

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 67-2399
Date Received: 4/19/1989
Receipt No: W002596
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KENNETH F DOWNEY
2373 LAPPIN LN
COUNCIL ID USA 83612

Phone: (208) 253-6124

DIANE E DOWNEY
2373 LAPPIN LN
COUNCIL ID USA 83612

Phone: (208) 253-6124

2. Date of Priority: 12/01/1928

3. Source: SEID CREEK Trib. to: PINE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16N	04W	22	SW NW	WASHINGTON	

5. Description of diverting works:

4" PIPE IN CREEK TO POND W/2" PIPE DOWN TO LAND FOR GRAVITY IRRIG

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.24	48

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

8. Total consumptive use:

SCANNED
MAY 17 2004

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	04W	21	NE	SW	IRRIGATION	12
			SE	SW	IRRIGATION	5
					Section Acres	17
					Total Acres	17

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DH 11/3/2003

SOURCE KNOWN LOCALLY AS MILK CREEK.
ADDRESS CHANGE, ROUTE AND BOX TO GRID 5/12/99 SS.

15. Basis of Claim: License

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

RECEIVED

OCT 21 2003

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

WATER RESOURCES
WESTERN REGION

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	67-2399				

RECEIVED

OCT 30 2003

WATER RESOURCES
WESTERN REGION

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. ☒
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Dale Howell

3730 Hwy. 71, Cambridge, ID 83610

4. New Owner/Claimant(s)

Kenneth F. Downey Diane Downey

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

New Mailing Address

2373 Lappin Lane

City, State and ZIP Code

Council, ID 83612

New Telephone Number

(208) 253-6124

5. Date you acquired the property

10-20-03

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) Kenneth F. Downey
(include title if applicable) William Downey

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 DH Date 10-27-03 Fee 0
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

191588

Approved by:

Initials _____

COPY



Warranty Deed

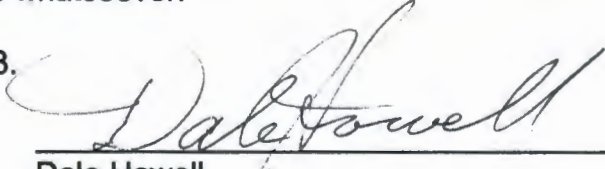


FOR VALUE RECEIVED, DALE HOWELL and LaVON HOWELL, husband and wife, the Grantors, do hereby, grant, bargain, sell and convey unto KENNETH F. DOWNEY and DIANE DOWNEY, husband and wife, the Grantees, whose address is 2373 LAPPIN LANE, COUNCIL, ID 83612, the following described real estate situated in Washington County, State of Idaho, to-wit:

See attached Legal Description.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their successors and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 20th day of October, 2003.


Dale Howell


LaVon Howell

STATE OF IDAHO)
: SS
County of Washington)

Instrument # 191588

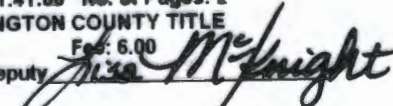
WEISER, WASHINGTON, IDAHO

2003-10-20 11:41:00 No. of Pages: 2

Recorded for : WASHINGTON COUNTY TITLE

SHARON WIDNER

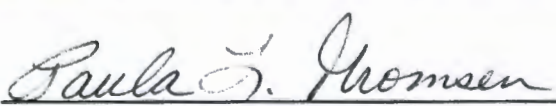
Fee: 6.00

Ex-Officio Recorder Deputy 
Index to: DEED

On this 20th day of October, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared DALE HOWELL and LAVON HOWELL known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

PAULA L. THOMSEN
NOTARY PUBLIC
STATE OF IDAHO


Notary Public for Idaho

Residing at Weiser, Idaho

Commission expires: 3-11-2009

Legal Description to Warranty Deed

IN WASHINGTON COUNTY, IDAHO:

IN TOWNSHIP 16 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:

In Section 20: ~~SE~~^{107-2399 ✓} $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and all that part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying East of the right of way of State Highway No. 71;

In Section 21: $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, ~~S~~^{107-2399 ✓} $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, ~~S~~^{107-2399 ✓} $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, ~~S~~^{107-2399 ✓} $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A67-02399**
Date Received: 4/19/1989
Receipt No: W002596
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: DALE J HOWELL
Address: 3730 HWY 71
CAMBRIDGE ID 83610 208-257-3467
2. Date of Priority: DEC 1, 1928
3. Source: SEID CREEK Trib. to: PINE CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 16N | 04W | 22 | | SW | NW | | WASHINGTON |
5. Description of diverting works:
4" PIPE IN CREEK TO POND W/2" PIPE DOWN TO LAND FOR GRAVITY IRRIG
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.240 | | 48.00 |
7. Total Quantity Appropriated is:
0.240 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:
- | Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 16N | 04W | 21 | NE | SW | | IRR | 12.0 |
| | | | SE | SW | | IRR | 5.0 |

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	17.0
					Total Acres	17.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

SOURCE KNOWN LOCALLY AS MILK CREEK.

ADDRESS CHANGE, ROUTE AND BOX TO GRID 5/12/99 SS.

15. Basis of Claim: LICENSE

Water Right Number: 17016



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

MAY 10 1999

Department of Water Resources

DIRK KEMPTHORNE
GOVERNOR

April 29, 1999

KARL J. DREHER
DIRECTOR

DALE J HOWELL
3730 HWY 71
CAMBRIDGE ID 83610

Re: Snake River Basin Adjudication (SRBA)
Water Rights #67-10014, A67-02141 & A67-02399
Change of Address

*Records changed, NCAP prepared
5-12-99 ss*

Dear Water Right Holder:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by May 17, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right record.

Sincerely,

Sally

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Dale J Howell

Claimant Signature

208-257-3467

Telephone No.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A67-02399

Date Received: 4/19/1989

Receipt No: 4102596

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DALE J. HOWELL 208-257-3467
Address: HC 69, BOX 3700
CAMBRIDGE, ID 83610

2. Date of Priority: DEC 01, 1928

3. Source: SEID CREEK Trib. to: PINE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16N	04W	22	SW		NW		WASHINGTON

5. Description of diverting works:
4" PIPE IN CREEK TO POND W/2" PIPE DOWN TO LAND FOR GRAVITY IRRIG

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.240		48.00

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
16N	04W	21	NE	SW		IRR	12.0
			SE	SW		IRR	5.0

Section Acres 17.0

A67-02399

Page 1

Date: 04/19/89

MICROFILMED
OCT 02 1992

10. Place of Use: Continued

Total Acres 17.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

SOURCE KNOWN LOCALLY AS MILK CREEK.

15. Basis of Claim: LICENSE

Water Right Number: 17016

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): Dale J. Howell Date: 4/19/89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 19th day

of April 19 89

Jan Shurt
Notary Public

Residing at Meridian ID
My Commission Expires 9-14-94



MICROFILMED
OCT 18 2 1992

20	21
29	28

A-336
A-330
+300



PLACE DO
USE

PT OF QUESTION
ON PART

A-88.774
A-88

B
12.0

Receipt Details for ID W002596

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
4/19/1989 2:17:02 PM	4/19/1989	Western	\$153.00	Check
Payer		HOWELL, DALE OR LAVON		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
3781			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEES**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$153.00	ADJUDICATION CLAIM FEES	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
67	2141		\$61.00	Claim
67	2399		\$67.00	Claim
67	10014		\$25.00	Claim

[Print Report](#)

11/15/2006

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

RIGHT NUMBER: 67-2399

NAME AND ADDRESS: KENNETH F DOWNEY
2373 LAPPIN LN
COUNCIL ID 83612

DIANE E DOWNEY
2373 LAPPIN LN
COUNCIL ID 83612

SOURCE: MILK CREEK

TRIBUTARY: SINKS

QUANTITY: 0.240 CFS

PRIORITY DATE: 12/01/1928

POINT OF DIVERSION:

T16N R04W S22 NWSW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.240 CFS 48.00 AFY

PLACE OF USE: IRRIGATION in WASHINGTON County

T16N R04W S21	NESW	12.00	T16N R04W S21	SESW	5.00
---------------	------	-------	---------------	------	------

17 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



Idaho Department of Water Resources

SRBA Recommendation:

67-2399

(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



0 0.3 0.6 Miles



Prepared by V. Music
On Thursday, November 16, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2399 V1

WATER RIGHT NUMBER: 67-2399 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GEORGE LOREE
	CAMBRIDGE, ID
Current Owner	KENNETH F DOWNEY
	2373 LAPPIN LN
	COUNCIL, ID 83612
	(208) 253-6124
Original Owner	DALE J HOWELL
	3730 HWY 71
	CAMBRIDGE, ID 83610
	(208)257-3467
Current Owner	DIANE E DOWNEY
	2373 LAPPIN LN
	COUNCIL, ID 83612
	(208) 253-6124

Priority Date: 12/01/1928

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
MILK CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.240 CFS	48.00 AF
	<u>Total Diversion:</u>	0.240 CFS	

Location of Point(s) of Diversion

MILK CREEK	NW1/4SW1/4	Sec. 22, Twp 16N, Rge 04W, B.M.
WASHINGTON County		

Place of UseIRRIGATION Within WASHINGTON County

T16N R04W S21	NESW	12.0	T16N R04W S21	SESW	5.0
---------------	------	------	---------------	------	-----

Total Acres: 17

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 67-2399 V1

Comments:

1. Vmusic 11/15/2006 RECOMMENDATION
Comment: CLAIMED AND RECOMMENDED AS LICENSE

2. Vmusic 11/15/2006 SOURCE
Comment: LICENSED AS MILK CREEK IN THE SWNW SEC 22 WHICH IS EITHER ON FED LANDS OR CUDDY FARM AND IS SIED CREEK. CLAIMED AS SEID CREEK. MILK CREEK IS IN THE QQ SOUTH OF WHERE LICENSED AND IS MOST LIKELY WHERE THE ORIG POD WAS. RECOMMENDED ON MILK CREEK.

3. Vmusic 11/16/2006 POU
Comment: CLAIM MAP PUTS SOME ACRES IN THE SWSE SECTION 21 BUT NOT LICENSED OR CLAIMED. LICENSE MAP NOT ENTIRELY CLEAR SO MADE THE BEST GUESS. CLAIMANT CAN AMEND CLAIM IF ACCOMPLISHED TRANSFER CHANGED ACRES TO THE SWSE

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	4/27/2004 9:38:34 AM	awarntje			Active
POD	4/27/2004 9:48:20 AM	awarntje			Active
Source	4/27/2004 9:49:06 AM	awarntje			Active
POU	4/27/2004 9:50:50 AM	awarntje			Active
Use	4/27/2004 9:51:33 AM	awarntje			Active
Season	4/27/2004 9:53:03 AM	awarntje			Active
Quantity	4/27/2004 9:55:14 AM	awarntje			Active
Contacts	11/15/2006 4:49:52 PM	Vmusic			Active
Priority Date	11/15/2006 4:50:04 PM	Vmusic			Active
POD	11/15/2006 4:51:01 PM	Vmusic			Active
Source	11/15/2006 4:59:05 PM	Vmusic			Active
POU	11/15/2006 4:59:34 PM	Vmusic			Active
Use	11/15/2006 4:59:46 PM	Vmusic			Active
Season	11/15/2006 5:00:01 PM	Vmusic			Active
Quantity	11/15/2006 5:00:26 PM	Vmusic			Active
Summary			11/15/2006	Vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Source	4/27/2004 9:49:05 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (No) 5. Can the claimed source be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the source?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2399 V1

