

11/18/2006

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

RIGHT NUMBER: 63-7423B

NAME AND ADDRESS: JANET K CROCKETT
9800 E HWY 21
BOISE ID 83716

DAVID H SPENCER
9800 E HWY 21
BOISE ID 83716

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
0.600 AFY

The rights below are limited to a total combined diversion rate of .12 cfs:
63-7423A, 63-7423B and 63-7423C.

PRIORITY DATE: 05/02/1971

POINT OF DIVERSION:

T02N R03E S2 NESW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

0.60 AFY

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC in ADA County

T02N R03E S11 Lot 2 NENW

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 - License

This right is subject to any current well agreement among users of the well covered under this right.

Right Nos. 63-7092B, 63-7423A, 63-7423B and 63-7423C are also diverted through the point of diversion described above.

11/05/2006

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

RIGHT NUMBER: 63-7423B

NAME AND ADDRESS: JANET K CROCKETT
9800 E HWY 21
BOISE ID 83716

DAVID H SPENCER
9800 E HWY 21
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SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
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T02N R03E S2 NESW Within ADA County

PURPOSE AND
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QUANTITY

DOMESTIC

01/01 12/31

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Domestic use is for 1 home.

PLACE OF USE: DOMESTIC in ADA County

T02N R03E S11 Lot 2 NENW

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 - License

Right Nos. 63-7092B, 63-7423A, 63-7423B and 63-7423C are also diverted through the point of diversion described above.

63-2092B

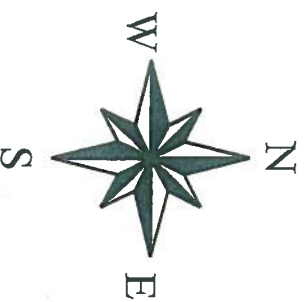
63-7423 B

OF WATER

RESOURCES

2004 Photography

Date: November, 2006





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 3, 1999

DIRK KEMPTHORNE
GOVERNOR

Re: Notice of Claim to a Water Right No. A63-07092B & **A63-07423B** **KARL J. DREHER**
DIRECTOR

JANET K CROCKETT
DAVID H SPENCER
9800 E HWY 21
BOISE ID 83716

Dear Claimants:

Enclosed are copies of the above referenced claims which reflect your change in address.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Records Clerk
Adjudication Section
Western Region Office

DB:db

Enclosure

Shurte, Jan

From: Crockett, Janet
Sent: Monday, August 02, 1999 3:27 PM
To: Shurte, Jan
Subject: RE: 63-07092 & 63-07423

Jan,

I heard from Gary this morning and will work with him in the future. Thanks so much for your help!

- Janet

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

From: Shurte, Jan
Sent: Thursday, July 29, 1999 5:13 PM
To: Crockett, Janet
Cc: Shurte, Jan; Tuthill, Dave
Subject: 63-07092 & 63-07423

Janet:

In researching these rights I found the following:

Claim No. A63-07092 was filed on 8-4-1990 by Philip Krueger for the full amount of the original right. The original right was licensed for 1 home, .02 cfs and 1.2 afa. A change of ownership was submitted in 1991 to Ron Yanke.

Claim No. A63-07092B was filed by you and David H. Spencer on 6-21-1996. Roxanne Brown notarized the claim and you should have received a copy at that time. No further action has been taken on this claim and until that occurs we would not correspond with you on the claim. If a change of ownership had been done on the original Claim No. A63-07092 from Ron Yanke to you, then we would have notified you that the claim was changed to your name. In this case you have filed a duplicate claim - this is where two parties claim the same water right for the whole amount of the right. Once your duplicate claim was filed, Ron Yanke's claim number was changed to A63-07092A to reflect the duplicate claims. As of this date we have not received a change of ownership form from Ron Yanke to Philip Krueger for A63-07092A. Until that occurs, this claim will remain in Ron Yanke's name. The Department is not required to periodically check ownership and it is up to the new owners (or the original owners) to submit the change of ownership when the property is sold. If Ron Yanke were to submit a change of ownership and we changed the ownership to Philip Krueger we would notify the previous owner (Yanke) and the new owner (Krueger) of the name change. The Department is not required to notify neighboring owners, even if they are using the same well, unless those owners are listed on the same claim for which the ownership is filed.

