Copy for file

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 22, 2008

George G Conger
Jo Ann M Conger
3252 Strawberry Rd
Council ID 83612

RE: Standard Form 5 in subcase 67-4143

Dear Mr. & Mrs. Conger:

Enclosed you will find Standard Form 5 (SF5) for water right 67-4143 signed by IDWR. These documents are standard settlement agreement forms used by the SRBA Court. Attached to the SF5s are the updated descriptions (recommendations) of your water rights prepared by water agent Sandy Hemenway. The recommendations reflect changes made to your water right description following your discussions with Sandy.

Although you are aware of the changes, please review the recommendation carefully. If the revised recommendation meets with your approval, please initial the recommendation pages as indicated and sign page one of the SF5. After you have signed and initialed all of the documents, return the forms to me in the envelope provided and I will file them with the SRBA Court. You will receive copies of the SF5s once they are filed. Should you have any questions concerning the recommendations, please contact Sandy Hemenway at our office in Boise at 208-287-4920.

Should you require any further assistance or have other questions, please contact me at 208-287-4910. Thank you. We appreciate your patience in this matter.

Sincerely,

Danni M. Smith
Office Services Supervisor

Enclosures

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

In Re SRBA	)	**Subcase No. 67-4143**
	)	
Case No. 39576	)	
	)	**STANDARD FORM 5**
	)	
	)	**STIPULATED ELEMENTS OF A WATER RIGHT**
	)	

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s)/OBJECTOR(s):

George G Conger	Date	Jo Ann M Conger	Date

IDWR Concurrence:

Sandy Hemenway Adjudication Section	Date	Chris Bromley Deputy Attorney General Attorney for IDWR	Date

CERTIFICATE OF MAILING

I certify that on _____, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

   Clerk of the District Court
   Snake River Basin Adjudication
   253 Third Avenue North
   P. O. Box 2707
   Twin Falls, Idaho 83303-2707

2. Copies to:

   George G Conger
   Jo Ann M Conger
   3252 Strawberry Rd
   Council ID 83612

   IDWR Repository
   P.O. Box 83720
   Boise, ID 83720

_____
Signature of person mailing the form

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

RIGHT NUMBER: 67-4143

NAME AND ADDRESS:

GEORGE G CONGER
3252 STRAWBERRY RD
COUNCIL ID 83612

JO ANN M CONGER
3252 STRAWBERRY RD
COUNCIL ID 83612-5112

SOURCE:

Source:	Tributary:
UNNAMED STREAM	WEISER RIVER

CS

QUANTITY: 0.060 CFS ~~0.040 CFS~~

0.000 AFY

PRIORITY DATE: 06/01/1960

POINT OF DIVERSION:

T18N R01E S7 SENW
Within ADAMS County

~~T18N R01E S7 NENESW~~
~~Within ADAMS County~~

PURPOSE AND PERIOD OF USE:

Purpose of use	Period of use:		Quantity:
IRRIGATION	04/01	10/31	0.060 CFS
			~~0.040 CFS~~

PLACE OF USE: IRRIGATION within ADAMS County

T18N R01E S07 SENW 0.2 ~~T18N R01E S07 SENW 1.5~~

T18N R01E S07 NESW 1.8 ~~T18N R01E S07 NESW 0.5~~

2 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 - Beneficial Use

Stockwater use is for 2 horses incidental to irrigation.

RECEIVED
FEB 18 2007
DEPARTMENT OF WATER RESOURCES

2

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

In Re SRBA)
)
Case No. 39576)
)

A. Subcase 67-4143
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: GEORGE CONGER
Address: 3252 STRAWBERRY Rd.
COUNCIL, IDAHO 83612
Daytime Phone: (208) 253-6994

Name & Address of Attorney, if any:
N/A

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: GEORGE G. CONGER / JO ANN M. CONGER
Address: 3252 STRAWBERRY Rd.
COUNCIL, IDAHO 83612

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
   Should be: _____

2. ☐ **Source**
   Should be: ~~3/4~~ _____

3. ☑ **Quantity**
   Should be: 3½ ACRE _____

4. ☐ **Priority Date**
   Should be: _____

5. ☑ **Point of Diversion**
   Should be: IS WRONG _____

6. ☐ **Instream Flow Beginning and Ending Point**
   Should be: _____

7. ☐ **Purpose(s) of Use**
   Should be: _____

8. ☐ **Period of Year**
   Should be: _____

9. ☑ **Place of Use**
   Should be: IS WRONG _____

10 ☐ **I object because:**

☐ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): WATER RESOURCES DO NOT HAVE THE POINT OF DIVERSION OR THE PLACE OF USE IN THE PROPER LOACATIONS.
ENCLOSED A MAP WITH ACTUAL LOCATIONS.

Idaho Department of Water Resources

SRBA Recommendation:

67-4143

(Irrigation)

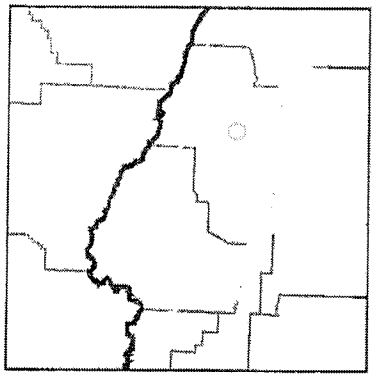
R01E

T18N

SENW

Legend

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



Adams County
IDWR Basin 67

N

0 0.1 0.2 Miles

Place of use

Point of Diversion

Prepared by IDWR State Office
On Tuesday, November 14, 2006
1987/88 Aerial Photography

F. **VERIFICATION** (must be completed)

State of IDAHO)
)ss.
County of ADAMS)

GEORGE G. CONGER, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on February 5, 2001

JAN CHEVERTON NOTARY PUBLIC STATE OF IDAHO

Notary Public for Adams County, Idaho.
Residing at: Council
My Commission Expires: 11-4-01

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on FEB. 6, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

   Clerk of the District court
   Snake River Basin Adjudication
   253 Third Avenue North
   PO Box 2707
   Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

   Name: GEORGE G. CONGER
   Address: 3252 STRAWBERRY Rd.
   COUNCIL, IDAHO 83612

3. Copies to:

   IDWR Document Depository
   PO Box 83720
   Boise, ID 83720-0098

   United States Department of Justice
   Environment & Nat'l Resources Div
   550 W Fort Street, MSC 033
   Boise, ID 83724

   Chief, Natural Resources Division
   Office of Attorney General
   PO Box 44449
   Boise, ID 83711-4449

Signature of objector or attorney mailing on Objector's behalf

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: **A67-04143**
Date Received: 12/22/1989
Receipt No: C013645
Received By: DE JDN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GEORGE G. CONGER 208-253-6994
   Address: HC 64 BOX 3420
   COUNCIL, ID 83612

   Name: JO ANN M. CONGER 208-253-6994
   Address: HC 64 BOX 3420
   COUNCIL, ID 83612

2. Date of Priority: JUN 1, 1960

3. Source: UNNAMED STREAM Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
18N	01E	7	NE NE SW		ADAMS

5. Description of diverting works:
   DIVERSION IN STREAM W/GRAVITY FLOW TO TANK W/DITCH & PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.000		

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

8. Total consumptive use is 10.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   STOCKWATER INCIDENTAL TO IRRIGATION

MICROFILMED
OCT 0 2 1992
SCANNED
APR 0 8 2004

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
18N	01E	7	SE	NW		IRR	3.0
			NE	SW		IRR	2.0
					Section Acres		5.0
					Total Acres		5.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:
AC. IRR.=30.

