

11/14/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-322

ANTHONY J FINCHEN
2205 JACKSON CREEK RD
COUNCIL ID 83612-5244
Telephone Number: (208) 253-4680

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: Anthony J Finchen
Please print your name: _____

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

SCANNED
DEC 08 2006

03/08/2006

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

RIGHT NUMBER: 67-322

NAME AND ADDRESS: ANTHONY J FINCHEN
2205 JACKSON CREEK RD
COUNCIL ID 83612-5244

SOURCE: COTTONWOOD CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.080 CFS

The rights listed below are limited to a total combined diversion rate of 2.34 cfs. Combined Right Nos.: 67-322, 67-2208, 67-11025, 67-11026, and 67-12330

PRIORITY DATE: 04/01/1896

POINT OF DIVERSION:

T16N R01W S28 NESE Within ADAMS County

T16N R01W S28 NWSE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.080 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T16N R01W S27	NWSW	16.00	T16N R01W S28	NESE	9.00
T16N R01W S28	NWSE	8.40			

33.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 33.4 acres in a single irrigation season. Combined Right Nos.: 67-322 and 67-11025

This right is limited to the irrigation of 6.4 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 117.0 acres in a single irrigation season. Combined Right Nos.: 67-322, 67-2208, 67-11025, 67-11026, and 67-12330

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

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

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

Idaho Department of Water Resources

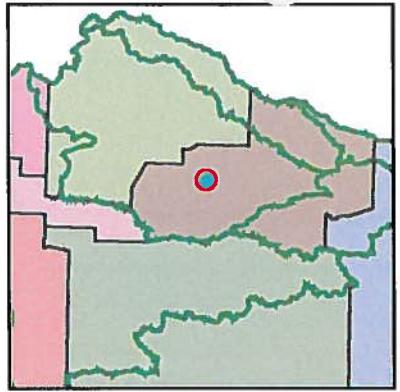


Adjudication Claim Number: **67-322 & 67-11025**

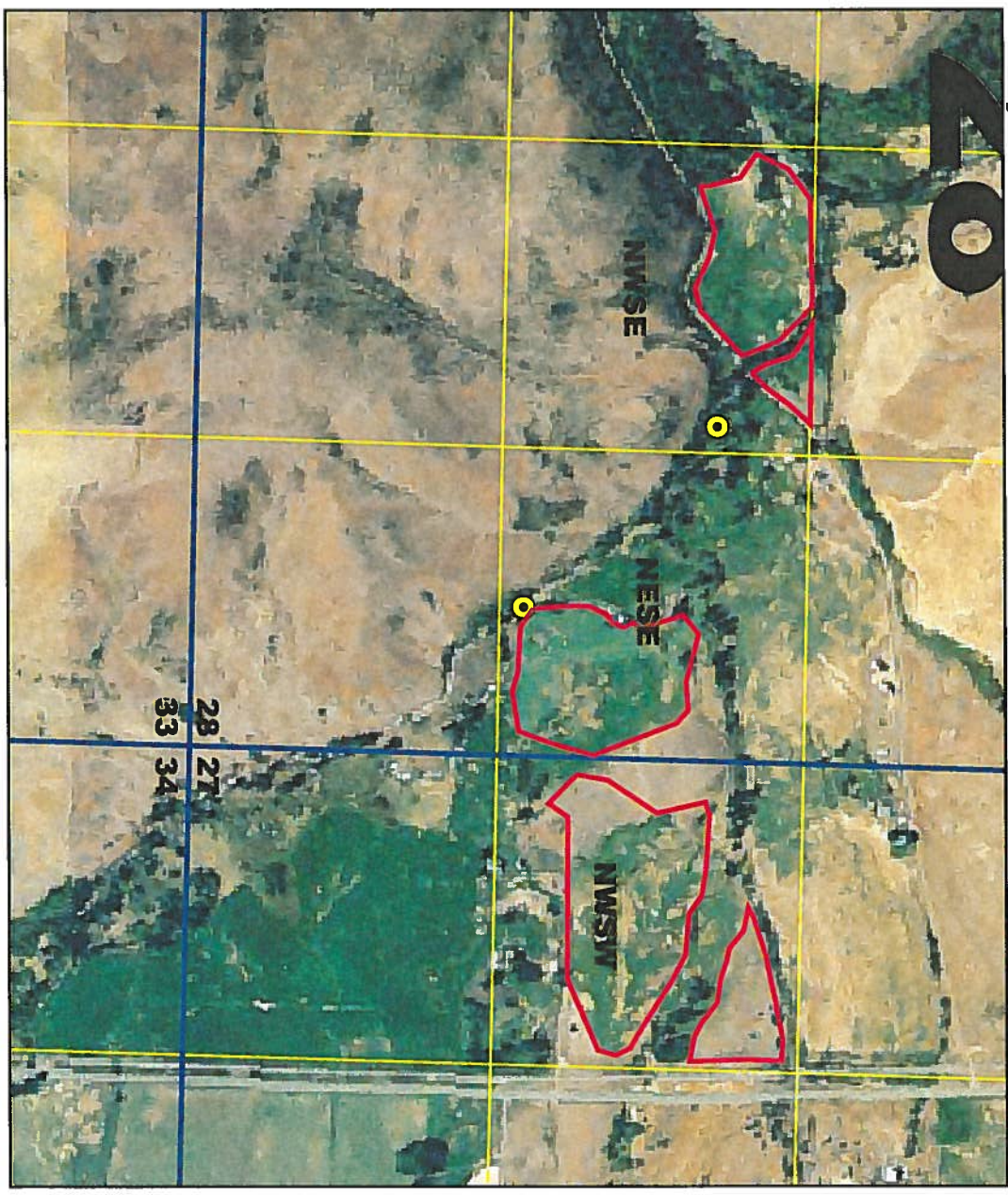
T16N R01W

Legend

- Point(s) of Diversion
- Place of Use
- B67 sections.shp
- T16n01w.shp



Adams County
IDWR Basin 67



1320 0 1320 2640 Feet

Prepared by C. Saxton
On Wednesday, March 8, 2006
1987 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-322 V1

WATER RIGHT NUMBER: 67-322 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ANDY R LAY
	COUNCIL, ID 83612
Original Owner	LARRY D DERIE
	920 JONATHAN RD
	WEISER, ID 83672-5122
Original Owner	R S KINCAID
	, ID
Current Owner	ANTHONY J FINCHEN
	2205 JACKSON CREEK RD
	COUNCIL, ID 83612-5244
	(208) 253-4680

Priority Date: 04/01/1896

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.080 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK	NW1/4SE1/4	Sec. 28, Twp 16N, Rge 01W, B.M.
ADAMS County		
COTTONWOOD CREEK	NE1/4SE1/4	Sec. 28, Twp 16N, Rge 01W, B.M.
ADAMS 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	01W	27											16.0						16.0
16N	01W	28													9.0	8.4			17.4

Total Acres: 33.4

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-322 V1

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. The rights listed below are limited to the irrigation of a combined total of 33.4 acres in a single irrigation season. Combined Right Nos.: 67-322 and 67-11025
3. K06 This right is limited to the irrigation of 6.4 acres within the place of use described above in a single irrigation season.
4. 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.
5. E52 The rights listed below are limited to a total combined diversion rate of 2.34 cfs. Combined Right Nos.: 67-322, 67-2208, 67-11025, 67-11026, and 67-12330
6. E56 The rights listed below are limited to the irrigation of a combined total of 117.0 acres in a single irrigation season. Combined Right Nos.: 67-322, 67-2208, 67-11025, 67-11026, and 67-12330
7. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Remarks:Comments:

