

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 67-10931
Date Received: 10/19/1989
Receipt No: C012416
Received By:

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

1. Name of Claimant(s)

SUSAN L MOYLE Phone: (208)549-2879

PO BOX 495
WEISER ID USA 83672

2. Date of Priority: 04/01/1862

3. Source: SPRING Trib. to: WARM SPRINGS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	06W	34	SE SW SW	WASHINGTON	

5. Description of diverting works:

COLLECTION TANK, PVC PIPELINE TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.03	
STOCKWATER	1/01	12/31	0.05	
COMMERCIAL	1/01	12/31	0.05	
DOMESTIC	1/01	12/31	0.05	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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11N	06W	3	NW	NW	IRRIGATION	1
			NW	NW	DOMESTIC	
			NW	NW	COMMERCIAL	
			NW	NW	STOCKWATER	
					Section Acres	1
					Total Acres	1

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:

CONSUMPTIVE USE IS BASED ON 3.5 AF FOR IRRIGATION OF 1 AC AND 2.24 AF FOR BOTTLING PLANT THIS WATER RIGHT WAS ORIGINALLY USED FOR IRRIGATION, DOMESTIC, AND STOCK USE. SOME OF THE IRRIGATION WAS ABANDONED AND THE NATURE OF USE WAS CHANGED TO IRRIGATION, DOMESTIC, STOCK, AND COMMERCIAL USE STARTING IN 1984.

15. Basis of Claim: Beneficial Use

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AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MARJORIE MOYLE 208-286-7413
Address: 9594 BEACON LIGHT RD
STAR ID 83669

Name: SUSAN L MOYLE, LESSEE 208-549-2879
Address: PO BOX 495
WEISER ID 83672
2. Date of Priority: APR 1, 1862
3. Source: SPRING Trib. to: WARM SPRINGS CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 12N | 06W | 34 | SE | SW | SW | | WASHINGTON |
5. Description of diverting works:
COLLECTION TANK, PVC PIPELINE TO PLACE OF USE
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.050 | | |
| COMMERCIAL | 01/01 | 12/31 | 0.050 | | |
| IRRIGATION | 03/15 | 11/15 | 0.030 | | |
| STOCKWATER | 01/01 | 12/31 | 0.050 | | |
7. Total Quantity Appropriated is:
0.050 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 5.7 Acre Feet Per Annum.
9. Non-irrigation uses:
D/1 HOME, C/WATER BOTTLING PLANT, S/10 HEAD HORSES AND CATTLE

SCANNED
APR 09 2004

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	06W	3	NW	NW		DOMEST	
			NW	NW		IRR	1.0
			NW	NW		COMMER	
			NW	NW		STOCK	
						Section Acres	1.0
						Total Acres	1.0

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:
NONE

14. Remarks:
CONSUMPTIVE USE IS BASED ON 3.5 AF FOR IRRIGATION OF 1 AC AND
2.24 AF FOR BOTTLING PLANT
THIS WATER RIGHT WAS ORIGINALLY USED FOR IRRIGATION, DOMESTIC,
AND STOCK USE. SOME OF THE IRRIGATION WAS ABANDONED AND THE
NATURE OF USE WAS CHANGED TO IRRIGATION, DOMESTIC, STOCK, AND
COMMERCIAL USE STARTING IN 1984.

15. Basis of Claim: BENEFICIAL USE

LESSOR: MARJORIE J. MOYLE
9594 BEACON LIGHT ROAD
STAR, IDAHO 83669

LESSEE: SUSAN L. MOYLE
1175 PRICE ROAD
WEISER, IDAHO 83672

THIS IS A LEASE AGREEMENT BETWEEN MOTHER AND DAUGHTER: BOTH ARE PRESENTLY SINGLE WOMEN OF SOUND MIND, GOOD GENERAL HEALTH, AND CURRENTLY LIVING IN THE STATE OF IDAHO.

THE SUBJECT OF THIS LEASE AGREEMENT IS REAL PROPERTY OWNED BY THE LESSOR ONLY. THIS PROPERTY IS LOCATED IN WASHINGTON COUNTY OF THE STATE OF IDAHO. THE LEGAL DESCRIPTION OF THIS PROPERTY IS AS FOLLOWS:

PARCEL#1 ALL THAT PART OF THE S.E. 1/4 S.E. 1/4 OF SECTION 33, T.12N., R.6W. OF BOISE MERIDIAN LYING EAST OF THE CENTER OF WARM SPRINGS CREEK.

PARCEL#2 S.W. 1/4 S.W. 1/4 OF SECTION 34, TOWNSHIP 12 NORTH, RANGE 6 WEST OF BOISE MERIDIAN.

PARCEL#3 GOVERNMENT LOT#4, AND THE NORTH 680 FEET OF THE SOUTH WEST QUARTER NORTH WEST QUARTER OF SECTION 3, TOWNSHIP 11 NORTH RANGE 6 WEST OF THE BOISE MERIDIAN.

PARCEL#4 GOVERNMENT LOT#1 AND THE NORTH 680 FEET OF THE SOUTH EAST 1/4 NORTH EAST 1/4 OF SECTION 4, TOWNSHIP 11 NORTH, RANGE 6 WEST OF THE BOISE MERIDIAN LYING EAST OF WARM SPRINGS CREEK.

INCLUDED IN THIS LEASE IS THE WATER RIGHTS OF SPRINGS LOCATED WITHIN PARCEL #2 AND PARCELS #3. THE LESSEE SHALL FENCE A 100 FOOT RADIUS AROUND SPRING SOURCES AT HER OWN EXPENCE AND THE REMAINDER OF LEASED PARCELS SHALL BE POSTED WITH NO-TRESPASSING SIGNS. THE RESIDENTIAL AREA OF 1175 AND 1177 PRICE ROAD SHALL ALSO BE FENCED BY THE LESSEE AT HER OWN EXPENSE. LESSEE AND HER FAMILY SHALL RESIDE AT THE RESIDENTIAL AREA DURING THE TERM OF THE LEASE AND SHALL NOT ABANDON THE LEASED PARCELS, EXCEPTING AN ACT OF GOD.

LESSEE AGREES TO REIMBURSE LESSOR FOR TAXES DUE DURING THE TERM OF THE LEASE AND AGREES TO PAY LESSOR FIVE PER CENT OF ANY AND ALL GROSS HARVESTS DIRECTLY RELATED TO THE USE OF THE LAND AND OR WATER LEASED IN THIS AGREEMENT. LESSEE FURTHER AGREES TO KEEP A WATCHFUL EYE OVER THE UNFENCED PARCELS AND ALLOW ONLY THE LESSOR USE OF WITHIN POSTED PARCELS.

IN THE EVENT THAT THE LESSOR SHOULD WISH TO SELL ANY OR ALL OF THE ABOVE LEASED PROPERTY, LESSEE SHALL HAVE FIRST OPTION TO PURCHASE OR IF LESSOR SHOULD DIE DURING THE TERM OF THE LEASE, THEN LESSEE SHALL BE ALLOWED TO CONTINUE THE LEASE UNDER THE SAME TERMS MAKING PAYMENT TO HER ESTATE.

LESSEE PRAYS THAT THIS LEASE AGREEMENT IS FAVORABLE TO THE LESSOR AND THAT THE LEASE SHALL BEGIN OFFICIALLY UPON SIGNATURES OF BOTH PARTIES AND CONTINUE FOR FIFTY CONSECUTIVE YEARS AND IF THE LESSEE SHOULD DIE WITHIN THE TERM OF THIS AGREEMENT, THEN LESSEES HEIRS SHALL HAVE THE FIRST OPTION TO CARRY THIS CONTRACT. THUS KEEPING THE PROPERTY IN THE FAMILY FOR FUTURE GENERATIONS.

LESSOR: *Marjorie J. Moyle* LESSEE: *Susan L. Moyle*
DATE: *12-6-93* DATE: *12-6-93*
WITNESS: *Darwin L. Skinner* DATE: *Dec. 6, 93*
WITNESS: *Wilhelmina H. Robinson* DATE: *Dec. 6, 93*

COPY

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IN RE THE GENERAL ADJUDICATION
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1. Name: MARJORIE MOYLE 208-286-7413
Address: 9594 BEACON LIGHT RD.
STAR, ID 83669

2. Date of Priority: APR 01, 1862

3. Source: SPRING Trib. to: WARM SPRINGS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	06W	34	SE	SW	SW		WASHINGTON

5. Description of diverting works:
COLLECTION TANK, PVC PIPELINE TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.050		
COMMERCIAL	01/01	12/31	0.050		
IRRIGATION	03/15	11/15	0.030		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 5.7 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME, C/WATER BOTTLING PLANT, S/10 HEAD HORSES AND CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	06W	3	NW	NW		DOMEST	

A67-10931

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Date: 06/08/90

MICROFILMED
OCT 05 1992

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.

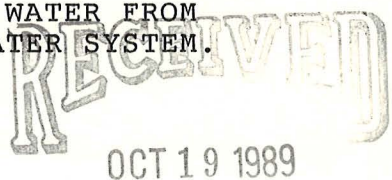
CIVIL CASE NUMBER: 39576

Ident. Number: A67-10931

Date Received:

Receipt No: CO12416

Received By: D.K.



NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARJORIE MOYLE 208-286-7413
Address: 9594 BEACON LIGHT RD.
STAR, ID 83669

2. Date of Priority: APR 01, 1862

3. Source: SPRING Trib. to: WARM SPRINGS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	06W	34	SE	SW	SW		WASHINGTON

5. Description of diverting works:
COLLECTION TANK, PVC PIPELINE TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.050		
COMMERCIAL	01/01	12/31	0.050		
IRRIGATION	03/15	11/15	0.030		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 5.7 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME, C/WATER BOTTLING PLANT, S/10 HEAD HORSES AND CATTLE

A67-10931

Page 1

Date: 10/17/89

MICROFILMED

OCT 05 1989

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11N	06W	3	NW		NW		DOMEST	
			NW		NW		IRR	1.0
			NW		NW		COMMER	
			NW		NW		STOCK	
							Section Acres	1.0
							Total Acres	1.0

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:
NONE

14. Remarks:

CONSUMPTIVE USE IS BASED ON 3.5 AF FOR IRRIGATION OF 1 AC AND
2.24 AF FOR BOTTLING PLANT
THIS WATER RIGHT WAS ORIGINALLY USED FOR IRRIGATION, DOMESTIC,
AND STOCK USE. SOME OF THE IRRIGATION WAS ABANDONED AND THE
NATURE OF USE WAS CHANGED TO IRRIGATION, DOMESTIC, STOCK, AND
COMMERCIAL USE STARTING IN 1984.