15. Basis of Claim: BENEFICIAL USE

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: _____

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OCT 0 2 1992

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

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OCT 02 1992

Form . io. 42-1409 (2) a 1/88

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 H67-04143
Date Received 12-22-89
Receipt Number CO13645

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) CONGER, GEORGE G. & JO ANN M. Phone (208) 253-6994
   Mailing Address HC 64, BOX 3420, COUNCIL, ID Zip 83612
2. Date of Priority (Only one (1) per claim) 06/01/1960
3. Source of water supply (a) UNNAMED STREAM
   which is tributary to (b) WEISER RIVER
4. a. Location of existing point of diversion is: Township 18N Range 01E Section 07,
   NE 1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of ADAMS
   Additional points of diversion if any: _____
   b. If instream flow, beginning point of claimed instream flow is:
   Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
   Govt. Lot _____ B.M., County of _____
   ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
   _____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
   DIVERSION IN STREAM WITH GRAVITY FLOW TO 800GAL TANK WITH DITCH & PIPE FROM TANK TO P/U.

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6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For IRRIGATION purposes from 04/15 to 10/15 amount X _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) X 3 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is X 10 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) STOCKWATER INCIDENTAL TO IRRIGATION

10. Description of place of use:
    a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
    b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
18N	1E	07								X 3	X 2								X 5

Total number of acres irrigated X 5

11. In which county (ies) are lands listed above as place of use located? ADAMS

12. Do you own the property listed above as place of use? Yes X No _____
    If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
    _____ or None (X)

14. Remarks:

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OCT 02 1992

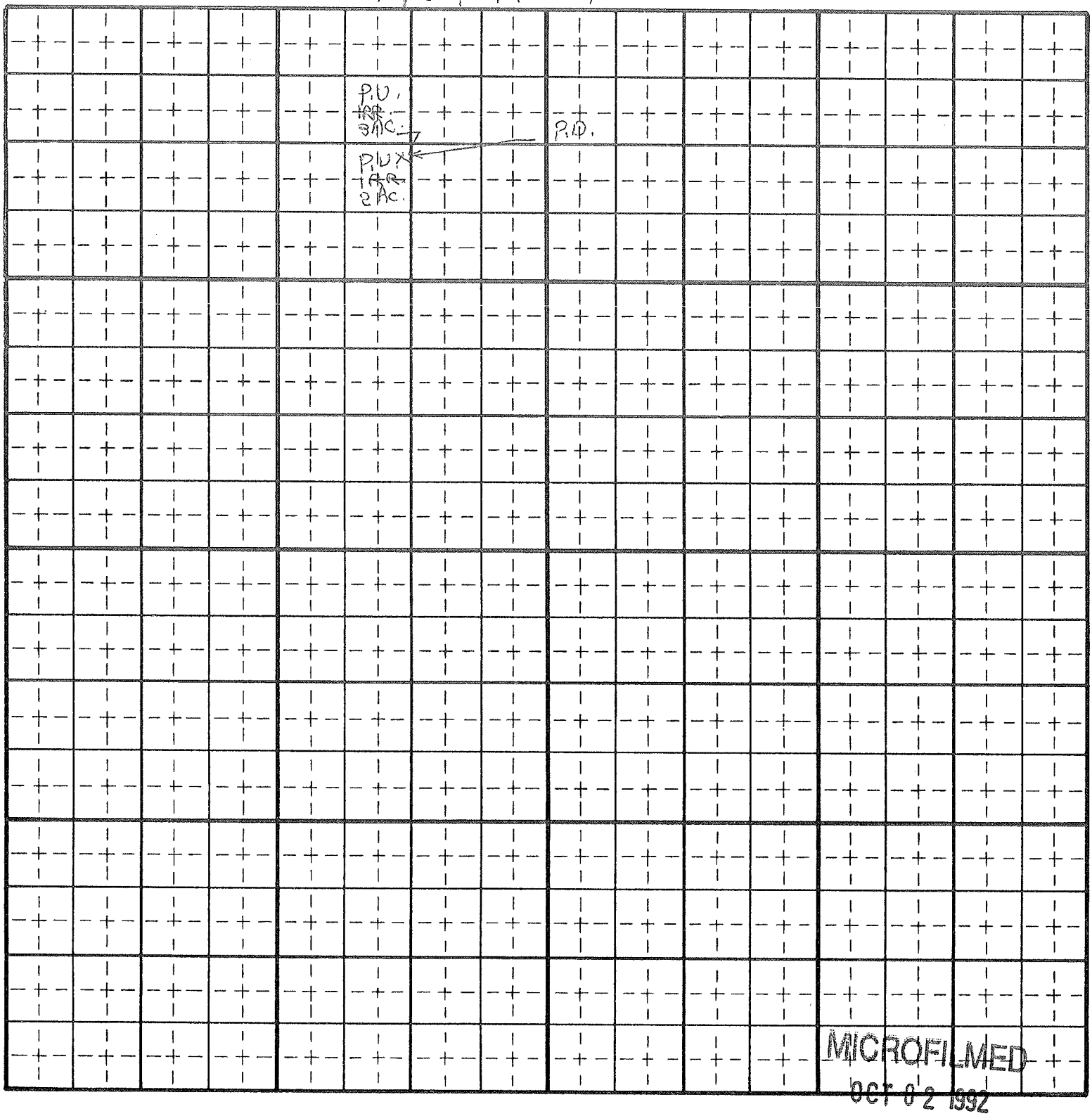
Last Name LONGER Ident No. A67-04143

Copies: White-State Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T184 R01E, Sec 7



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Last Name CONGER Ident No. A62-04143

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 67-04143
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) X George E. Conger Date 12/

