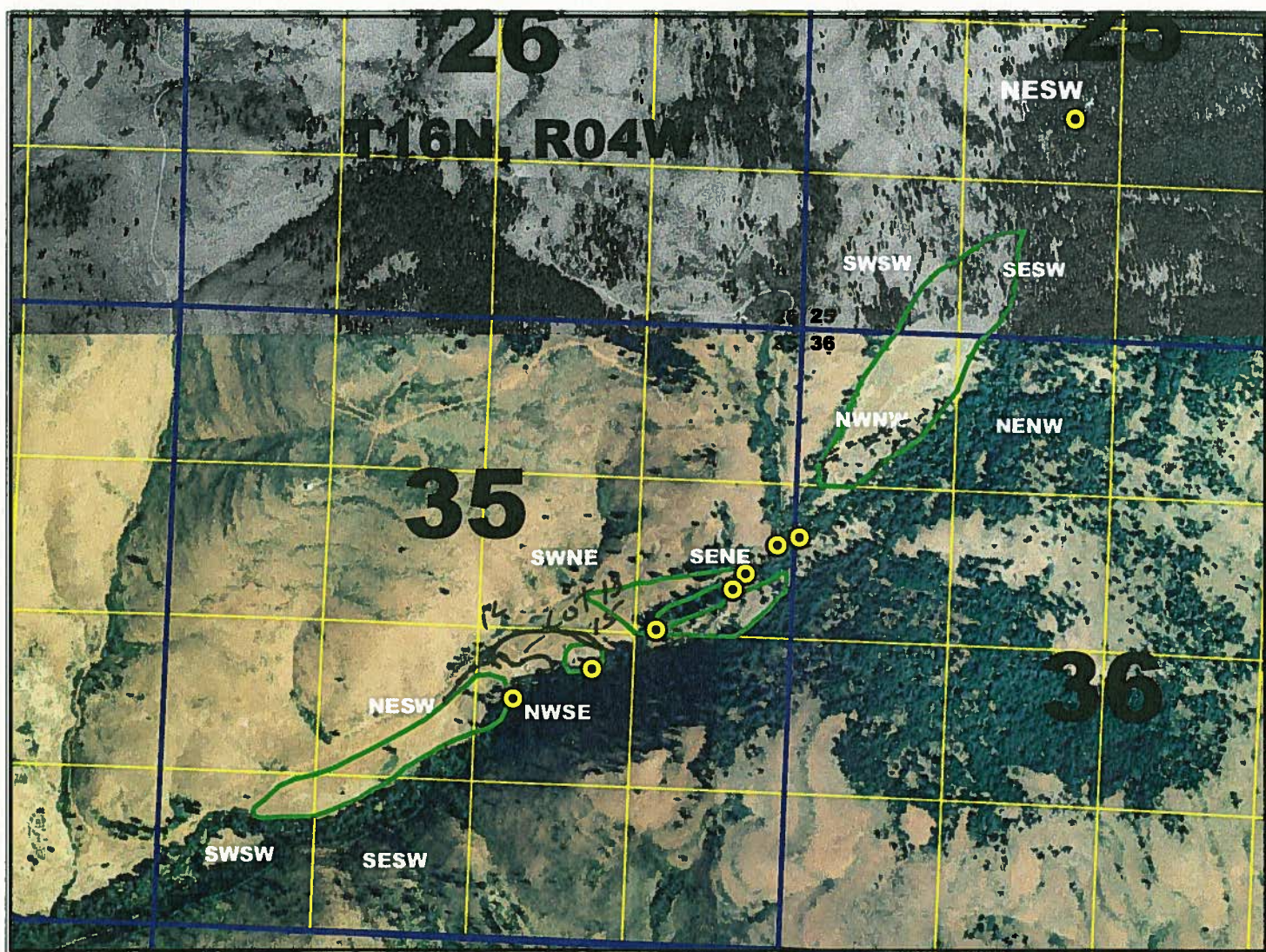
Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.