POU	4/27/2004 9:50:49 AM	awarntje	(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?
POD	4/27/2004 9:47:37 AM	awarntje	Edited point location
Priority Date	4/27/2004 9:38:33 AM	awarntje	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
POD	4/27/2004 9:48:10 AM	awarntje	Edited PLS
POD	4/27/2004 9:48:20 AM	awarntje	(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?
Use	4/27/2004 9:51:33 AM	awarntje	(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?
Season	4/27/2004 9:53:03 AM	awarntje	(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? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?
Quantity	4/27/2004 9:55:14 AM	awarntje	(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? Description for Question 10 - .24 cfs or 4 af/acre
Contacts	11/15/2006 4:50:01 PM	Vmusic	(No) 1. Do you want to schedule an appointment?

Comment for 1: DESKTOP REVIEW

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2399 V1

General	11/15/2006 4:50:14 PM	Vmusic	(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	11/15/2006 4:51:11 PM	Vmusic	(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?
POD	11/15/2006 4:59:01 PM	Vmusic	Updated shape
Source	11/15/2006 4:59:15 PM	Vmusic	(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	11/15/2006 4:55:57 PM	Vmusic	Updated shape
POU	11/15/2006 4:59:44 PM	Vmusic	(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?
Use	11/15/2006 4:59:56 PM	Vmusic	(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 67-2399 V1

Season	11/15/2006 5:00:11 PM	Vmusic	(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? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	11/15/2006 5:00:36 PM	Vmusic	(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?
Summary	11/15/2006 5:02:46 PM	Vmusic	(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? (No) 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?
POU	11/16/2006 9:19:03 AM	Vmusic	Updated shape for Active POU
POU	2/6/2004 3:00:01 PM	awarntje	Edited shape boundary

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-2399

WATER RIGHT NUMBER: 67-2399

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GEORGE LOREE
	CAMBRIDGE, ID
Current Owner	KENNETH F DOWNEY 2373 LAPPIN LN COUNCIL, ID 83612 (208) 253-6124
Original Owner	DALE J HOWELL 3730 HWY 71 CAMBRIDGE, ID 83610 (208) 257-3467
Current Owner	DIANE E DOWNEY 2373 LAPPIN LN COUNCIL, ID 83612 (208) 253-6124

Priority Date: 12/01/1928
Basis: License
Status: Active

*Standard is now
4/1 - 10/31 - no change.*

Source
SEID CREEK

milk cr

Tributary
PINE CREEK

gink's

Beneficial Use
IRRIGATION

From To
3/15 to 11/15

Diversion Rate
0.240 CFS

Annual Volume
48.00 AF

Total Diversion: 0.240 CFS

Location of Point(s) of Diversion

SEID CREEK
WASHINGTON County

milk Creek

SW 1/4 NW 1/4
nnsw

Sec. 22, Twp 16N, Rge 04W, B.M.

Place of UseIRRIGATION Within WASHINGTON County

T16N R04W S21 NESW 12.0 T16N R04W S21 SESW 5.0

Total Acres: 17

Conditions of Approval:

1. Ownership changed by DH 11/3/2003
2. SOURCE KNOWN LOCALLY AS MILK CREEK.
| ADDRESS CHANGE, ROUTE AND BOX TO GRID 5/12/99 SS.

Remarks:

*Craig -
This is Vicky's
writing. Can we
accept this as NOE?*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 3, 2003

KENNETH F DOWNEY
DIANE E DOWNEY
2373 LAPPIN LN
COUNCIL ID 83612

Re: Notice of Claim to a Water Right No. 67-2399

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim was 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.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

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

Denise Hatfield
Office Specialist I
Adjudication Section
Western Region Office

DH: dh

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 22, 2003

WASHINGTON COUNTY TITLE CO
35 W IDAHO ST
WEISER ID 83672

RECEIVED

OCT 30 2003

WATER RESOURCES
WESTERN REGION

RE: Notice of Change of Water Right Ownership No. 67-2399

To Whom It May Concern:

Enclosed is a copy of a Notice of Change of Water Right Ownership form that was recently submitted for Kenneth & Diane Downey. However, we cannot continue to process the ownership change without sufficient **proof of ownership**. This proof can be a copy of a warranty deed(s), sales contract or tax assessment in the current owners name(s), which includes the **legal description of the property by 1/4 1/4, Section, Township and Range**.