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____
Title
of _____ , that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
) SS.
County of Adams)

Subscribed and sworn (or affirmed) before me this 5th day of Dec. 19 89

SEAL

Notary Public Barnett E. Smith

Residing at Boise, ID

My Commission Expires 11/08/1994

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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OCT 0 2 1992

Last Name Conger Ident. Number A67-04143

Copies White-State, Yellow-Claimant

4/5/1989 SRBA CLAIMS RECEIVING CHE ' #2

CLAIMANT'S NAME Conger CLAIM IDENT. NO. A67-04143

DATE RECEIVED 12/22/89 CK #C013645 AMOUNT $ 55.00

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	✓		*
2. Is a priority date entered?	✓		*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	✓		*
3. (a) Is a source entered?	✓		*
(b) Is a tributary to entered? (If required) N/A	✓		
4. Is the legal description of the p.d. sufficient?	✓		*
5. Is there a description of the diverting works?	✓		
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	✓		*
Is the period of use included?	✓		
Is a quantity claimed for each use?	✓		*
7. Is a total quantity claimed entered?	✓		
8. If required is a consumptive use entered? N/A		✓	
Is the consumptive use correct? N/A		✓	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A	✓		*
10. Is (are) the place(s) of use and purpose(s) indicated?	✓		*
11. Is (are) the county(ies) entered?	✓		
12. Is the ownership of p.u. checked?	✓		
13. Are other water rights listed or "none" indicated?	✓		
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A	✓		
15. Is the basis of the claim indicated?	✓		
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A	✓		
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	✓		*
18. Has the claim been signed, sealed, and dated by a notary?	✓		*
19. Was this claim filed on time, or was an extension granted?	✓		*
20. Is the fee enclosed correct? Exempt	✓		*
21. If this claim is based on an existing water right, has the identification number been entered? N/A	✓		
22. Should this claim be data entered?	✓		

Claim checked by: B Date: 4/3/90

Claim must be returned to claimant: ___(Yes) ✓ (No)

Claimant must be notified of modifications: ___(Yes) ✓ (No)

Receipt Prepared by:
Claim data entered by: B Date: 4/3/90
Sent to claimant by: Date:

Checked by: Date:

Comments: Return Receipt

MICROFILMED
OCT 02 1992

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4143 V2

WATER RIGHT NUMBER: 67-4143 V2

Owner Type	Name and Address
Current Owner	GEORGE G CONGER 3252 STRAWBERRY RD COUNCIL, ID 83612 (208)253-6994
Original Owner	WILLIAM R SMITH PO BOX 274 NEW MEADOWS, ID 83654
Current Owner	JO ANN M CONGER 3252 STRAWBERRY RD COUNCIL, ID 83612-5112 (208)253-6994

Priority Date: 06/01/1960

Basis: Beneficial Use

Status: Active

Source	Tributary
UNNAMED STREAM	WEISER RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	04/01	10/31	0.060 CFS	
		Total Diversion:	0.060 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM SE1/4NW1/4 Sec. 7, Twp 18N, Rge 01E, B.M.

ADAMS County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	01E	7								.2	1.8								2.0

Total Acres: 2

Conditions of Approval:

1. X02 Stockwater use is for 2 horses incidental to irrigation.
2. 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 67-4143 V2

Comments:

1. mvanbussum 5/29/2007 Objection
Comment: Made new recommendation based on field exam completed 5/22/2007 in response to objection. If this is not satisfactory, the recommendation will need to revert to the original.

2. mvanbussum 5/29/2007 Flow measurement
Comment: A flow measurement was done during the field exam 5/22/2007 and found a maximum capacity of 0.11 cfs.

3. mvanbussum 11/19/2007 Quantity
Comment: Recommended quantity as claimed, which is 1.5 inches per acre. Since recommended acreage is less than 10 acres, can bump quantity to 1.5 inches per acre.

SubCase:

SubCase Number: 67-4143
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: Sandy Egbert
Basis of Claim: Beneficial Use
Date Filed: 2/6/2007 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4143 V1

WATER RIGHT NUMBER: 67-4143 V1

Owner Type	Name and Address
Current Owner	GEORGE G CONGER 3252 STRAWBERRY RD COUNCIL, ID 83612 (208)253-6994
Original Owner	WILLIAM R SMITH PO BOX 274 NEW MEADOWS, ID 83654
Current Owner	JO ANN M CONGER 3252 STRAWBERRY RD COUNCIL, ID 83612-5112 (208)253-6994

Priority Date: 06/01/1960

Basis: Beneficial Use

Status: Closed

Source	Tributary
UNNAMED STREAM	WEISER RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	04/01	10/31	0.040 CFS	
		Total Diversion:	0.040 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM NE1/4NE1/4SW1/4 Sec. 7, Twp 18N, Rge 01E, B.M.

ADAMS County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	01E	7								1.5	.5								2.0

Total Acres: 2

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. X02 Stockwater use is for 2 horses incidental to irrigation.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4143 V1

Comments:

1. mvanbussum 5/29/2007 Objection
Comment: Made new recommendation based on field exam completed 5/22/2007 in response to objection. If this is not satisfactory, the recommendation will need to revert to the original.

2. mvanbussum 5/29/2007 Flow measurement
Comment: A flow measurement was done during the field exam 5/22/2007 and found a maximum capacity of 0.11 cfs.

3. mvanbussum 11/19/2007 Quantity
Comment: Recommended quantity as claimed, which is 1.5 inches per acre. Since recommended acreage is less than 10 acres, can bump quantity to 1.5 inches per acre.

SubCase:

SubCase Number: 67-4143
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: Sandy Egbert
Basis of Claim: Beneficial Use
Date Filed: 2/6/2007 Objection Status: Active

Water Supply Bank:

Idaho Department of Water Resources

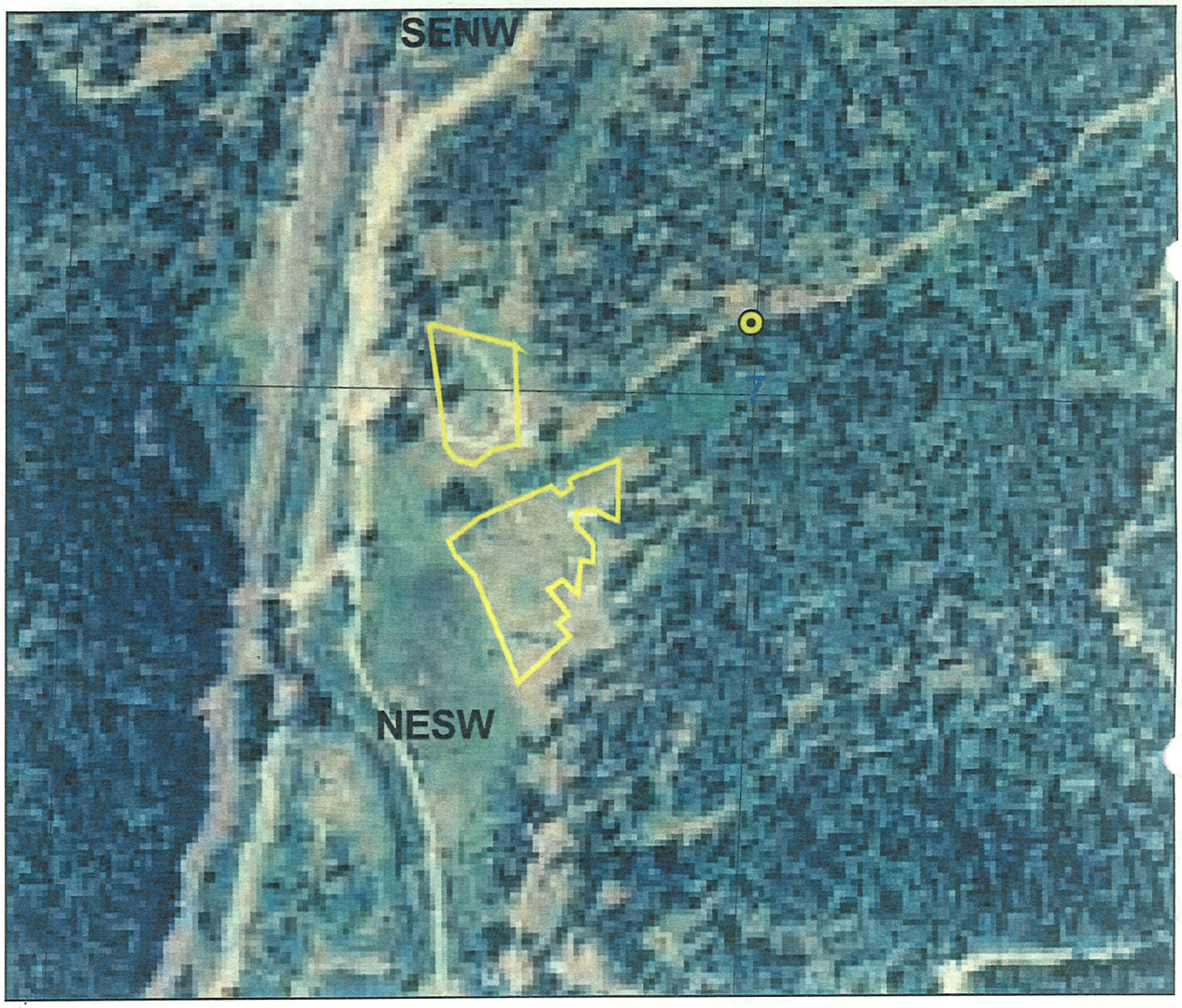
SRBA Recommendation:

67-4143

(Irrigation)

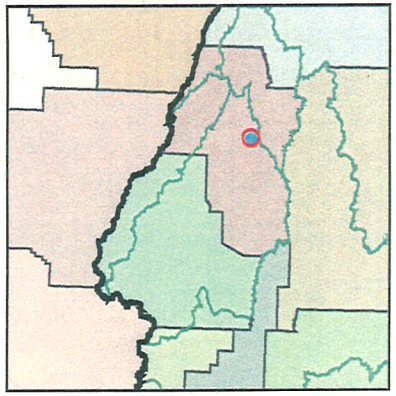
R01E

T18N



Legend

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



Adams County
IDWR Basin 67

N

0 0.1 0.2 Miles

Prepared by IDWR State Office
On Thursday, February 21, 2008
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RE

Adjudication Recommendation Report 67

WATER RIGHT NUMBER: 67-4143 V1

Proposed Rec to Settle the objection.

C-Lythe
2-20-07

Owner Type	Name and Address
Current Owner	GEORGE G CONGER 3252 STRAWBERRY RD COUNCIL, ID 83612 (208)253-6994
Original Owner	WILLIAM R SMITH PO BOX 274 NEW MEADOWS, ID 83654
Current Owner	JO ANN M CONGER 3252 STRAWBERRY RD COUNCIL, ID 83612-5112 (208)253-6994

Priority Date: 06/01/1960

Basis: Beneficial Use

Status: Active

Source	Tributary
UNNAMED STREAM	WEISER RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	04/01	10/31	0.060 CFS	
		Total Diversion:	0.060 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM SE1/4NW1/4 Sec. 7, Twp 18N, Rge 01E, B.M.

ADAMS County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	01E	7								.2	1.8								2.0

Total Acres: 2

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. X02 Stockwater use is for 2 horses incidental to irrigation.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4143 V1

Comments:

1. mvanbussum 5/29/2007 Objection
Comment: Made new recommendation based on field exam completed 5/22/2007 in response to objection. If this is not satisfactory, the recommendation will need to revert to the original.

2. mvanbussum 5/29/2007 Flow measurement
Comment: A flow measurement was done during the field exam 5/22/2007 and found a maximum capacity of 0.11 cfs.

3. mvanbussum 11/19/2007 Quantity
Comment: Recommended quantity as claimed, which is 1.5 inches per acre. Since recommended acreage is less than 10 acres, can bump quantity to 1.5 inches per acre.

Dates and Other Information:

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

Combined Use Limits:

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	11/11/2006 2:56:12 PM	segbert			Active
POD	11/11/2006 2:56:32 PM	segbert			Active
Source	11/11/2006 2:57:32 PM	segbert			Active
POU	11/11/2006 2:57:46 PM	segbert			Active
Use	11/11/2006 2:58:57 PM	segbert			Active
Season	11/11/2006 2:59:20 PM	segbert			Active
Quantity	11/11/2006 3:00:16 PM	segbert			Active
Summary			11/11/2006	segbert	Active
Contacts	5/29/2007 10:05:46 AM	mvanbussum			Active
Priority Date	5/29/2007 10:07:05 AM	mvanbussum			Active
POD	5/29/2007 10:07:59 AM	mvanbussum			Active
Source	5/29/2007 10:09:07 AM	mvanbussum			Active
POU	5/29/2007 10:09:54 AM	mvanbussum			Active
Use	5/29/2007 10:13:29 AM	mvanbussum			Active
Season	5/29/2007 10:14:41 AM	mvanbussum			Active
Quantity	5/29/2007 10:16:53 AM	mvanbussum			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4143 V1