STATE OF IDAHO

Department of Water Resources

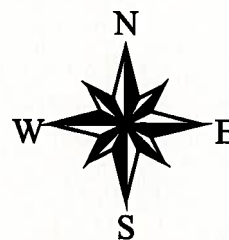
Water Right(s): 67-219, 67-220
67-226, 67-229



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 67-229 V1

WATER RIGHT NUMBER: 67-229 V1

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

Priority Date: 05/01/1908

Basis: Decreed

Status: Active

<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	0.420 CFS	
	<u>Total Diversion:</u>	0.420 CFS	84.00 AF

Location of Point(s) of Diversion

EAST PINE CREEK WASHINGTON County	NE1/4SW1/4	Sec. 25, 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	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	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.

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-229 V1

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. T07 The change authorized by Transfer No. 4236 shall be accomplished within one (1) year of the date of this approval.
2. 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.
3. Right No. 67-00229 has been reduced by 0.40 cfs that has been lost through non-use.
4. Irrigated acres described in S35, T16N, R04W, are located south of the access road.
5. 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.
6. 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.
7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4236 shall not exceed 1.28 cfs.
8. 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.
9. R05 Use of water under this right will be regulated by the watermaster of State Water District No. 67.
10. 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.
11. 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.
12. 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.
13. 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:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-229 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).

3. mvanbussum 5/13/2005 Forfeiture

Comment: Per TR 4236, Right No. 67-00229 has been reduced by 0.40 cfs that has been lost through non-use.

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:

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 3:41:42 PM	mvanbussum			Active
Priority Date	5/13/2005 3:42:26 PM	mvanbussum			Active
POD	5/13/2005 3:44:12 PM	mvanbussum			Active
Source	5/13/2005 3:50:11 PM	mvanbussum			Active
POU	5/13/2005 3:51:20 PM	mvanbussum			Active
Use	5/13/2005 3:54:21 PM	mvanbussum			Active
Season	5/13/2005 3:57:09 PM	mvanbussum			Active
Quantity	5/13/2005 3:58:24 PM	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>
POD	5/13/2005 3:46:55 PM	mvanbussum	Edited point location
POU	5/13/2005 3:52:24 PM	mvanbussum	Edited shape boundary

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 29-00229

WR History

SRBA Calm History

Recommendation

67-00229 Rutledge	TR 4236	67-00229 Pine Ck Assn
0.82 cfs	0.42	Limit 21 ac
65.6 ac	64	
af	84	

67-00229 Bilboa	0.42	64	84
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Acreage based on 5/8 inch per acre

67-00229A McDonald	0.011	67-00229A McDonald	0.011	67-00229A McDonald	Disallow
1.7	1.7	Lot 15			
2.23	2.23				
67-00229B Bilboa	0.41	67-14469 Bilboa	0.35	67-14469 Bilboa	Disallow
62.3	62.3	53.5			
81.77	81.77	70			
67-14470 Waldemer	0.02	67-14470 Waldemer	0.02	67-14470 Waldemer	Disallow
3	3	Lot 8			
4	4				
67-14471 Sidwell, Eugene	0.008	67-14471 Sidwell, Eugene		67-14471 Sidwell, Eugene	Disallow
1.3	1.3	Lot 3A			
1.7	1.7				
67-14472 Livingston	0.02	67-14472 Livingston		67-14472 Livingston	Disallow
4.5	4.5	Lot 3B & Lot 14			
4.8	4.8				
Amended Per Tr 4263	67-00229 Pine Ck Assn	0.42	67-00229 Pine Ck Assn	0.42	67-00229 Pine Ck Assn
	64	Limit 21 ac		64	Limit 21 ac
	84			84	

Sum CFS =	0.829
Sum Acre =	128
Sum AF =	166.73

Sum CFS =	0.42
Sum Acre =	64
Sum AF =	84

Extra CFS =	-0.41
Extra Acre =	-64
Extra AF =	-82.73

Extra CFS =	0
Extra Acre =	0
Extra AF =	0

*Last updated 5-16-05 (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	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

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

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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 22 day of

June

1994

J. Shaw Saylor

Chief, Water Alloc. Bureau

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JUL 27 1994