Please submit a copy of the proof of ownership, and we will be able to complete the ownership change.

Thank you for your patience and cooperation, as we have had several ownership changes to process. Feel free to contact our office if you have any questions concerning this letter.

Sincerely,

Denise Hatfield

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region
(208) 334-2190

DH: dh

Enclosures

10-29-03

*Denise,
I thought I had
enclosed the Warranty Deed
with the above referenced change.
Here's another copy - sorry if
I overlooked it the first time.
Paula*

AJ0749NP
No. A67-02399

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/12/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DALE J HOWELL 3730 HWY 71 CAMBRIDGE ID 83610 (208) 257-3467	12/01/1928	IRRIGATION	03-15 11-15	0.240 CFS	48.00 AFA
TOTAL DIVERSION:					0.240 CFS	

Water Source: SEID CREEK

Tributary to: PINE CREEK

Stage: LICENSE

Point(s) of Diversion:

T16N R04W S22

SWNW

WASHINGTON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
16N	04W	21	:																	:	17.0
TOTAL ACRES																				:	17.0

POU County: WASHINGTON

Remarks: GEN SOURCE KNOWN LOCALLY AS MILK CREEK.

ADDRESS CHANGE, ROUTE AND BOX TO GRID 5/12/99 SS.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Notice to Mailer of Correction in Address

Addressee's Account Number (All numbers, dates, and letters)

67-10014

☐ No account number on mail

☐ Account number illegible

Addressee's Name

Dale J. Howell

Old Address (Include apartment or suite number)

City, State, and ZIP Code

HC 69 Box 3700
Cambridge, Md 83610

New Address (Include apartment or suite number)

City, State, and ZIP Code

3730 Hwy 71
Cambridge, Md 83610

This card is furnished: ☒ For address correction, as requested (your mailpiece was forwarded).
☐ In place of Form 3579 (see reason for nondelivery below).

The address portion of your mailpiece was not readily detachable. Reason for nondelivery:

- | | | |
|---|---|---|
| ☐ Moved, left no address | ☐ No such street | ☐ No such number |
| ☐ Refused | ☐ Attempted, not known | ☐ Unclaimed |

PS Form 3547, June 1995

+ A67-02141 ✓
✓ - 02399 ✓
~~02~~

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 67-2399

11/15/2006

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
67-2399	Claim	16N	04W	22	SW	NW		SEID CREEK PINE CREEK	KENNETH F DOWNEY
67-2399	Water Right	16N	04W	22	SW	NW		SEID CREEK PINE CREEK	GEORGE LOREE

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 67-2399

11/15/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2399	Claim	16N	04W	21	NE	SW		IRRIGATION	12/17	KENNETH F DOWNEY
2399	Water Right	16N	04W	21	NE	SW		IRRIGATION	12/17	GEORGE LOREE
12123	Water Right	16N	04W	21	NE	SW		STOCKWATER		UNITED STATES OF AMERICA ACTING THROUGH
2399	Claim	16N	04W	21	SE	SW		IRRIGATION	5/17	KENNETH F DOWNEY
2399	Water Right	16N	04W	21	SE	SW		IRRIGATION	5/17	GEORGE LOREE

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 17016/69-2036 Priority Dec. 1, 1928 Amount 0.24 c.f.s.