Summary 05/29/2007 mvanbussum Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POU	5/29/2007 9:09:08 AM	shemenway	Updated shape for Active POU
POU	5/29/2007 9:09:21 AM	shemenway	Updated PLS for Active POU
POD	5/29/2007 9:19:45 AM	shemenway	Updated shape
POD	5/29/2007 9:21:02 AM	shemenway	Updated shape
POD	5/29/2007 9:25:46 AM	shemenway	Updated shape
General	11/11/2006 2:55:53 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	11/11/2006 2:56:13 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	11/11/2006 2:57:27 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required?
Use	11/11/2006 2:58:38 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4143 V1

Contacts	5/29/2007 10:05:47 AM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam conducted 5/22/2007.
Use	5/29/2007 10:13:29 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field exam conducted 5/22/2007 by IDWR agents Sandy Hemenway and Monica Van Bussum.
Season	5/29/2007 10:14:41 AM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	5/29/2007 10:16:53 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per Dave Tuthill, no flow measurement required on claims less than 0.2 cfs.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4143 V1

General	5/29/2007 10:07:05 AM	mvanbussum	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit from Smiths in file.
POD	5/29/2007 10:07:59 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	5/29/2007 10:09:07 AM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field exam conducted 5/22/2007 by IDWR agents Sandy Hemenway and Monica Van Bussum.
POU	5/29/2007 10:09:54 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field exam conducted 5/22/2007 by IDWR agents Sandy Hemenway and Monica Van Bussum.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4143 V1

Summary	5/29/2007 10:20:46 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (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	5/24/2007 2:21:30 PM	shemenway	Updated shape for Active POU
POU	5/24/2007 2:26:11 PM	shemenway	Updated PLS for Active POU
POU	5/24/2007 2:31:10 PM	shemenway	Updated shape for Active POU
POU	5/24/2007 2:31:43 PM	shemenway	Updated shape for Active POU
POU	5/24/2007 2:25:47 PM	shemenway	Updated shape for Active POU
POU	5/24/2007 2:22:23 PM	shemenway	Updated PLS for Active POU
Source	11/11/2006 2:57:13 PM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required?
Season	11/11/2006 2:59:01 PM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4143 V1

Quantity	11/11/2006 2:59:57 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Summary	11/11/2006 3:01:41 PM	segbert	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (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?
POD	11/11/2006 2:56:49 PM	segbert	Updated shape
POU	11/11/2006 2:58:16 PM	segbert	Updated shape for Active POU

SubCase:

SubCase Number: 67-4143
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: Sandy Egbert
Basis of Claim: Beneficial Use
Date Filed: 2/6/2007 Objection Status: Active

Water Supply Bank:

Field Exam Date 5-22-2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- [x] Copy of Claim, claim has been signed, sealed, and dated by notary?
- [x] Check fees paid
- [ ] Well logs (if needed) NA
- [x] Copy of topo or NAPP
- [x] Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- [x] Check POD & POU overlap, see below – include overlapping right for exam
- [x] Evidence of Priority – if none, talk with claimant received 10/20/2005 create 4 springs used on or before 6-1-1960.

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A67-04143

Owner: George G. Conger/JoAnn M. Conger Phone No. (208) 253-6994

Current Address: 3252 Strawberry Rd. Council, Id. 83612

- [x] No change NAME IS THE SAME
- [ ] NEW OWNER _____
- [x] No change Address
- [ ] NEW ADDRESS _____
- [x] How long owned property? 1975

Accompanied by: George Conger, Monica VanBussum

PRIORITY DATE

- [x] No change – Complete evidence submitted or not necessary
- [ ] Incomplete – Claimant should be asked when water was first used and submit proof of date.
- [ ] Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 6-1-1960

(If priority date, based on your exam, seems questionable, explain below.)

_____

_____

_____

Source: Unnamed Stream **Tributary to** Weiser River

- [x] No Change –SAME SOURCE
- [ ] Source found is different than claimed: _____

POINT OF DIVERSION

- [ ] No change
- [x] POD found is different than claimed: SENW
- [x] If different, when did POD change? has always been there

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

2311.927 1526.186

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
tag #A0002105			SE	NW	7	18N	1E		~~A0002116~~ ~~2311954 1526164~~ ~~2311944 1526164~~
									ID Tag # A0002105

Description of diverting works

50 gallon collection barrel laying in stream, with 2" valved outlet

OVERLAP REVIEW

Other water rights with the same point of diversion: None

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

—

WATER USES

0.06 cfs since 0.03 cfs/acre when 4 acres

- [x] No change
- [ ] Different Uses

Use Irrigation From 4/1 To 10/31 Amount 0.040 CFS 8.0 AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only N/A

- [ ] Incomplete on claim, the total is, Amount _____ CFS _____ AFA
- [ ] Changes found, the new total is, Amount _____ CFS _____ AFA
- [ ] More than 1" per Acre? Yes _____(claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- [x] No change
- [ ] Changes Exam found: Domestic # of homes — Stock # 2 horses

  Types _____ Additional comments: incidental to irrigation

PLACE OF USE:

- [ ] No Change
- [x] Changes shown below: This is where they have always been located.

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	1E	7								0.2	1.8								2.0

Overlap with other water rights: None

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: from 2" valved outlet, 2" poly pipe approximately 454' 200' following stream bed then splits off going up bank, crosses road & goes up other side of embankment. Poly pipe continues down to where it can be open discharged to dirt ditches surrounding the premises. Ditches are opened up at different locations to flood irrigate. POU. Gravity flow north to south, southeast & southwest.

Gravity Flow System

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

There is a circular pond 25', with 3.5' average depth, with flow through system, located at the bottom of the unnamed stream. This flows to ditches for irrigation.

There are springs that feed into the unnamed stream, but no location where actual additive flow could be seen or measured. It would be mainly by means of seepage.

No supplemental water.

