

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-31590
Date Received: 9/7/1989
Receipt No:
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FRED MAUL: (208) 846-9466

3700 E HUBBARD RD
MERIDIAN ID USA 83642

SHIRLEY MAUL Phone: (208) 846-9466

3700 E HUBBARD RD
MERIDIAN ID USA 83642

2. Date of Priority: 12/29/1980

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	01E	9	SW NE ADA		

5. Description of diverting works:

WELL, PUMP & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.090	22.2

7. Total Quantity Appropriated is:

0.090 C.F.S. and/or 22.2 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
02N	01E	9	SE	NW	IRRIGATION	5.0
Section Acres						5.0
Total Acres						5.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 63-31471. Dh 11/5/2002

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):  Date: Nov-22-04
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22nd
of November 2004 



Notary Public

Residing at Boise

My commission Expires 8/14/07

02/25/2005

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

RIGHT NUMBER: 63-31590
NAME AND ADDRESS: SHIRLEY MAUL
3700 E HUBBARD RD
MERIDIAN ID 83642

FRED MAUL
3700 E HUBBARD RD
MERIDIAN ID 83642

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.090 CFS
20.000 AFY

PRIORITY DATE: 12/29/1980

POINT OF DIVERSION:

T02N R01E S9 SENW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.090 CFS 20.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE
NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY
DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR
THIS RIGHT.

PLACE OF USE: IRRIGATION Within ADA County

T02N R01E S09 SENW 4.9

4.9 ACRES TOTAL

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: License

Water Right 63-31590

1

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IN RE THE GENERAL ADJUDICATION
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CIVIL CASE NUMBER: 39576

Ident. Number 63-31590
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NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

EDWARD W LEWIS
3700 E HUBBARD RD
MERIDIAN ID USA 83642

Phone: (208)888-2090

PATRICIA A LEWIS
3700 E HUBBARD RD
MERIDIAN ID USA 83642

Phone: (208)888-2090

2. Date of Priority: 12/29/1980

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	01E	9	SE NW	ADA	

5. Description of diverting works:

WELL, PUMP & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.024	5.4

7. Total Quantity Appropriated is:
0.024 C.F.S. and/or 5.4 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
02N	01E	9	SE	NW	IRRIGATION	1.2
					Section Acres	1.2
					Total Acres	1.2

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 63-31471. Dh 11/5/2002

15. Basis of Claim: License

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

RECEIVED

OCT 30 2002

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, 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
	PORTION OF ORIGINAL LICENSE 63-9655 AND SPLIT PORTION OF 63-31471 FOR A TOTAL OF 4.25 ± ACRES IN THE SWNE, T02N, R01E, SECTION 9				

Ron Howerton
 Sr Water Agent

2. The following REQUIRED information must be submitted with this form:

A. The appropriate FILING FEE. See instructions for fee amounts.

NA Rch

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) are 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)

EDWARD W. & OR PATRICIA A. LEWIS
 3700 E HUBBARD RD

4. New Owner/Claimant(s)

Gary or Barbara Greenwell
 Name Connector (Check one): ☐ and, ☒ or, ☐ and/or

✓ New Mailing Address

8580 Stewart Rd

✓ City, State and ZIP Code

Meridian ID 83642

✓ New Telephone Number

208 888-4309

5. ✓ Date you acquired the property

June 6, 1977

6. If the change in ownership affects the entire water right for each water right or 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>63-31471 (PORTION OF 63-9655)</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>PRORATED CFS</u>	<u>4.25 ± ACRES</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>4.25 ± ACRES</u>	

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 _____		
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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Gary M. Greenwell

Barbara M. Greenwell

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 DHDate 10/30/03

Fee _____

Received by _____

Date _____

Receipt No. _____

Processed by _____ AJ

Date _____

WR _____

Date _____

SPLIT TREE

CLAIMS 63-31471

AGENT: Ron Howerton

Date: 11/04/02

Prorated Original Licence = 46.4 Acres @ 0.928 CFS & 208.8 AFA (See licensed actual acres = 46.4)

$0.928 \text{ CFS} / 46.4 \text{ ACRES} = 0.02 \text{ CFS} / \text{Acre}$

$208.8 \text{ AFA} / 46.4 \text{ ACRES} = 4.5 \text{ AFA} / \text{Acre}$

Original split was incorrect on 4/02; SEE split tree in FILE

LEWIS SPLIT:

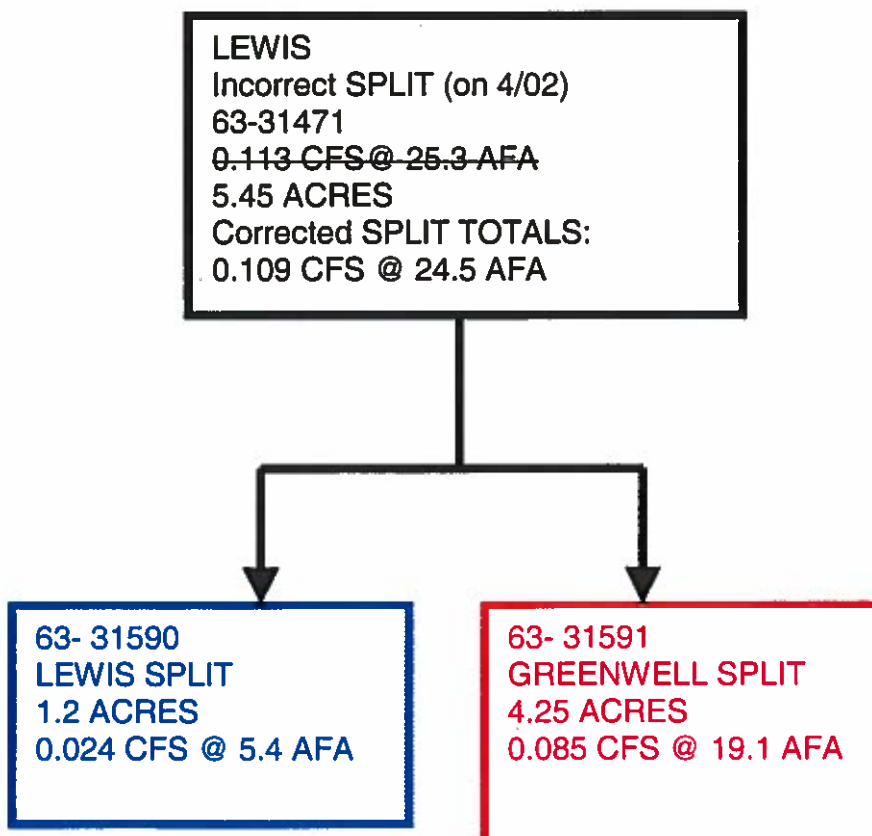
63- 31590 = 0.02 CFS @ 1.2 ACRES = 0.024 CFS
= 1.20 ACRES X 4.5 AFA = 5.4 AFA

GREENWELL SPLIT:

63- 31591 = 0.02 CFS @ 4.25 ACRES = 0.085 CFS
= 4.25 ACRES X 4.5 ACRES = 19.1 AFA

CFS TOTALS: = 5.45 ACRES @ 0.109 CFS

AFA TOTALS: = 5.25 ACRES X 4.5 ACRES = 24.5 AFA



RIGHT	NAME	ACRES	CFS	FACTOR	AFA	FACTOR	SPLITS
63-9655	LEWIS	46.4	0.928	0.02	208.8	4.5	NONE
63-31461	Lewis	19.2	0.384	0.02	86.4	4.5	LEWIS 1ST SPLIT
63-31462	Welebir	27.8	0.556	0.02	125.1	4.5	
63-31469	Lewis	9.7	0.194	0.02	43.7	4.5	LEWIS 2ND SPLIT
63-31470	Bohlman	9.5	0.190	0.02	42.8	4.5	
63-31471	Lewis	5.45	0.109	0.02	24.5	4.5	LEWIS 3RD SPLIT
63-31472	Archuleta	4.25	0.085	0.02	19.1	4.5	
63-31590	Lewis	1.2	0.024	0.02	5.4	4.5	LEWIS 4TH SPLIT
63-31591	Greenwell	4.25	0.085	0.02	19.1	4.5	

NOTES
 The CFS on License
 used round up to 0.93 cfs
 HOWEVER, all prorating
 should reflect 0.02/acre
 just as the 208.8 AFA
 Lic. was prorated at
 4.5 per acre =
 46.4 X 4.5 = 208.8 afa

ATTN: REVIEWER
 PLEASE CHECK THESE
 PRORATED SPLITS
 PRIOR TO ECVR
 RDH 11/4/02

QUITCLAIM DEED

FOR VALUE RECEIVED

EDWARD W. LEWIS and PATRICIA A. LEWIS

Do hereby convey, release, remise and forever quitclaim

unto CARL M. GREENHILL and BARBARA A. GREENHILL

whose address is 6503 Stewart Rd., Meridian, Idaho

the following described premises to-wit:

A tract of land situated in the Southwest Quarter of the Northeast Quarter of Section 9, Township 2 North, Range 1 East, S.M., Ada County, Idaho, more particularly described as follows:

Beginning at the East Quarter corner of said Section 9, thence S. 89° 48' 40" W., along the Center Quarter line, a distance of 1960.92 feet, thence S. 00° 01' 02" W. a distance of 635.64 feet to the Real Point of Beginning;

Thence S. 89° 39' 27" W. a distance of 641.10 feet to a point on the East right-of-way of Stewart Road; thence N. 80° 31' 30" W. along said right-of-way, a distance of 376.83 feet; thence N. 88° 34' 11" E. a distance of 643.99 feet; thence S. 00° 01' 02" E. a distance of 327.82 feet to the Real Point of Beginning.