Claim No. A63-07423- this claim was filed by Philip Krueger on 8-4-1990 for the full amount of the original right. The original right, 63-07423 was licensed for 3 homes at .12 cfs and 1.8 afa and 1.5 acres of irrigation at .03 cfs and 6.8 afa. A change of ownership was submitted from Krueger to Ron Yanke in 1991. This claim is still in the name of Ron Yanke. The claim number was changed to A63-07423A when the following B and C claims were filed to indicate duplicate claims filings.

Claim No. A63-07423B - this claim was filed by you and David H. Spencer on 6-21-1996 claiming 1 home for .04 cfs and 1.2 afa of the original right. You should have received a copy of this claim after Roxanne notarized it for you. During the final review of these claims, for recommendation to the Court, we will proportionately divide the original right equally amongst the homeowners, if your home is one of the original licensed under this right.

Claim No. A63-07423C - this claim was filed by Michael and Angela McGlathery on 6-21-1996 claiming 1 home for .04 cfs and 1.2 afa of the original right. During the final review of these claims it will also be recommended for a proportionate amount of the original right if it is one of the 3 homes originally licensed.

There is one other right, 63-10285, which has been licensed for the windmill well for 1 acre of irrigation. This appears to be located north of your area. This right does not require a claim filing in the Snake River Basin Adjudication since proof of beneficial use was submitted in 1990 after the commencement of the adjudication.

The claims listed above will be recommended in our 2nd report for Basin 63 for which the preliminary report is

Shurte, Jan

From: Shurte, Jan
Sent: Thursday, July 29, 1999 5:13 PM
To: Crockett, Janet
Cc: Shurte, Jan; Tuthill, Dave
Subject: 63-07092 & 63-07423

Janet:

In researching these rights I found the following:

Claim No. A63-07092 was filed on 8-4-1990 by Philip Krueger for the full amount of the original right. The original right was licensed for 1 home, .02 cfs and 1.2 afa. A change of ownership was submitted in 1991 to Ron Yanke.

Claim No. A63-07092B was filed by you and David H. Spencer on 6-21-1996. Roxanne Brown notarized the claim and you should have received a copy at that time. No further action has been taken on this claim and until that occurs we would not correspond with you on the claim. If a change of ownership had been done on the original Claim No. A63-07092 from Ron Yanke to you, then we would have notified you that the claim was changed to your name. In this case you have filed a duplicate claim - this is where two parties claim the same water right for the whole amount of the right. Once your duplicate claim was filed, Ron Yanke's claim number was changed to A63-07092A to reflect the duplicate claims. As of this date we have not received a change of ownership form from Ron Yanke to Philip Krueger for A63-07092A. Until that occurs, this claim will remain in Ron Yanke's name. The Department is not required to periodically check ownership and it is up to the new owners (or the original owners) to submit the change of ownership when the property is sold. If Ron Yanke were to submit a change of ownership and we changed the ownership to Philip Krueger we would notify the previous owner (Yanke) and the new owner (Krueger) of the name change. The Department is not required to notify neighboring owners, even if they are using the same well, unless those owners are listed on the same claim for which the ownership is filed.

Claim No. A63-07423- this claim was filed by Philip Krueger on 8-4-1990 for the full amount of the original right. The original right, 63-07423 was licensed for 3 homes at .12 cfs and 1.8 afa and 1.5 acres of irrigation at .03 cfs and 6.8 afa. A change of ownership was submitted from Krueger to Ron Yanke in 1991. This claim is still in the name of Ron Yanke. The claim number was changed to A63-07423A when the following B and C claims were filed to indicate duplicate claims filings.