Directions: N. Hwy 95 through Council between mile post 150 + 151, turn right + go over "private bridge" then turn left + go past the shop, then up the hill to the new house

AFTER EXAM THE FILE SHOULD CONTAIN:

- [x] Completed claim checklist
- [x] Photographs of POD's and POU
- [x] GPS readings
- [x] Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 5/24/2007

FIELD EXAMINER: Sandy Hemenway

Water Right # A67-04143 Conger
Date of Inspection: 5/22/2007
Field Inspector: Sandy Hemenway and Monica VanBussun

Livestock: (incidental/inclusive with irrigation)

Table 1, Recommended Diversion Rates for Stockwater 0-25 horses (confirmed 2 head horses) = **0.02 cfs (12 gpd/head)**

Irrigation: (Confirmed acres irrigated = 1.9 = 2.0 acres)

Season of Use: 4/1 - 10/31 = 214 days
Vir = (acres irrigated) x (Irrigation Requirement) = 2 acres x 4.0 = 8.0 af
Vdr =(Diversion Rate cfs) x (Days in Irrigation Season) x 1.9835 =(0.11cfs) x (214 days) x 1.9835 = 46.69 = 46.7 af
V = 8 af

Measurements:

California Pipe Method: D=2, F=0, L=16", Drop = 12"; F/D%=0
GPM=(0.785) D2 L = 50.24gpm x 0.00223 = **0.11 cfs**

Maximum pipe capacity Measurement for 2" pipe = 0.11 cfs

Idaho Department of Water Resources

SRBA Recommendation:

67-4143

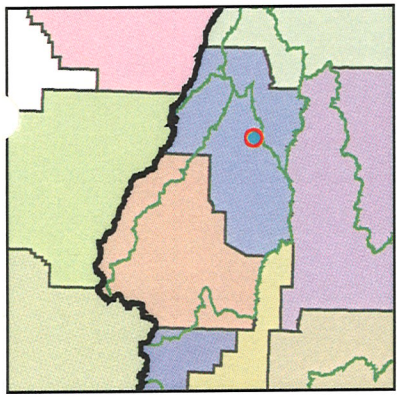
(Irrigation)

R01E



Legend

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



Adams County
IDWR Basin 67

N

0 0.1 0.2 Miles

Prepared by S. Hemenway
On Tuesday, May 29, 2007
1987/88 Aerial Photography



POD
Unnamed stream
50 gallon collection tank with valved 2" polypipe discharge



2" polypipe ties in at collection tank + runs down stream bed 200' then splits. to main house + red roofed

A67-04143 Conger
5/22/2007 S. Hemenway



2" polypipe that splits off running 283' then crossing another 171'



where the 2" polypipe goes up the embankment towards main house

AL7-04143 Conger
5/22/2007 S. Hemenway



circular 25' pond, average depth 3.5' flow through system



POU

Pond

A67-04143 Conger
5/22/2007 S. Hemenway

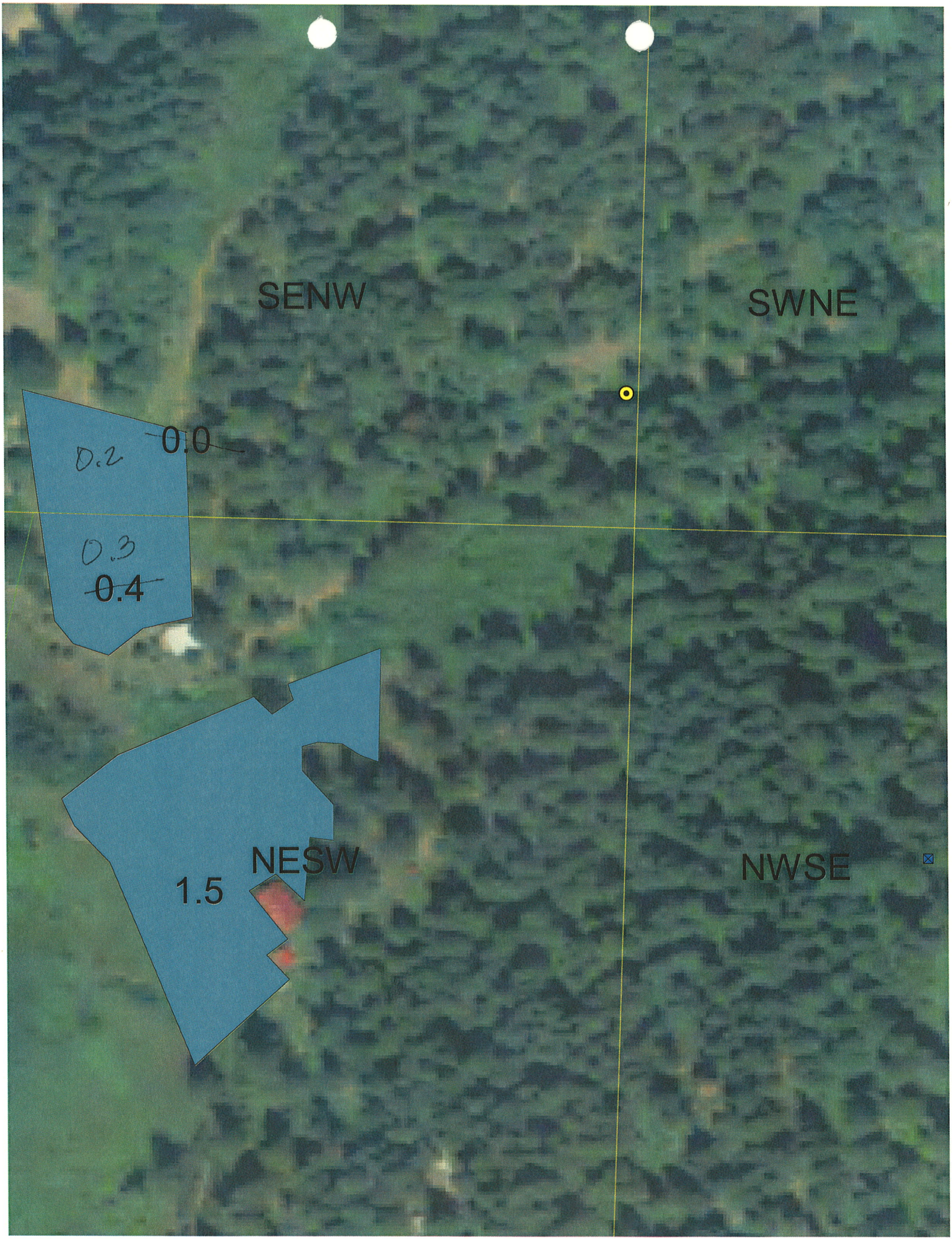




A67-04143 Conger
5/22/2007 S. Hennenway



A67-04143 Conger
5/22/2007 S. Hemenway


SENW
SWNE
0.2
0.0
0.3
0.4
NESW
1.5
NWSE


NWNW
NENW
NWNE
SWNW
SENW
SWNE
7
pond
NWSW
NESW
NWSE
SWSW
SESW
SWSE

RECEIVED
FEB 10 2007
JOHN M. WELLS, CLERK
STATE OF IDAHO

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

In Re SRBA)
)
Case No. 39576)
)

A. Subcase 67-4143
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: GEORGE CONGER
Address: 3252 STRAWBERRY Rd.
COUNCIL, IDAHO 83612
Daytime Phone: (208) 253-6994