The above described tract of land contains 4.83 acres, more or less.

Witness their signatures

Dated June 6, 1977

Edward W. Lewis
Patricia A. Lewis

ADA
June 1977
EDWARD W. LEWIS and PATRICIA A. LEWIS
CLARENCE A. LEWIS

STATE OF IDAHO
I hereby certify that this document was filed for record in the office of the CLERK OF THE DISTRICT COURT, Ada County, Idaho, on the 00 day of June, 1977, at 7:00 PM, in my office, and is a true and correct copy of the original.

CLARENCE A. LEWIS

Carla A. Lewis
Myself

34

STEWART ROAD

N89°25'40"E 601.84

327.44 N89°38'04"E

#131200

S89°34'11"W
645.99

#131300

S89°39'27"E
641.19

#131475

#13 1405

N89°44'46"E 638.22

March 28th, 1990

Recording Date
Excavation Date

(640.33) 638.33

6501.28

379.45

1960.92 S89°46'40"W

CENTER
SEC. 9

CARRIC

4

Gary &
Barbara
Greenwell

Well

STEWART ROAD

326.79

326.83

327.47

327.82

327.93

327.82

327.82

327.82

S0°01'39"W
1306.74

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-9655 Priority December 29, 1980 Amount 0.93 cfs

THIS IS TO CERTIFY, that Edward W. &/or Patricia A. Lewis
of Meridian, Idaho, has complied with the terms and conditions of Permit
No. 63-9655 issued pursuant to Application for Permit dated December 29, 1980,
and has submitted proof to the Department of Water Resources on December 29, 1980,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.94 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	<u>from March 15 to November 15</u>	<u>at 0.93 cfs</u>	<u>and 208.8 acre feet</u>
	<u>from _____ to _____</u>	<u>cfs and _____</u>	
	<u>from _____ to _____</u>	<u>at _____ cfs and _____</u>	

(both dates inclusive)

Subject, however, to the condition that no more than 0.93 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
208.8 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9
Twp 2N, Rge 1E in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2N	1E	9			18				29						47

Total number of acres irrigated 47

Acres actually irrigated = 46.4

This right when combined with all other rights shall provide no more than .02 cfs
per acre nor more than 4.5 afa per acre for the lands above.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4TH day of

April, 19 84.

Acting for the Director

Norman C. Young

Form 219
12/79

I S DOU.
COLUMBIN
R7
STEWART
LFT

28 MAY
NO ANSWER
1 JUNE HAYING @ THIS TIME
WILL CALL WHEN IRRIGATING AGAIN

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

Lewis, Edward #101 Patricia
20:0000, Ave. 9
T2N, R1E
irrigation 50acres.

63-9655
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☒ Appointment letter mailed:	2/11/81	ueh	was appt. made.
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 23 June 1981 Accompanied by TED LEWIS Total Q measured .94 cfs ✓
If source is surface water, estimate total flow of source _____
Methods of measurement SPRINKLES, PRESSURE Meets Permit requirements? Hopefully

Measurement calculations:

46.4 100 HEADS at 4.22 gpm at 55 PSI = 422 gpm = .94 cfs ✓
46.3 x 9.5 = 208.8
208.8 AFT/AM

WELL/DIVERSION NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	60		1.00000	6.250	77100	PROPS. GAUGE		

System Description well pump, into 6" mainline / SPRINKLER SYSTEM

*Code with map on reverse side. Disregard code if only one.

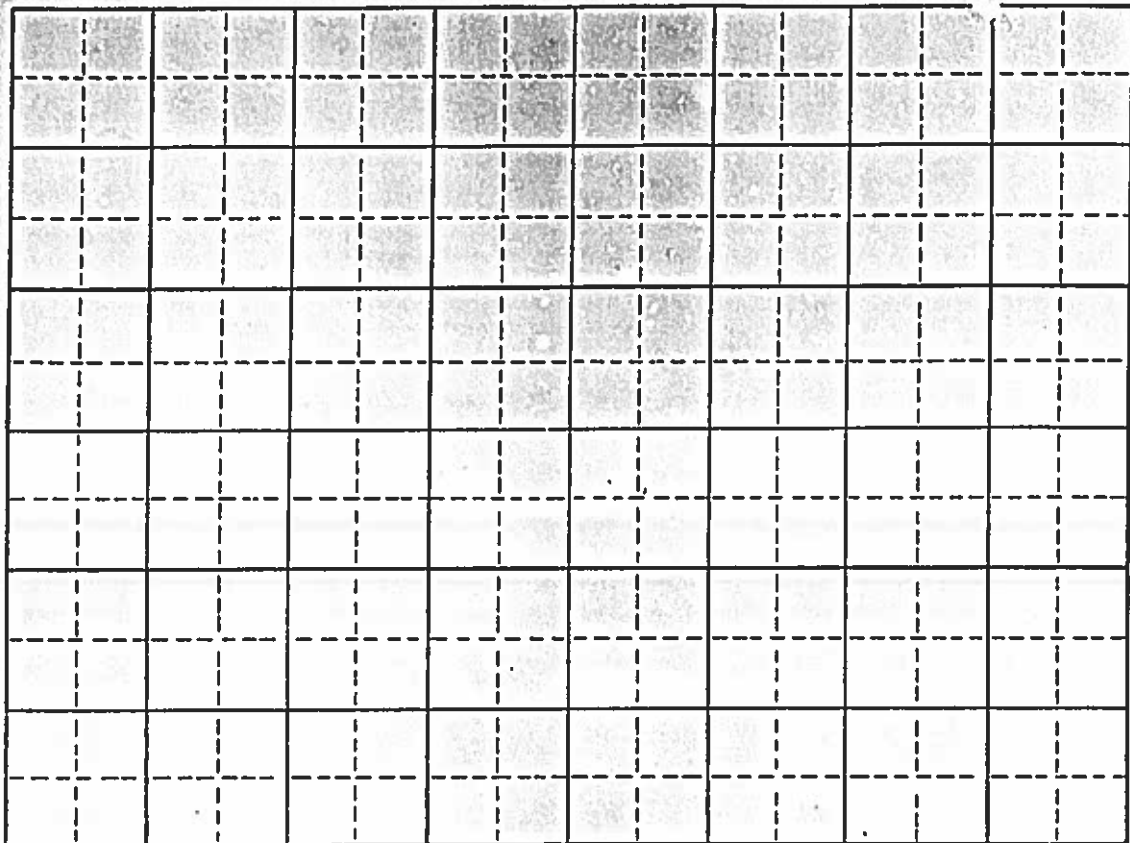
RECOMMENDED AMOUNTS

USE	Irrigation requirement =	AFA/Acre	FROM	TO
<u>IRRIGATION</u> ✓	<u>.92</u>	<u>208.8</u> ✓	<u>3/15</u> ✓	<u>4/15</u> ✓
	<u>0.93</u>			<u>245 days</u>
<u>46.4 x 0.02 = 0.928 allow 0.93</u>				
	<u>0.93</u>	<u>208.8</u>		
Total	<u>.92</u>	<u>208.4</u>		

Remarks 100' ...

30 WS @ 55 PSI = 4.22 gpm

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: SW NE 5' 9 2N 1E ✓

Place(s) of Use ✓ Road acreage

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	1E	9			17.7				18.7					3					46.4 ✓

Recommended Amendments:

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☒ None
☐ Other

Examiner's Signature Lee E. M.

