

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-03180**
Date Received: 1/ 9/1990
Receipt No: M005479
Received By: _____

AMENDED

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

AMENDED

1. Name: GARY CUNNINGHAM 208-863-6561
Address: 5900 PEARL RD
EAGLE ID 83616

AND

Name: MARTHA CUNNINGHAM 208-863-6561
Address: 5900 PEARL RD
EAGLE ID 83616

2. Date of Priority: APR 23, 1960

3. Source: WILLOW CREEK, NORTH FORK Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	01W	25	NE	NW	NE		GEM

5. Description of diverting works:
DIV.TO POND W/PUMP & SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.870		147.00

7. Total Quantity Appropriated is:
0.870 C.F.S. (and/or) 147.00 A.F.A.

8. Total consumptive use is 116.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	01W	25	NE		NW		IRR	4.0
			NW		NW		IRR	3.0
			SW		NW		IRR	9.0
							Section Acres	16.0
		26	NE		SE		IRR	10.0
			SE		SE		IRR	7.0
							Section Acres	17.0
							Total Acres	33.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
N/A

14. Remarks:
AC. IRR.=32.6.
OWNERSHIP CHANGE 10/15/1998. SB

15. Basis of Claim: LICENSE

Water Right Number: 28431

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
OCT 14 1998
WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: A63-03180 A63-07002
Adjudication Claim No(s).: AJ5809NP AJ5809NP

2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Donald B. Jenson / Charlotte Jenson
8661 W. Beacon Light Rd Star ID

4. New Owner/Claimant(s) Stacy Gary & Martha Cunningham
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 5900 Pearl Rd
City, State and ZIP Code Boise, ID
New Telephone Number (208) 863-6561

5. Date you acquired the property Sep 26, 1998

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate 160 Number and type of stock 400 head range 3-100 horses
 Diversion rate in CFS 4.0 Number of homes 1 Other uses _____
5.8

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Stacy Gary
Martha Cunningham
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

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

IDWR Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

Three Horse Ranch

Gary and Martha Cunningham

Telephone 208-863-6561

5900 Pearl Road
Eagle, ID 83616

October 12, 1998

Sue Bock
State of Idaho
Department of Water Resources
Western Region,
2735 Airport Way
Boise, ID 83705-5082

RECEIVED
OCT 14 1998
WATER RESOURCES
WESTERN REGION

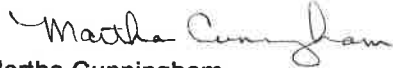
Dear Sue,

Thank you for your help in the water right ownership claim. If you will recall, you sent information to us up at McCall in September as we were in escrow for the property in Eagle.

Enclosed are the ownership change form and a copy of the warranty deed conveying the property from Mr and Mrs Jensen to us. I believe I put in the correct Water Right Numbers and Adjudication Claim Numbers. If I have done this incorrectly, please advise.

Thank you again.

Best Regards,



Martha Cunningham

Inst # 202239

WE HEREBY CERTIFY THAT
THIS IS A TRUE & FAULT
COPY OF THE ORIGINAL
ADVANCE TITLE & ESCROW

WARRANTY DEED

Lucinda M. Jensen
recorded 9-24-98
at 3:51 PM

For Value Received Donald B. Jensen and Charlotte R. Jensen, husband and wife, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Gary N. Cunningham and Martha C. Cunningham, whose address is: P. O. Box 26, Lakefork, Idaho 83635 hereinafter called the Grantee, the following described premises situated in Gem County, Idaho, to-wit:

See Attached Exhibit A

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances Except: current year taxes, conditions, covenants, restrictions, reservations, easements, and right of way, apparent or of record, and that grantor will warrant and defend the same from all claims whatsoever.

Dated: 9-24-98

Donald B. Jensen
Donald B. Jensen

Charlotte R. Jensen
Charlotte R. Jensen

STATE OF IDAHO)
COUNTY OF GEM) : ss.