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): Margaret Mayle Date: 10-19-89
_____ Date: _____

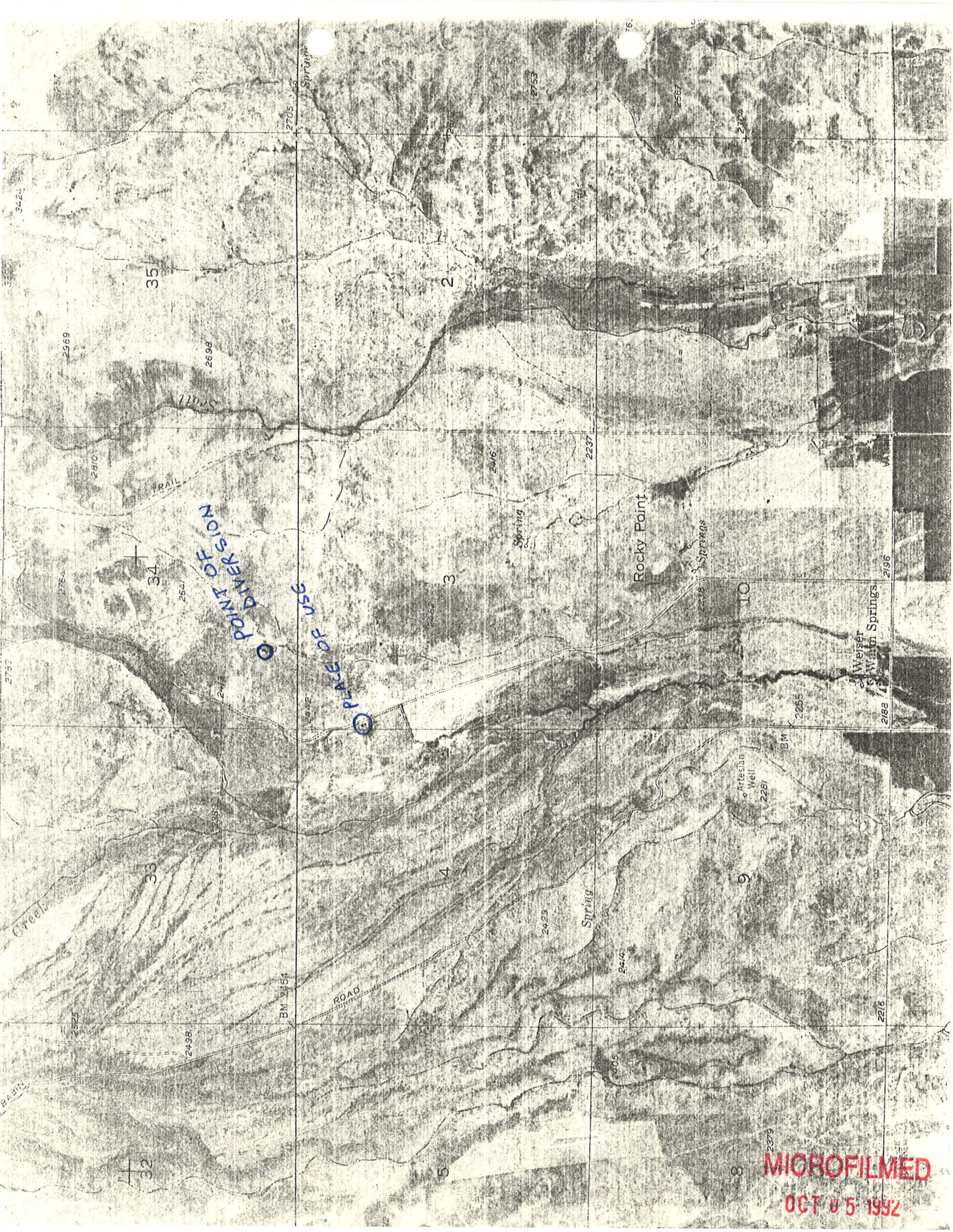
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of October 19 89

Barbara Buch
Notary Public

Seal

Residing at Boise Id
My Commission Expires 2/91



POINT OF DIVERSION

PLACE OF USE

Rocky Point

Spring

10

Weiser Warm Springs

Artesian Well

Spring

9

ROAD

TRAIL

MICROFILMED
OCT 15 1952

To whom it may concern,

I no longer wish to have current complaint
on the file id. A 67-10931.

Susie Mayhew

2-19-99

SCANNED
APR 09 2004

AB7-10931

Susan L. Moyle
P.O. Box 0495
1175 Price Road
Weiser, Id. 83672
208 549-2879

April 23, 1997

**Washington County
Prosecuting Attorney**

350 E. Liberty St.
Weiser, Id. 83672

RECEIVED

MAY 14 1997

WATER RESOURCES
WESTERN REGION

Attn. Mr. Chuck Kroll

Dear Sir,

I am sure you are aware of the Trespassing incident, April 16, 1997. I am sorry, but I had to take action. The key issue here involves the Spring from which I bottle water for the public. It is also my sole source of water for my home.

I just can't have anyone messing around the source of the spring. As you know, It is people that cause accidents and pollution to happen. It seems that no matter how much protection you think you have, people can still do harm.

The location is not to be exploited for the health purposes. People are not allowed as they are a source of exploitation. It is a security measure. I am sure you can understand.

I stand for those whom I serve, which is the public. Kind of like what you do, only in a different way. I can't let what has nearly happened, be fulfilled in a later attempt.

The water is a separate issue from the land. It is complicated, but I do understand, Priority Water Right and Adverse Possession.

My life and my family's lives are being adversely effected, by the landowners decision to throw down or keep the long standing fence. For more than 20 years the fence has divided and kept the peace between neighbors. I have a long term lease here and I do not want to live out the rest of my life in jeopardy of be deprived of my privacy and livelihood.

Sincerely,

Susan L. Moyle
P.O. Box 0495
1175 Price Road
Weiser, Id. 83672
208 549-2879

April 24, 1997

Washington County
Prosecuting Attorney
350 E. Liberty St.
Weiser, Id. 83672

Attn. Mr. Chuck Kroll

Dear Sir,

If you believe the Trespassing incident, April 16, 1997, is unwarranted, then maybe you had better look at the key issue, again. It involves a Public Water System, most importantly.

I do not feel that this matter should be filed in the garbage. Waiting for things cool off or until the Attorneys get in gear is not good. It doesn't send out a confident message to the Public or those in charge of Public water Systems, when local officials do not take the action needed to protect the people.

An immediate action is needed to Restrain and Order the Wallaces not to interfere or go within the boundaries of Public Water Systems. They must be held accountable for their action. Nothing short of that will do.

Would it be any different if it was the Weiser City Water System? I may serve less people but they are just as important. I have a license, a business, a the lease, and the knowledge about this System. I didn't appreciate, the Wallaces attempt to learn about the system at my expence of the publics welfare.

Obviously, the Wallace's could care less about the Public, friends, and family. They Knew better. Still, they did lie their way into the land and they lied their way out.

The Wallaces made this attempt upon the System, in a very underhanded way. (Sneaking in through the fence and no trespassing signs posted). When they were caught, the Wallaces lied to me and challenged my Authority.

I truly believe the Wallaces thought it was possible to get away with this crime, especially in this county where they known. The Wallaces obviously think they will not be blamed for any harm done, if the Public Officials won't do anything about it.

The Wallaces said they had asked the permission of the owner, Marjorie Moyle to be there. So where are the Wallaces coming from by saying they own the land. Did they have Legal proof of this? Did they show proof of Legal water right to the Spring? No.

If someone were to be stopped by an officer for some reason while driving a vehicle, that person would be asked to show their licence, registration, and proof of insurance in order to drive on the road. What is the difference, when it comes to moving on to another parties property?

I have a license, a registration, and proof of Liability insurance regarding this water and it seems to mean nothing to you. The other party, doing the wrong, shows you nothing and is allowed by their reputation or who they know, to go on like it never happened.

The Wallace's mischief was a direct attempt against me for their own personal gain. I thank God I caught them and I will thank you for doing something about the Wallaces till this matter is resolved in Court.

Sincerely,

TO: THE WASHINGTON CO. SHERIFF DEPT.
262 E. COURT STREET
WEISER, IDAHO 83672

Re: APRIL 16, 1997 TRESSPASS CHARGES
AGAINST THE FOLLOWING:

MS. JEANNE WALLACE
704 MANNS CREEK ROAD WEISER, ID. 83672

MR. GLEN WALLACE
704 MANNS CREEK ROAD WEISER, ID. 83672

MR. GARRETT BROWN
1203 N. 20 STREET BOISE, ID. 83702

SUMMARY OF EVENT
by Susan Moyle

April 16, 1997 Jeanne Wallace, Glen Wallace and a so called friend, Garrett Brown did cross the boundary fence into the my leased property. They egnoed the No-Tresspassing signs posted on the fence. They continued to enter even though I reminded them that they were indeed tresspassing.

I told them that no one had the right to enter the Spring's 100 foot radious without my permission.

Note: Ms. Wallace had recieved--a letter, in October 1996, from my Attorney, warning--her not to interfere with my water, etc.

Ms. Wallace said she was given permission to enter the property by the owner, Marjorie Moyle. I was not in agreement with this information.

Note: I have a lease agreement with Marjorie Moyle on the premises. Marjorie calls me before coming to the property. Marjorie knows that she can not give permission to others to enter the leased property.

Ms. Wallace then said she owned the property leased to me because of a survey she had done. I told her a survey does not prove ownership. Especially, when a long standing fence has been used for the division of property ownership for over 20 years and is to the advantage the senior land owner to keep it standing.

Note: There is a long standing boundary fence which separates Ms. Wallace's property from that property which is leased to me. The fence has been upheld for well over 20 years. Going by that fact, and my understanding of the Law, Ms. Wallace and the others were trespassing.

I hold Ms. Jeanne Wallace and Mr. Glen Wallace responsible for any and all misunderstandings, losses, damages, etc. that I have or will have suffered due to this matter.

Note: The Wallaces do not have an established Water Right to the Spring. The Spring water is filed upon at the IDWR, by Marjorie Moyle. It is Adjudicated to be diverted to the point of use on land that I lease from Marjorie Moyle.