THIS IS TO CERTIFY, that George Loree
of Cambridge, Idaho, has complied with the terms and conditions of Permit
No. 17016/69-2036 issued pursuant to Application for Permit dated November 17, 1928
and has submitted proof to the Department of Water Administration on December 4, 1928
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.3 c.f.s., and that the water has in fact been applied to a
beneficial use; a right to the use of water from Milk Creek

tributary of _____, is hereby confirmed in the following amounts:
Amount 0.24 for irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 0.24 c.f.s. of water be diverted at
any one time, said waters to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 22, T. 16 N., R. 4 W.,
B.M.

in the county of Washington and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 40 acre feet per year or
4.0 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	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 $\frac{1}{4}$	TOTALS
16N	4W	21									12				17

Total number of acres irrigated 17

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 8 day of
September, 19 71.


Director

69-2036
67-2399

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 17016This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant: George Loree2. Source of water supply: Milk Creek3. Location of point of diversion: Is in the SW $\frac{1}{4}$ of Section 22T. 16 N R. 4 W County of Washington

4. Describe works as they exist, giving dimensions and capacities of same: Control box 6 ft long, 2 ft wide & 2.5 ft deep set in small dam of brush & earth. Ditch 1 ft wide & 1 ft deep. Ditch control is by flash board 2 ft long & 1 ft high

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, Twp. 16 N., R. 4 W., B.M.

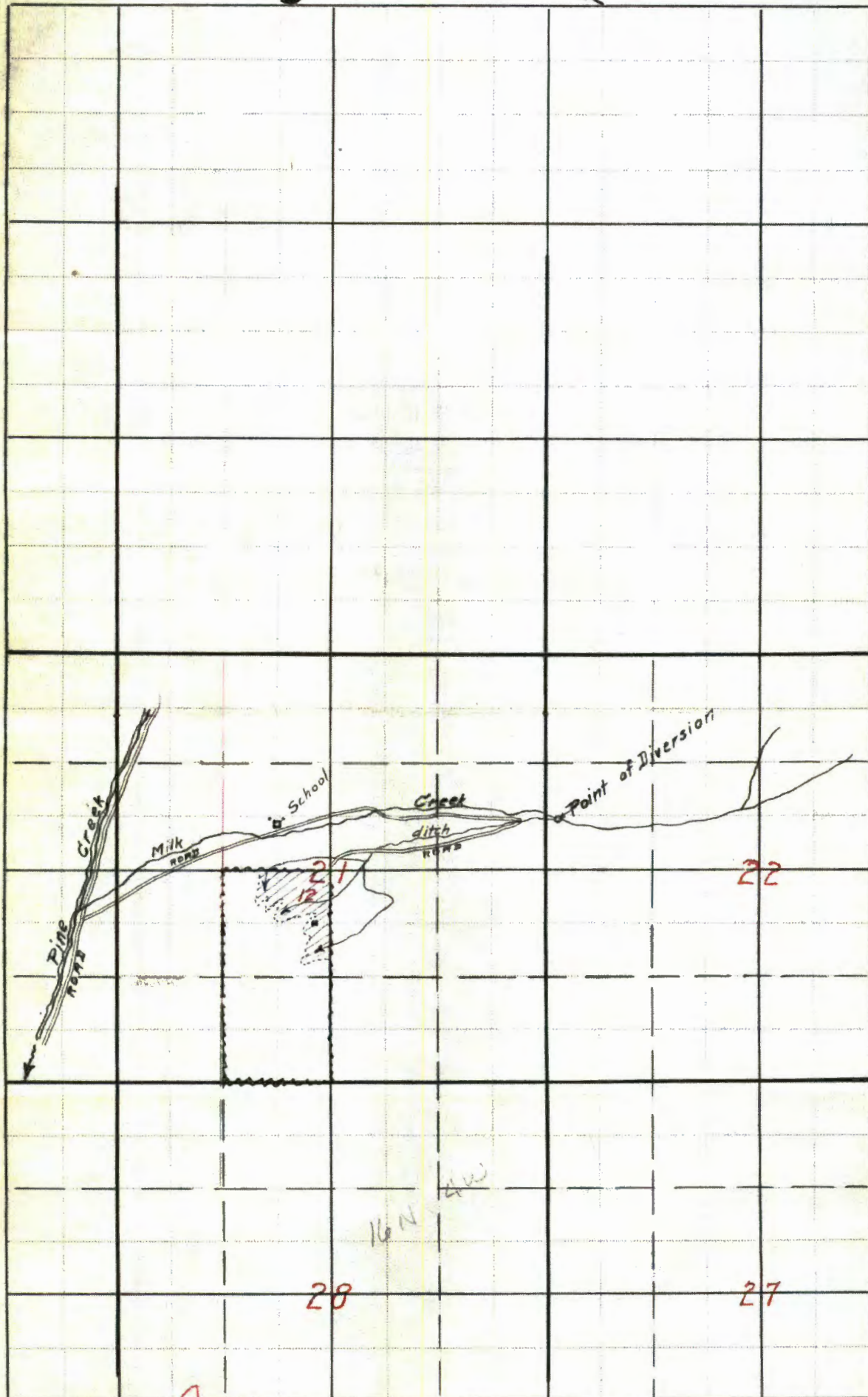
(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Wisser River