1. csaxton 3/8/2006 PPU
Comment: Recommended as PPU with 67-11025

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>
Priority Date	7/29/2004 9:34:38 AM	segbert			Active
POD	7/29/2004 9:35:23 AM	segbert			Active
POD	7/29/2004 9:40:38 AM	segbert			Active
Source	7/29/2004 9:41:19 AM	segbert			Active
POU	7/29/2004 9:42:12 AM	segbert			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-322 V1

Use	7/29/2004 9:51:24 AM	segbert	Active
Season	7/29/2004 9:52:13 AM	segbert	Active
Quantity	7/29/2004 9:52:43 AM	segbert	Active
Contacts	3/8/2006 3:16:36 PM	csaxton	Active
Priority Date	3/8/2006 3:17:22 PM	csaxton	Active
POD	3/8/2006 3:23:05 PM	csaxton	Active
Source	3/8/2006 3:24:56 PM	csaxton	Active
POU	3/8/2006 3:25:34 PM	csaxton	Active
Use	3/8/2006 3:27:08 PM	csaxton	Active
Season	3/8/2006 3:28:26 PM	csaxton	Active
Quantity	3/8/2006 3:29:06 PM	csaxton	Active
Summary			
	03/08/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	3/8/2006 3:23:06 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required? Description for Question 6 - POD added. Recommended as PPU with 67-11025
POU	3/8/2006 3:25:36 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 8 - Recommended as PPU with 67-11025 Description for Question 13 - Field Exam by Bosco Bosler on 9-8-06.
POU	3/8/2006 3:26:04 PM	csaxton	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-322 V1

Use	3/8/2006 3:27:10 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	3/8/2006 3:28:29 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	3/8/2006 3:29:08 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
POU	3/8/2006 3:26:14 PM	csaxton	Updated PLS for Active POU
Summary	3/8/2006 3:35:46 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-322 V1

General	3/8/2006 3:17:23 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	3/8/2006 3:24:04 PM	csaxton	Updated shape
POD	3/8/2006 3:24:29 PM	csaxton	Updated shape
Use	7/29/2004 9:51:24 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
POU	7/29/2004 1:52:42 PM	segbert	Edited shape boundary
Priority Date	7/29/2004 9:34:37 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
POD	7/29/2004 9:35:23 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
Source	7/29/2004 9:41:18 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	7/29/2004 9:42:12 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file?
POD	7/29/2004 9:40:38 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-322 V1

Season	7/29/2004 9:52:12 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?
Quantity	7/29/2004 9:52:42 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
Contacts	3/8/2006 3:16:37 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam by Bosco Bosler on 9-8-06.
Source	3/8/2006 3:24:58 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?

Water Supply Bank:

Claim

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority</u>	<u>Date</u>	<u>Rate(cfs)</u>	<u>Volumelaf</u>	<u>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	322		Decreed	Active	1896-04-01		0.08		10	COTTONW IRRIGATION	FINCHEN, Claim		
67	2208		License	Active	10/12/1951		0.8		98	GROUND IRRIGATION	FINCHEN, Claim		
67	4103		Statutory C	Active	1896-06-01		1.98		44	COTTONW IRRIGATION	FINCHEN, Claim		
67	11025		Beneficial I	Active	8/31/1953		1.24		62	COTTONW IRRIGATION	FINCHEN, Claim		
67	11026		Beneficial I	Active	2/25/1952		2		100	LESTER C IRRIGATION	FINCHEN, Claim		
67	12330		Beneficial I	Active	2/15/1963		0.86		43	GROUND IRRIGATION	FINCHEN, Claim		

Recommendation

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority</u>	<u>Date</u>	<u>Rate(cfs)</u>	<u>Volumelaf</u>	<u>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	322		Decreed		1896-04-01		0.08		6.4	COTTONW IRRIGATION	FINCHEN, Recommendation		
	2235		License		8/31/1953		0.8		56	COTTONW IRRIGATION			
67	11026		B-use		8/31/1953		0.59		33.4	COTTONW IRRIGATION	FINCHEN, Recommendation		
Total =							0.67		33.4				
Cottonwood extra CFS =							0.21						

67	4103				1896-06-01		1.98			COTTONW IRRIGATION FINCHEN, Recommendation			
	2215						0.48		36	LESTER CREEK			
67	11026		Beneficial I	Active	5/21/1967		1.92		96.2	LESTER C IRRIGATION	FINCHEN, Recommendation		
67	2208		License	Active	10/12/1951		0.8		98	GROUND IRRIGATION	FINCHEN, Recommendation		
67	12330		Beneficial I	Active	2/15/1963		0.43		142	GROUND IRRIGATION	FINCHEN, Recommendation		
Total =							2.18		386	109			

Water Right Number: **Finchen**

Diversion Rate: _____ CFS

Reviewer Name: **Craig L. Saxton**

Date: 3/6/2006[illegible]

Total CFS @ 1 inch per acre = 2.34

Basin	Sequence Basis	Status	Right ID	Priority Date	Rate(cfs)	Source	Water Use(s)	Owner(s)	Source Table
67	322 Decreed	Active	287429	1896-04-01	0.08	COTTONWOOD CREEK	IRRIGATION	FINCHEN, ANTHONY J (Current)	wrAdjudicationClaim
67	4103 Statutory	C Active	571435	1896-06-01	1.98	COTTONWOOD CREEK	IRRIGATION	FINCHEN, ANTHONY J (Current)	wrAdjudicationClaim
67	11025 Beneficial	Active	287458	8/31/1953	1.24	COTTONWOOD CREEK	IRRIGATION	FINCHEN, ANTHONY J (Current)	wrAdjudicationClaim
67	14435 License	Active	571501	10/12/1951	0.42	GROUND WATER	IRRIGATION	FINCHEN, ANTHONY J (Current)	wrAdjudicationClaim
67	14437 Beneficial	Active	571503	2/25/1952	1.14	LESTER CREEK	IRRIGATION	FINCHEN, ANTHONY J (Current)	wrAdjudicationClaim
67	14439 Beneficial	Active	571506	2/15/1963	0.62	GROUND WATER	IRRIGATION	FINCHEN, ANTHONY J (Current)	wrAdjudicationClaim

14434 + 357 Old well

14436 + 37 Lester Creek

14438 + 39 RR Trunk well

Craig All this water except 322
is used on some land as water reseed
wells pick up slack. Hope you can
understand.

Bosco

Contacts Data Entry Form**Claim Number: 67-322**

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	ANDY R LAY		COUNCIL	ID	83612	
Original Owner	LARRY D DERIE	920 JONATHAN RD	WEISER	ID	83672-512	
					2	
Original Owner	R S KINCAID			ID		
Current Owner	ANTHONY J FINCHEN	2205 JACKSON CREEK RD	COUNCIL	ID	83612-524	(208) 253-4680
					4	

Date of Field Exam: 9/8/05 Time: 9:00Accompanied By: Claimant Phone Number: 253-4680

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

Reviewer: BocoDate: 9/8/05

Priority Date Data Entry Form

Claim Number 67-322

Claimed Priority Date: 4/1/1896

Claimed Basis: Decreed

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date: 4/1/1896

Water Right Basis: Decreed

Recommended Priority Date _ _ _

Recommended Basis _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Reviewer: Basco

Date: 9/20/05

Point of Diversion and Source Data Entry Form

Claim Number 67-322

Claimed Point of Diversion and Source

T16N R01W S28 NESE Within ADAMS County Source: COTTONWOOD CREEK WEISER RIVER☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T16N R01W S28 NESE Within ADAMS County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
16N	01W	28		NESE		
"	"	"		NWSE		

- Source as TR
880-010

Other rights from this POD? _____

Document how the POD and Source were verified:

Reviewer: BonoDate: 9/20/05

Tag # A001 66 16
WR 67-322 + 4103
Finchen Upper Cottonwood A. P.O.D.