While Ms. Wallace said they were going to have a real picnic, they were really there to manipulate the springs potential and record the findings. It is my business and none of their business what goes on with the water system. Their friend would not tell me who his name. I later found out he was Garrett Brown.

Note: 4/22/97, I found out Garrett Brown is a Water Hydrologist. He was set up on this job by Ed Squires, of United Water/Boise Water Corp.

I told them I would not allow them to stay, or obtain or access any water on the premises. I suggested they call the Sheriff and the owner on their cell phone or leave. Mr. Wallace said they would come back with the Sheriff and the Owner.

Before leaving, Ms. Wallace decided to insult me with foul language, name calling, and pushiness to offend me. Ms. Wallace made insinuations, such as: "You f___ing B_____!" "You were adopted by my parents." and "You're not worthy to have a place on the land."

Note: It was 5 years ago on this date that, Rex Moyle, my father died. Rex Moyle started the water business. He offered the water to me in 1965. My Mother has encouraged me to build my life around it. I have done so ever since. I am very thankful to my Father for this water.

I did not feel obligated to be polite to Ms. Wallace as she was taking up my time and I had better things to do. So I said, "I think You're being so greedy." "Just because-You have a-lot of money, It doesn't mean You can push me around." "I am not going to risk something happening to my water source by you or anyone else if I can help it." "So, why don't You go back to California and remove your cellulite from the property?"

Ms. Wallace positioned herself to strike me, and I was ready for it. Mr. Wallace restrained her and convinced her that it was best to leave. I warned Ms. Wallace that I would sue her if she did strike.

Ms. Wallace stopped and turned at me, while the others walked away. and said, "Now, that I know how you are. I am now, more than ever, going to be determined to get this."

I lastly said to Ms. Wallace, "Call your Mother."

I watched them pack up to leave. Then Darwin Skinner, my witness to the total event and myself left, too. We went back to the house and called the Sheriff, my Attorney, and the IDWR.

Note these provable events that followed:

4/19/97, I called Marjorie Moyle, as suggested by the Washington Co. Deputy Sheriff. She told me Ms. Wallace was out of town for the next week. Marjorie said I wouldn't have to worry about her bothering anything for awhile. Marjorie asked if I would bottle her some water and she said she would want it the next day.

4/20/97, Marjorie Moyle came to my bottling facility. She told me Ms. Wallace called her and threatened to sue her over the matter.

4/21/97, Marjorie Moyle called me. In telephone conversation she told me again, Ms. Wallace had threatened to sue her. Marjorie said she needed me to change my lease before Ms. Wallace returned, in one week or she would not defend the boundary fence that has been in effect for over -20 years separating the properties.

To the best of my knowledge to be true.

Dated:_____ Signed:_____
Susan Moyle
P.O. Box 495
1175 Price Road
Weiser, Idaho 83672

I, Darwin Skinner, did witness this event discribed by Susan Moyle. I believe it is fair and accurate.

Dated:_____ Signed:_____
Darwin Skinner
P.O. Box 704
1175 Price Road
Weiser, Idaho 83672

LESSOR: MARJORIE J. MOYLE
9594 BEACON LIGHT ROAD
STAR, IDAHO 83669

LESSEE: SUSAN L. MOYLE
1175 PRICE ROAD
WEISER, IDAHO 83672

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PARCEL#2 S.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ OF SECTION 34, TOWNSHIP 12 NORTH, RANGE 6 WEST OF BOISE MERIDIAN.

PARCEL#3 GOVERNMENT LOT#4, AND THE NORTH 680 FEET OF THE SOUTH WEST QUARTER NORTH WEST QUARTER OF SECTION 3, TOWNSHIP 11 NORTH RANGE 6 WEST OF THE BOISE MERIDIAN.

PARCEL#4 GOVERNMENT LOT#1 AND THE NORTH 680 FEET OF THE SOUTH EAST $\frac{1}{4}$ NORTH EAST $\frac{1}{4}$ OF SECTION 4, TOWNSHIP 11 NORTH, RANGE 6 WEST OF THE BOISE MERIDIAN LYING EAST OF WARM SPRINGS CREEK.

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LESSEE AGREES TO REIMBURSE LESSOR FOR TAXES DUE DURING THE TERM OF THE LEASE AND AGREES TO PAY LESSOR FIVE PER CENT OF ANY AND ALL GROSS HARVESTS DIRECTLY RELATED TO THE USE OF THE LAND AND OR WATER LEASED IN THIS AGREEMENT. LESSEE FURTHER AGREES TO KEEP A WATCHFUL EYE OVER THE UNFENCED PARCELS AND ALLOW ONLY THE LESSOR USE OF WITHIN POSTED PARCELS.

IN THE EVENT THAT THE LESSOR SHOULD WISH TO SELL ANY OR ALL OF THE ABOVE LEASED PROPERTY, LESSEE SHALL HAVE FIRST OPTION TO PURCHASE OR IF LESSOR SHOULD DIE DURING THE TERM OF THE LEASE, THEN LESSEE SHALL BE ALLOWED TO CONTINUE THE LEASE UNDER THE SAME TERMS MAKING PAYMENT TO HER ESTATE.

LESSEE PRAYS THAT THIS LEASE AGREEMENT IS FAVORABLE TO THE LESSOR AND THAT THE LEASE SHALL BEGIN OFFICIALLY UPON SIGNATURES OF BOTH PARTIES AND CONTINUE FOR FIFTY CONSECUTIVE YEARS AND IF THE LESSEE SHOULD DIE WITHIN THE TERM OF THIS AGREEMENT, THEN LESSEES HEIRS SHALL HAVE THE FIRST OPTION TO CARRY THIS CONTRACT. THUS KEEPING THE PROPERTY IN THE FAMILY FOR FUTURE GENERATIONS.

LESSOR: *Marjorie J. Moyle* LESSEE: *Susan L. Moyle*

DATE: *12-6-93* DATE: *12-6-93*

WITNESS: *Darwin L. Skinner* DATE: *Dec. 6, 93*

WITNESS: *Nicole H. Robinson* DATE: *Dec. 6, 93*

INSTRUMENT NO. 158738
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of

SUSAN MOYLE

35 Min. past TWELVE o'clock P. M.

This 9TH day of DECEMBER 19 93

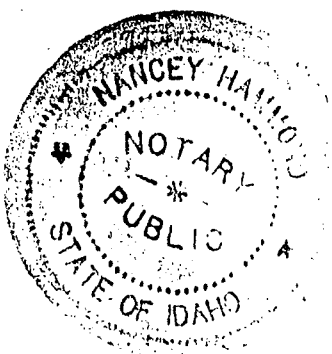
..INDEX TO LEASES

MARY KAUTZ, Recorder/Fee: \$6.00

By Lisa McKnight Deputy

☒ Cmp. Index
☒ Cmp. Rel.
☒ Film
☒ Compare
☒ Card Rel.
☒ Bk. Rel.
☒ Up-date
☒ Return
☒ Copy

SUSAN MOYLE
1175 PRICE ROAD
WEISER, ID 83672



Nancy Hammack
Notary Public for Idaho
Residence: Boise
my Commission Expires 5/15/97

Priority Date Data Entry Form

Claim Number 67-10931

Claimed Priority Date: 4/1/1862

Claimed Basis: Beneficial Use

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date:

Water Right Basis:

Recommended Priority Date 2 19 1894 Recommended Basis B-Use

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Notice of Claim to a Water Right dated
2-19-1894, provided by claimant

Reviewer: MVBDate: 1-3-06

Point of Diversion and Source Data Entry Form

Claim Number 67-10931

Claimed Point of Diversion and Source

T12N R06W S34 SESWSW Within WASHINGTON County Source: SPRING WARM SPRINGS CREEK



Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

A 0016723
2256896
1462894

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? NO

Document how the POD and Source were verified:

FE conducted 4-25-05 by Roger Meyer
tag A 0016723Spring is no longer trib to Warm Springs Creek.
It is piped to the house. Per conversation w/
Susie MoyleReviewer: MVBDate: 1-3-2006

Place Of Use Data Entry Form

Claim Number 67-10931

Claimed Place Of Use

T11N R06W S03	NWNW	1.0
T11N R06W S03	NWNW	
T11N R06W S03	NWNW	
T11N R06W S03	NWNW	

Total Acres 1

 Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

 See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
11N	6W	3	NWNW		Wash.			Commercial, Dds
11N	6W	3	NWNW		"		0.5	Irrigation
11N	6W	3	SWNW		"		0.5	Irrigation
					"			

Total Acres 1

Document how the POU was verified:

FE by Roger Meyer 4-25-05

Reviewer: MVBDate: 1-3-2006

Purpose of Use Data Entry Form

Claim Number 67-10931

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			
DOMESTIC			
STOCKWATER			
COMMERCIAL			

 Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
-----------	-----------------	-----------------	------------

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Document how the Purpose of Use was verified:

$$\frac{1 \text{ acre} \times 0.02 \text{ cfs}}{\text{ac}} = 0.02 \text{ cfs}$$

per Craig Saxton, claims <5 ac can
 have >1 in/acre, recommend 0.03cfs
 accomplished change in purpose of use
 per conversation w/ claimant 7-12-2005.
 This is a former orchard, but there is
 only one apricot tree left. Claimant
 now uses water for commercial bottling.

Reviewer: MVBDate: 1-3-2006

Period of Use and Quantity Data Entry Form

Claim Number 67-10931

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.03	
STOCKWATER	1/01	12/31	0.05	
COMMERCIAL	1/01	12/31	0.05	
DOMESTIC	1/01	12/31	0.05	

Overall Diversion Rate 0.05 Overall Diversion Volume

Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate 0.05 Overall Diversion Volume 0.135 AF

Document how the Period of Use and/or Diversion Rate were verified:

See Purpose of Use re 0.03 cfs for lac of irrigation

standard season of use

Volume

$$365d. * 1.9835 * 0.03 = 21.7 \text{ AF}$$

$$(0.03 * 4.5) = 0.135 \text{ AF}$$

N09-add in commercial

Reviewer: MVB

Date: 1-3-2006

Contacts Data Entry Form**Claim Number: 67-10931**

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	SUSAN L MOYLE	PO BOX 495	WEISER	ID	83672	(208)549-2879
Current Owner	MARJORIE MOYLE	9594 W BEACON LIGHT RD	STAR	ID	83669	(208)286-7413

Comment for 1: Field exam 4/25/2005.

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

claimant info okay.