Date 24 June 1982

Checked by G. H. S. Jico

ato 2/25/82

Approved by Kory Walker

Date 2-29-84

Overlap Review for 63-9655

per permit - none

per micro-fische 2/29/84 -

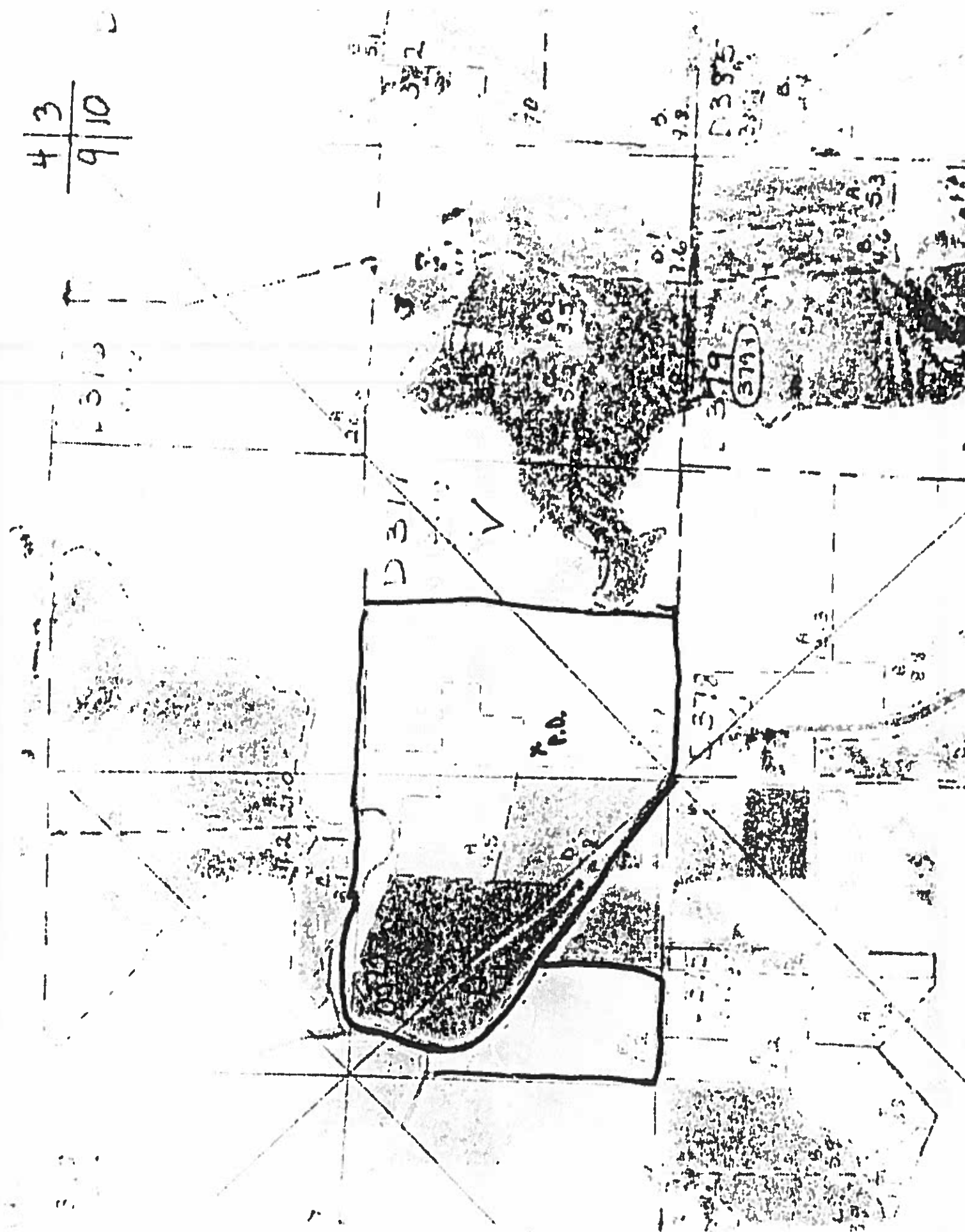
p/d - 63-9686 gw

p/u - 63-9686

63-9686 - License, gw, same p/d & p/u - wells appear to be separate - not enough data on 63-9686 exam to tell by serial numbers - one has 5 Hp motor, the other has 60 Hp motor - different systems - overlapping p/u -

4 acres @ 0.03 cfw per acre - different source - use R16(4.5) for 63-9655 - see copy of Lic. 63-9686 attached.

kw

$$\frac{43}{910}$$


To File: 63-9655 + 63-9686

Peppersack, Jeff

To: Bock, Susan
Subject: RE: double license

Sue,
The right is currently limited (although incorrectly) to 0.02 cfs per acre and 4.5 afa in combination with other rights. Any attempt to use more would violate the conditions of the water right. Any attempt to transfer or utilize elsewhere (water bank) without the companion right would constitute an enlargement of the right. There are no further conditions (or corrections) necessary at this time, but documentation of this discussion may help with the upcoming claim investigation and for review if an application is received. SRBA investigation may find that one of the rights should be disallowed based on no beneficial use; or, the right holder may choose to relinquish one of the rights in favor of the other. I am hesitant to make any changes until SRBA review has been completed to verify actual use and necessary action.

I plan to add a copy of this message to the water right files, you may want to do the same for the claims.

Jeff

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

From: Bock, Susan
Sent: Tuesday, April 02, 2002 4:29 PM
To: Peppersack, Jeff
Subject: double license

Hi, Jeff.

By means of office day, I got involved with an odd one.

63-9655 was licensed for 47 acres at .02 per acre, G.W. with a 1980 priority date, in the name of Lewis.

63-9686 was licensed for 4 acres at .03 per acre, G.W. priority date 1981, name of Greenwell.

Greenwell is the son-in-law of Lewis. He did not realize that the 63-9655 covered his 4 acre track and thus filed for and received license 63-9686. The Lewis parcel has been subdivided and changes of ownership have been coming in. The neighbors are concerned that Mr. Greenwell will try to divert too much water from the well, try to transfer the 4 acres, or put it in the water bank. Mr. Greenwell has been using the well covered in 63-9655, but would like to know if he can hang on to the 63-9686 right as a back up. Does either right need to be conditioned so that if he were to try to transfer it would send up a red flag?

Any thoughts would be appreciated as the neighbors will be waiting for my reply.

Thanks, Sue Bock

COPY

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IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
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CIVIL CASE NUMBER: 39576

Ident. Number 63-31471
Date Received: 9/7/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

EDWARD W LEWIS
3700 E HUBBARD RD
MERIDIAN ID USA 83642

Phone: (208)888-2090

PATRICIA A LEWIS
3700 E HUBBARD RD
MERIDIAN ID USA 83642

Phone: (208)888-2090

2. Date of Priority: 12/29/1980

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	01E	9	SE NW	ADA	

5. Description of diverting works:

WELL, PUMP & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.113	25.3

7. Total Quantity Appropriated is:

0.113 C.F.S. and/or 25.3 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
02N	01E	9	SE	NW	IRRIGATION	1.2
			SW	NE	IRRIGATION	4.25
					Section Acres	5.45
					Total Acres	5.45

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 63-31469. DB 4/10/2002

Remaining acres in SWNE are Gary Greenwells (son-in-law). No ownership change filed as of 4/10/2002. License 63-9686 covers same acres and should probably be disallowed in the SRBA.

15. Basis of Claim: License

09/27/2006

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

RIGHT NUMBER: 63-31590

NAME AND ADDRESS: SHIRLEY MAUL
3700 E HUBBARD RD
MERIDIAN ID 83642

FRED MAUL
3700 E HUBBARD RD
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS
19.200 AFY

PRIORITY DATE: 12/29/1980

POINT OF DIVERSION:

T02N R01E S9 SENW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
0.080 CFS
19.20 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within ADA County

T02N R01E S09 SENW 4.90

4.9 ACRES TOTAL

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

SCANNED
MAR 04 2011

09/27/2006

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

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

ground

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of

water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Failure of the right holder to comply with the conditions of transfer number 71807 is cause for the Director to rescind approval of the transfer.



State of Idaho
Idaho Department of Water Resources
Western Region

T2N R1E SECTION(S) 9
WATER RIGHT(S) : 63-31590



Total Irrigated Acres = 4.9 acre(s)

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

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: September 2006



MEMORANDUM

TO: ADJUDICATION FILES 63-31590

FROM: DANIEL A. NELSON

DATE: 9/27/06

SUBJECT: CLAIM REVIEW

This claim is based on a license that has been transferred and split several times. During the initial stages of the splits, the reviewing agents were told that there was no water going over the canal to the lands associated with the above claim, even though it was listed on the original license.

However, it has been discovered that there was a pipeline that went over to the other side of the canal that allowed water from this claim to be used as a supplemental right to the canal water generally used on the lands associated with this claim. The splits and transfers for the other water rights allowed the full volume of water or 4.5 afa per acre for the other water rights.

When Mr. Maul filed his transfer, he stated that he was willing to take the remaining volume to avoid protests against his transfer, since he only used the water for supplemental purposes. All of the water users agreed to this proposal, and the transfer was approved with a lesser volume of water per acre.

The use of this water right under a shared system did not work well for the individual water users, which resulted in several transfers and water disputes. This transfer seemed to have settled several of the issues, and helped ease discontent within the group splitting the ownership of the original license. As long as Mr. Maul is willing to be allocated a lesser amount of water for his portion of the original license to resolve the disputes in this situation, I feel the recommendation should follow the transfer and recommend the water right as it was approved in the transfer process. Whereas, Mr. Maul only uses this water from supplemental purposes, he would not need the full allocation of water unless the canal company did not deliver water. This is an unlikely scenario.

Please review transfer memo for more details on the water right and the letter written by Mr. Maul.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31590 V1

WATER RIGHT NUMBER: 63-31590 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	EDWARD W LEWIS 3700 E HUBBARD RD MERIDIAN, ID 83642 (208)888-2090
Original Owner	PATRICIA A LEWIS 3700 E HUBBARD RD MERIDIAN, ID 83642 (208)888-2090
Current Owner	SHIRLEY MAUL 3700 E HUBBARD RD MERIDIAN, ID 83642 (208) 846-9465
Current Owner	FRED MAUL 3700 E HUBBARD RD MERIDIAN, ID 83642 (208)846-9466

Priority Date: 12/29/1980

Basis: License

Status: Active

SourceTributary

GROUND WATER

<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	19.20 AF
	<u>Total Diversion:</u>	0.080 CFS	19.20 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4	Sec. 9, Twp 02N, Rge 01E, B.M.
ADA 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	
02N	01E	9								4.9									4.9

Total Acres: 4.9

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31590 V1

1. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
2. S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. 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.
4. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
5. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
6. T08 Failure of the right holder to comply with the conditions of transfer number 71807 is cause for the Director to rescind approval of the transfer.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31590 V1

Comments:

1. csaxton 6/3/2004 POU - Resumption

Comment: This claim is for a portion of land in the SW section of the SENW quarter of section 9. It was originally thought that water could not make it to this portion of land because the canal blocked it. Affidavit from claimant on 11/22/04, states that water was piped over the canal to the claimed POU until 1987. Water from well located on claimants property has been used for irrigation purposes from time to time. Recommend this right from original POD. Transfer has been filed to change POD. This is recommended as resumption.

