

11/16/2004

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

RIGHT NUMBER: 1-10462
NAME AND ADDRESS: CAROL BOYCE
3148 E 600 N
MENAN ID 83434

S DEAN BOYCE
3148 E 600 N
MENAN ID 83434

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 4.800 CFS
PRIORITY DATE: 06/01/1890
POINT OF DIVERSION:

T04N R37E S3 NWNESE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	4.800 CFS

PLACE OF USE: IRRIGATION Within JEFFERSON County

T04N R37E S02 Lot 3 NENW	4.0	T04N R37E S02 Lot 4 NWNW	37.0
T04N R37E S02	SWNW 39.0	T04N R37E S02	NWSW 34.0
T04N R37E S03	NESE 32.0		

146 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: Decreed

Diversion no. 13057105.

This right is old right no. 25-257.

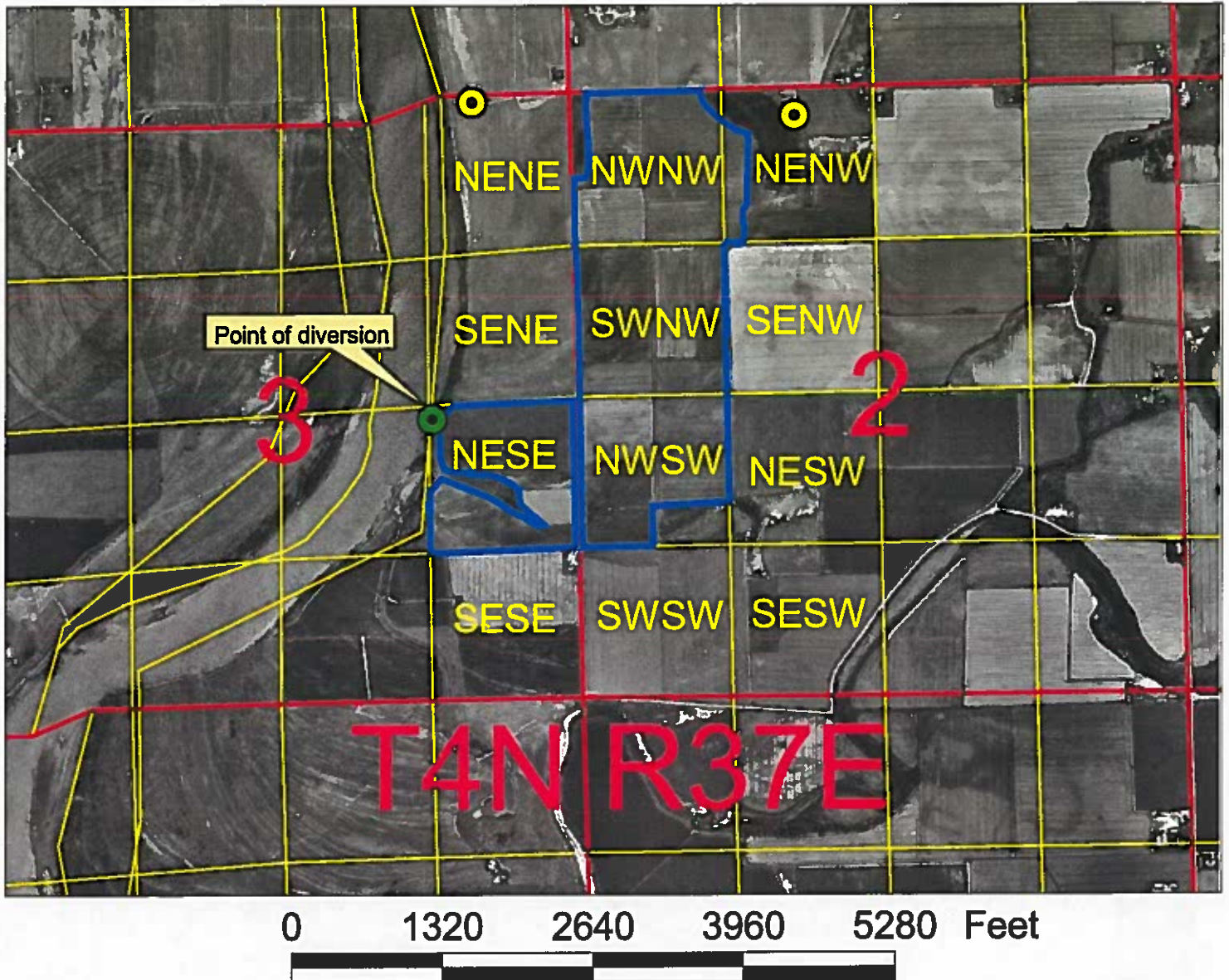
Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