On this 24th day of September, 19 98 before me, the undersigned Notary Public, personally appeared Donald B. Jensen and Charlotte R. Jensen, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

(SEAL)



Lucinda M. Jensen
Notary Public State of Idaho
Residing at: Emmett, Idaho
My Commission Expires: 6-30-2000

EXHIBIT A

TOWNSHIP 6 North, Range 1 West, B.M., Gem County, Idaho

Section 24: The SW 1/4 of the SE 1/4; and

That part of the SE 1/4 of the SE 1/4 of Section 24, lying North and West of the County Road;

The W 1/2 of the NE 1/4 of the SE 1/4; S 1/2 of the SW 1/4; and NE 1/4 of the SW 1/4; and

SE 1/4 of the SE 1/4 lying East of the County Road.

Section 25: The NW 1/4 of the NE 1/4; NW 1/4 of the SW 1/4; and NW 1/4; NE 1/4 of the NE 1/4; and

That portion of the SW 1/4 of the NE 1/4 of said Section 25, described as follows:

Commencing at the Southwest corner of the SW 1/4 of the NE 1/4 of Section 25, T. 6 N., R. 1 W., B.M., Gem County, Idaho; thence North along the quarter quarter section line to the Northwest corner of the SW 1/4 of the NE 1/4; thence East along the quarter quarter section line to the Northeast corner of the SW 1/4 of the NE 1/4; thence Southwest to the South line of said SW 1/4 of the NE 1/4, to a point 735 feet East of the Real Point of Beginning; thence West 735 feet to the said REAL POINT OF BEGINNING.

Section 26: The SE 1/4 of the NE 1/4; SE 1/4 of the NW 1/4; NE 1/4 of the SW 1/4 and the SE 1/4.

D.J.
C.S.Q.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-03180

Date Received: 1/09/1990

Receipt No: MOU 5479

Received By: CSA



Department of Water Resources

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

1. Name: DONALD B. JENSEN 208-286-7374
Address: 8661 WEST BEACON LIGHT ROAD
STAR, ID 83669

OR

Name: CHARLOTTE JENSEN 208-286-7374
Address: 8661 WEST BEACON LIGHT ROAD
STAR, ID 83669

2. Date of Priority: APR 23, 1960

3. Source: WILLOW CREEK, NORTH FORK Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	01W	25	NE	NW	NE		GEM

5. Description of diverting works:
DIV.TO POND W/PUMP & SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.870		147.00

7. Total Quantity Appropriated is:
0.870 C.F.S. (and/or) 147.00 A.F.A.

8. Total consumptive use is 116.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

A63-03180

Page 1

Date: 01/09/90

MICROFILMED
AUG 18 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	01W	25	NE		NW		IRR	4.0
			NW		NW		IRR	3.0
			SW		NW		IRR	9.0
							Section Acres	16.0
		26	NE		SE		IRR	10.0
			SE		SE		IRR	7.0
							Section Acres	17.0
							Total Acres	33.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
N/A

14. Remarks:
AC. IRR.=32.6.

15. Basis of Claim: LICENSE
Water Right Number: 28431

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): Ronald B. Jensen Date: 1-9-90

Date: _____

State of Idaho)
County of GEM) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of JANUARY 19 90

Donna C. Smith
Notary Public

Seal

Residing at BOISE, ID
My Commission Expires 11/08/1994

08/31/2006

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

RIGHT NUMBER: 63-3180

NAME AND ADDRESS: GARY CUNNINGHAM
5900 PEARL RD
EAGLE ID 83616

MARTHA CUNNINGHAM
5900 PEARL RD
EAGLE ID 83616

SOURCE: NORTH FORK WILLOW CREEK

TRIBUTARY: WILLOW CREEK

QUANTITY: 0.870 CFS
147.000 AFY

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.