SPS

2305-414

1501832

Tag# A0016617

WR# 67-322 + 4130

Finchen Lower Cottonwood h. POD



GPS

2305142

1502083

Place Of Use Data Entry Form

Claim Number 67-322

Claimed Place Of Use

T16N R01W S28 NESE 8.0 T16N R01W S28 NWSE 2.0
Total Acres 10

☒ Use Claimed POU as Recommended POU

Water Right Place Of Use

T16N R01W S28 NESE
Total Acres

Recommended Place of Use

____ See corrections to claimed POU above

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres ____

Document how the POU was verified:

This is limited to 6.4 ac @ 5/8 inches per
acre

Reviewer: BorcoDate: 9/20/05



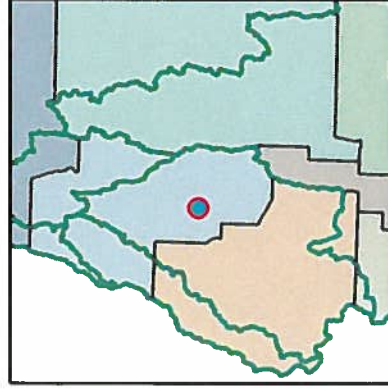
Idaho Department of Water Resources

Adjudication Claim Number: **67-322**

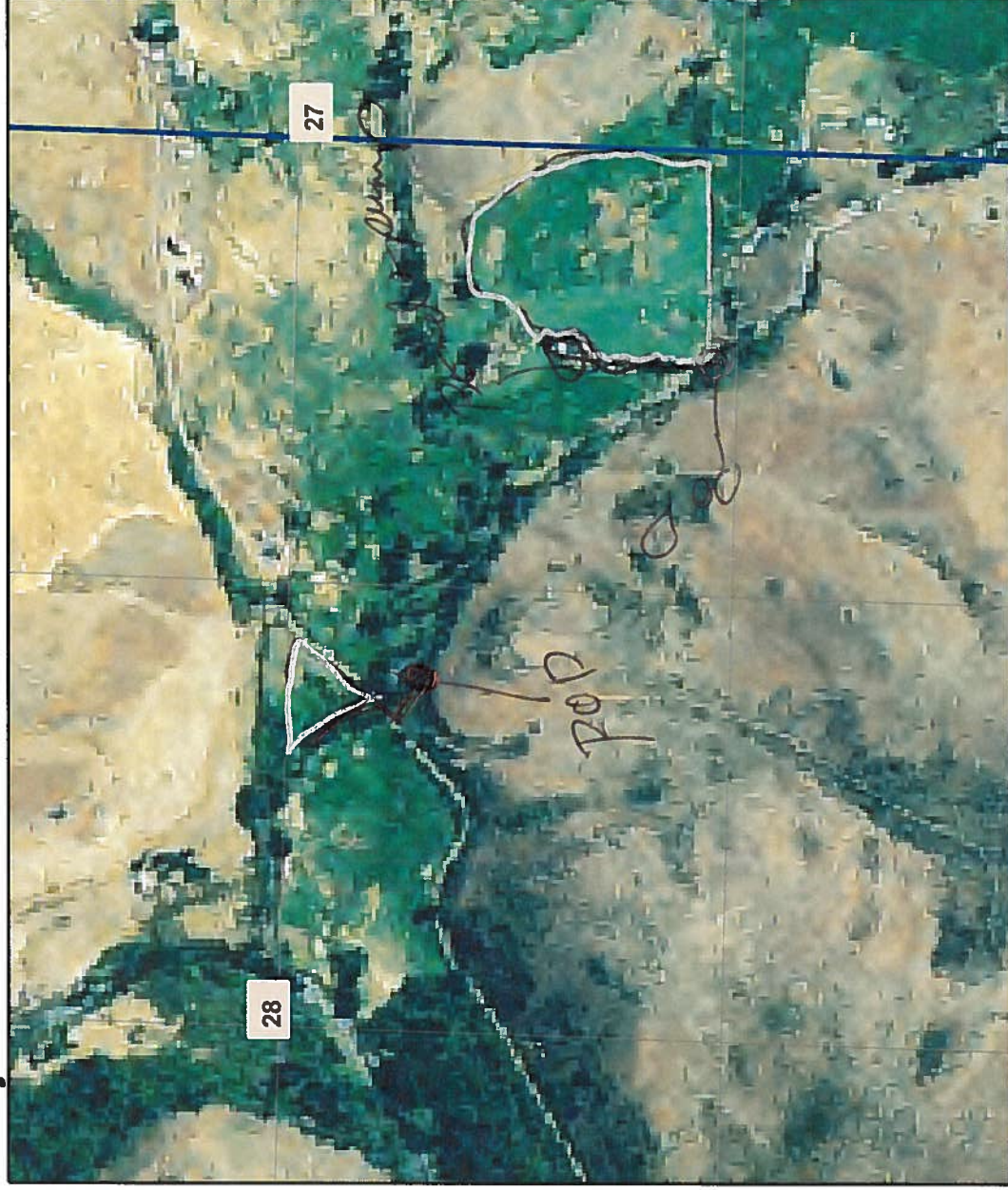
T16N R01W

Legend

- PLS Sections
- GCDBQuarter Quarters



Adams County
IDWR Basin 67



Prepared by M. Van Bussum
On Wednesday, August 10, 2005
1987 Aerial Photography

Purpose of Use Data Entry Form

Claim Number 67-322

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

~~DOMESTIC~~

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Number of Other

Document how the Purpose of Use was verified:

Only irrigation

Reviewer:

Bosco

Date:

9/20/05

Period of Use and Quantity Data Entry Form

Claim Number 67-322

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.08	

Overall Diversion Rate 0.08

Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	/	/	0.08	
DOMESTIC	/	/		

Overall Diversion Rate 0.08

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

No flow rate as creek is almost dry

Reviewer: BoscoDate: 9/20/05

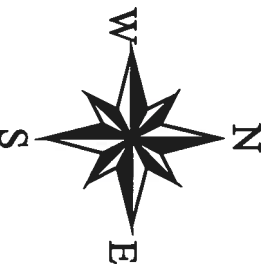
Finchen

67-322

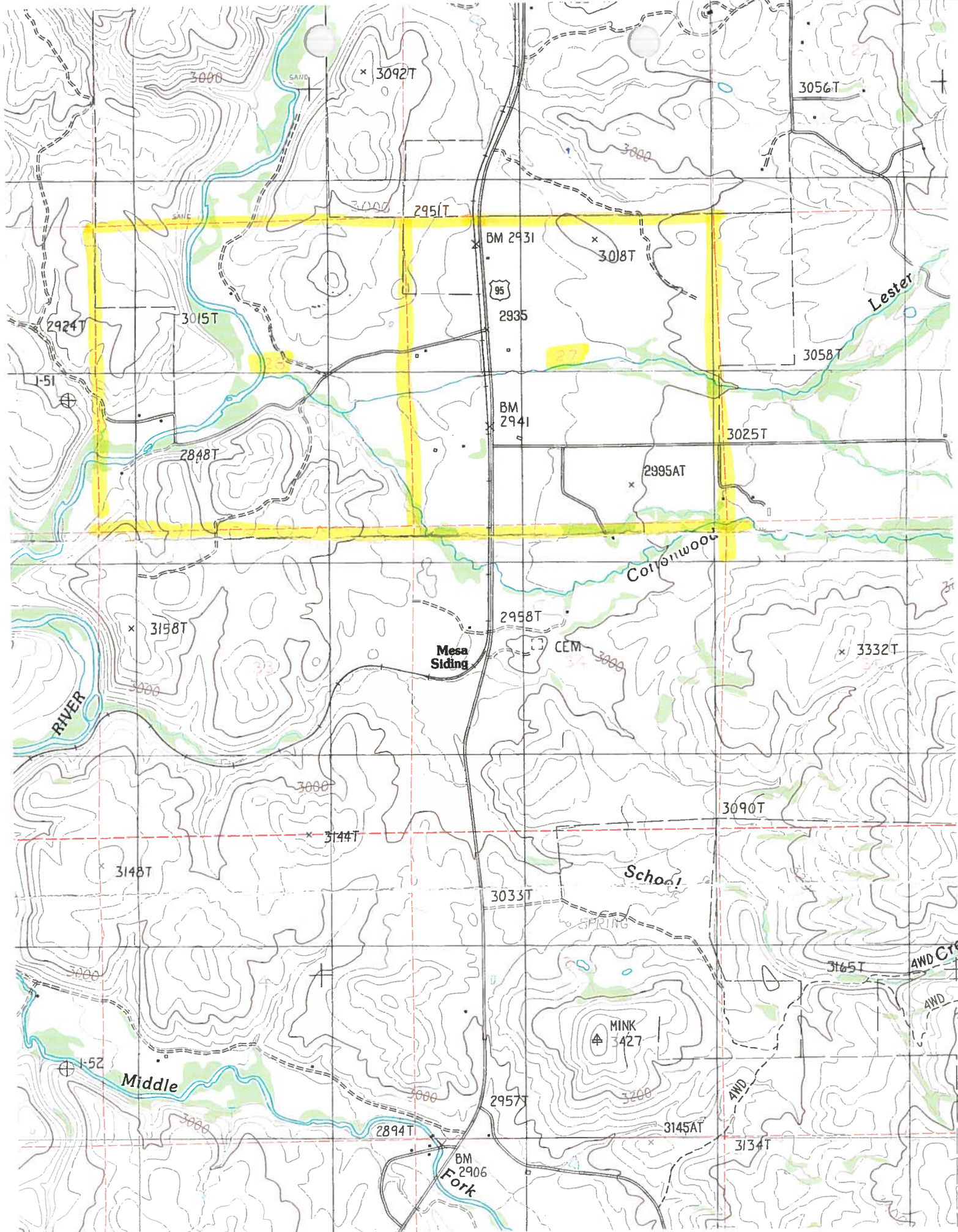
16N 1W

-  Finchen Property
-  Section Line
-  QA Line
-  Tax Lot Data

Note: Finchen purchased
land South of County Road



0 0.8 Miles



MEMO

TO: Files 67-322, 67-11025, 67-14434, 67-14435, 67-14436, 67-14437, 67-14438,
67-14439
FROM: Denise Hatfield
DATE: September 23, 2003
SUBJECT: Ownership change and split information

In reviewing this change of ownership, the change of ownership form received indicated that water right numbers 67-11025 & 67-11026 result in a split. However, after reviewing the claims and the maps, it was determined that the claims to be split are actually 67-2208 and 67-12330, in addition to 67-11026. Claim numbers 67-322 & 67-11025 do not appear to be splits.

Anthony Finchen (new owner) purchased land in Sections 27 & 28, *South of the County Rd.* Refer to the maps in each file for further information.

SCANNED
APR 02 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

September 24, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ANTHONY J FINCHEN
5718 E AIRPORT RD
NAMPA ID 83687

Re: Original Notice of Claim to a Water Right No. 67-2208
Renumbered Notice of Claim to a Water Right No. 67-14435

Original Notice of Claim to a Water Right No. 67-11026
Renumbered Notice of Claim to a Water Right No. 67-14437

Original Notice of Claim to a Water Right No. 67-12330
Renumbered Notice of Claim to a Water Right No. 67-14439

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time.

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

Please note, the ownership has also been changed on claim numbers 67-322 and 67-11025; and copies are enclosed for your records.

Thank you for your patience, as we have had several water right changes to process. Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section
Western Region

DH: dh

Enclosure

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 880

THIS IS TO CERTIFY That ANDY R. LAY of Council, Idaho, is the owner of and using a certain water right from Cottonwood Creek, a tributary of Weiser River in the amount of 4 miner's inches, or .08 cubic foot per second bearing date of priority of April 1, 1896, said water being decreed to R. S. Kincaid by Judge Ed L. Bryan, of the 7th Judicial District of the State of Idaho in and for the County of Washington and Adams in the case of

MUIR BROTHERS,

Plaintiff

vs.

ALLISON, et al.,

Defendants,

said decree bearing date of June 1, 1921, and being appurtenant to the following lands, to-wit:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Twp. 16 N., Range 1 W., B. M.

That said decree has been entered in the records of the Department of Reclamation, of the State of Idaho, in Volume 5 of Decrees beginning at Page 51 thereof.

That said Andy R. Lay has become the owner of said right by title conveyance by decree of the District Court in the case of, FEEBLES vs. LAY, signed October 9, 1954.

And that now, upon the application of ANDY R. LAY of Council, Idaho, for the transfer of .08 cubic feet per second of the waters of Cottonwood Creek, a tributary of the Weiser River, made before the State Reclamation Engineer of the State of Idaho, and that the said application having been granted the right to the use .08 cubic foot per second of the waters of Cottonwood Creek upon the above described lands is hereby abandoned, and the lands to be irrigated under such right, and to which the water right hereby confirms shall become appurtenant by this certificate for irrigation and domestic purposes, are described as follows, to-wit:

NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Twp. 16 N., Range 1 W., B. M.

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

.08 cubic foot per second with priority
of April 1, 1896.

That the water right hereby transferred has heretofore been conducted from Cottonwood Creek to the first above described lands with point of diversion in the

NW $\frac{1}{4}$ of Section 36, Twp. 16 N., Range 1 W., B. M.

That the water hereby transferred will hereafter be conducted to the last above described lands thru Cottonwood Creek with point of diversion located in the

NE¹/₄SE¹/₄, Section 28, Twp. 16 North, Range 1 West, B. M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 15th day of February, A. D. 1957.



Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of Application of)
Andy R. Lay of Council, Idaho,)
for a Transfer of Water Right)
in Water District No. 41, Adams)
County, Idaho.)

ORDER GRANTING TRANSFER

NO. 880

WHEREAS, On the 25th day of February, 1952, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Andy R. Lay of Council, Idaho, for a Transfer of Water Right came on regularly for hearing pursuant to the publication notice in due and statutory form; and

WHEREAS, A protest was filed against the granting of said transfer for the reason that the water right to be transferred was in litigation as to title ownership; and,

WHEREAS, On the 9th day of August, 1954, by decree of the District Court Judge Don Anderson, of the 7th Judicial District of the State of Idaho in and for the County of Adams, in the case of

STEPHEN PEEBLES and ETHEL E. PEEBLES, husband and wife,

Plaintiffs,

vs.