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



Department of Water Resources

Claim No.: 01-10462



- Point of diversion
- Place of Use
- Sections
- QQ

PROFILED



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: November 2004

Stage: DECREED

JEFFERSON County

SE

25-14048

TRANSFER #240 MOVED P/D FROM
SN 38E 32 NWNW ON SPRING CREEK
TO 4N 37E 3 LOT2 ON SNAKE RIVER.

25-257

B. G. LAWSON

4.80 CFS

JUNE 1, 1890

SPRING CREEK

4N 37E 2

N $\frac{1}{2}$ NW $\frac{1}{4}$

SW $\frac{1}{4}$ NW $\frac{1}{4}$

NW $\frac{1}{4}$ SW $\frac{1}{4}$

9/2/2003

25-257/25-14048

037 P/D E 654/25 P/D from Snake River
N 291194

Met w/ Dean Boyce. He corrected POU map. I made further corrections based on my field exam. Dean said that the acreage in section 3 was not irrigated until after the transfer #240. Before the transfer ground in NENW of section 2 was being irrigated w/ Spring Creek water. That QD can also be irrigated by Long Island Canal shares carried via the Emmer lateral ditch.

The ground in the NESE of section 3 has been irrigated from the river pump since shortly after the transfer. The ground in the NENW of section 2 which was formerly irrigated by Spring Creek water has been irrigated with a PTO pump from a spring for 40 years according to claimant. However that P/D has not been claimed. See photo for GPS coordinates.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

35-0051
25-0257

In the Matter of the Application of

Reed S. Boyce and Gerald Walker
of Roberts, Idaho,

For a Change of Point of Diversion
from Spring Creek, Jefferson County, Idaho,
in Water District No. 36.

ORDER GRANTING CHANGE
OF POINT OF DIVERSION

No. 240

WHEREAS, On the 6th day of June, 1957, the application of Reed S. Boyce and Gerald Walker, of Roberts, Idaho, for a change of point of diversion from Spring Creek, came on regularly for hearing, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, pursuant to the published notice, in due and regular form; and,

WHEREAS, No protests have been filed against the application, and the evidence filed by the applicants, with the application, shows that a more efficient and beneficial use of the water will be obtained by such change, and that no other water user will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Change of Point of Diversion be granted to the applicants herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 7th day of October, A.D.1957.

Mark R. Kulp
MARK R. KULP

State Reclamation Engineer

(SEAL)

RECEIVED
OCT 10 1957

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE FOR CHANGE OF POINT OF DIVERSION OF DECREED WATER RIGHT

No. 240

THIS IS TO CERTIFY THAT Reed S. Boyce and Gerald Walker, of Roberts, Idaho, are the owners of and using a certain water right for Four and Eight-tenths (4.8) cubic feet per second of the waters of Spring Creek, with a priority of June 1, 1890, said water being decreed to B. G. Lawson, by Judge J. M. Stevens, of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of

REXBURG IRRIGATION COMPANY, et al.,

Plaintiffs,

Vs.

LETON IRRIGATION CANAL COMPANY, et al.,

Defendants

said decree bearing date of December 16, 1910, and being appurtenant to the following described lands, to-wit:

Lots 3 & 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2,
Township 4 North, Range 37 East, B.N.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho in Volume 3 of Decrees, beginning at page 450.

That said Reed S. Boyce and Gerald Walker have become the owners of said land by purchase.