2. csaxton 2/10/2005 Diversion Rate and Volume

Comment: Diversion Rate recommended at 0.09 cfs and diversion vol recommended at 20.0 afa despite that the proportionate share would be 0.10 afa and 21.8 afa for 4.9 acres. The reason for this is two fold. The claimant only claimed 0.09 cfs and that is all that remains out of the original right after the splits were made. 20.0 afa was all that was left for diversion rate after the splits were done. Cannot over recommend diversion rate and vol from what the original license defined.

3. csaxton 2/11/2005 POU

Comment: 4.9 acres were all that was available for this split portion under the original license.

4. Igagnon 2/25/2005 CHANGE OF OWNERSHIP

Comment: THE DATA IN THE NAME FIELD HAS BEEN CHANGED TO SHOW THAT THIS RIGHT HAS AN OWNERSHIP CHANGE.

5. dnelson 9/27/2006 Claim Review

Comment: This claim is based on a license that has been transferred and split several times. During the initial stages of the splits, the reviewing agents were told that there was no water going over the canal to the lands associated with the above claim, even though it was listed on the original license.

However, it has been discovered that there was a pipeline that went over to the other side of the canal that allowed water from this claim to be used as a supplemental right to the canal water generally used on the lands associated with this claim. The splits and transfers for the other water rights allowed the full volume of water or 4.5 afa per acre for the other water rights.

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Please review transfer memo for more details on the water right and the letter written by Mr. Maul.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31590 V1

Dates and Other Information:

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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	6/3/2004 10:02:05 AM	csaxton			Active
Summary			06/03/2004	csaxton	Active
Contacts	2/10/2005 11:07:00 AM	csaxton			Active
POD	2/10/2005 12:27:16 PM	csaxton			Active
Source	2/10/2005 12:31:32 PM	csaxton			Active
POU	2/10/2005 12:40:08 PM	csaxton			Active
Use	2/10/2005 12:54:25 PM	csaxton			Active
Season	2/10/2005 12:54:51 PM	csaxton			Active
Quantity	2/10/2005 12:55:39 PM	csaxton			Active
Summary			02/10/2005	csaxton	Active
Contacts	9/27/2006 3:43:04 PM	dnelson			Active
Priority Date	9/27/2006 3:43:33 PM	dnelson			Active
POD	9/27/2006 3:46:12 PM	dnelson			Active
Source	9/27/2006 3:47:19 PM	dnelson			Active
POU	9/27/2006 3:50:10 PM	dnelson			Active
Use	9/27/2006 3:50:36 PM	dnelson			Active
Season	9/27/2006 3:56:11 PM	dnelson			Active
Quantity	9/27/2006 3:56:55 PM	dnelson			Active
Summary			09/27/2006	dnelson	Active

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

Adjudication Recommendation Report 63-31590 V1

Use	9/27/2006 3:50:37 PM	dnelson	(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?
Contacts	9/27/2006 3:43:04 PM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: Transfer review was adequate to recommend right.
POU	9/27/2006 3:50:10 PM	dnelson	(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? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
General	9/27/2006 3:43:34 PM	dnelson	(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	9/27/2006 3:45:57 PM	dnelson	Updated shape
Season	9/27/2006 3:56:12 PM	dnelson	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 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) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31590 V1

Quantity	9/27/2006 3:56:56 PM	dnelson	(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? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 10 - Please see memo and transfer 71807.
Summary	9/27/2006 3:58:10 PM	dnelson	(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? (No) 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?
Source	9/27/2006 3:47:20 PM	dnelson	(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?
POD	9/27/2006 3:46:13 PM	dnelson	(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? (No) 10. Is a POD remark and/or condition required?
POU	9/27/2006 3:49:25 PM	dnelson	Updated shape for Active POU
Contacts	2/10/2005 11:07:00 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review. Met with claimant on 11/22/04.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31590 V1

POU	2/10/2005 12:40:09 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? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	2/10/2005 12:40:52 PM	csaxton	Edited shape boundary
Summary	2/10/2005 1:00:59 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? (No) 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? (Yes) 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?
POD	2/10/2005 12:27:16 PM	csaxton	(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? (No) 10. Is a POD remark and/or condition required?
Source	2/10/2005 12:31:33 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?
POU	2/10/2005 12:41:16 PM	csaxton	Edited PLS
Use	2/10/2005 12:54:26 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31590 V1

Season	2/10/2005 12:54:52 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is Irrigation claimed as a Purpose of Use? (Yes) 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) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	2/10/2005 12:55:39 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? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - See notes in E-cvr and split tree in file.
POD	2/10/2005 12:31:11 PM	csaxton	Edited point location
POU	2/10/2005 12:41:03 PM	csaxton	Edited PLS
Contacts	6/3/2004 10:02:06 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: In house review.
Summary	6/3/2004 10:03:22 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 4. Is any portion of the claim be recommended? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 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?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31590

WATER RIGHT NUMBER: 63-31590

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FRED MAUL 3700 E HUBBARD RD MERIDIAN, ID 83642 (208)846-9466
Original Owner	EDWARD W LEWIS 3700 E HUBBARD RD MERIDIAN, ID 83642 (208)888-2090
Current Owner	SHIRLEY MAUL 3700 E HUBBARD RD MERIDIAN, ID 83642 (208) 846-9465
Original Owner	PATRICIA A LEWIS 3700 E HUBBARD RD MERIDIAN, ID 83642 (208)888-2090

Priority Date: 12/29/1980

Basis: License

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

0.080 CFS

Annual Volume

19.20 AF

Total Diversion:

0.080 CFS

19.20 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NW1/4

Sec. 9, Twp 02N, Rge 01E, B.M.

ADA 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	
02N	01E	9								4.9									4.9

Total Acres: 4.9

Conditions of Approval:

OK

Follow

Transfer

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31590

- 5-39
- EXP
- EXP
- EXP
- EXP
1. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
 2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 3. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
 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. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
 6. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
 7. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Remarks:Comments:

1. pskaggs 6/10/2005 12:21:53 PM Transferred Right
Comment: This is now an approved transfer, transfer number = 71807

Dates and Other Information:

Claim Received Date: 9/7/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: And/Or
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4.5
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

Pam

Harris, Lori

From: Shurte, Jan
Sent: Friday, June 10, 2005 4:28 PM
To: Harris, Lori
Subject: FW: 71807 Maul - Approved Transfer

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

From: Skaggs, Pam
Sent: Friday, June 10, 2005 12:35 PM
To: Nelson, Dan; Curtis, Sharla; Shaff, Don; Shurte, Jan
Subject: 71807 Maul - Approved Transfer

Rights associated with approved Transfer 71807

WR Number	Current#	Type
63-31590	63-31590	Recommendation

This message is notification that this transfer has been approved and is available for distribution as appropriate.

*Transfer approved & reduces
Cfs & vol - not acur?*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31590

WATER RIGHT NUMBER: 63-31590

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Basis: License

Status: Active

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GROUND WATER

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IRRIGATION	03/15 to 11/15	0.080 CFS	19.20 AF
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Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4	Sec. 9, Twp 02N, Rge 01E, B.M.
ADA 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	
02N	01E	9								4.9									4.9

Total Acres: 4.9

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31590

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Remarks:Comments:

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 Comment: This is now an approved transfer, transfer number = 71807

Dates and Other Information:

Claim Received Date: 9/7/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: And/Or
 Water District Number:
 Generic Max Rate Per Acre: 0.02
 Generic Max Volume Per Acre: 4.5
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

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

Water Supply Bank:

05/31/2005
RECEIVED

NOTICE OF ERROR

REPLY

JUN 15 2005

WATER RESOURCES
WESTERN REGION

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: July 15, 2005

Water right number: 63-31590

SHIRLEY MAUL
3700 E HUBBARD RD
MERIDIAN ID 83642

Telephone Number: (208) 846

FRED MAUL
3700 E HUBBARD RD
MERIDIAN ID 83642

Telephone Number: (208) 846

Jan,
Review
Transfer

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:

6-10-05

SIGNATURE:

Fred Maul

Please print your name:

FRED MAUL

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

(Internet)

RE :IVED

NOV 22 2004

71807

Page _____ of _____

STATE OF IDAHO **WATER RESOURCES**
DEPARTMENT OF WATER RESOURCES

**WATER RESOURCES
WESTERN REGION**

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant FRED &/OR SHIRLEY MAUL Phone 846-9466
Post Office address 3700 E. HUBBARD Rd. MERIDIAN, ID. 83642

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes WE WISH TO USE OUR WELL TO IRRIGATE
OUR PROPERTY RATHER THAN THE WELL LOCATED ACROSS THE ROAD
NO LESS THAN 1/4 mile AWAY.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use | |
|--|----------|-----------------------|------------------------------|---------------|----------------------|
| 63-31590 | 12-29-80 | .09/22.2 | IRR | 3-15 to 11-15 | |
| | | | | to | |
| | | | | to | |
| | | | | to | |
| 2. Total amount of water being transferred | | .09 | cubic feet per second and/or | 22.2 | acre-feet per annum. |
| 3. Source of water | | tributary to | | | |
| 4. Point(s) of Diversion: | | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 5

PART 1**6. General Information:**

- a. Description of diversion system WELL PUMP & SPRINKERS.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
N/A.
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

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

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

PART 2

(Attach one copy for each right) *SEE ATTACHED*

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ Issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

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

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

7. Point(s) of Diversion:

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

8. Lands irrigated or place of use:

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

Total acres _____

9. Describe any other water rights used for the same purpose as described above *NY CANAL SHARES*

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-31590
Date Received: 9/7/1989
Receipt No:
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FRED MAUL: (208) 846-9466

3700 E HUBBARD RD
MERIDIAN ID USA 83642

SHIRLEY MAUL Phone: (208) 846-9466

3700 E HUBBARD RD
MERIDIAN ID USA 83642

2. Date of Priority: 12/29/1980

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	01E	9	SW NE ADA		

5. Description of diverting works:

WELL, PUMP & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.090	22.2

7. Total Quantity Appropriated is:

0.090 C.F.S. and/or 22.2 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
02N	01E	9	SE	NW	IRRIGATION	5.0
					Section Acres	5.0
					Total Acres	5.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 63-31471. Dh 11/5/2002

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.