Reviewer: MUBDate: 1-3-2006

MEMORANDUM

Date: July 13, 2005

To: File

From: Monica Van Bussum

RE: SRBA claim 67-10931

This is an accomplished change in purpose of use based on 1894 notice of water right, which says the water was for domestic and agricultural purposes. Per conversation with the claimant on 07/12/2005, there is an old orchard on the property that was irrigated with water from the spring, but that has fallen into disuse and there is only one apricot tree left. The claimant now bottles and sells the spring water commercially. When the claimant bottles water for commercial purposes, the water from the spring goes to the bottling plant first and all other water is turned off. What is left over after bottling is used for domestic, stock and irrigation of the remaining garden.

The recommendation for this claim will need a diversion volume listed and will need a
—C03 remark.

C04 MVB
1-3-2006

67-10931
SUSAN (SUSIE) L. MOYLE
1175 PRICE ROAD
WEISER, ID. 83672

July 8, 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE
322 EAST FRONT STREET
P.O. BOX 83720
BOISE, ID. 83720-0098

RE: EVIDENCE OF PRIORITY

Monica Van Bussum
Water Resource Agent/GIS Technician
Adjudication Bureau

Dear Ms Monica Van Bussum,

My Father, Rex A. Moyle, claimed the waters of the spring were put into use for domestic and irrigation purposes after the native Indians. My father passed away in 1992.

There could be evidence that tends to prove beneficial use in 1862. Its hard to find records that long ago. My father knew former owners of the property and the historical use of the water on the land.

The waters of the spring was put to use for domestic and irrigation purposes after the native Indians. It was by a homesteader and miner. His first home was burned down by Indians. Another house was built. It also burned, but for different reasons. Another house was built. It stands on the place of use. Belle Pringle, of the 1880's, lived there. I was told that she enjoyed the water, by a Pringle relative. The Pringle grandchildren and family have visited a few times in the last 10 years. They told me that they are happy to see the place still here.

There are bits and pieces wooden farming tools including wooden handled sickle, pitch forks, ploughs, parts of harnesses, and shoes for work horses. There was an old pole corral. It came down in 1994. The outhouse is gone too. Old water pipe, a metal bathtub, opium bottle and lots of broken colored glass have been uncovered from the ground. There is what I believe, an old rock crusher, by the Warm Springs Creek, about 1/2 mile southwest of the place of use in Sec. 4 on the land.

While studying the history of the people who held this land, I found that homesteaders and miners moved into the area before the United States Government had treaties done with Indians. Some early homesteaders made enough money mining to invest in additional land from the

United States Government. Under an act of Congress of 24th of April, 1820 entitled "An act making further provision for the sale of Public Lands."

Under the Homestead act of 1862, settlers claimed land from the United States Government. There were mining claims filed and patented by settlers. Some successful settlers land bought from other settlers in debt.

Patented land from the United States Government and parts of patented, along with water, and other rights are contained in this deeded land. Ownership of the deed changed hands many times from owner to owner during hard times yet it remains together with rights.

My father, Rex bought the following property described, recorded, and situated in Washington County of the State of Idaho, in 1972.

SW1/4, S1/2 NW1/4, Lot 4, of Sec. 3 ; NE1/4SE1/4, SE1/4NE1/4, Lot 1 Sec. 4; NW1/4, Sec.10, all in Township 11N, R6, West of the Boise Meridian,

S1/2SE1/4, Sec. 33; SW1/4SW1/4, Sec.34, all in Township 12N, R6 West of the Boise Meridian

containing 720 acres (more or less) according to the United States Government Survey thereof, together with all water rights pertaining to the above land.

My father and my brother, Dan Moyle of Weiser, ID, with help from others, replaced the old water diversion and pipes in the 1970's. Diversion and pipes as stated in the water right claim are the same since then. I have kept the water system in good order and have increased physical protection of the diversion and lines to preserve the water quality and usefulness for many years to come.

I live on the spring water, I can state what I know. The water is piped down to the place of use. Water is piped underground. Water facilities are bottling plant, residence, irrigation, and stock.

The spring's water is used year around for domestic, commercial, and livestock. Irrigation is part of the year. The spring water is the sole source of water, besides rain and snow. The place would other wise be dry as a bone if not for the spring. It's use keeps fruit and shade trees alive. This cuts the costs of living and helps the land. The commercial use of water, brings enjoyment and provides a source of income. The domestic use provides good health and cuts down electricity usage. The stock tank provides enough water as needed.

This water is my livelihood. It's purpose is enjoyed and respected by many. It's not a big water but it is good water, I intend to defend it's use against all others.

My blood is 1/8 sovereign Shoshone from Utah. Before now, no one in my family cared. Until now there was no reason to bring it out. The whole Indian thing has been treated as a blemish on our Mormon family history. They are all dead now. Stories from my grandmother live on.

There's a lot of history about this land and the water use. It is like pieces of a puzzle. I do not have all the pieces now, but I would like to share with you what I have so far. I am providing you with various documentation, maps, etc. that may serve useful. If you have any questions that I can answer, please feel free to contact me a (208) 549-2879.

Thank you for your attention,

Susie Moyle
1175 Price Road
Weiser, Idaho 83672
RE: 67-10931

uncertified
to 559
Application
1215

The United States Of America,

To all to whom these presents shall come, Greeting:

Whereas There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Boise City, Idaho Territory, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain", and the acts supplemental thereto, the claim of Joseph W. Campbell has been established and duly consummated, in conformity to law, for the West half of the South west quarter of Section Three, the North east quarter of the South east quarter and the South east quarter of the North east quarter of Section Four, in Township Eleven, North of Range Six West of Boise Meridian in Idaho Territory, containing one hundred and sixty acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General.

Now know Ye, That there is, therefore, granted by the United States unto the said Joseph W. Campbell, the tract of Land above described:

To have and to hold the said tract of Land, with the appurtenances thereof, unto the said Joseph W. Campbell and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches, reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In Testimony whereof J. Benjamin Harrison President of the United States of America have caused these letters to be made public, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the twenty seventh day of June in the year of our Lord one thousand eight hundred and eighty nine, and of the Independence of the United States the one hundred and thirtieth.

By the President: Benjamin Harrison

By J. M. McLean, Secretary

J. M. Townsend, Recorder of the General Land Office
Recorded, Vol. 2, Page 57.

Filed for record at request of Joseph W. Campbell, Nov. 22, 1892 at 11 A.M.
J. J. Smyth

Dec. 1st

Ex officio Recorder

RANGE 06, WEST OF THE BOISE MERIDIAN

33

34

George I. Lane
Dated 03-17-1899
Book 10
Deeds, Pg. 219
160 Acres

TOWNSHIP 12 N

James W. Campbell
Dated 11-22-1909
Book 24 Deeds, Pg 616
162.49 Acres

TOWNSHIP 11 N

04

Joseph W.
Campbell
Dated 6-6-1908
Book 25
Deeds, Pg 198

Lena O.
Campbell
Dated 3-12-1915
Book 25 Deeds,
Pg 197

03

Joseph W.
Campbell
Dated 6-27-1889
Book 5 Deeds, Pg 351
160 Acres

Lena O.
Campbell
Dated
7-14-1916
Book 25
Deeds,
Pg. 200
80 Acres

Frank Fallers
Dated 01-21-1893
Book 24,
Deeds Pg. 158
160 Acres

DRAWING PREPARED
BY SUSIE MOYLE
2005

09

10

WASHINGTON COUNTY OF THE STATE OF IDAHO

*White is
deeded piece
(legal is in
letter from
Susie Moyle)*

18-6

Notice of Location of water Right
 Notice is hereby given that the undersigned
 a Citizen of the United States over the
 age of Twenty one years. hereby Claims
 all the water flowing from a certain
 Spring on the west Side of Warm Spring
 Creek in or near the South west quarter
 of Section Thirty Four Township Twelve
 North Range Six west in the County
 of Washington State of Idaho. to the
 amount of Fifty inches or more if
 an additional amount can be obtained
 from said Spring by digging boring or
 other means.

That it is the intention of the undersigned
 to use said water for domestic and
 agricultural purposes on his farm
 viz Sections three & four in Township
 Eleven North Range Six west. situated
 about one half a quarter of a mile
 South & west of said Spring.

That the means of diverting said water
 will be by ditches flumes pipes of
 size sufficient to carry the entire
 flow of said Spring dated this 19th
 day of February 1894.

J. W. Campbell
 Locater

Filed Feb 24. 1894. request of Joe Campbell

For 1st 1/2

J. F. Smith
 Recorder

SERIAL No.

62657

KIND:

H/L

9731

2000

NOTATIONS.

NAME.

ADDRESS.

James H. Campbell,
Hess, Idaho

DESCRIPTION OF LAND.

SECTION, TOWNSHIP, RANGE, AREA.

5

4 11 N. 6 W.

3-1 12 N 6 W 162.47

NOTATIONS.

DATE.

Feb. 9

Applicant signed proof. Pub. in Nevada
Signal. Notice issued. Proof set before
A.T. Denman, March 20, 1909.

Mar. 1

22

Proof Pub. filed
Proof from before Denman at Nevada. Idaho

Mar. 20, 1909

Final Certificate recommended and applied

Mar. 21, 1909

Final for A.P.D.

Certificate approved and filed

DEPARTMENT OF THE INTERIOR - BLM

MAR 27 2000









Ferris	4-27-12	1-15-12	Chas.	Gannie
Rt.	Jas. W.			M.
4-28-14	Campbell.	Rt. Ach-		Age.
	6-2-10	11-10-13		
S.	Geo. I.	3-4-16		Rt.
rt.	Zane	Taylor.		
	Rt.	Jas. W.	Rt.	
5-19	11-30-98	Campbell	6-21-16	10-2
S.	Chas.	Jas W Campbell.	R.	Fel
X	M.	Rt. 3-23-09	Taylor.	M.
Rt.	De. Spair	Jos. W. Lena O.	Rt.	
15-19	6-14-19	Jos. Campbell.	6-21-16	✓
		W.		
rry.	Chas. Campbell.	Lena.	Chas.	✓
	M.	Campbell.		
Pembert.	De. Spair	Rt.	Rt.	M.
		11-4-87	4-21-15	Tahmage.
	Rt.	Frank.	Rt.	
Rt.	12-24-17	3-4-14	8817	
		Fallers.		
	Geo.	Rt.		
	M.	10-24-92		
	Ti	Frank.		

John F. Smith

5th. It is intended to have the works for di-
version and use of said water as aforesaid com-
pleted within three years.