And that now, upon the application of Reed S. Boyce and Gerald Walker, of Roberts, Idaho, for a change of point of diversion, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to change the point of diversion of 4.8 cubic feet per second of the waters of Spring Creek, is HEREBY GRANTED.

That said change of point of diversion shall not modify in effect said decreed water or place of use.

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

4.8 cubic feet per second,
with priority of June 1, 1890.

That said water is appurtenant to the following described lands, to-wit:

Lots 3 & 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2,
Township 4 North, Range 37 East, B. M.

That the water right hereby described has heretofore been diverted from Spring Creek with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, Township 5 North, Range 38 East, B. M.

That the water right hereby described will hereafter be diverted from Snake River with point of diversion in Lot 2, Section 3, Township 4 North, Range 37 East, B. M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 7th day of October, A. D. 1957.

Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

(SEAL)

Affidavit for Change of Point of Diversion of Decreed Water Right

RECEIVED
MAY 7 1957

Department of Reclamation

STATE OF IDAHO,

County of _____

ss.

Reed S. Boyce & Gerald Walker, being first duly sworn, deposes and says: That his postoffice address is Star Route, Roberts; That he is the owner of and using a certain water right, bearing date of priority of June 1, 1990, for 4.8 cubic feet per second of the waters of Spring Creek, County of Jefferson, State of Idaho, decreed to B. G. Lawson, by decree of Judge J. M. Stevens, of the 6th Judicial District of the State of Idaho, in and for the County of _____, in the case of Reed S. Boyce & Gerald Walker vs. Idaho In. Canal Co said decree bearing date of Dec 16 1910, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. 36, in the County of Jefferson, and State of Idaho, to-wit: Lots 3 & 4, SW¹ NW⁴, NW¹ SW⁴ Sec 2 - T4N., R. 37E

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: By purchase: Reed S. Boyce owns lots 3 & 4; Gerald Walker owns the other 80 acres

That said waters are now diverted from said stream in the N.W. 1/4 N.W. 1/4 of Sec. 32, Twp. S.N. 38E, Range 38E, and conducted to the above described lands through the a private ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described to a point located in Lot 1 1/4 of 1/4, Sec. 3, Twp. 4 N, Range 37 E, and thereafter conduct same to the above described land through the a private ditch ditch, as per map above referred to:

That his reasons for desiring to make such change are as follows: Due to land levelling operations the old channel of Spring Creek is filled in at old point of diversion and it is now necessary to pump water from Snake River below mouth of Spring Creek to irrigate the land.

That no one will be injured by such change and that such change will be made at affiant's own risk.