ANDY R. LAY and ONA LAY, husband and wife,

Defendants,

title of water right was confirmed as belonging to the defendant, Andy R. Lay; and,

WHEREAS, Since the protest against the applicant was to satisfy title of water to be transferred only, it is evident that said court decree nullified the protest filed against the applicant; therefore, said water can be put to beneficial use and none will be injured thereby; and,

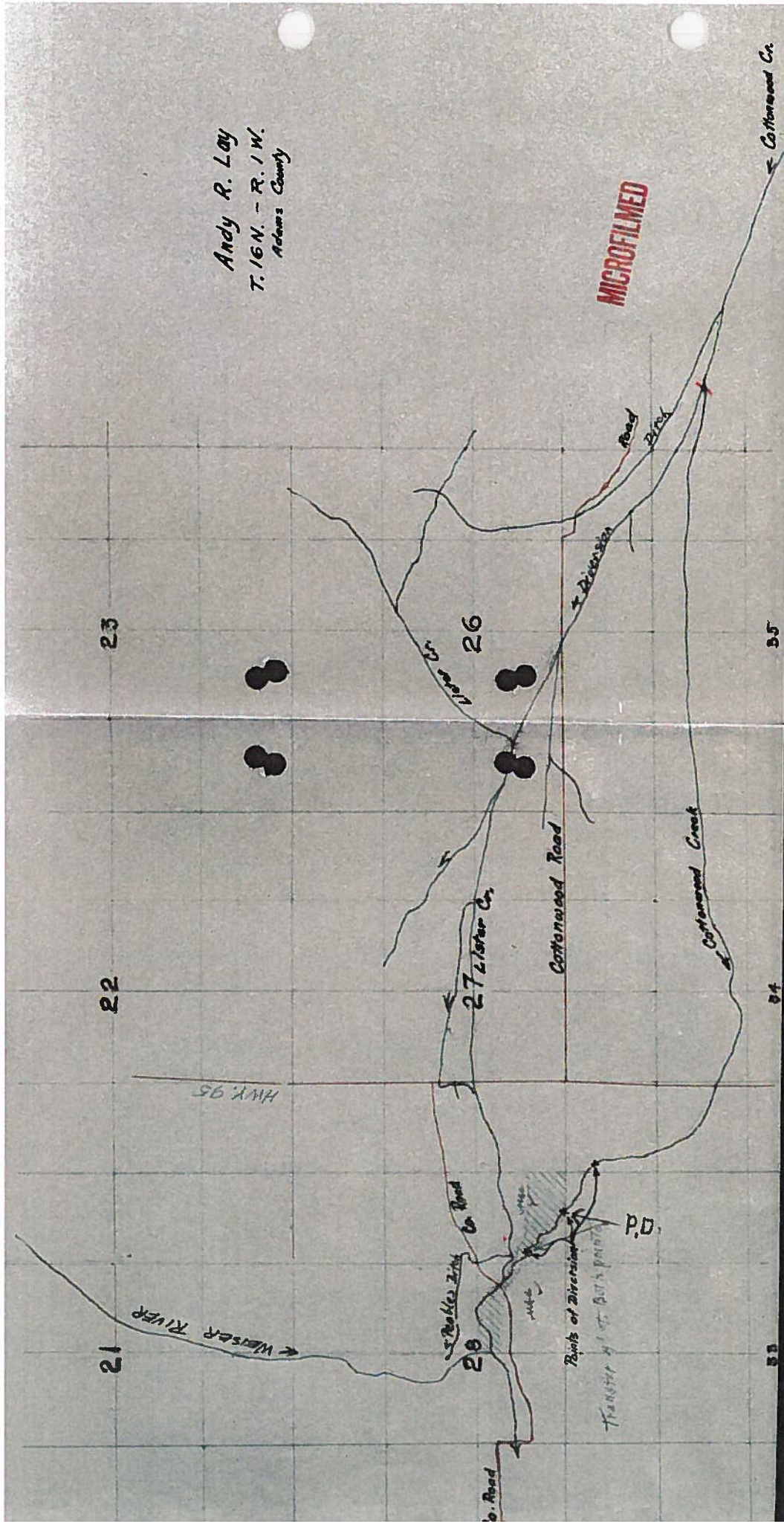
THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 15th day of February, A. D. 1957.

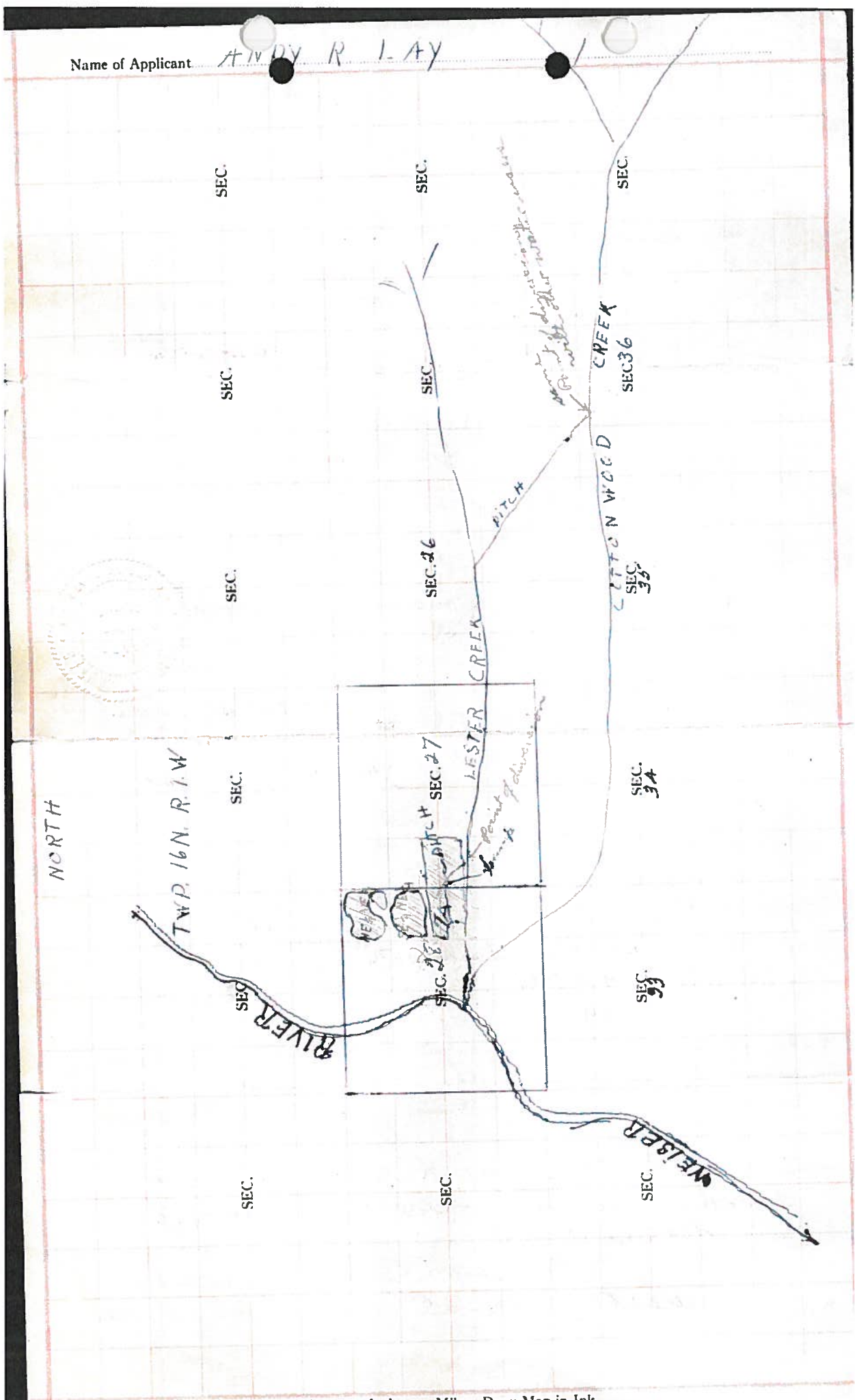
Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

Andy R. Lay
T. 16 N. - R. 1 W.
Adams County

MICROFILMED



Name of Applicant ANDY R. LAY



Gow Creek.