Remarks: Stream flow at date of inspection was 2 minor inches. The 12 acres of irrigated land is steep hillside with a rapid return flow to the creek

This examination was made on the 13th day of Aug., 1930(Signed) Edw. H. Johnson Examiner.

17016



SCALE: 2 INCHES EQUALS $\frac{1}{2}$ MILE. DRAW MAP IN INK.

17016

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 17016

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. George Loree, Age 44, farmer, Cambridge, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 17016, Nov. 17, 1928.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Milk Creek (Sometimes Called Sage Creek), in $sw\frac{1}{4}$ $nw\frac{1}{4}$
Sec. 22, T. 16 N. R. 4 W. B. M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Have a head gate in creek, the ditch capable of carrying
10 inches, and known as Loree Ditch.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. for irrigation on $SE\frac{1}{4}$ $NE\frac{1}{4}$ $SW\frac{1}{4}$, Sec. 21, T. 16 N. R. 4 W.
on ten or twelve acres. Land is cultivated, and has been
seeded to timothy and clover. Formerly the land would only raise
rye.

Ques. 7. If for other than for irrigation purposes; state how applied, amount of horse power generated, etc.

Ans.

17016

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. to irrigate good, would not take less than 10 inches.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.
Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.
Ans. since April 20th, 1929, by ditch from creek, about five inches to
Sept. 1, 1929, and then was dry for about onemonth. There is
plenty of water now.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.
Ans. no other waters than under this permit have been used on
premises or put through ditch.

(Sign) George Lovee

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Cambridge, County of Washington, State of Idaho, on this 4th day of December, A. D. 19 29.

Arthur Wilson

My commission expires Oct. 30, 1923



Name of Applicant

George Loree

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

Temp 16 N R 4 W B M



Seed 1000 Point of Direction

Winds 1000

17016

T 16 N

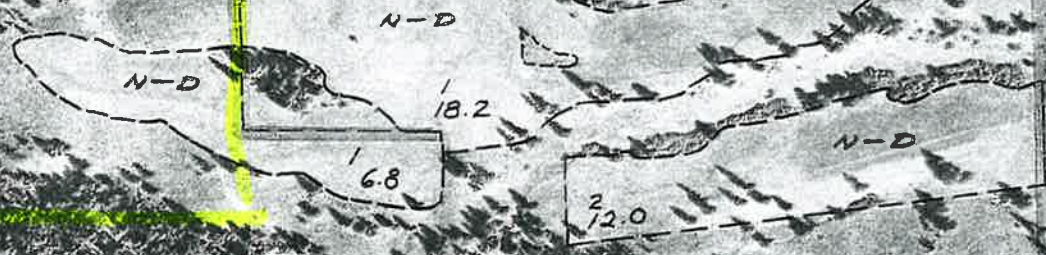
174



T 700

NESW

T 74



20 21
29 28

21 22
28 27

T 73