Name & Address of Attorney, if any:
N/A

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: GEORGE G. CONGER / JO ANN M. CONGER
Address: 3252 STRAWBERRY Rd.
COUNCIL, IDAHO 83612

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
   Should be: _____

2. ☐ **Source**
   Should be: ~~3/4~~ _____

3. ☑ **Quantity**
   Should be: 3½ ACRE _____

4. ☐ **Priority Date**
   Should be: _____

5. ☑ **Point of Diversion**
   Should be: IS WRONG _____

6. ☐ **Instream Flow Beginning and Ending Point**
   Should be: _____

7. ☐ **Purpose(s) of Use**
   Should be: _____

8. ☐ **Period of Year**
   Should be: _____

9. ☑ **Place of Use**
   Should be: IS WRONG _____

10 ☐ **I object because:**

- ☐ This water right Should not exist.
- ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): WATER RESOURCES DO NOT HAVE THE POINT OF DIVERSION OR THE PLACE OF USE IN THE PROPER LOACATIONS.
ENCLOSED A MAP WITH ACTUAL LOCATIONS.

Idaho Department of Water Resources

SRBA Recommendation:

67-4143

(Irrigation)

R01E

T18N

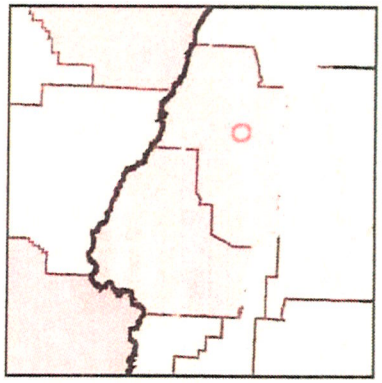
SENW

PLACE OF USE

POINT OF DIVERSION

Legend

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



Adams County
IDWR Basin 67

N

0 0.1 0.2 Miles

Prepared by IDWR State Office
On Tuesday, November 14, 2006
1987/88 Aerial Photography

F. **VERIFICATION** (must be completed)

State of IDAHO)
)ss.
County of ADAMS)

GEORGE G. CONGER, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on February 5, 2007

WHICHEVER NOTARY PUBLIC STATE OF IDAHO

Notary Public for Adams County, Idaho.
Residing at: Council
My Commission Expires: 11-4-11

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on FEB. 6, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

   Clerk of the District court
   Snake River Basin Adjudication
   253 Third Avenue North
   PO Box 2707
   Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

   Name: GEORGE G. CONGER
   Address: 3252 STRAWBERRY Rd.
   COUNCIL, IDAHO 83612

3. Copies to:

   IDWR Document Depository
   PO Box 83720
   Boise, ID 83720-0098

   United States Department of Justice
   Environment & Nat'l Resources Div
   550 W Fort Street, MSC 033
   Boise, ID 83724

   Chief, Natural Resources Division
   Office of Attorney General
   PO Box 44449
   Boise, ID 83711-4449

Signature of objector or attorney
mailing on Objector's behalf

11/14/2006

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 67-4143

GEORGE G CONGER
3252 STRAWBERRY RD
COUNCIL ID 83612
Telephone Number: (208)253-6994

JO ANN M CONGER
3252 STRAWBERRY RD
COUNCIL ID 83612-5112
Telephone Number: (208)253-6994

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:

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

DATE: 11/29/06 **SIGNATURE:** [signature]

Please print your name: GEORGE G. CONGER

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

GEORGE & JO ANN CONGER
3252 STRAWBERRY RD.
COUNCIL, IDAHO 83612

PHONE: (208) 253-6994
FAX: (208) 253-6994

DATE: 12/4/06
TO: SANDY EGBERT
COMPANY: DEPT. OF WATER RESOURCES
FAX NUMBER: 1-208-334-2348
FROM: GEORGE CONGER
REGARDING: WATER PERMIT # 67-4143
TOTAL PAGES: 3
COMMENTS: POINT OF DIVERSION CHANGE

12-4-06
Called & left a message for them to send me a colored copy of the map and where they want the POD moved to.

1-26-07
Change POD to SENW - claimed in wrong QQ - was not moved

11/11/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-4143

NAME AND ADDRESS: GEORGE G CONGER
3252 STRAWBERRY RD
COUNCIL ID 83612

JO ANN M CONGER
3252 STRAWBERRY RD
COUNCIL ID 83612-5112

SOURCE: UNNAMED STREAM TRIBUTARY: WEISER RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 06/01/1960

POINT OF DIVERSION: SENW

T18N R01E S7 ~~NENESW~~ Within ADAMS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.040 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T18N R01E S07	SENW	1.50	T18N R01E S07	NESW	0.50

2 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 - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4143 V1

WATER RIGHT NUMBER: 67-4143 V1

Owner Type	Name and Address
Current Owner	GEORGE G CONGER 3252 STRAWBERRY RD COUNCIL, ID 83612 (208)253-6994
Original Owner	WILLIAM R SMITH PO BOX 274 NEW MEADOWS, ID 83654
Current Owner	JO ANN M CONGER 3252 STRAWBERRY RD COUNCIL, ID 83612-5112 (208)253-6994

Priority Date: 06/01/1960

Basis: Beneficial Use

Status: Active

Source	Tributary
UNNAMED STREAM	WEISER RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 10/31	0.040 CFS	
	Total Diversion:	0.040 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM NE1/4NE1/4SW1/4 Sec. 7, Twp 18N, Rge 01E, B.M.

ADAMS County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	01E	7								1.5	.5								2.0

Total Acres: 2

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 67-4143 V1

POD	11/11/2006 2:56:13 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	11/11/2006 2:57:27 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required?
Use	11/11/2006 2:58:38 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
Source	11/11/2006 2:57:13 PM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required?
Season	11/11/2006 2:59:01 PM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

Idaho Department of Water Resources

SRBA Recommendation:

67-4143

(Irrigation)

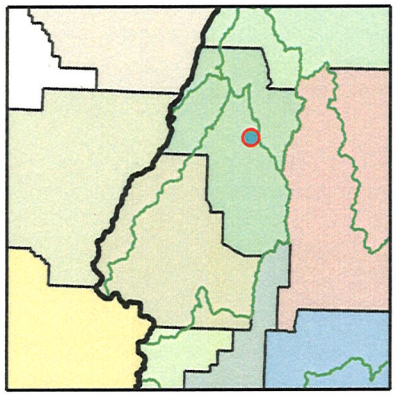
R01E

T18N



Legend

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



Adams County
IDWR Basin 67

N

0 0.1 0.2 Miles

Prepared by S. Egbert
On Saturday, November 11, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4143

WATER RIGHT NUMBER: 67-4143

Owner Type	Name and Address
Current Owner	GEORGE G CONGER 3252 STRAWBERRY RD COUNCIL, ID 83612 (208)253-6994
Original Owner	WILLIAM R SMITH PO BOX 274 NEW MEADOWS, ID 83654
Current Owner	JO ANN M CONGER 3252 STRAWBERRY RD COUNCIL, ID 83612-5112 (208)253-6994

Priority Date: 06/01/1960

Basis: Beneficial Use

Status: Active

Source	Tributary
UNNAMED STREAM	WEISER RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	4/15	10/15	3.000 CFS	
		Total Diversion:	3.000 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM NE1/4NE1/4SW1/4 Sec. 7, Twp 18N, Rge 01E, B.M.