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3 *SEE ATTACHED map.*

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

SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	N/A			_____ to _____
				_____ to _____

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

N/A

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

N/A

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

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

Subscribed and sworn to before me this _____

22th

day of

NOV.

2004



(Signature of Applicant)

(Notary Public)

My commission expires

8/14/07

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by 5 Date 11/22/04 Protest filed by _____Prelim. check by _____ Fee \$100 #W032419Received by _____ Date 11/22/04

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

T2

Archuleta

Wetebir

Timothy

Greenwell

SWNE

original PD

Bohlman

X - proposed PD

9

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71807

This is to certify that: FRED MAUL And/Or
 SHIRLEY MAUL
 3700 E HUBBARD RD
 MERIDIAN ID 83642
 (208)846-9466

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-31590	AJC/License	12/29/1980	0.09 cfs	20 af	N/A	4.9	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-31590	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-31590	63-31590	0.08 cfs	19.2 af	N/A	4.9		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.08 cfs	19.2 af	N/A	4.9		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 10th day of June, 2005


 Chief, Water Allocation Bureau

WATER RIGHT NO. 63-31590

As Modified by Transfer No. 71807

In accordance with the approval of Transfer No. 71807, Water Right No. 63-31590 is now described as follows.

Right Holder: FRED MAUL And/Or
SHIRLEY MAUL
3700 E HUBBARD RD
MERIDIAN ID 83642

Priority Date: December 29, 1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.08 CFS	19.2 AF
			0.08 CFS	19.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENW Sec. 9 Twp 02N Rge 01E ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02N	01E	9	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	4.9

Total Acres: 4.9

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

WATER RIGHT NO. 63-31590
As Modified by Transfer No. 71807

CONDITIONS OF APPROVAL

5. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 10th day of June, 2005



Chief, Water Allocation Bureau

February 23, 2005

COPY

IDAHO DEPARTMENT OF WATER RESOURCES
ATTN DAN NELSON
2735 AIRPORT WAY
BOISE ID 83705-5082

RE: APPLICATION FOR TRANSFER ON WATER RIGHT 63-31590

Dear Mr. Nelson:

Per our meeting on 2/23/2005, I feel it would be in my best interest to only request the remaining portion of the water rights after the current splits from water right 63-9655 as proposed by previous transfers. Whereas my water right is supplemental to my canal water, I feel this amount of water would satisfy my needs when I combine my well use with the canal water.

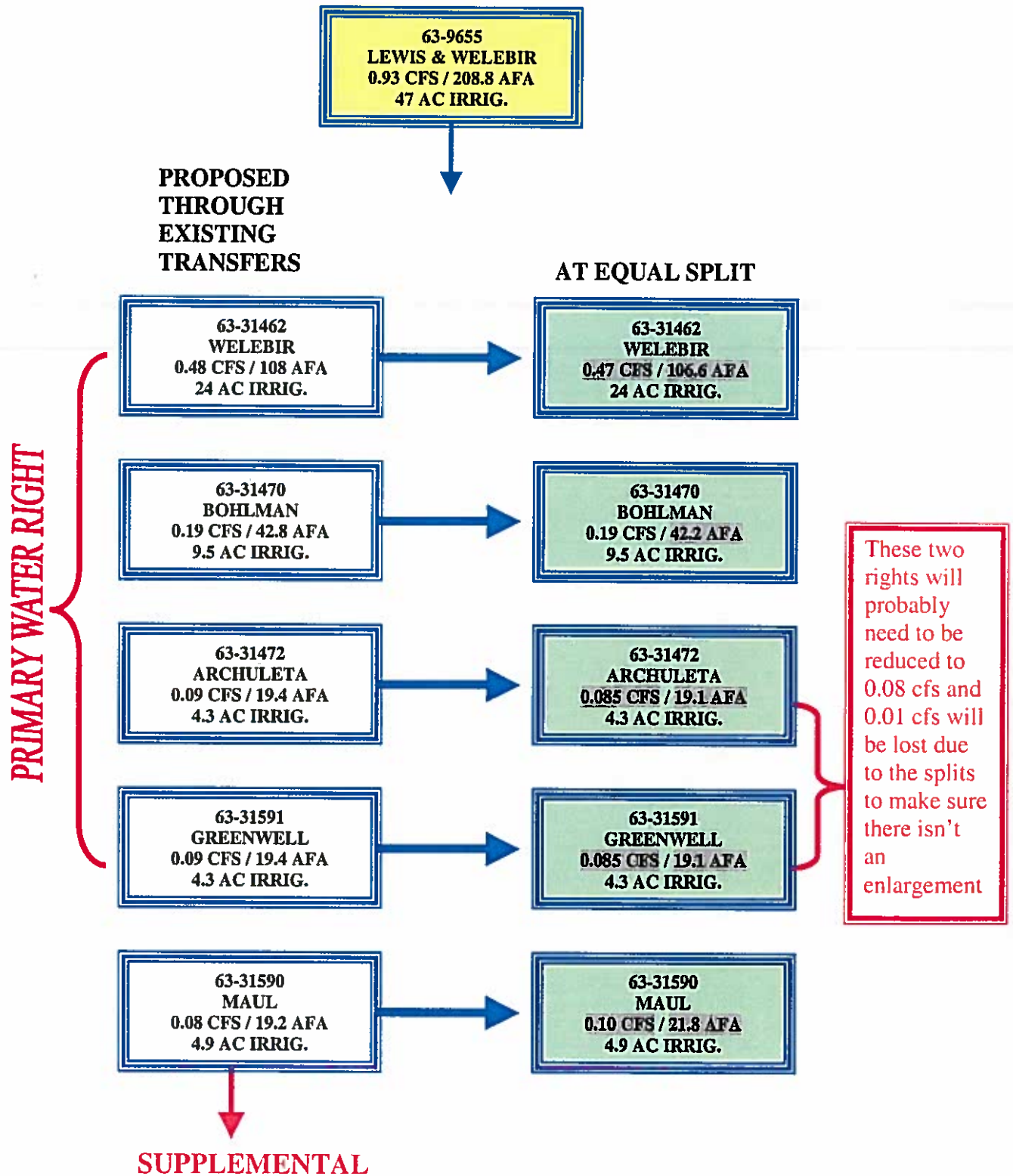
This will in no way reduce the other water users holding splits of the original water right as they have applied for them. The reasoning behind taking the reduced amount is to prevent any conflict or protests from the other water users holding splits on this water right. I also understand that once the transfer is approved that I will not be able to come back at any future date and request the original amount of water be re-instated.

Respectfully,



Fred Maul

RIGHT COMPARISON FOR 63-9655



MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 6/11/2004

RE: FRED MAUL TRANSFER # 71807, RIGHT 63-31590

The transfer proposes to change the point of diversion to an existing well located in the SENW S9 T2N R1E, Ada County. The applicant recently discovered that he owned a portion of this water right. He is now filing to allow diversion from his own well, since the pipeline across the canal to his property has been removed.

AUTHORITY TO FILE:

The applicant is the owner of record per a change of ownership in the Snake River Basin Adjudication.

WATER RIGHT VALIDITY:

These water rights have been reviewed and recommended by Craig Saxton of our adjudication staff. Original reviews of this system suggested that Mr. Maul's portion of the original water right didn't exist, because there was no apparent way to transport Mr. Maul's portion across a canal that separates Mr. Maul's property from the other right holders. The original splits were portioned out at the maximum rate and volume per acre for those water users who had filed claims. A couple of transfers have been filed on these rights using these calculations. Mr. Maul then provided his evidence that the water could cross the canal, and filed a change of ownership on his portion of the water right. This created a dilemma on how to fix the earlier adjudication splits with existing recommendations and transfers on them. The situation was discussed with Mr. Maul, and Mr. Maul decided that it would be in his best interests to take the current rate and volume amounts left over by the previous transfers. Due to the current disputes and protests over these water rights, Mr. Maul felt he could settle any possible problems ahead of time by taking less rate and volume per acre than the other users of the original water right. Mr. Maul only uses his well water as a supplemental water right, and the other users need this water as a primary source. Therefore, the remaining portion of the water right satisfies his water needs.

INJURY TO OTHER WATER RIGHTS:

These rights have been in use for several years. The only change will be the splitting of the current system. I don't anticipate any injury from this transfer proposal.

ENLARGEMENT OF USE:

The transfer actually reduces the diversion rates and volumes slightly for this water right, to allow the other water users of the original water right to have a full rate and volume per acre. No expansion of the right is being proposed.

LOCAL PUBLIC INTEREST:

There is nothing to suggest that this application is not within the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

Applicant proposed beneficial use consistent with irrigation standards for the area.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of the application.