In witness my hand (of Washington County, i.e. the
State of Idaho) this 24th day of February, in
the year 1896.

State of Idaho } ss. J. H. Campbell
County of Washington } Claimant

Joseph H. Campbell being
justly sworn, deposes and says: that he is
of lawful age and the claimant of the water
right mentioned in the foregoing notice and
whose name is subscribed thereto. That the
statements in the said notice are true, and that
the original notice of which the foregoing is a
true copy, was by him posted in a con-
spicuous place at or near the place of in-
tended diversion (as provided by law) on the 24th
day of February, 1896, at eight o'clock P. M.
Subscribed by Joseph H. Campbell
on this 24th day of February
1896.

J. H. Campbell.

SEAL

Clerk District Court.

Tested and sworn to by J. H. Campbell this 24th day of February 1896 at P. M.
Feb 24/96

J. H. Smith
Recorder

The United States of America

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Boise 03057

Homestead Certificate No.

Application }

WHEREAS, there has been deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at Boise, Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of James W Campbell has been established and duly consummated, in conformity to law, for the Lot four of Section three and the Lots one and two of Section four in Township eleven north and the southwest quarter of the southwest quarter of Section thirty-four in Township twelve north all in Range six west of the Boise Meridian, Idaho, containing one hundred sixty-two and forty-nine-hundredths acres, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said James W Campbell the tract of Land above described;

TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said James W Campbell and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I William H Taft President of the United States of America, have caused these letters to be made Patent and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington the twenty-second day of November in the year of our Lord one thousand nine hundred and Nine and of the Independence of the United States the one hundred and Thirty-fourth.

By the President: Wm H Taft,

By M W Young Secretary.

H W Sanford, Recorder of the General Land Office.



PATENT NUMBER

Recorded 91110, Vol _____, Page _____.

Filed for record at request of O M Harvey Title & Trust Co at 1:45 o'clock P M July 11, 1916

Fees, \$1.00

Frank E Smith, Recorder

The United States of America

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Boise 010086

Certificate No.

Idaho
 WHEREAS, a certificate of the register of the Land Office at Boise, ^{Idaho}
 has been deposited in the GENERAL LAND OFFICE of the ~~State of Idaho~~ ^{Idaho} at Boise, Idaho; whereby it appears that full payment has been made by
 the said claimant Lena O Campbell according to the provisions of
 the Act of Congress of the 24th of April 1820, entitled "An Act making further provision
 for the sale of the Public Lands," and the Acts supplemental thereto, for the
 east half of the southwest quarter of Section three in Township eleven north of

Range six west of the Boise Meridian, Idaho containing eighty acres

according to the Official Plat of the Survey of the said lands, returned to the GENERAL
 LAND OFFICE by the Surveyor General, which said Tract has been purchased by the said -

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of
 the premises, and in conformity with the several Acts of Congress in such case made and
 provided, HAS GIVEN AND GRANTED, and by these presents DO ^{OR} GIVE AND GRANT, unto the said
 claimant and to the heirs of the said claimant the said Tract above described;

TO HAVE AND TO HOLD the same, together with all the rights, privileges,
 immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said
 claimant and to the heirs and assigns forever, subject to
 any vested and accrued water rights for mining, agricultural, manufacturing, or other pur-
 poses, and rights to ditches and reservoirs used in connection with such water rights as
 may be recognized and acknowledged by the local customs, laws and decisions of courts, and
 also subject to the right of the proprietor of a vein or lode to extract and remove his ore
 therefrom, should the same be found to penetrate or intersect the premises hereby granted,
 as provided by law; and there is reserved from the lands hereby granted, a right of way
 thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof I, Woodrow Wilson President of the
 United States of America, have caused these letters to be made
 Patent, and the seal of the General Land Office to be hereunto
 affixed.



GIVEN under my hand, at the City of Washington, the
 Fourteenth day of July, in the year of our Lord
 One thousand nine hundred and sixteen and of the Independence
 of the United States the one hundred and Forty-first

By the President: Woodrow Wilson

By M P LeRoy

Secretary

Recorded Patent Number 538346

L Q C Lamar

Recorder of the General Land Office.

Filed for record at request of O M Harvey Title & Trust Co at 2:00 o'clock P M
 August 2 1916 Frank E Smith Recorder.
 Fees, \$1.00

The United States of America

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Desert Lands
Certificate No. 650

WHEREAS, Joseph W Campbell has deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the LAND OFFICE at Boise, Idaho, whereby it appears that full payment has been made by the said Joseph W Campbell according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the Acts supplemental thereto, for the

southwest quarter of the northwest quarter of Section three in Township eleven north of Range six west of the Boise Meridian, Idaho, containing forty acres,

according to the Official Plat of the Survey of the said lands, returned to the GENERAL LAND OFFICE by the Surveyor General, which said Tract has been purchased by the said Joseph W Campbell:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said Joseph W Campbell and to his heirs, the said Tract above described;

TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Joseph W Campbell and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof I, Theodore Roosevelt President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.



GIVEN under my hand, at the City of Washington, the Sixth day of July, in the year of our Lord One thousand nine hundred and eight and of the Independence of the United States the one hundred and thirty-third.

By the President: Theodore Roosevelt

By M W Young Secretary

H W Sanford Recorder of the General Land Office.

Recorded 907, Vol. _____, Page _____.

Filed for record at request of O M Harvey Title & Trust Co at 1:45 o'clock P M July 11, 1916.

Fees, \$1.00

Frank E Smith, Recorder

The United States of America

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Boise 015550
Certificate No.

WHEREAS, a Certificate of the Register of the Land Office at Boise, Idaho, ^{been} deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the LAND OFFICE at Boise, Idaho, whereby it appears that full payment has been made by the said claimant Lena O Campbell, according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the Acts supplemental thereto, for the southeast

quarter of the northwest quarter of Section three in Township eleven north of Range six west of the Boise Meridian, Idaho, containing forty acres,

according to the Official Plat of the Survey of the said lands, returned to the GENERAL LAND OFFICE by the Surveyor General, which said Tract has been purchased by the said

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the heirs, the said Tract above described;

TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof I, Woodrow Wilson President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.



GIVEN under my hand, at the City of Washington, the Twelfth day of March, in the year of our Lord One thousand nine hundred and Fifteen and of the Independence of the United States the one hundred and Thirty-ninth.

By the President: Woodrow Wilson

By M P LeRoy Secretary

L Q C Lamar Recorder of the General Land Office.

RECORDED: Patent Number 462294

Filed for record at request of O M Harvey Title & Trust Co at 1:45 o'clock P M July 11, 1916

Fees, \$1.00

Frank E Smith, Recorder



1916
Habo
map



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 10, 2005

67-10931
MARJORIE MOYLE
9594 W BEACON LIGHT RD
STAR ID 83669

SUSAN L MOYLE
PO BOX 495
WEISER ID 83672

RE: EVIDENCE OF PRIORITY

Dear Claimant(s):

The Idaho Department of Water Resources has begun its water right review in Basin 67. The Notice(s) of Claim identified with the number shown **above in the "address" label and at the "end" of this letter** has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant(s), you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority."** The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some examples of Documents Which May Be Evidence of the Priority Date."**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

.....
The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by **July 18, 2005** **referencing all documents with the corresponding Notice number.** If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at (208) 287-4907.

In addition, a contractor employed by The Idaho Department of Water Resources may be contacting you to set up a field exam in order to verify the elements of your water right.

Respectfully submitted,

Monica Van Bussum
Water Resource Agent/GIS Technician
Adjudication Bureau

Enclosure: Brochure on “Evidence of Priority”
Notice of Claim 67-10931

Idaho Department of Water Resources

Water Right Claim No:

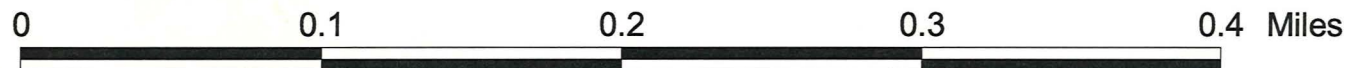
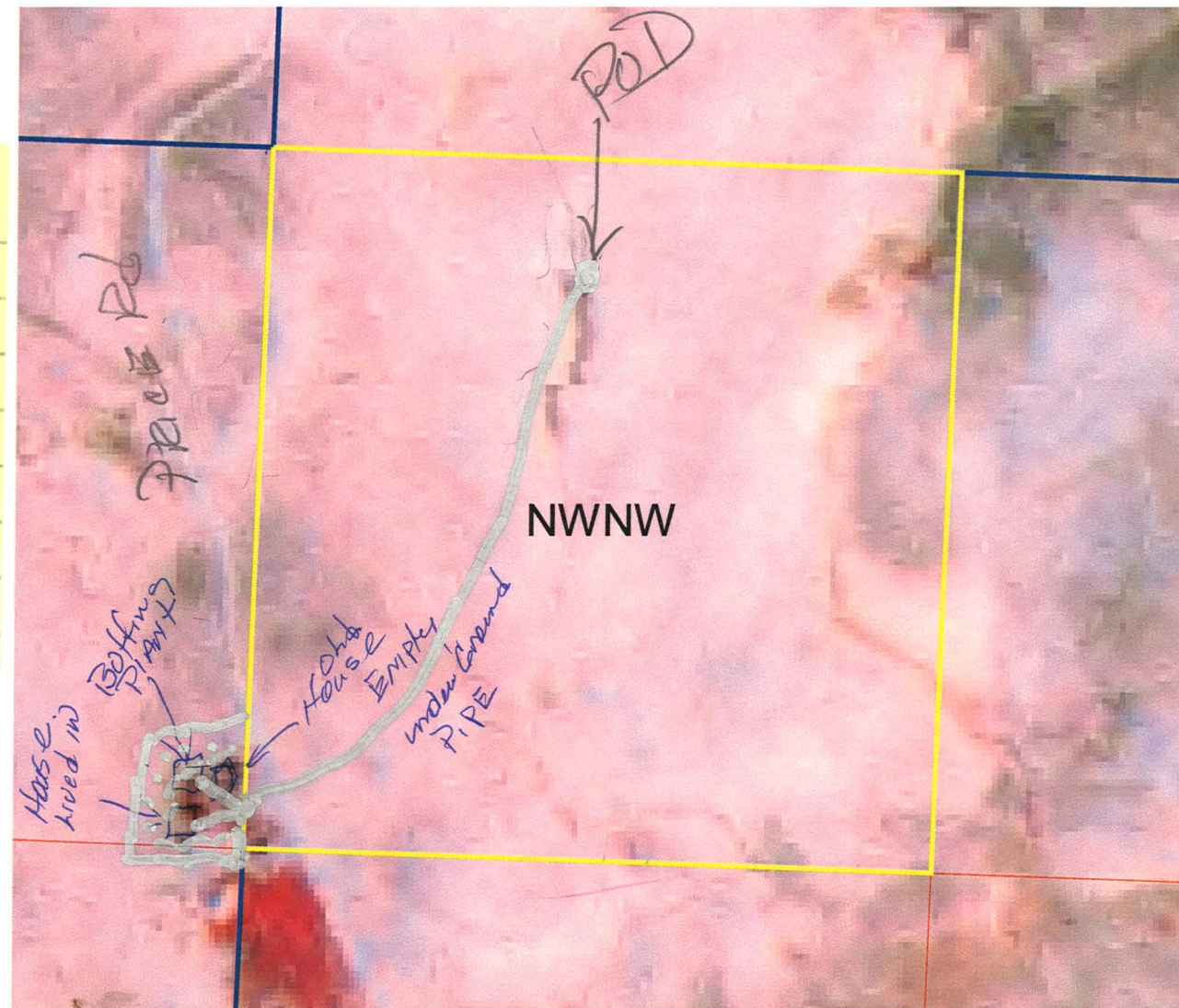
67-10931

per conversation
w/ Susan Moyle 07/08
Spring is not trib.
to Warm Springs
Creek - it goes
~ 1/2 mi. to house

sinks.