American Falls Development Company, sub for
W H Philbrick and R B Greenwood

Goodrich Creek.

J P Ogilvie

Ashton Roby

Cottonwood Creek.

F W Beier

P W Higgins

Edgar Moser

William Phipps

I A Whiteley sub for I A Whiteley and J D Neale

G W Phipps

James H McGinley

Cottonwood Creek (Con)

Mary E Houston

A W Peebles

R B Kincaid

Grant Moore

North Fork Cottonwood Creek.

Gifford-Sorenson Ditch.

M P Gifford

Elias Sorenson

James L Stewart and William F Smith

B D Piper

Mrs J T Root sub for M Rhinehart

Emma Cool, sub for Fred Cool

J A Carr

Gladwell Commercial Bank

A L Freehafer

Emma Arrington

Washington County Land & Development Co .

Frank E Brown

Winkler & Weid

Crystal Foust

Robert Wafler

First National Bank of Vale

North Fork Cottonwood Creek (Con)

Ben Houston

A Grossen

Hans Grossen

47

10

4

58

20

22 1/2

50

20

3

31 3/8

15 5/8

37 1/2

3

72

25

4

4

3

5

107

62

20

10

96

10

25

58

5

5

25

2 1/2

23 3/4

5

2 1/2

16

3

10

5

June 1, 1886 67 0306

May 1, 1892 67 0307

May 1, 1911 67 0308

June 1, 1882 67 0309

Sept 6, 1884 67 0310

Sept 6, 1884 67 0311

June 1, 1884 67 0312

June 1, 1889 67 0313

June 1, 1892 67 0314

June 1, 1887 67 0315

June 1, 1888 67 0316

June 1, 1889 67 0317

May 1, 1889 67 0318

July 1, 1896 67 0319

July 2, 1890 67 0320

April 1, 1896 67 0321

April 1, 1896 67 0322

May 1, 1900 67 0323

May 1, 1900 67 0324

June 5, 1902 67 0325

June 5, 1902 67 0326

June 5, 1902 67 0327

June 5, 1902 67 0328

June 5, 1902 67 0329

June 5, 1902 67 0330

June 5, 1902 67 0331

June 5, 1902 67 0332

June 5, 1902 67 0333

June 5, 1902 67 0334

June 5, 1902 67 0335

June 5, 1902 67 0336

June 5, 1902 67 0337

June 5, 1902 67 0338

June 5, 1902 67 0339

June 5, 1902 67 0340

June 5, 1902 67 0341

June 5, 1902 67 0342

June 5, 1902 67 0343

JUL 24 1936

half of the Northeast Quarter of Section 34, Township 16 North, Range 1 West Boise Meridian.

F W HIGGINS: The Southeast Quarter of the Northwest Quarter, Section 34, and the Southwest Quarter of the Northeast Quarter Section 34, and a strip 10 rods wide on the South side of the Northeast Quarter of the Northwest Quarter of Section 34, all in Township 16 North, Range 1 West Boise Meridian.

EDGAR MOSER: The Southeast Quarter of the Southwest Quarter Section 27, and the Northeast Quarter of the Northwest Quarter Section 34, except the P & I N right-of-way and a strip 10 rods wide off the South side of the Northeast Quarter of the Northwest Quarter of Section 34, Township 16 North, Range 1 West Boise Meridian.

WILLIAM PHIPPS: The South half of the Southwest Quarter, the Southwest Quarter of the Southeast Quarter of Section 26, and the Northwest Quarter of the Northeast Quarter of Section 35, Township 16 North, Range 1 West Boise Meridian.

I A WHITLEY: The North half of the Southeast Quarter, the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 27, Township 16 North, Range 1 West Boise Meridian.

G W PHIPPS: The North half of the Northwest Quarter of Section 34, and 4 acres immediately north of Section 27, Township 16 North, Range 1 West Boise Meridian.

JAMES H MCGINLEY: The North half of the South half and the Southeast Quarter of the Southeast Quarter, Section 26 and the Northeast Quarter of the Northeast Quarter Section 35, Township 16 North, Range 1 West Boise Meridian.

MARY H HOUSTON: The Northeast Quarter of the Northeast Quarter, the South half of the Northeast Quarter, and the Southeast Quarter of the Northwest Quarter of Section 26, Township 16 North, Range 1 West Boise Meridian.

A W PERDUE: The Southwest Quarter of the Southeast Quarter and the East half of the Northwest Quarter of Section 28, Township 16 North, Range 1 West Boise Meridian.

R S MINCAID: The Northeast Quarter of the Northeast Quarter of Section 28, Township 16 North, Range 1 West Boise Meridian.

GRANT MOORE: North half of the Northwest Quarter of Section 35, Township 16 North, Range 1 West Boise Meridian.

M P GIFFORD: The Southeast Quarter of the Southeast Quarter of Section 15, the Southwest Quarter of the Southeast Quarter of Section 15, the Southwest Quarter of Section 14, all in Township 16 North, Range 1 West Boise Meridian.

ELIZA SORENSEN: The Southwest Quarter of Section 16, Township 16 North, Range 1 West Boise Meridian.

JAMES L STEWART AND WILLIAM F SMITH: The Southeast Quarter of the Southwest Quarter of Section 11, Township 16 North, Range 1 West Boise Meridian.

S D PIPER: The North half of the Southwest Quarter of the Southeast Quarter of Section 11, Township 16 North, Range 1 West Boise Meridian.

MRS J T ROOT: The Southeast Quarter of the Northeast Quarter of Section 10, the Southwest Quarter of the Northwest Quarter and the North half of the Southwest Quarter of Section 11, Township 16 North, Range 1 West Boise Meridian.

EMMA COOL: The Northeast Quarter of the Northwest Quarter and the South half of the Southwest Quarter of the Southeast Quarter of Section 23, Township 16 North, Range 1 West Boise Meridian.

COTTONWOOD CREEK

William Phipps	50	June 1, 1884
	20	" " 1889
	3	" " 1892
G. W. Phipps	37½	" " 1889
F. W. Beier	58	" " 1882
P. W. Higgins	20	Sept 6, 1884
Edgar Moser	22½	" " "
Grant Moore	3 5	May 1, 1900
I. A. Whiteley, sub. for I. A. Whiteley and J. D. Neale	15 5/8 31 3/8	June 1, 1888 " " 1887
Mary E. Houston	25	July 2, 1890
A. W. Peebles	4	Apr 1, 1896
R. S. Kincaid	4	" " "
James H. McGinley	72 3	July 1, 1890 May 1, 1889

RECEIVED
 JUL 24 1996

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 67-322
Date Received: 10/19/1989
Receipt No: W006448
Received By:

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

1. Name of Claimant(s)

ANTHONY J FINCHEN Phone: (208) 253-4680

2205 JACKSON CREEK RD
COUNCIL ID USA 83612-5244

2. Date of Priority: 04/01/1896

3. Source: COTTONWOOD CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16N	01W	28	NE SE	ADAMS	

5. Description of diverting works:

DAM, HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.08	

7. Total Quantity Appropriated is:
0.08 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
16N	01W	28	NE SE	IRRIGATION	8
			NW SE	IRRIGATION	2

Section Acres 10

Total Acres 10

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DH 9/19/2003

TRANS.#880.

ADDED ADDITIONAL ACREAGE IN THE NW1/4, SE1/4 OF SECTION 28.

USAGE EFFECTIVE SAME AS PRIORITY DATE. DELETED DOMESTIC USAGE. ALSO INDICATED THE
NUMBER OF IRR. ACRES PER QUARTER, QUARTER SECTION.