Claim No. A63-07423B - this claim was filed by you and David H. Spencer on 6-21-1996 claiming 1 home for .04 cfs and 1.2 afa of the original right. You should have received a copy of this claim after Roxanne notarized it for you. During the final review of these claims, for recommendation to the Court, we will proportionately divide the original right equally amongst the homeowners, if your home is one of the original licensed under this right.

Claim No. A63-07423C - this claim was filed by Michael and Angela McGlathery on 6-21-1996 claiming 1 home for .04 cfs and 1.2 afa of the original right. During the final review of these claims it will also be recommended for a proportionate amount of the original right if it is one of the 3 homes originally licensed.

There is one other right, 63-10285, which has been licensed for the windmill well for 1 acre of irrigation. This appears to be located north of your area. This right does not require a claim filing in the Snake River Basin Adjudication since proof of beneficial use was submitted in 1990 after the commencement of the adjudication.

The claims listed above will be recommended in our 2nd report for Basin 63 for which the preliminary report is tentatively due November, 2001. We are currently working in the Payette River Basin drainage. During our review of these claims we will research the ownerships at that time to ascertain exactly which homes were covered under these rights and the proportionate amounts of water will be recommended. If you are having a water delivery problem from a well you feel is covered under these rights, please notify Gary Spackman, in writing, and someone from the regional allocation staff can conduct an investigation. If you need copies of these files, please let me know. Sincerely, Jan Shurte

Shurte, Jan

From: Crockett, Janet
Sent: Thursday, July 22, 1999 12:34 PM
To: Tuthill, Dave
Cc: 'Dave Spencer'
Subject: 63-7092 and 63-~~7523~~ 7423

Dave,

Three years ago both my neighbor and I turned in our application through the adjudication process for the above water rights to be transferred to our names. We never heard back from IDWR.

Just recently, the well was sold from Ron Yanke back to Dr. Phillip Kreuger. We were not notified, but found out when the power went out on Sunday, we lost water and my neighbor went to well house to reset the fuses and the well house was locked.

My concern is that since we never heard anything about our application for the above water rights, the water rights for the domestic use may have been transferred to Dr. Kreuger with the sale of the well. Can you help me find out what is going on with the above water rights?

Also, the county/post office has changed our mailing addresses lately and is insisting that the new address be used asap. For IDWR water right records, our new addresses are as follows:

David Spencer and Janet Crockett
9800 East Highway 21
Boise, ID 83716

Mike and Angela McGlathery
9892 East Highway 21
Boise, ID 83716

Thanks very much,

Janet Crockett

MEMORANDUM

DATE: March 5, 1996
TO: Files 63-07092, 63-07423, & 63-10285
FROM: Cindy Zimmerman
SUBJECT: Conversation with Janet Crockett

Janet Crockett (from groundwater monitoring section) visited in my office today. Janet was searching for the water rights appurtenant to her home and irrigation of about an acre within Rimrock Ranch Subdivision.

Janet shares a well with Mike McGlathery. The licensing amendment on 63-10285 (in the name of Rimrock Ranches) was mailed to Mike's address. Janet was wondering if this right went to their well. After looking into the file, Janet concluded that this well, the 'windmill well', was not the same 'common' well that serves their homes.

There is a total of 4 homes built in the Rimrock Ranch Subdivision. The 'common' well that serves Janet and Mike's home is located on or near the line between SENW and NESW, S02, T02N, R03E. A search of the database revealed two licenses, 63-07092 and 63-07423, with a p/d in NESW. 63-07092 is for 1 home; 63-07423 is for 3 homes and 1½ acres irrigation. The p/u for both licenses is identified as in NESW. Janet states that at no time has there been structures or irrigation within the NESW.