PRIORITY DATE: 04/23/1960

POINT OF DIVERSION:

T06N R01W S25 NWNE Within GEM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.870 CFS
147.00 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 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 GEM County

T06N R01W S25	NENW	1.60	T06N R01W S25	SWNW	8.20
T06N R01W S25	SENW	0.40	T06N R01W S25	NWSW	4.60
T06N R01W S26	NESE	11.80	T06N R01W S26	SWSE	0.20
T06N R01W S26	SESE	5.80			

32.6 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

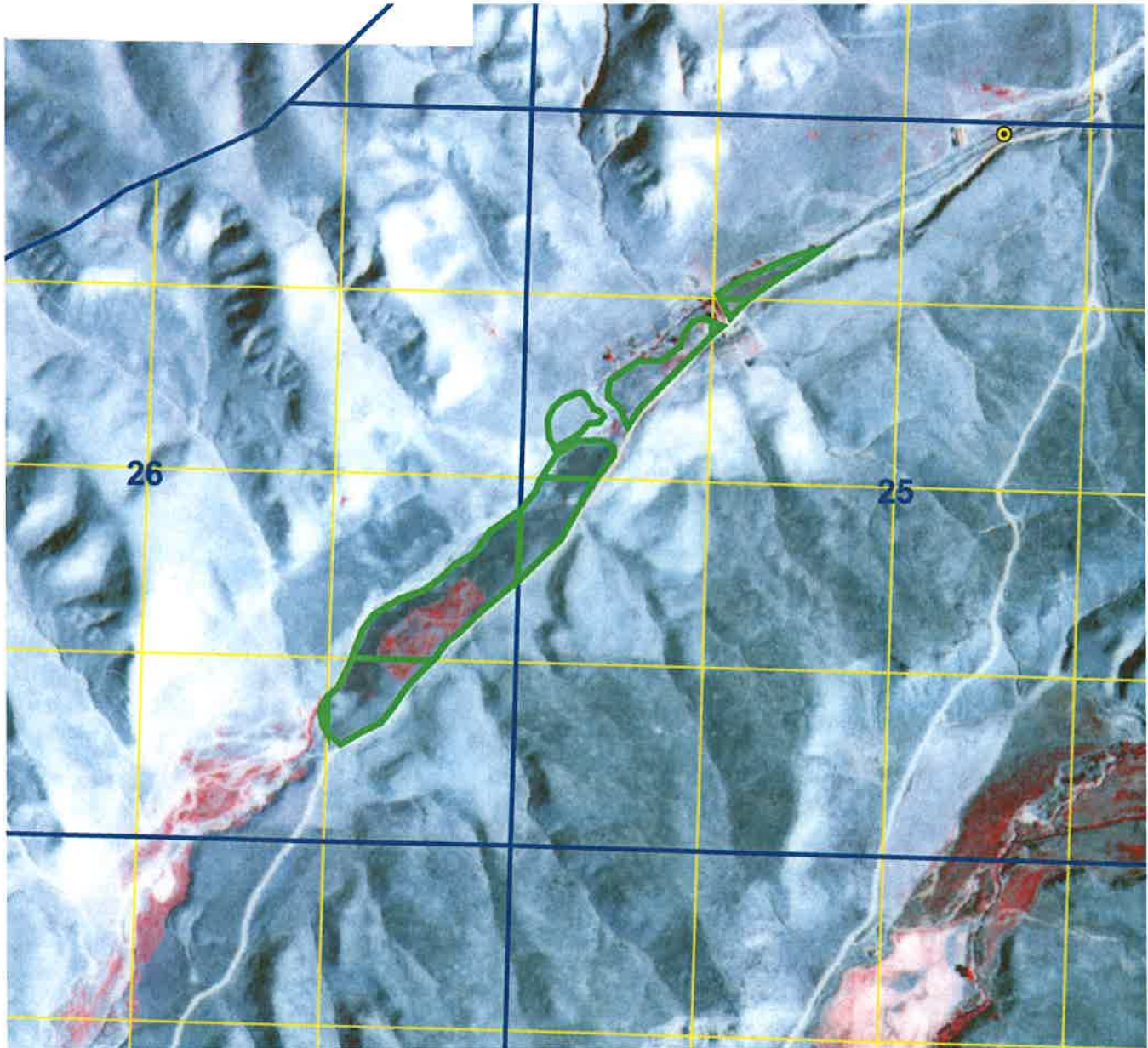
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