Legend

- Place of Use
- Section Lines
- Quarter Quarters



#R0010723

IDWR Field Exam Form

02/28/2005

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	SUSAN L MOYLE	PO BOX 495	WEISER	ID	83672	(208)549-2879
Current Owner	MARJORIE MOYLE	9594 W BEACON LIGHT RD	STAR	ID	83669	(208)286-7413

Date of Field Exam: 4-25-05 Time: 1330Accompanied By: Susan Phone Number: 208-549-2879Relationship to Claimant: LESSEE

Directions to Property (if different from above) and/or update owner information:

water level in Spring is Down IF she
TAP, Bottles water @ Run it in the House
She must DO one AT A time. NO Run off
TO WARM SPRINGS Creek For the last 3
YEARS

Pipe ~~is~~ starts @ 6" Reduces Down to 4" then to 2"
which is GRAVITY Feed. HAS About 60 PSI in
the House & Bottling plant.

Reviewer: Date: 4-25-05

Claim Number 67-10931

Claimed Basis: Beneficial Use

Water Right Basis:

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

[illegible]

Reviewer: Robert May

Date: 4-25-05

Point of Diversion and Source Data Entry Form

Claim Number 67-10931

Claimed Point of Diversion and Source

T12N R06W S34 SESWSW Within WASHINGTON County Source: SPRING WARM SPRINGS CREEK

☒ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

SPRING

WARM SPRINGS CREEK

Twp Rge Sec Gov Lot QQQ of QQ of Q

County

Source

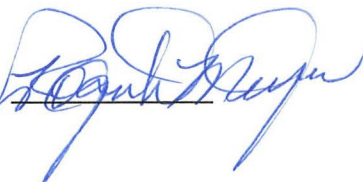
#1 #025 See map

POD #A0016723

: 2256896
1462894Other rights from this POD? NO

Document how the POD and Source were verified:

Reviewer:



Date:

4-25-05

Place Of Use Data Entry Form

Claim Number 67-10931

Claimed Place Of Use

T11N R06W S03	NWNW	1.0
T11N R06W S03	NWNW	
T11N R06W S03	NWNW	
T11N R06W S03	NWNW	

Total Acres 1

☒ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
					See map			

Total Acres 1

Document how the POU was verified:

Reviewer: Robert MeyersDate: 4-25-05

Purpose of Use Data Entry Form

Claim Number 67-10931

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			
DOMESTIC			
STOCKWATER			
COMMERCIAL			

 Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

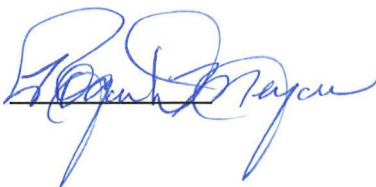
Water Use	Number of Homes	Number of Stock	Acre Limit
-----------	-----------------	-----------------	------------

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
IRR	1	10	1	

Document how the Purpose of Use was verified:

Reviewer:



Date:

4-25-05

Period of Use and Quantity Data Entry Form

Claim Number 67-10931

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.03	
STOCKWATER	1/01	12/31	0.05	
COMMERCIAL	1/01	12/31	0.05	
DOMESTIC	1/01	12/31	0.05	

Overall Diversion Rate 0.05

Overall Diversion Volume

☒ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
-----------	-------	-----	------	--------