Janet's home was the first house built in the subdivision. Originally it was served by its own well located next to the house. When that well became less productive, service was hooked onto the 'common' well. The common well was drilled in the early 1970's and originally served 3 homes but now serves 2 homes. The homes served by the 'common' well were originally owned by the Steeles, the Kruegers, and the Underwoods. Janet now owns the Steele house, McGlathery owns the Krueger house, and Knapps owns the Underwood house. These homes, per 1975 orthophotoquad & 1972 topographic maps, are located within Lot 2 (NENW), S11, T02N, R03E. File 63-07423 contains a letter dated 8/23/85 from Underwoods to the department identifying that the license was the subject of a lawsuit between the Underwoods and the Knapps. Janet suspects that 63-07423 is for the three homes located in Lot 2 (NENW), S11. Recently, the Knapps have removed their home from the common system and have developed their own well.

The fourth home is located within the NWSE, S02, T02N, R03E. Janet is not sure if this home has its own well.

-continued-

Crockett Conversation

March 5, 1996

Page 2

A search of the adjudication database identified claims filed on 63-07092 & 63-07423 by Ronald & Linda Yanke, and a beneficial use claim filed by Knapps.

A warranty deed from Ronald & Linda Yanke is attached to the file both 63-07092 and 63-07423. Janet stated that the Yanke's do not own any of the 4 homes developed within the subdivision but do own the 'common' well lot and other building lots. The Yanke's are party to the 'common' well agreement. Janet does not know if the Yanke's building lot has been stubbed in.

Janet will be researching the history of water use in the subdivision to confirm that her house is served by 63-07423 and possibly 63-07092.



Ada County Assessor Land Records/GIS

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Residential Characteristics for Parcel S1611212300

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Year Built:	1971
Year Remodel:	0
Number of Bedrooms:	4
Number of Bathrooms:	2.5
Number of FirePlaces:	2
Air Conditioning:	Y
Car Storage Sq Ft #1:	572
Car Storage Sq Ft #2:	0
General Purpose Building Sq Ft:	0
Porch Sq Ft:	0
Deck Sq Ft:	400
Deck Covered:	N
Patio Sq Ft:	96
Patio Covered:	N
Pool Sq Ft:	0
Total Sq Ft:	2952
Main Floor Sq Ft:	1840
Upper Floor Sq Ft:	0
Finished Lower Floor Sq Ft:	1112
Unfinished Lower Floor Sq Ft:	0
Finished Basement Floor Sq Ft:	0
Unfinished Basement Floor Sq Ft:	0
Finished Attic Sq Ft:	0
Unfinished Attic Sq Ft:	0

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63 - 7423A B & C

9800 E. HWY 21

9892 E HWY 21

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-07423B**
Date Received: 6/21/1996
Receipt No: C035917
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: JANET K CROCKETT 208-344-9696
Address: 9800 E HWY 21
BOISE ID 83716
AND/OR
Name: DAVID H SPENCER 208-344-9696
Address: 9800 E HWY 21
BOISE ID 83716

2. Date of Priority: MAY 2, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	03E	2		NE	SW		ADA
		11				2	ADA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		1.20

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	03E	11		2	DOMEST	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
A63-07092B

14. Remarks:

ADDRESS CHANGED PER CLAIMANT REQUEST. DB 8/3/99.

15. Basis of Claim: LICENSE

RECEIVED

JUN 28 1996

WATER RESOURCES
WESTERN REGION

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-07423B
Date Received: 6/21/1996
Receipt No: C035917
Received By: RWF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JANET K CROCKETT 208-344-9696
Address: 3904 STAGECOACH DR
BOISE ID 83706
AND/OR
Name: DAVID H SPENCER 208-344-9696
Address: 3904 STAGECOACH DR
BOISE ID 83706

2. Date of Priority: MAY 2, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	03E	2		NE	SW		ADA
		11				2	ADA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
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A.F.A.

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DOMESTIC, 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	03E	11		2	DOMEST	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
A63-07092B

14. Remarks:

15. Basis of Claim: LICENSE

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): Janet K. Crockett Date: 6/21/96

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 21ST day
of June 19 96
Barbara J. Flaherty
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 5-16-2002