NARATIVE

The largest issue for this transfer is the change in the rates of diversion and volumes made in the recommendations. These changes are reasonable, and were made to correct an earlier error made when the rights were split due to ownership changes. The original rights were allocated at a full rate and volume per acre. Mr. Maul's portion was less than what he is entitled to under an equal split. However, Mr. Maul has consented to take a lesser amount of water to avoid any protests or disputes. Mr. Maul's portion is the only portion of the original water right that is supplemental, so it is reasonable that his historical portion of the water right would be less than the other water users. I feel Mr. Maul's letter is very generous and understanding of the other water user's plight, and I feel we should follow his wishes.

There is also an issue of rounding associated with the capabilities of the database systems for the adjudication staff and allocation staff. The adjudication staff has the ability to allow portions of an acre down to the nearest hundredth (0.01), while the allocation staff can only allow acres to the nearest tenth (0.1). I have discussed this with Craig Saxton, and he has no problem with the transfer correcting the rounding issues.

Page 3
Maul

Five different owners have split the original water right; four currently still share the same system. Mr. Maul hasn't had the need to draw water from the original well since he purchased the property. Each of those individuals have filed their own water rights, but all of the rights are diverted from a common well. Water right 63-31462 for Welebir is currently residing in the water bank. Water Rights 63-31470 owned by Bohlman, 63-31472 owned by Archuleta, and 63-31591 owned by Greenwell. Bohlman, Archuleta, and Greenwell are still using the well. Mr. Maul's right has just been changed into his name, but it is a supplemental right. Mr. Maul hasn't needed his supplemental water right, but with the current weather forecasts, it is likely he will need to divert water this year. The approval of this transfer shouldn't affect the other rights on the well, and should help alleviate the tension currently being experienced between the water users, because Mr. Maul is taking a small share of water.

The Greenwell property does have a second water right 63-9686. This water right was licensed for domestic purposes and irrigation from a separate well. However, the adjudication recommended this water right for domestic use only. Therefore, there shouldn't be any issues with this overlapping water right.

CONDITIONS AND SUGGESTIONS

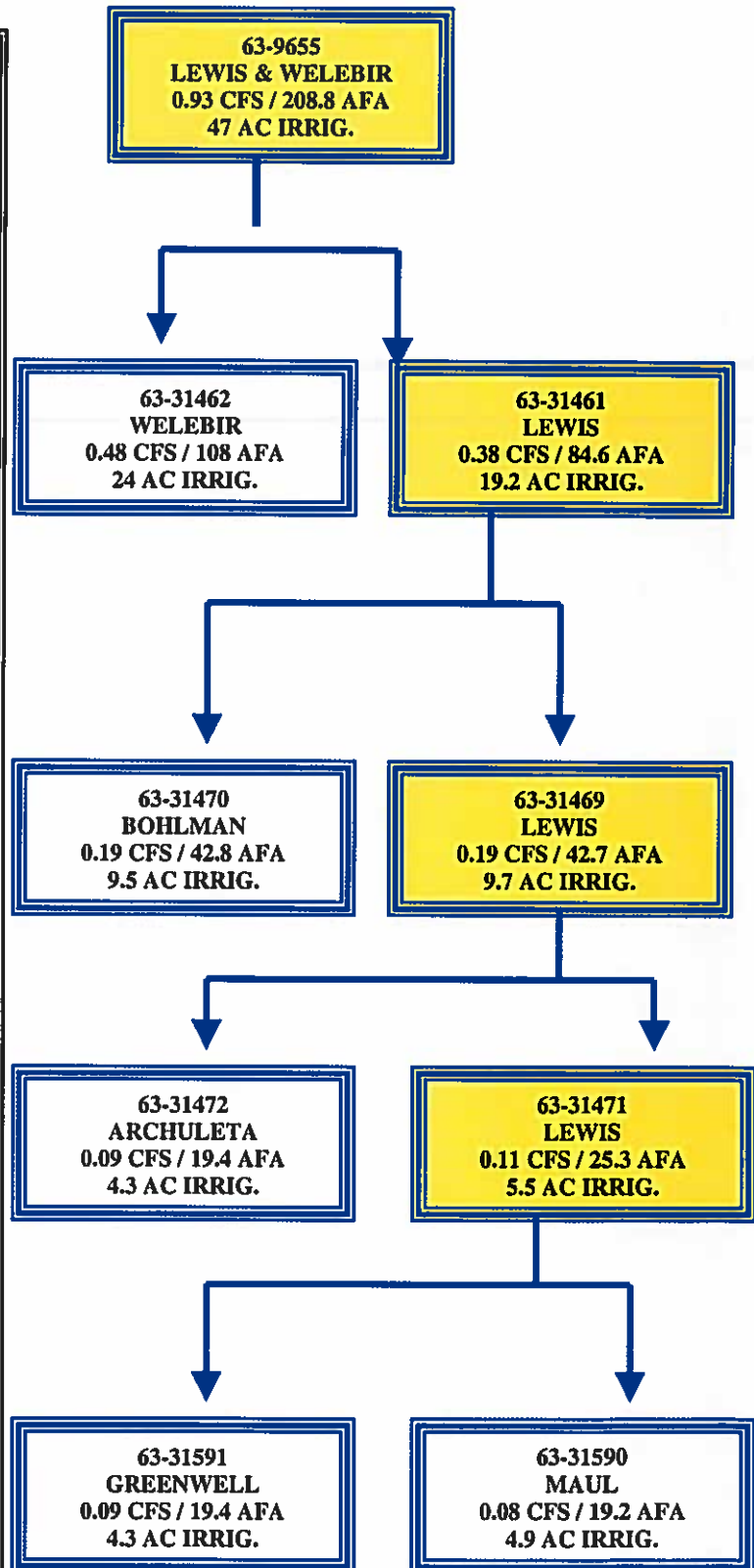
This transfer seems acceptable as listed on the front page of the transfer with the inclusion of the conditions on the draft approval.

SPLIT TREE FOR 63-9655

PLEASE NOTE:

The adjudication staff has the ability to recommend acres to the nearest hundredth of an acre (or 0.01 acres). However, the current water right data entry system only allows acres to be listed to the nearest tenth of an acre (or 0.1 acres). This difference in rounding capability skews the rates and volumes when looking at the two databases. For transfer purposes, we need to use the hundredths of an acre system, so this split tree reflects rates and volumes as needed to round the acre amounts to the nearest hundredth. The adjudication agent who has reviewed these rights understands the differences, and the need to for the change in rates and volumes to match the water right database.

I also need to point out that the previous transfers and recommendations showed a full volume per acre rate of 4.5 acre feet per acre for all of these rights except 63-31590, because it was thought that the irrigation associated with 63-31590 didn't exist. The reason for this assumption is that the water right was not claimed and was on the opposite side of the canal with no visible means of water delivery. The land associated with 63-31590 was also irrigated with canal water and the others didn't have canal water. It has recently been discovered that there used to be a pipeline across the canal, and that a portion of the original right (the land described in 63-31590) was used as a supplemental right on the other side of the canal. Whereas, water right 63-31590 is a supplemental right, and the other rights use this water as their primary source of water, it has been determined that the reduced volume per acre for 63-31590 is reasonable, since it was only used during the shoulder seasons and to make up for shortages of canal water. Therefore, I have recommended in the transfer process to limit water right 63-31590 to 19.2 afa or 3.9 afa per acre to allow a full allocation for the other rights. Mr. Maul as signed a letter agreeing to the current splits as long as his transfer is not protested. Please see his 2/23/2005 letter.



MEMEORANDUM

Date: February 11, 2005

To: Dan Nelson

From: Craig L. Saxton

Subject: SRBA Recommendation for 63-31590

Original license 63-09655 was claimed in 5 different splits. Split 63-31590 for Fred Maul was the last split. As we discussed, due to the rounding error issues and that several of the splits claimed acreage into the 100ths, we determined that there was only 4.9 acres left that could be recommended under this claim. In addition, the Diversion Volume was recommended at 20.0 afa despite that through rounding, only 19.2 afa are available for allocation. I understand that the Allocations bureau may reduce the recommended diversion volume in processing a transfer.