Overall Diversion Rate

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

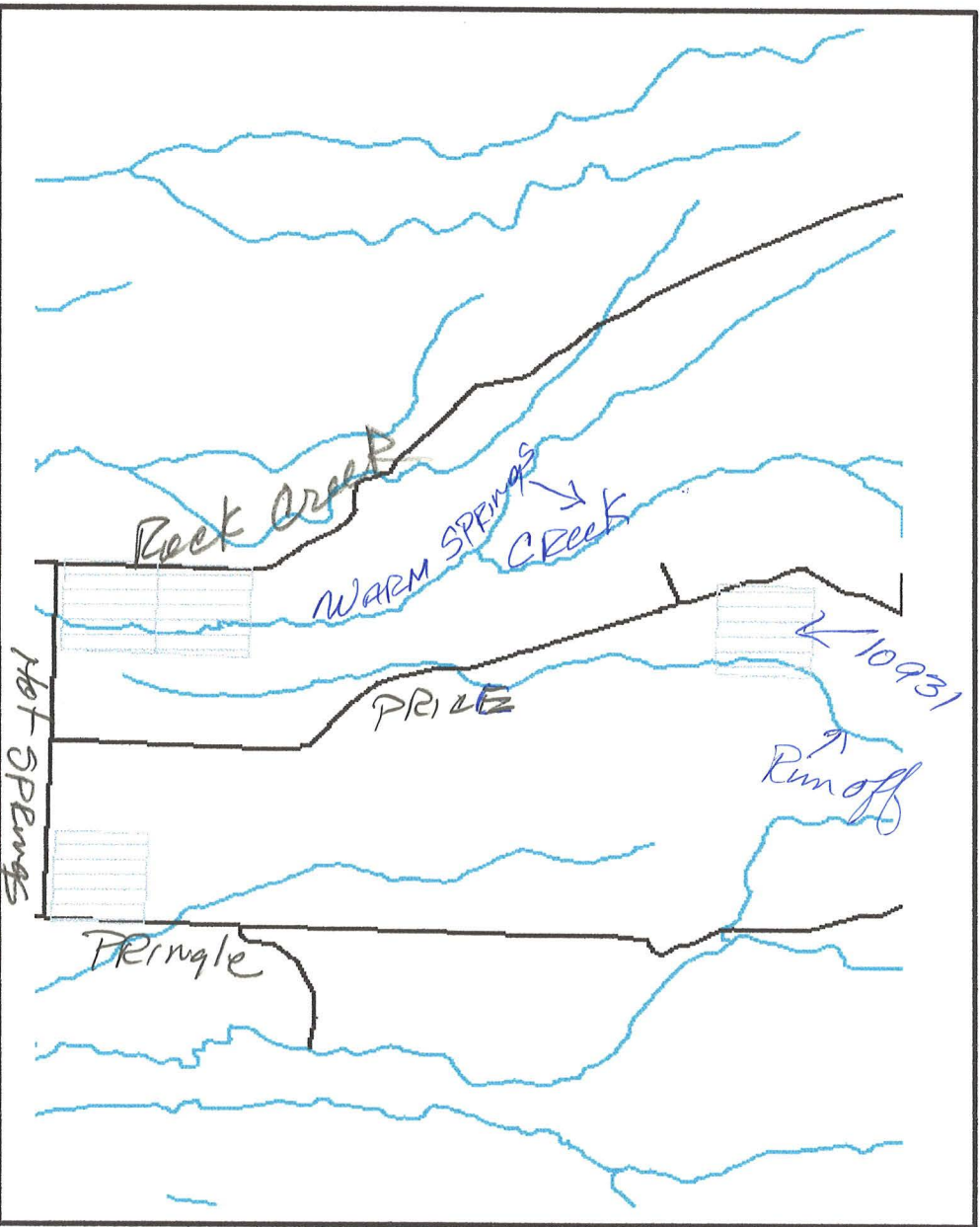
Reviewer: _____



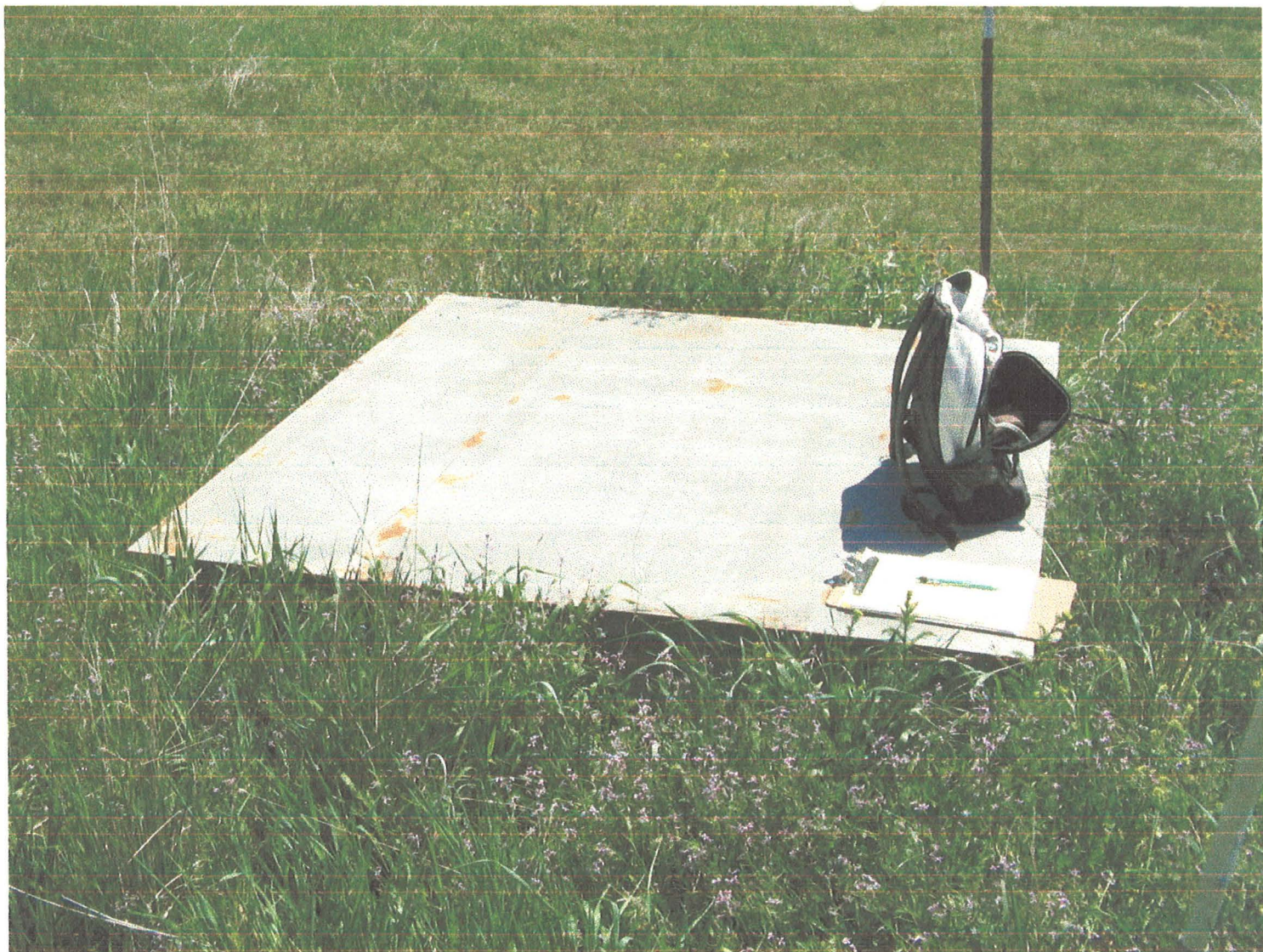
Date: _____

4-25-05

Moyle



-  Primary POIs
-  Streams & Canals
-  Roads
-  Basin Outlines



#A0016723.JPG

13.00 to 13:30

1175 # 1177 Price Rd.

67-10931 Susan L. Moyle, 208-549-2879

Spring to warm springs Creek

~~Pump~~ ? or GRAVITY Flow 1-Pic.
#25 #A 00 16123 2256896
1462894

POD

POU

Commercial use starting 1984
w/E 4-1-1862

Pe/Date.

Home /

Bottling Plant ✓

stock ✓

~~DATA~~

Horses 10
10 Cattle. Beef

05/12/2008

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

RIGHT NUMBER: 67-10931

NAME AND ADDRESS: SUSAN L MOYLE
PO BOX 495
WEISER ID 83672

SOURCE: SPRING

TRIBUTARY: WARM SPRINGS CREEK

QUANTITY: 0.050 CFS
22.40 AFY

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 02/19/1894

POINT OF
DIVERSION:

T12N R06W S34 SESWSW 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	0.030 CFS 4.50 AFY
DOMESTIC	01/01 12/31	0.050 CFS 0.60 AFY
STOCKWATER	01/01 12/31	0.050 CFS 1.40 AFY
COMMERCIAL	01/01 12/31	0.050 CFS 22.40 AFY

Commercial use is for water bottling plant. Domestic use is for 1 home.

PLACE OF USE: IRRIGATION in WASHINGTON County

T11N R06W S03 Lot 4 NWNW 0.50 T11N R06W S03 SWNW 0.50

STOCKWATER in WASHINGTON County

T11N R06W S03 Lot 4 NWNW

COMMERCIAL in WASHINGTON County

T11N R06W S03 Lot 4 NWNW

DOMESTIC in WASHINGTON County

T11N R06W S03 Lot 4 NWNW

1 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.

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

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

Adjudication Recommendation Report 67-10931 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUSAN L MOYLE PO BOX 495 WEISER, ID 83672 (208)549-2879
Directors Report Owner	MARJORIE MOYLE 9594 W BEACON LIGHT RD STAR, ID 83669 (208)286-7413

Status: Active

WARM SPRINGS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.030 CFS	4.50 AF
DOMESTIC	01/01 to 12/31	0.050 CFS	0.60 AF
STOCKWATER	01/01 to 12/31	0.050 CFS	1.40 AF
COMMERCIAL	01/01 to 12/31	0.050 CFS	22.40 AF
	Total Diversion:	0.050 CFS	22.40 AF

SPRING SE1/4SW1/4SW1/4 Sec. 34, Twp 12N, Rge 06W, B.M.
WASHINGTON County

IRRIGATION

[illegible]

DOMESTIC

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10931 V1

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11N	06W	3						X											
								L 4											

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11N	06W	3						X											
								L 4											

Conditions of Approval:

1. C04 Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.
2. N14 The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
3. X01 Commercial use is for water bottling plant. Domestic use is for 1 home.
4. N09 The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
5. 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:Comments:

1. csaxton 12/10/2006 Volume
Comment: See copy of e-mail in file.

2. csaxton 12/10/2006 No n-codes
Comment: Claimant paid for this to not be a de-minimus right.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10931 V1

Dates and Other Information:

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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	1/3/2006 11:55:06 AM	mvanbussum			Active
Priority Date	1/3/2006 12:03:18 PM	mvanbussum			Active
POD	1/3/2006 12:06:23 PM	mvanbussum			Active
Source	1/3/2006 12:33:05 PM	mvanbussum			Active
POU	1/3/2006 12:34:18 PM	mvanbussum			Active
Use	1/3/2006 12:44:15 PM	mvanbussum			Active
Season	1/3/2006 12:46:03 PM	mvanbussum			Active
Quantity	1/3/2006 1:37:48 PM	mvanbussum			Active
Summary			01/03/2006	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	12/10/2006 3:06:48 PM	csaxton	Updated PLS for Active POU
POU	12/10/2006 3:06:40 PM	csaxton	Updated shape for Active POU
Season	1/3/2006 12:46:03 PM	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 administratively 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 67-10931 V1

Contacts	1/3/2006 11:55:07 AM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam 4/25/2005.
POD	1/3/2006 12:29:23 PM	mvanbussum	Updated shape
POU	1/3/2006 12:33:42 PM	mvanbussum	Updated shape for Active POU
POU	1/3/2006 12:34:18 PM	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 4/25/2005.
POU	1/3/2006 12:39:27 PM	mvanbussum	Updated shape for Active POU
Quantity	1/3/2006 1:37:49 PM	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? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per field exam 4/25/2005 by Little Weiser River Water Master Roger Meyers, pipe is sufficient for flow. Description for Question 10 - 0.03 cfs * 4.5 afa (field headgate requirement) = 0.135 AFA
POD	1/3/2006 12:06:24 PM	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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10931 V1

Use	1/3/2006 12:44:16 PM	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? (Yes) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (Yes) 13. Is a Purpose of Use remark and/or condition required? Description for Question 7 - Per conversation with claimant on 07/12/2005, there is an old orchard on the property that was irrigated with water from the spring, that is no longer used. The claimant now bottles and sells the spring water commercially. When the claimant bottles water for commercial purposes, the water from the spring goes to the bottling plant first and all other water is turned off. Water left after bottling is used for domestic, stock and irrigation of the remaining garden. Description for Question 10,11,12 - Field exam 4/25/2005. Meeting with claimant 07/12/2005.
Summary	1/3/2006 1:56:58 PM	mvanbussum	(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? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
General	1/3/2006 12:03:18 PM	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 - Notice of Water Right dated 1894 provided by claimant.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10931 V1

Source	1/3/2006 12:33:06 PM	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 4/25/2005.
POU	1/3/2006 12:39:38 PM	mvanbussum	Updated PLS for Active POU

Water Supply Bank:

RECEIVED

MAY 05 2008

DEPARTMENT OF
WATER RESOURCES

RECEIVED

APR 30 2008

WATER RESOURCES
WESTERN REGION

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split(s)	Water Right No(s).	Adjudication Claim No(s).	Split(s)
67-10931	OK - C. Saxton	5-12-08			

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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)

Remove Margolin Maple

4. New Owner/Claimant(s)

Susan L. Maple
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 495

City, State and ZIP Code

Weiser, ID, 83672

New Telephone Number

(208) 549-2879 Email: *Susiemaple@comcast.com*

SCANNED

MAY - 5 2008

5. Date you acquired the property

April 21, 2008

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s)

Jesse L. Maple

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:Received by SFWDate 4/30/08

Receipt Amt. _____

Received by _____

Date _____

Receipt No. _____

Processed by C. Saxton AJDate 5/12/08

WR _____

Date _____

NCAP prepared
5-13-08
-AP



Instrument # 209134
STATE OF IDAHO, COUNTY OF WASHINGTON
2008-04-23 03:59:00 No. of Pages: 1
Recorded for: AMERITITLE
SHARON WIDNER Fee: 3.00
Ex-Officio Recorder Deputy PDaratt
Index To: DEED
Electronically Recorded by Simplifile

IDWD
Order No.

WARRANTY DEED

For Value Received,

THE MARJORIE MOYLE TRUST, under revocable Trust Agreement dated February 19, 2002

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Susan L. Moyle , an unmarried woman

GRANTEE(s), whose address is: **P.O. Box 495, Weiser, ID 83672**

the following described real property located in Washington County, to-wit:

IN TOWNSHIP 12 NORTH RANGE 6 WEST OF THE BOISE MERIDIAN:

Section 33: All that part of the SE1/4SE1/4 lying east of the center of Warm Springs Creek.

Section 34: SW1/4SW1/4

IN TOWNSHIP 11 NORTH RANGE 6 WEST OF THE BOISE MERIDIAN:

Section 03: Lot #4 and the north 680 feet of the SW1/4NW1/4.

Section 04: Lot #1 and the north 680 feet of the SE1/4NE1/4 lying east of Warm Springs Creek.

EXCEPTING five percent of all minerals of any nature whatsoever, including coal, oil, and gas produced and saved from said land, or any part thereof, as reserved by Edward W. Toomy and Mary E. Toomey, his wife, in Warranty Deed dated May 3, 1944 and recorded in Book 64 Deeds, page 12 records of Washington County, Idaho.

SUBJECT TO reservations and conditions recited in Government Patent, and rights of way for roads or easements for irrigation or drainage.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including all springs, water rights and water facilities.