Reed S. Boyce Gerald Walker
Affiants

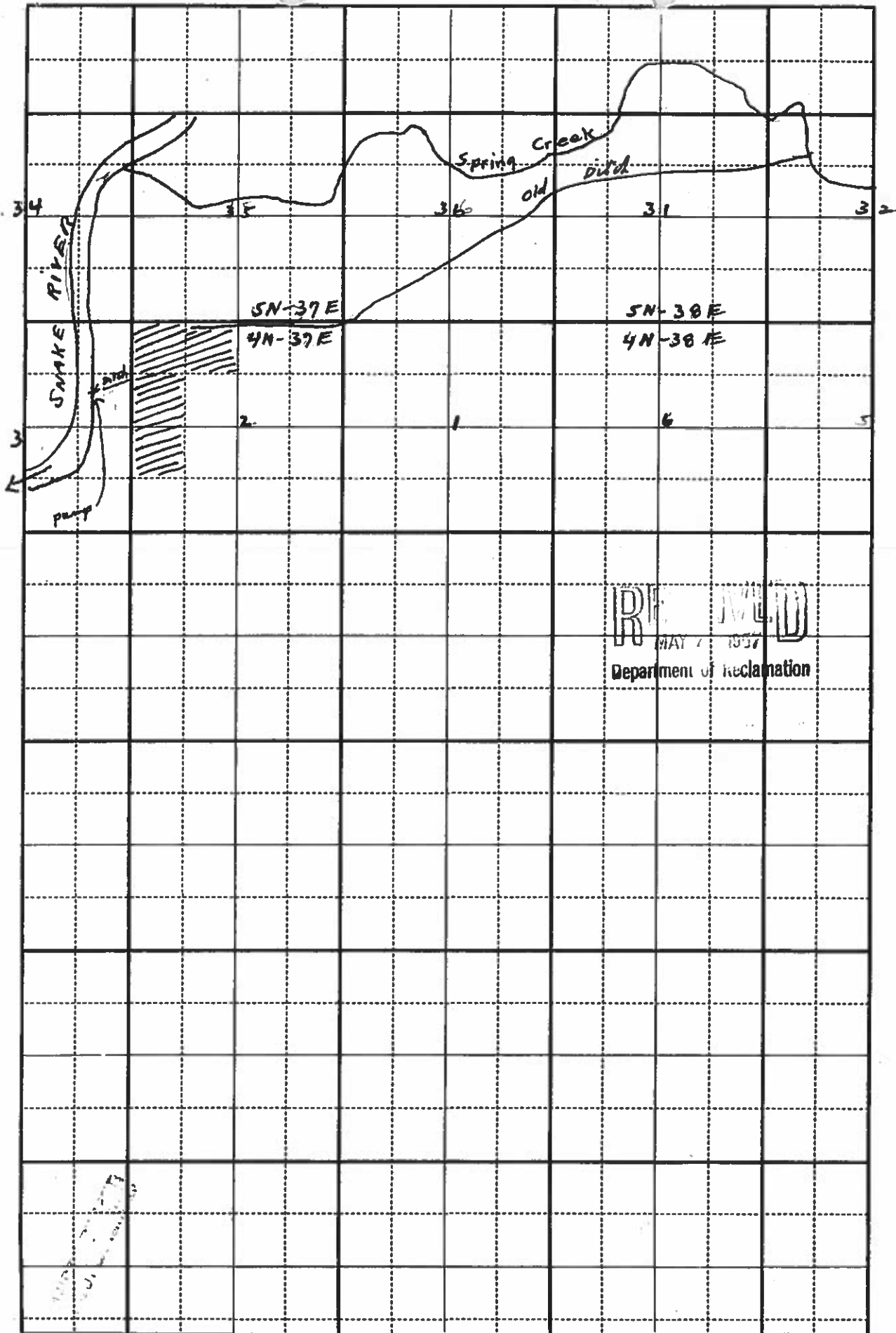
Subscribed and sworn to before me this 6th day of May, 1957