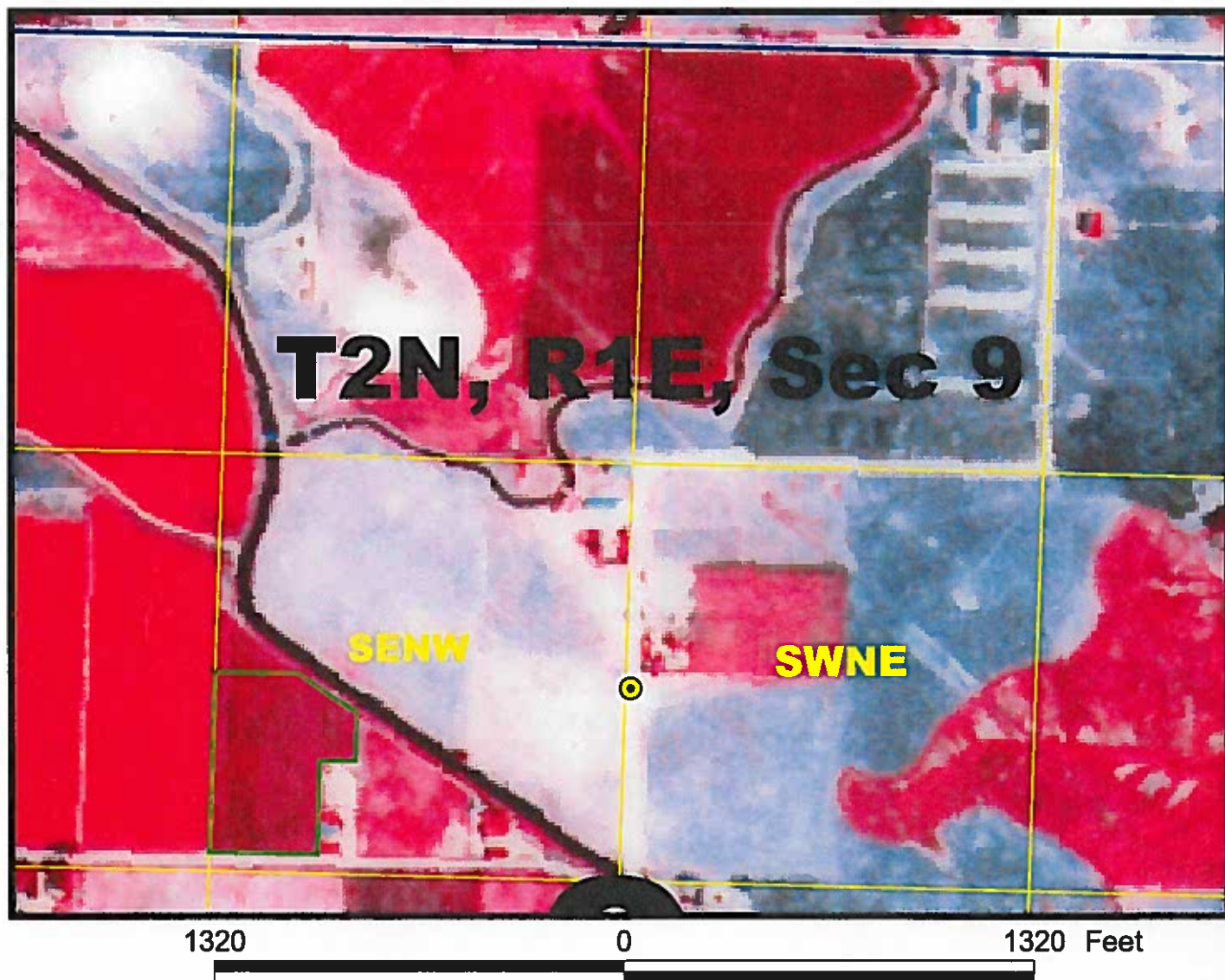
This issue came up mainly due to database differences in rounding between the Allocations and Adjudication processing programs.



STATE OF IDAHO

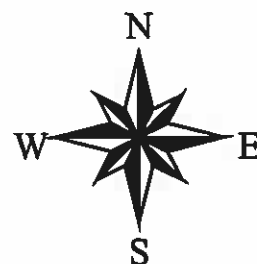
Department of Water Resources
Western Region

Water Right(s): 63-31590



Total Irrigated Acres: 4.9

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



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

02/11/2005

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

RIGHT NUMBER: 63-31590
NAME AND ADDRESS: EDWARD W LEWIS
3700 E HUBBARD RD
MERIDIAN ID 83642

PATRICIA A LEWIS
3700 E HUBBARD RD
MERIDIAN ID 83642

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.090 CFS
20.000 AFY
PRIORITY DATE: 12/29/1980
POINT OF DIVERSION:

T02N R01E S9 SENW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.090 CFS 20.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE
NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY
DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR
THIS RIGHT.

PLACE OF USE: IRRIGATION Within ADA County

T02N R01E S09 SENW 4.9

4.9 ACRES TOTAL

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: License

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31590 V1

WATER RIGHT NUMBER: 63-31590 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EDWARD W LEWIS 3700 E HUBBARD RD MERIDIAN, ID 83642 (208)888-2090
Current Owner	PATRICIA A LEWIS 3700 E HUBBARD RD MERIDIAN, ID 83642 (208)888-2090

Priority Date: 12/29/1980

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.090 CFS	20.00 AF
	<u>Total Diversion:</u>	0.090 CFS	20.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4	Sec. 9, Twp 02N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02N	01E	9	NE	NW	SW	SE	4.9

Total Acres: 4.9

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31590 V1

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. csaxton 6/3/2004 POU - Resumption

Comment: This claim is for a portion of land in the SW section of the SENW quarter of section 9. It was originally thought that water could not make it to this portion of land because the canal blocked it. Affidavit from claimant on 11/22/04, states that water was piped over the canal to the claimed POU until 1987. Water from well located on claimants property has been used for irrigation purposes from time to time. Recommend this right from original POD. Transfer has been filed to change POD. This is recommended as resumption.

2. csaxton 2/10/2005 Diversion Rate and Volume

Comment: Diversion Rate recommended at 0.09 cfs and diversion vol recommended at 20.0 afa despite that the proportionate share would be 0.10 afa and 21.8 afa for 4.9 acres. The reason for this is two fold. The claimant only claimed 0.09 cfs and that is all that remains out of the original right after the splits were made. 20.0 afa was all that was left for diversion rate after the splits were done. Cannot over recommend diversion rate and vol from what the original license defined.

3. csaxton 2/11/2005 POU

Comment: 4.9 acres were all that was available for this split portion under the original license.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	6/3/2004 10:02:05 AM	csaxton			Active
Summary			06/03/2004	csaxton	Active
Contacts	2/10/2005 11:07:00 AM	csaxton			Active
POD	2/10/2005 12:27:16 PM	csaxton			Active
Source	2/10/2005 12:31:32 PM	csaxton			Active
POU	2/10/2005 12:40:08 PM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31590 V1

Use	2/10/2005 12:54:25 PM	csaxton	Active
Season	2/10/2005 12:54:51 PM	csaxton	Active
Quantity	2/10/2005 12:55:39 PM	csaxton	Active
Summary	02/10/2005	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	2/10/2005 11:07:00 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review. Met with claimant on 11/22/04.
POU	2/10/2005 12:40:09 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? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	2/10/2005 12:40:52 PM	csaxton	Edited shape boundary
Summary	2/10/2005 1:00:59 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? (No) 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? (Yes) 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?
POD	2/10/2005 12:27:16 PM	csaxton	(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? (No) 10. Is a POD remark and/or condition required?
Source	2/10/2005 12:31:33 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?
POU	2/10/2005 12:41:16 PM	csaxton	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31590 V1

Use	2/10/2005 12:54:26 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	2/10/2005 12:54:52 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 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) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	2/10/2005 12:55:39 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? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - See notes in E-cvr and split tree in file.
POD	2/10/2005 12:31:11 PM	csaxton	Edited point location
POU	2/10/2005 12:41:03 PM	csaxton	Edited PLS
Contacts	6/3/2004 10:02:06 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: In house review.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31590 V1

Summary	6/3/2004 10:03:22 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 4. Is any portion of the claim be recommended? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 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?
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31590

WATER RIGHT NUMBER: 63-31590

Owner Type Name and Address
 Current Owner EDWARD W LEWIS ✓
 3700 E HUBBARD RD
 MERIDIAN, ID 83642
 (208)888-2090 ✓
 Current Owner PATRICIA A LEWIS ✓
 3700 E HUBBARD RD
 MERIDIAN, ID 83642
 (208)888-2090

Priority Date: 12/29/1980 ✓
 Basis: License ✓
 Status: Active ✓

Source Tributary
 GROUND WATER ✓ 564 : 3-1 to 11-15 ✓

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	03/15	11/15	0.090 CFS ✓	22.20 AF 20.0 ✓
	<u>Total Diversion:</u>		0.090 CFS ✓	22.20 AF 20.0 ✓

Location of Point(s) of Diversion
 GROUND WATER SW1/4NE1/4 Sec. 9, Twp 02N, Rge 01E, B.M.
 ADA County ✓

Place of Use
 IRRIGATION ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
02N	01E	9	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
										5.0 ✓									5.0 ✓
										4.9 ✓									4.9 ✓

Total Acres: 5 ✓
 4.9 ✓

Conditions of Approval:Remarks:

- General This claim is the result of a split due to change in ownership for a portion of 63-31471. Dh 11/5/2002
- Explanatory Claim amended per claimant request (csaxton 11-29-04)

Comments: = See comments in ECVR

Dates and Other Information:

Claim Received Date: 9/7/1989 C18
 State or Federal: S 564
 Owner Name Connector: OR
 Mitigation Plan: False

Craig L. Saxton

Split history for Decreed Right 63-09655

Water Right	Claimed	Claimed	Recommend
63-09655	Lewis	63-09655	Lewis
0.93	cfs	0.93	
47	acres	47	
208.8	vol	208.8	
63-31461 Lewis			
0.38		0.38	
19.2		19.2	
84.6		84.6	
63-31469 Lewis			
0.19		0.19	
9.7		9.7	
42.7		42.7	
63-31471 Lewis			
0.113		0.113	
5.5		5.5	
25.3		25.3	
63-31472 Archuleta			
0.077		0.077	
4.25		4.25	
17.4		17.4	
63-31470 Bohlman			
0.19		0.19	
9.5		9.5	
41.9		41.9	
63-31462 Welebir			
0.55		0.55	
27.8		27.8	
123.4		123.4	
63-31472 Archuleta			
0.085		0.085	
4.25		4.25	
19.1		19.1	
63-31470 Bohlman			
0.19		0.19	
9.5		9.5	
42.8		42.8	
63-031462 Welebir			
0.480		0.480	
24		24	
108.0		108.0	
63-31591 Greenwell			
0.08		0.08	
4.25		4.25	
18.9		18.9	
63-31590 Maul			
0.06		0.06	
5		5	
22.2		22.2	
63-31591 Greenwell			
0.085		0.085	
4.25		4.25	
19.1		19.1	
63-31590 Maul			
0.090		0.090	
4.9		4.9	
20.0		20.0	
left over			
			Only claimed 0.09 cfs
left over			
Ron did this one			

• Diver Rate Per acre = 0.0198
• Diver Vol Per Acre = 4.443

Sum of claimed CFS =	0.962
Sum of claimed Acreage =	50.8
Sum of claimed Volume =	224

Sum CFS=	0.929
Sum Acre=	46.9
Sum Volume=	208.8

Un-accounted for CFS=	-0.032
Un-accounted for Acreage=	-3.8
Un-accounted for Volume=	-15.2

Un-accounted for CFS=	0.001
Un-accounted for Acre=	0.1
Un-accounted for Vol=	0.0

Recommended splits at 1" per acre and 4.5 A/a per acre to preserve licensed diversion Rate and Volume.