ADAMS County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	01E	7								3.0	2.0								5.0

Total Acres: 5

Conditions of Approval:

1. AC. IRR.=30.

Remarks:

RECEIVED
OCT 2 0 2005
DEPARTMENT OF
WATER RESOURCES

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S)) AFFIDAVIT
67-4143)
)
)
State of Idaho)
County of Adams)

William Richard and Sibyl Smith being first duly sworn, deposes and says: We started using the water from these creeks and springs on or before 06-01-1960.

Sibyl Smith
William Richard Smith
(Signature)

Subscribed and sworn to before me this day _____ of _____, 19____.

SEAL

_____
(Notary Public)

Residing at _____.

My Commission Expires _____.

SCANNED
OCT 2 0 2005

07-4143 CONGER

WILL TRY TO GET AFFIDAVIT FROM PREVIOUS OWNER. IF HE CAN'T, HE DOESN'T CARE TOO MUCH.

Claim No 61-4143

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that William R. Smart & Dessa Conger (CONGER)
(name of claimant)

of Box 274 New Meadows, Idaho 83654, claims a right to the diversion and beneficial use of
(mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) UNNAMED STREAM
_____, tributary to, WISER RIVER

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount 3 C.F.P.S. Use IRR. Period of Use: From APRIL To NOVEMBER
Amount _____ Use _____ Period of Use: From _____ To _____
Amount _____ Use _____ Period of Use: From _____ To _____
(cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)

(3) Total quantity of water claimed: 3 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) 1960

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)

Is/Was SE ¼ NW ¼, Sec. 7 Twp. 18N Rge. 1E B. M. County of Adams

Are Additional points of diversion: NE SW. SEC. 7 T18N R1E
Hereinafter

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. PIPE LINE & DITCH 2" PIPE DITCH RUNS 200 YARDS

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
18	1E	7								X	X								

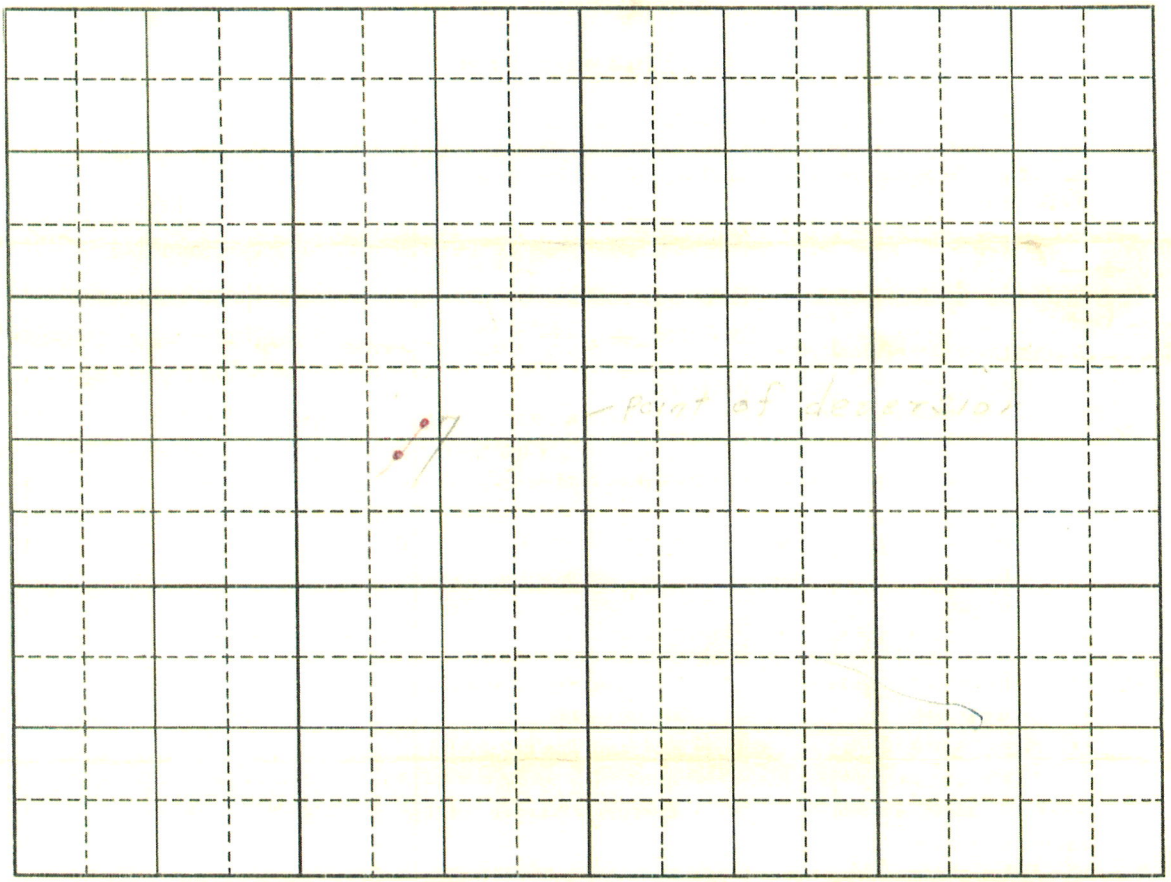
Total No. of acres 30

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks Two Springs.

Sec 4 T 18N R 1E



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Adams)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

William R. Smith
(Claimant)

Sworn to before me this 7th day of August, 19 75.

Caryl Fausett
Notary Public
Residing at New Meadows, Idaho

My commission expires 7/16/77

For Department Use Only

Received by	cjs	Date	8-18-75	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by	CS	Date	8-19-75			
$10.00 fee received by	CLS	Date	8-18-75	#1275		
Approved for publication by						
Published in	Adams County Leader					
Dates	Aug. 28 & Sept. 4 '75					

8-22-75