John M. Carter
Notary Public

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

O.K. Lynn Randall, 5/6/57

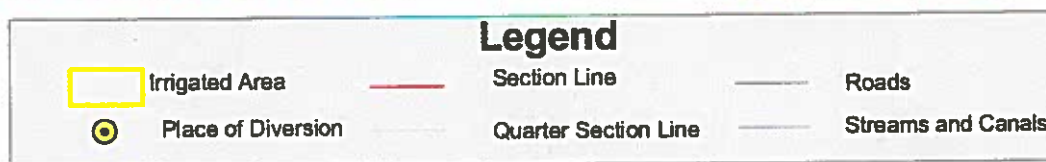
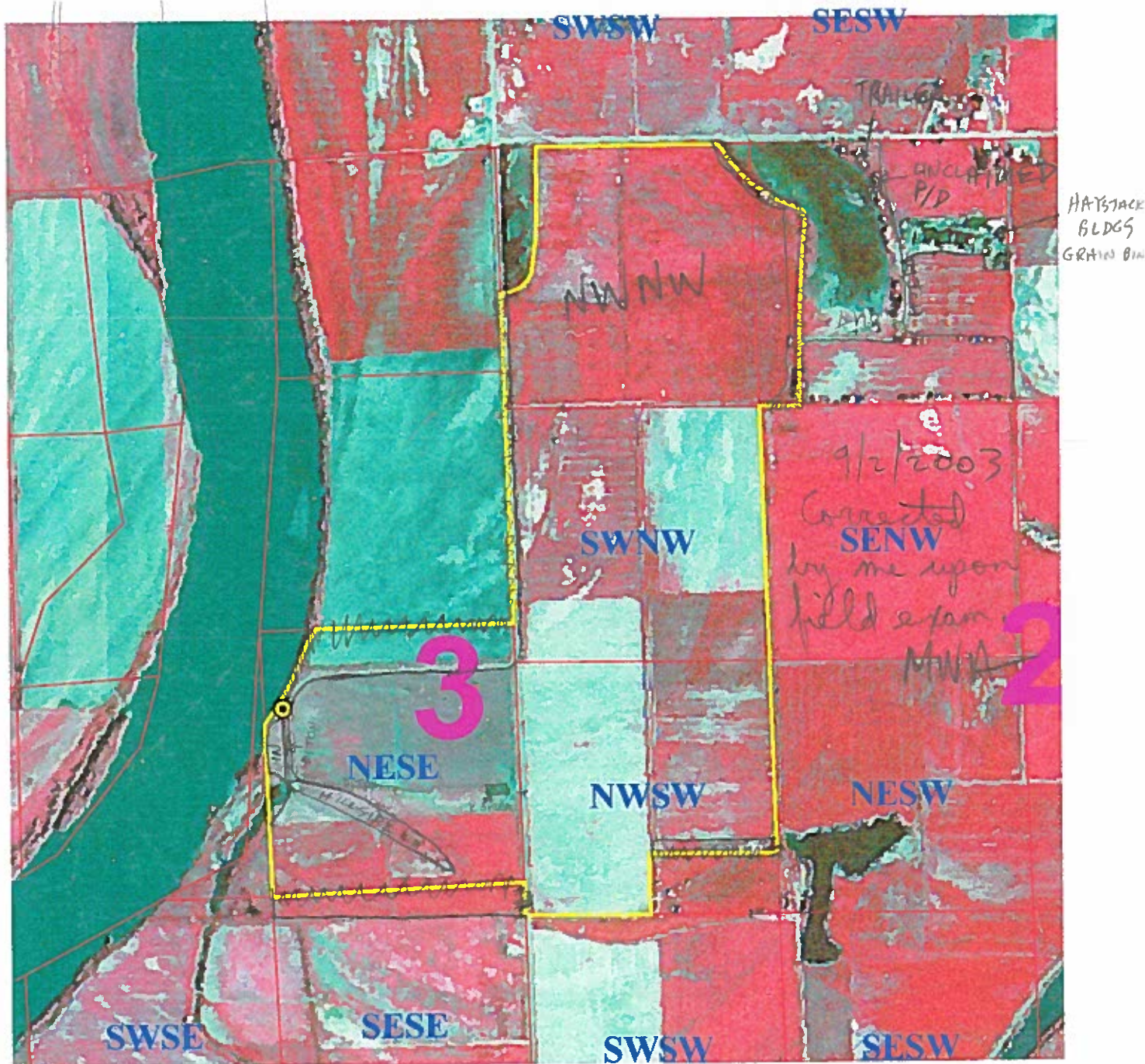
MAILED



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

Water Right Claim Number 25-00257
Townships , 5N37E, 4N37E

12/18/2000



600 0 600 1200 1800 Feet

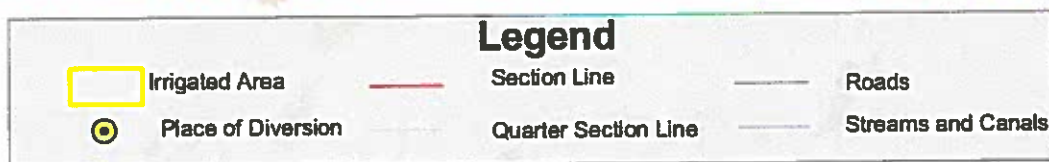


SPATIAL
DYNAMICS



Water Right Claim Number 25-00257
Townships , 5N37E, 4N37E

12/18/2000



600 0 600 1200 1800 Feet



SPATIAL
DYNAMICS



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 1-10462
Date Received: 8/25/2004
Receipt No:
Received By: MWH

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

1. Name of Claimant(s)

CAROL BOYCE Phone: (208)754-4385
3148 E 600 N
ROBERTS ID USA 83444

S DEAN BOYCE Phone: (208)754-4385
3148 E 600 N
ROBERTS ID USA 83444

2. Date of Priority: 06/01/1890

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	37E	3	NW NE SE	JEFFERSON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	4.8	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
04N	37E	2	NE	NW	3	IRRIGATION	4
			NW	NW	4	IRRIGATION	36
			SW	NW		IRRIGATION	40
			NW	SW		IRRIGATION	34

04N

37E 3

NE SE

Section Acres 114

IRRIGATION 32

Section Acres 32

Total Acres 146

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

14. Remarks:

THIS WAS ORIGINALLY FILED AS CLAIM NO. 25-257.