63-3180

06N 01W Sections 25 & 26



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 32.6

600 0 600 Feet



IDWR
Prepared by: Lori Graves
Date: 08-21-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3180 V1

WATER RIGHT NUMBER: 63-3180 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DONALD B JENSEN 9551 W HIGHWAY 52 EMMETT, ID 83617 (208)286-7374
Original Owner	CHARLOTTE JENSEN 9551 W HIGHWAY 52 EMMETT, ID 83617 (208)286-7374
Current Owner	GARY CUNNINGHAM 5900 PEARL RD EAGLE, ID 83616 (208)863-6561
Current Owner	MARTHA CUNNINGHAM 5900 PEARL RD EAGLE, ID 83616 (208)863-6561

Priority Date: 04/23/1960

Basis: License

Status: Active

Source

NORTH FORK WILLOW CREEK

Tributary

WILLOW CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 11/01

Diversion Rate

0.870 CFS

Annual Volume

147.00 AF

Total Diversion:

0.870 CFS

147.00 AF

Location of Point(s) of Diversion

NORTH FORK WILLOW CREEK

GEM County

NW1/4NE1/4

Sec. 25, Twp 06N, Rge 01W, B.M.

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	
06N	01W	25					1.6		8.2	.4			4.6						14.8
06N	01W	26													11.8		.2	5.8	17.8

Total Acres: 32.6

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-3180 V1

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.
2. S39 The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 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. 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.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Remarks:Comments:

1. Igraves 8/21/2006 Overlaps

Comment: Ground water from right 63-7002 overlaps 2 acres in the SWNW S25.

2. Igraves 8/21/2006 P/U

Comment: The original licensing exam found 41.5 acres irrigated, but had to limit the license to 32.6 acres as listed on the proof of beneficial use. The recommended p/u for the 32.6 licensed acres was adjusted based on the 1987 aerial photo.

3. Igraves 8/21/2006 P/D

Comment: P/d was recommended to the forty acre tract as licensed.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3180

WATER RIGHT NUMBER: 63-3180

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DONALD B JENSEN 9551 W HIGHWAY 52 EMMETT, ID 83617 (208)286-7374
Original Owner	CHARLOTTE JENSEN 9551 W HIGHWAY 52 EMMETT, ID 83617 (208)286-7374
Current Owner	GARY CUNNINGHAM 5900 PEARL RD EAGLE, ID 83616 (208)863-6561
Current Owner	MARTHA CUNNINGHAM 5900 PEARL RD EAGLE, ID 83616 (208)863-6561

Priority Date: 04/23/1960

Basis: License

Status: Active

Source
NORTH FORK WILLOW CREEK

Tributary
WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.870 CFS	147.00 AF
	<u>Total Diversion:</u>	0.870 CFS	147.00 AF

Location of Point(s) of Diversion

NORTH FORK WILLOW CREEK ~~NE1/4NW1/4~~ NE1/4 Sec. 25, Twp 06N, Rge 01W, B.M.
GEM County *as licensed*

Place of Use

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 01W 25					4.0	3.0	0.0	.4					4.6				46.0
06N 01W 26					1.6		8.2								.2	7.0	17.0
Total Acres: ~~33~~																	32.6

Conditions of Approval:

1. AC. IRR.=32.6.
OWNERSHIP CHANGE 10/15/1998. SB

Dates and Other Information:

Claim Received Date: 1/9/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

add 539 3/15-11/15
COS acre shrub
expl - R65 - 1" + 4.5 af/ac
when combined
with other rts

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 28431/63-3180 Priority April 23, 1960 Amount 0.87 cfs
(late proof)