(Internet)

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AT-CRAIS

NOV 22 2004

WR-DAN

Page _____ of _____

STATE OF IDAHO **WATER RESOURCES**
DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant FRED &/OR SHIRLEY MAUL Phone 846-9466
Post Office address 3700 E. HUBBARD Rd. MERIDIAN, ID. 83642

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes WE WISH TO USE OUR WELL TO IRRIGATE
OUR PROPERTY RATHER THAN THE WELL LOCATED ACROSS THE ROAD
NO LESS THAN 1/4 mile AWAY.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--|----------|-----------------------|------------------------------|---------------------------|
| * 63-31590 | 12-29-80 | .09/22.2 | IRR | 3-15 to 11-15 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
| 2. Total amount of water being transferred | | .09 | cubic feet per second and/or | 22.2 acre-feet per annum. |
| 3. Source of water | | tributary to | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	
2N	4E	9								5								5	
* Existing AJ Record - portion of original license 63-9655																			

Total acres 5

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

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NOV 26 2004

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, 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
63-20065	N				
63-31590	N				

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) are 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) PATRICIA + ED LEWIS
4. New Owner/Claimant(s) FRED / SHIRLEY MAUL
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address N/C
- City, State and ZIP Code _____
- New Telephone Number (208) 846-9465
5. Date you acquired the property AUG. 2000

6. If the change in ownership affects the entire water right for each water right or 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 _____

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	_____	_____
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 _____

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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. **Signature of New Owner(s) or Claimant(s)** _____
(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 Ly Date 11/22/04 Fee
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____



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NOV 26 2004

WATER RESOURCES
WESTERN REGION

Order No. 00008265 JH/JC
This form furnished by Stewart Title of Boise, Inc.

WARRANTY DEED

For Value Received EDWARD W. LEWIS AND PATRICIA ANN LEWIS, HUSBAND AND WIFE

the Grantor hereby grants, bargains, sells, conveys and warrants unto FRED E. MAUL AND SHIRLEY MAUL, HUSBAND WIFE

the Grantee whose current address is: 3700 E. HUBBARD ROAD KUNA, ID 83634

the following described premises, to-wit:

AS PER LEGAL DESCRIPTION ATTACHED HERETO

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all incumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: August 01, 2000

Edward W. Lewis
EDWARD W. LEWIS

Patricia Ann Lewis
PATRICIA ANN LEWIS

State of IDAHO

ss.

County of ADA

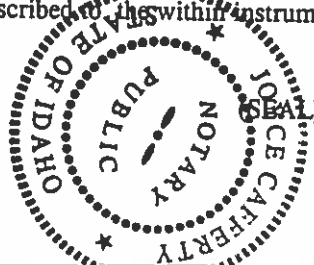
On this 2nd day of August, 2000, before me, the undersigned, a Notary Public, in and for said State, personally appeared EDWARD W. LEWIS AND PATRICIA ANN LEWIS

known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public

Residing at BOISE, IDAHO



LEGAL DESCRIPTION

Order Number: 00008265

ALL THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 NORTH OF RANGE 1 EAST OF THE BOISE MERIDIAN, LYING SOUTH AND WEST OF THE RAWSON CANAL AS NOW LOCATED, IN ADA COUNTY, STATE OF IDAHO

EXCEPTING THEREFROM;

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 9, THENCE SOUTH 89°46'40" WEST ALONG THE CENTER QUARTER LINE A DISTANCE OF 2662.95 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 9, THENCE CONTINUING SOUTH 89°46'40" WEST ALONG SAID CENTER QUARTER LINE A DISTANCE OF 829.71 FEET TO THE REAL POINT OF BEGINNING, THENCE NORTH 00°13'20" WEST A DISTANCE OF 537.63 FEET TO A POINT ON THE CENTERLINE OF RAWSON CANAL, THENCE SOUTH 56°39'19" EAST ALONG SAID CENTERLINE OF RAWSON CANAL A DISTANCE OF 972.37 FEET TO A POINT ON THE CENTER QUARTER LINE, THENCE SOUTH 89°46'40" WEST ALONG SAID CENTER QUARTER LINE A DISTANCE OF 810.22 FEET TO THE REAL POINT OF BEGINNING

FRED MAUL
3700 E. HUBBARD ROAD
MERIDIAN, ID 83642

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NOV 26 2004

WATER RESOURCES
WESTERN REGION

NOV. 22, 2004

MR. CRAIG SAXTON
IDAHO DEPT. OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, ID 83705-5082

DEAR MR. SAXTON,

IN REFERENCE TO 63-31590 , REGARDING THE TRANSFER OF WATER RIGHTS FROM ED LEWIS TO MYSELF , FRED & SHIRLEY MAUL RESIDING AT ADDRESS OF 3700 E. HUBBARD RD., MERIDIAN, ID. ENCLOSED YOU WILL FIND A COPY OF OUR WARRANTY DEED FOR THE PROPERTY.

ALSO, WE HAVE USED A SMALL SHARE OF OUR EXISTING WELL WATER FOR IRRIGATION USE DURING THE PAST 4 YEARS OF OWNERSHIP OF THIS PROPERTY. WE ALSO UNDERSTAND THAT THERE WAS A PIPE THAT WAS REMOVED BACK IN 1987 THAT RAN ACROSS THE RAWSON CANAL THAT WAS USED FOR THE PURPOSE OF IRRIGATING THIS PROPERTY.

AT PRESENT WE ARE AT LEAST 1/4 MILE AWAY FROM THE WELL THAT THIS PIPE CAME FROM. THAT IS WHY WE WOULD LIKE TO BE ABLE TO USE OUR WELL TO SUPPLEMENT THE CANAL WATER ON A AS NEEDED BASIC.

ALSO ENCLOSED IS OUR NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP FORM.

THANK YOU,



FRED MAUL

Memorandum

Date: 11/22/04

From: Craig L. Saxton

Subject: 63-31590

Met with Fred Maul today, which is a current owner of a portion of the POU that appears to have been licensed under 63-09655. He stated that he has knowledge that the water supplied from the licensed well actually did make it across the canal to irrigate his property historically. He also stated that he has used the water as recently as a couple of years ago.

I did the preliminary review on the splits of 63-09655. There was 5 acres of WR and 0.09 cfs not recommended. Based on our discussion (Lori Graves and myself) we have suggested that Mr. Maul file a change of ownership and amend the claim to represent his water use.

Mr. Maul will supply me with the change of ownership and an affidavit describing his historic water use. He has also filed a transfer to change the POD to the well that currently exists on his property.

At this time I am just waiting for his coorespondance.

T2N

Wetebir

Timothy

Archuleta

Greenwell

SWNE

Bohlman

9

5-21-04 : Appears to need C/O to: Timothy A & Stephanie A Living Trust
8475 S Stewart Rd
Meridian ID 83634

↓
5-26-04 : No on above notes: Lewis doesn't own any
land in Original POA anymore This is just
left over claim. It is assumed that licensed
POA under 63-9655 showed > poa acreage than
reality.

2-10-05 : 5-26-04 statement Incorrect. Per affidavit from
claimant, water was piped over canal to SW
portion of SE NW Quarter, or claimed POA.
Can Rec this claim.

No new address found - several choices,



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

November 5, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

EDWARD W LEWIS
PATRICIA A LEWIS
3700 E HUBBARD RD
MERIDIAN ID 83642

Re: Original Notice of Claim to a Water Right No. 63-31471

Renumbered to Notice of Claim to a Water Right No. 63-31590

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by issuing a new water right number to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office. Also enclosed is a copy of the original claim for your reference.

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

If you have any questions concerning this ownership change, or the enclosed claim copy, please feel free to contact this office.

Sincerely,

Adjudication Section
Western Region Office

DH: dh

Enclosure

Music, Vicky

From: Music, Vicky
Sent: Tuesday, May 05, 2009 3:16 PM
To: 'Ted Booth'
Cc: Harris, Lori; Shurte, Jan; 'Diana Delaney'
Subject: RE: 63-31590

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

The above is the remark in the recommendation. I removed the references to Nov 15 and replaced it in our database with the following.

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Vicky Music

From: Harris, Lori
Sent: Monday, March 09, 2009 2:51 PM
To: Music, Vicky
Subject: FW: 63-31590

One of Dan's, please check.

From: Shurte, Jan
Sent: Monday, March 09, 2009 11:57 AM
To: Harris, Lori
Subject: FW: 63-31590

From: Ted Booth [mailto:tbooth@srba.state.id.us]
Sent: Friday, February 27, 2009 10:13 AM
To: Shurte, Jan
Subject: 63-31590

Jan,
The SOU and/or the shoulder remark needs to be revised.
Ted

Eliminate annoying spam!

5/5/2009