P/D CHANGED BY TRANS. 240.

SOURCE OF WATER WAS ORIGINALLY SPRING CREEK. PREVIOUS OWNERS TRANSFERED POINT OF DIVERSION BECAUSE OF DIFFICULTY GETTING WATER TO THE END OF THE DITCH. SHORTLY AFTER TRANSFER WAS APPROVED MY FATHER PURCHASED THE NE1/4SE1/4 SECTION 3 AND DECIDED TO SET THE PUMP IN THAT 1/4, 1/4. HE ALSO STARTED TO IRRIGATE THAT LAND, WHICH UNTIL THEN WAS WITHOUT WATER RIGHTS.

15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

SCANNED

JUL 27 2001

196⁰⁰
+ 50⁰⁰ late
fee.

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

RENUMBERED TO: 01-10462
Ident. Number: ~~A25-00257~~
Date Received: 10/04/1989
Receipt No: 8014928
Received By: EMC
EMC.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: S. DEAN BOYCE 208-754-4385
Address: 3148 E. 600 N.
ROBERTS, ID 83444
AND/OR
Name: CAROL BOYCE 208-754-4385
Address: 3148 E. 600 N.
ROBERTS, ID 83444
AND/OR
~~Name: GERALD WALKER~~
Address: *Record Corrected 10/04/89*

A2500257



2. Date of Priority: JUN 01, 1890

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	37E	3	NW	NE	SE		JEFFERSON

5. Description of diverting works:
PUMP AND OPEN DISCHARGE INTO DITCHES FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.800		

7. Total Quantity Appropriated is:
4.800 C.F.S. (and/or) 4.80 A.F.A.

8. Total consumptive use is 365.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A25-00257

Page 1

Date: 10/04/89

MICROFILMED
NOV 10 1992
MICROFILMED
NOV 10 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	37E	2	NE	NW	3	IRR	4.0
			NW	NW	4	IRR	36.0
			SW	NW		IRR	40.0
			NW	SW		IRR	34.0
			Section Acres				114.0
		3	NE	SE		IRR	32.0
			Section Acres				32.0
			Total Acres				146.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
NONE

14. Remarks:

P/D CHANGED BY TRANS. 240.
SOURCE OF WATER WAS ORIGINALLY SPRING CREEK. PREVIOUS OWNERS
TRANSFERRED POINT OF DIVERSION BECAUSE OF DIFFICULTY GETTING
WATER TO THE END OF THE DITCH. SHORTLY AFTER TRANSFER WAS
APPROVED MY FATHER PURCHASED THE NE1/4SE1/4 SECTION 3 AND
DECIDED TO SET THE PUMP IN THAT 1/4, 1/4. HE ALSO STARTED TO
IRRIGATE THAT LAND, WHICH UNTIL THEN WAS WITHOUT WATER RIGHTS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

REXBURG IRR. ET AL
Decree Plaintiff

TETON IRR. ET AL.
Decree Defendant

16. Signature(s)

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

Number of attachments: 1

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): X J. Dean Boyce Date: 10, 4, 89