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: _____

67-
322,
-4103,
-11025,
-14435,
-14437,
-14439

no cards
modified
8-31-04
-AD

RECEIVED 8-27-04

AUG 30 2004

DEPARTMENT OF
WATER RESOURCES

DEAR SALLY.

HERE'S THE INFO YOU HAVE ASKED
FOR.

MY OLD ADDRESS WAS 5718
E AIRPORT RD, NANNPA IN 83687

MY NEW ADDRESS IS 2205
JACKSON CREEK RD, COUNCIL ID
83612 (208)-253-4680

THANK YOU FOR YOUR HELP

T.J. FINCHEN
Afinchen



SALLY STERNMAN
DEPT OF WATER RESOURCES
1301 N. ORCHARD
BOISE ID 83706-2237



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 67-322
Date Received: 10/19/1989
Receipt No: W006448
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ANTHONY J FINCHEN
5718 E AIRPORT RD
NAMPA ID USA 83687

Phone: (208) 442-8917

2. Date of Priority: 04/01/1896

3. Source: COTTONWOOD CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16N	01W	28	NE SE	ADAMS	

5. Description of diverting works:

DAM, HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.08	

7. Total Quantity Appropriated is:
0.08 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

SCANNED
APR 02 2004

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	28	NE	SE	IRRIGATION	8
			NW	SE	IRRIGATION	2
					Section Acres	10
					Total Acres	10

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DH 9/19/2003

TRANS.#880.

ADDED ADDITIONAL ACREAGE IN THE NW1/4,SE1/4 OF SECTION 28.

USAGE EFFECTIVE SAME AS PRIORITY DATE. DELETED DOMESTIC USAGE. ALSO INDICATED THE NUMBER OF IRR. ACRES PER QUARTER, QUARTER SECTION.

15. Basis of Claim: Decreed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**SEP 15 2003****WATER RESOURCES
WESTERN REGION**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
67-4038 <u>Sent to S.O.</u>		<u>no</u>	67-11026		<u>yes</u>
67-2208		<u>no</u>			
67-12330		<u>no</u>			
67-322		<u>no</u>			
67-11025		<u>yes</u>			

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Larry D. Derie & June Derie
HC 62, Box 1720, Council, ID 83612
4. New Owner/Claimant(s) Anthony J. Finchen
 Name Connector (Check one): [] and, [] or, [] and/or
 New Mailing Address 5718 E. Airport Rd.
 City, State and ZIP Code Nampa, ID 83687
 New Telephone Number (208) 442-8917
5. Date you acquired the property 9/02/03

6. If the change in ownership affects the entire water right for each water right adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>67-11025</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>1.04 cfs</u>	<u>42 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>67-11026</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.95 cfs</u>	<u>47.5 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Anthony J. Leicher
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only			
Received by <u>DH</u>	Date <u>9-15-03</u>	Fee _____	
Received by _____	Date _____	Receipt No. _____	
Processed by _____	AJ Date _____	WR _____	Date _____

INSTRUMENT NO. 104453

PAGE 1 OF 2

WARRANTY DEED

COPY

For Value Received, LARRY DUANE DERIE and JUNE ILENE DERIE, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto
ANTHONY J. FINCHEN, a single man

the grantee, whose current address is 5718 E. Airport Rd., Nampa, ID 83687

the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all encumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title and that they will warrant and defend the same from all lawful claims whatsoever.

Date: September 2, 2003

Larry Duane Derie
LARRY DUANE DERIE

June Ilene Derie
JUNE ILENE DERIE

Instrument # 104453

COUNCIL, ADAMS, IDAHO

2003-09-03

10:50:39 No. of Pages: 2

Recorded for : TIMBERLINE TITLE & ESCROW

MICHAEL FISK

Fees: 8.00

Ex-Officio Recorder Deputy

Index to: DEED

STATE OF Idaho

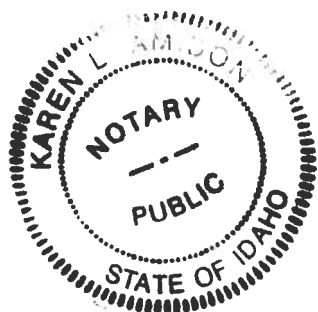
COUNTY OF Adams

)
: ss
)

On this 2nd day of September, in the year of 2003, before me, a Notary Public in and for said State, personally appeared

LARRY DUANE DERIE & JUNE ILENE DERIE

known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.



Karen L. Arnold
Notary Public
Residing at: Cambridge, ID
Commission expires: 6/26/2009

EXHIBIT 'A'

INSTRUMENT NO. 104453PAGE 2 OF 2

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho:

All that part of the E1/2NE1/4 and N1/2SE1/4 of Section 28 and the SW1/4NW1/4 and NW1/4SW1/4 of Section 27 lying South of the County Road known as Jackson Creek Road.

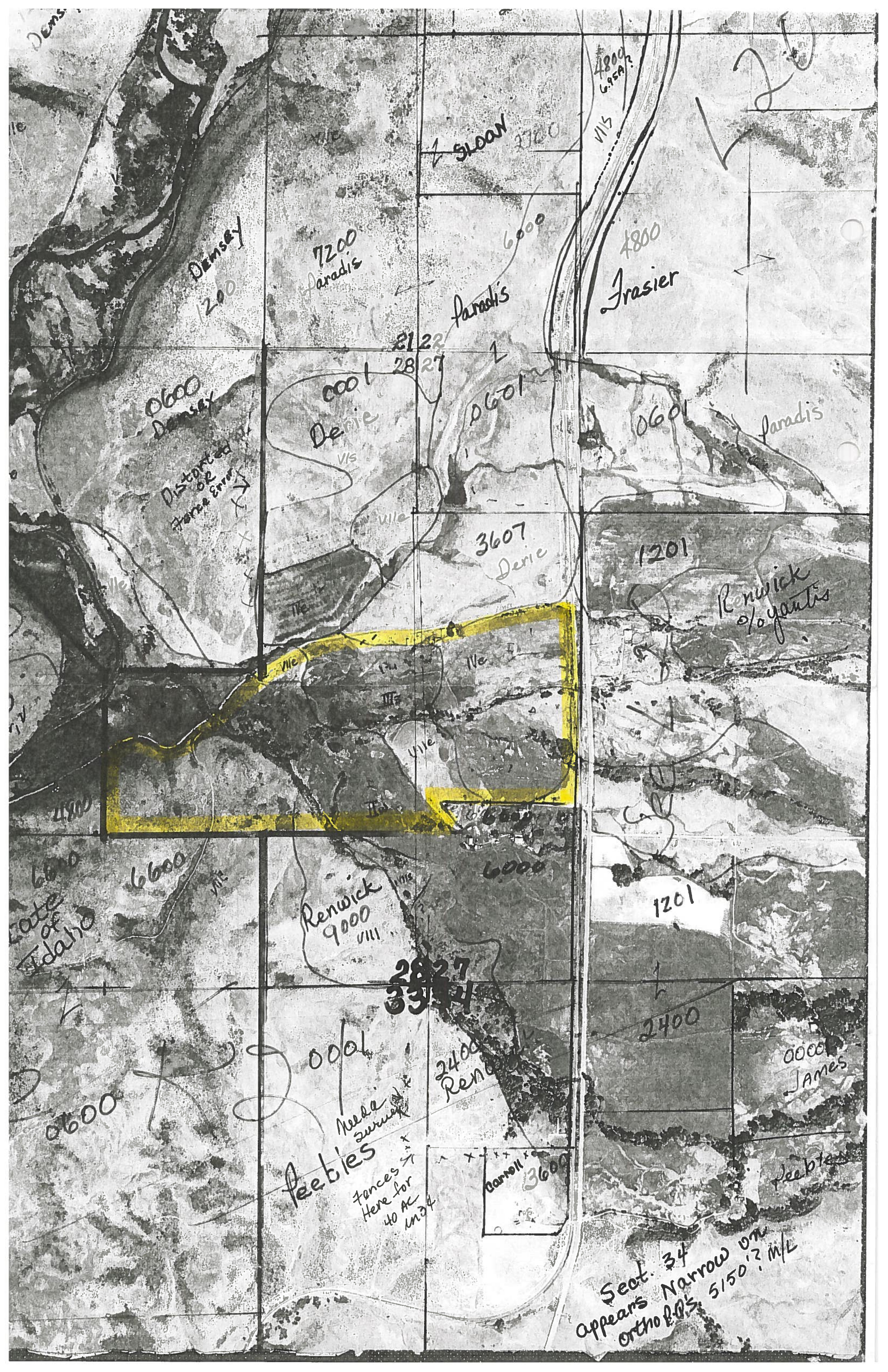
EXCEPTING THEREFROM the right-of-way of the former Pacific & Idaho Northern Railway now known as Friends of the Weiser River Trail and the County Road.