THIS IS TO CERTIFY, that GLEA & ELWOOD T. SMITH
of Eagle, Idaho, have, ~~xxx~~ complied with the terms and conditions of Permit
No. 28431/63-3180 issued pursuant to Application for Permit dated February 4, 1960,
and has submitted proof to the Department of Water Administration on May 6, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1.30 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from North Fork Willow Creek
tributary of Willow Creek, is hereby confirmed in the following amounts:

Amount 0.87 cfs for Irrigation from April 1 to Nov. 1 (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 0.87 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25, Twp. 6 N, Rge. 1 W, B.M.

in the county of Gem; 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 147 acre feet per year or
4.5 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 $\frac{1}{4}$				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 $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6 N	1 W	25					3.6	3	9.3										15.9
		26													10			6.7	16.7

Total number of acres irrigated 32.6

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 5 day of
October, 19 73.


Director

63 3180

FIELD REPORT

- 63 2120

DATE OF EXAM 12 May 72

ACREAGE
Found 41.5
Recommended 32.6

Irrigation Requirement 4.5 Ac Ft/Ac

USE
Irrigation Q = .65 c.f.s. V = 146.70 AF/Ann. from Mar 15 to Nov 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

Name source: North Fork Willow Creek
twp. 6 N/S, Rge 1 E/W, B.M., Sec. 25, Sub. NW $\frac{1}{4}$ NE $\frac{1}{4}$ Ada County

Exchange? yes _____ no ✓

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ County

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ County

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ County

Total Q measured 1.30 cfs Method of measurement Pygmy Meter

Total Q recommended .65 cfs Meter No. R-748 Type _____ Condition _____

Total V recommended 146.7

Recommended Amendments:

P.D. NW $\frac{1}{4}$ NE $\frac{1}{4}$ 25 T6N R1W

Place of Use _____

Other _____

None _____

MEASUREMENT CALCULATION:

SEE NOTE SHEET
Q = 1.30 Allow @ 1" / AC .65 CFS
V = (4.5 X 32.6) = 146.70

SYSTEM DESCRIPTION:

Earth dam in Willow Creek diverts through headgate into Earth Ditch 1 1/2' wide 1' deep To place of use. Water is flumed across creek to irrigate a small acreage at one point. No pumping takes place so all irrigation is by gravity.

REMARKS:

Point of Diversion Must be amended

Examiner's Signature _____

Date 16 May 72

Checked by _____

Date _____

Approved by _____

Date _____

Diagram of System

by:

by:

by:

by:

H-25



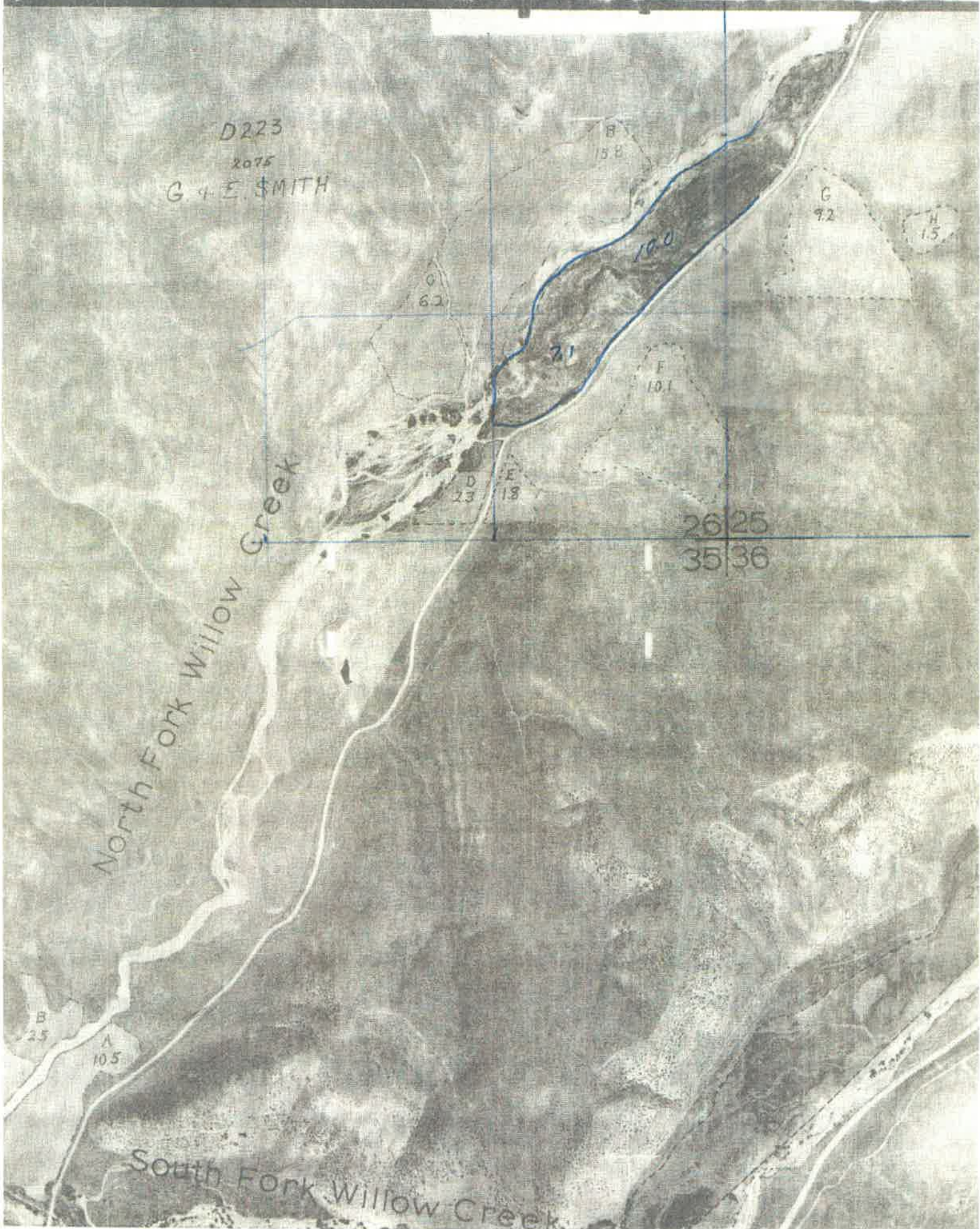
H-28

D223
2075
G & E. SMITH

North Fork Willow Creek

South Fork Willow Creek

26 25
35 36



RECEIVED
MAY 6 1960

Department of Water Administration

Identification No. _____

Permit No. 63-3180

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Glea & Elwood T. Smith
b) Post Office Address Post Office Box #185, Eagle, Idaho
2. Permit Number 63-3180
3. Date of Priority that you are prepared to establish February 4, 1960
4. a) Source from which water was appropriated North Fork Willow Creek
b) Location of the point of diversion: SW 1/4 SE 1/4, Section 24
Township 6 N, Range 1 W, Boise Meridian, Other points of diversion:

5. a) The amount of water and use to which the water has been applied:
amount 4.0 for irrigation purposes from April 1 to July 1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 4.0 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: estimated

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____

b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) diversion dam and head gate

b) Describe the type and size of measuring device which you have installed at your point of diversion: none

c) Give well drillers name and address and date the well was completed _____

Exam Typed 9-23-71
msj
63-3180

68 2139

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	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	
6 N	1 W	25					3.6	3.0	9.3										15.9
		26													10		6.7		16.7

Total number of acres irrigated 32.6

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

5-6-71
(Date)

Edward E. Smith
(Signature)

State of Idaho
County of Ada ss.

On this 6 day of May, 1971, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Donald W. Elder
Notary Public residing at Boise Idaho

My commission expires 2-18-1974