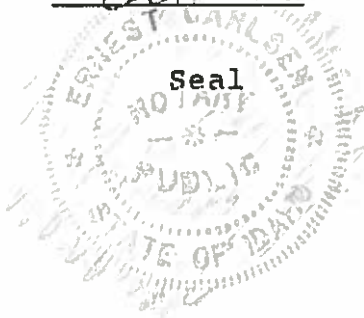
Date: _____

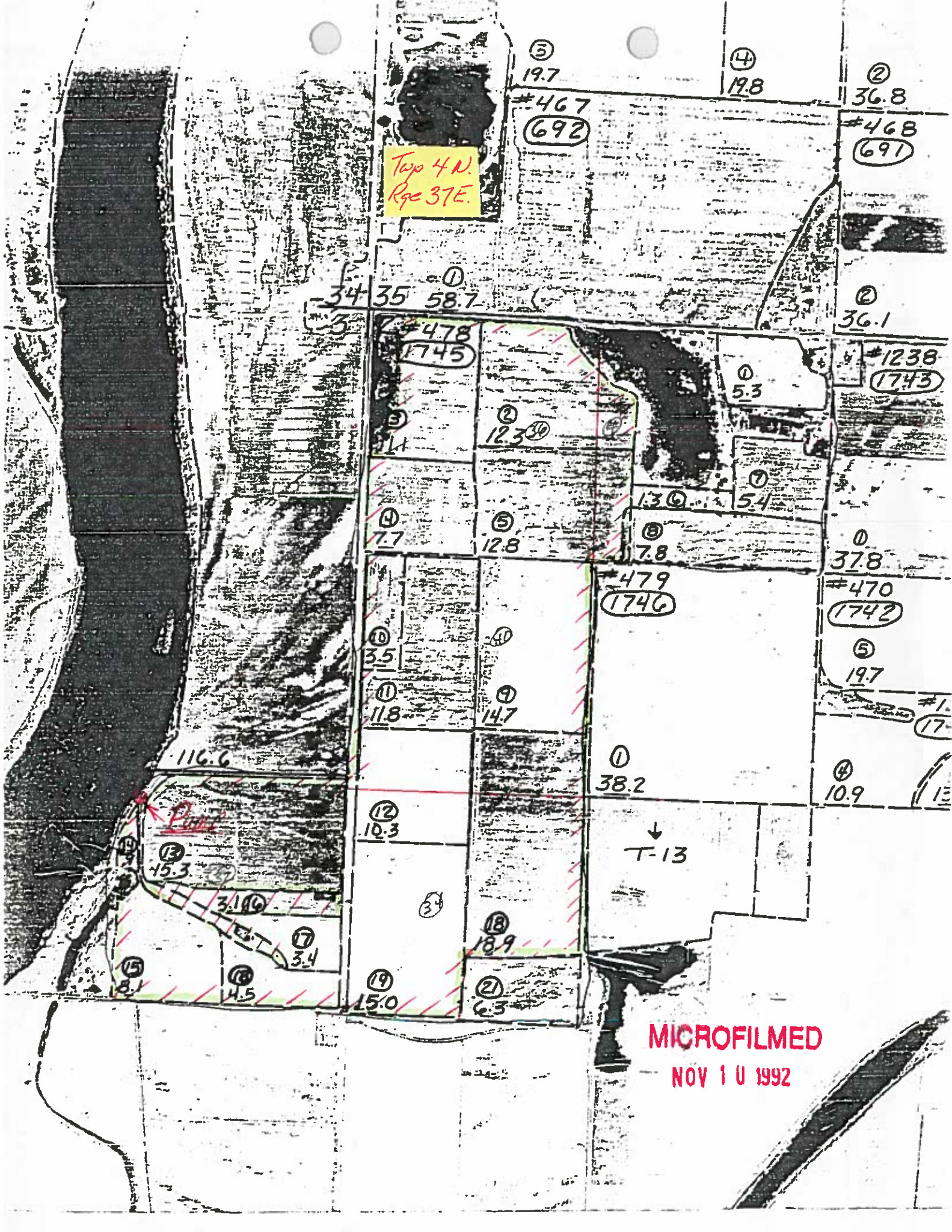
State of Idaho)
County of Bonerville) SS.

Subscribed and sworn (or affirmed) before me this 4 day
of Oct 19 89.

Ernest Carlson
Notary Public

Residing at Abbo Falls, ID.
My Commission Expires 6-14-1994.





Top 4 N.
Rgc 37 E.

MICROFILMED
NOV 1 U 1992