ALSO EXCEPTING THEREFROM the two parcels of land located in the NW1/4SW1/4 of Section 27 T16NR1WBM previously conveyed to James A. Renwick and Margaret Renwick, husband and wife, as referenced in Book 27 of Deeds page 491 and Book 32M page 38, records of Adams County, Idaho.

Acres lying South
of County Road →

S-27	SWNW	15 ac
	NW SW	all

S-28	SE NE	8 ac
	NE SE	all
	NW SE	26 ac
	(NENE does not apply)	



Densey

Densey
1200

7200
Paradis

5100

4800
6.95A?

4800
Trasier

0600
Densey

Distorted
or
some error

0001
Derie

2122
2827

Paradis

0601

0601

Paradis

3607
Derie

1201

Renwick
% of yards

6600
State of Idaho

6600

Renwick
9000
VIII

2827
3334

0001

2400
Renwick

1201

0000
James

0600

Feebles

Need a
survey

Fences
here for
40 AC
in 34

3600
Carnell

Sect. 34
appears narrow on
ortho P.D.S. 5150'± M/L

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: A67-00322
Date Received: 10/19/1989
Receipt No: W006448
Received By: LA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LARRY D. DERIE 208-253-6068
Address: HC 62, BOX 1720
COUNCIL, ID 83612

2. Date of Priority: APR 01, 1896

3. Source: COTTONWOOD CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
1GN	01W	28		NE	SE		ADAMS

5. Description of diverting works:
DAM, HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.080		

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

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
1GN	01W	28	NE	SE		IRR	8.0
			NW	SE		IRR	2.0

Section Acres 10.0

MICROFILMED
OCT 01 1992

10. Place of Use: Continued

Total Acres 10.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

A67-02208, B.U. CLAIM FROM COTTONWOOD CR. & LESTER CR.

14. Remarks:

TRANS.#880.

ADDED ADDITIONAL ACREAGE IN THE NW1/4, SE1/4 OF SECTION 28.

USAGE EFFECTIVE SAME AS PRIORITY DATE. DELETED DOMESTIC USAGE.

ALSO INDICATED THE NUMBER OF IRR. ACRES PER QUARTER, QUARTER SECTION.

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: 2

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): Larry Dene Date: Oct 19, 1989
_____ Date: _____

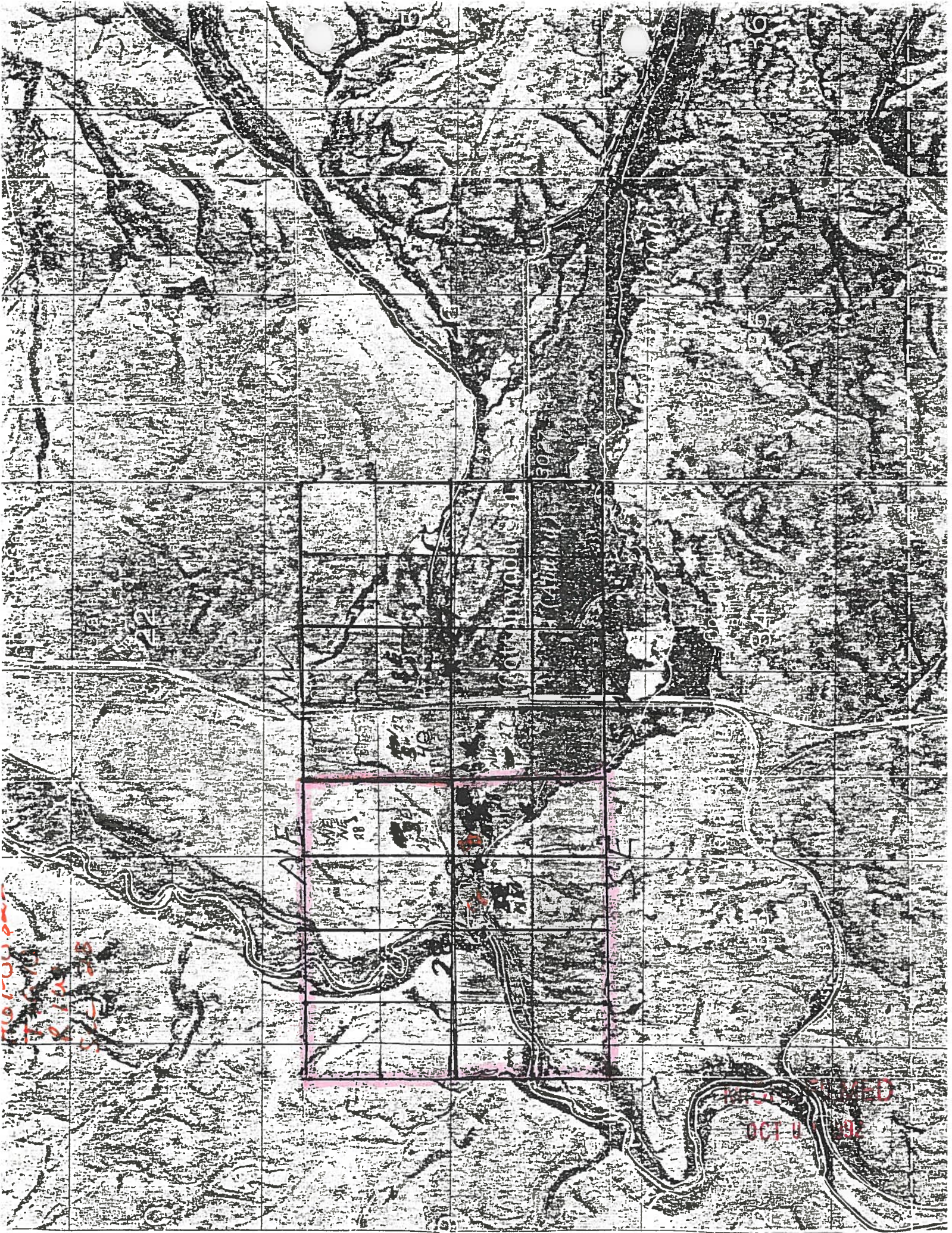
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 19 day
of Oct 19 89 Linda Werner
Notary Public

Seal

Residing at Linda A. Werner
 Residing at Boise, Idaho
My Commission Expires My Commission Expires December 8, 1994

MICROFILMED
OCT 11 1992



Topographic
Map
8-1-28

RECEIVED
OCT 11 1942