And specifically transferring all the Grantor's interest to any and all oil, minerals, gas and other hydrocarbon substances as well as any rights to air, wind, sunlight, geothermo or other potential energy sources beneath, on or above the property.

TO HAVE AND TO HOLD the premises with its appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that



IDWD
Order No.

This document has been recorded electronically. Please see the attached copy to view the County Recorder's stamp as it now appears in the public record.

Submitted by: **AmeriTitle**

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TO HAVE AND TO HOLD the premises with its appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee

12/10/2006

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

RIGHT NUMBER: 67-10931

NAME AND ADDRESS: SUSAN L MOYLE
PO BOX 495
WEISER ID 83672

MARJORIE MOYLE
9594 W BEACON LIGHT RD
STAR ID 83669

SOURCE: SPRING

TRIBUTARY: WARM SPRINGS CREEK

QUANTITY: 0.050 CFS
22.400 AFY

PRIORITY DATE: 02/19/1894

POINT OF DIVERSION:

T12N R06W S34 SESWSW 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	0.030 CFS 4.50 AFY
DOMESTIC	01/01 12/31	0.050 CFS 0.60 AFY
STOCKWATER	01/01 12/31	0.050 CFS 1.40 AFY
COMMERCIAL	01/01 12/31	0.050 CFS 22.40 AFY

Commercial use is for water bottling plant. Domestic use is for 1 home.

PLACE OF USE: IRRIGATION in WASHINGTON County

T11N R06W S03 Lot 4 NWNW 0.50 T11N R06W S03 SWNW 0.50

STOCKWATER in WASHINGTON County

T11N R06W S03 Lot 4 NWNW

COMMERCIAL in WASHINGTON County

T11N R06W S03 Lot 4 NWNW

DOMESTIC in WASHINGTON County

T11N R06W S03 Lot 4 NWNW

1 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

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



Idaho Department of Water Resources

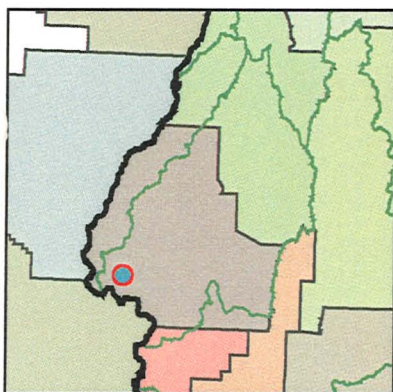
SRBA Recommendation:

67-10931

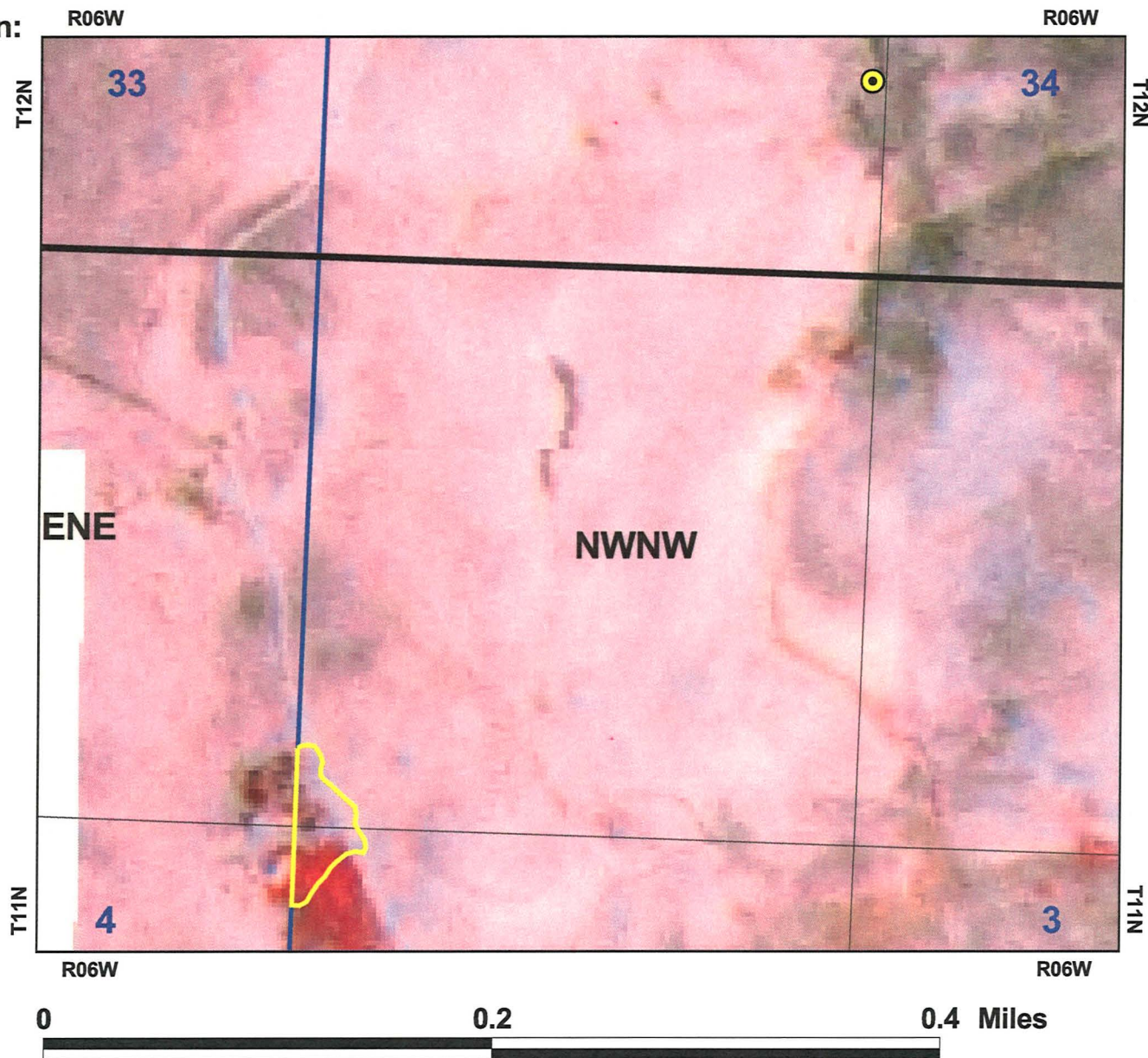
(Irrigation)

Legend

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



Washington County
IDWR Basin 67



Prepared by IDWR State Office
On Sunday, December 10, 2006
1987/88 Aerial Photography

Adjudication Recommendation Report 67-10931 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUSAN L MOYLE PO BOX 495 WEISER, ID 83672 (208)549-2879
Current Owner	MARJORIE MOYLE 9594 W BEACON LIGHT RD STAR, ID 83669 (208)286-7413

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	WARM SPRINGS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.030 CFS	4.50 AF
DOMESTIC	01/01 to 12/31	0.050 CFS	0.60 AF
STOCKWATER	01/01 to 12/31	0.050 CFS	1.40 AF
COMMERCIAL	01/01 to 12/31	0.050 CFS	22.40 AF
	Total Diversion:	0.050 CFS	22.40 AF

SPRING SE1/4SW1/4SW1/4 Sec. 34, Twp 12N, Rge 06W, B.M.
WASHINGTON County

IRRIGATION

[illegible]

DOMESTIC

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10931 V1

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
11N	06W	3	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
								X											
								L 4											

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
11N	06W	3	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
								X											
								L 4											

Conditions of Approval:

1. C04 Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.
2. X01 Commercial use is for water bottling plant. Domestic use is for 1 home.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:

1. csaxton 12/10/2006 Volume
Comment: See copy of e-mail in file.
2. csaxton 12/10/2006 No n-codes
Comment: Claimant paid for this to not be a de-minimus right.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10931 V1

Dates and Other Information:

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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	1/3/2006 11:55:06 AM	mvanbussum			Active
Priority Date	1/3/2006 12:03:18 PM	mvanbussum			Active
POD	1/3/2006 12:06:23 PM	mvanbussum			Active
Source	1/3/2006 12:33:05 PM	mvanbussum			Active
POU	1/3/2006 12:34:18 PM	mvanbussum			Active
Use	1/3/2006 12:44:15 PM	mvanbussum			Active
Season	1/3/2006 12:46:03 PM	mvanbussum			Active
Quantity	1/3/2006 1:37:48 PM	mvanbussum			Active
Summary			01/03/2006	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	12/10/2006 3:06:48 PM	csaxton	Updated PLS for Active POU
POU	12/10/2006 3:06:40 PM	csaxton	Updated shape for Active POU
Season	1/3/2006 12:46:03 PM	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 administratively 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 67-10931 V1

Contacts	1/3/2006 11:55:07 AM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam 4/25/2005.
POD	1/3/2006 12:29:23 PM	mvanbussum	Updated shape
POU	1/3/2006 12:33:42 PM	mvanbussum	Updated shape for Active POU
POU	1/3/2006 12:34:18 PM	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 4/25/2005.
POU	1/3/2006 12:39:27 PM	mvanbussum	Updated shape for Active POU
Quantity	1/3/2006 1:37:49 PM	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? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per field exam 4/25/2005 by Little Weiser River Water Master Roger Meyers, pipe is sufficient for flow. Description for Question 10 - 0.03 cfs * 4.5 afa (field headgate requirement) = 0.135 AFA
POD	1/3/2006 12:06:24 PM	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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10931 V1

Use	1/3/2006 12:44:16 PM	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? (Yes) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (Yes) 13. Is a Purpose of Use remark and/or condition required? Description for Question 7 - Per conversation with claimant on 07/12/2005, there is an old orchard on the property that was irrigated with water from the spring, that is no longer used. The claimant now bottles and sells the spring water commercially. When the claimant bottles water for commercial purposes, the water from the spring goes to the bottling plant first and all other water is turned off. Water left after bottling is used for domestic, stock and irrigation of the remaining garden. Description for Question 10,11,12 - Field exam 4/25/2005. Meeting with claimant 07/12/2005.
Summary	1/3/2006 1:56:58 PM	mvanbussum	(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? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
General	1/3/2006 12:03:18 PM	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 - Notice of Water Right dated 1894 provided by claimant.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10931 V1

Source	1/3/2006 12:33:06 PM	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 4/25/2005.
POU	1/3/2006 12:39:38 PM	mvanbussum	Updated PLS for Active POU

Water Supply Bank:

RECEIVED

11/14/2006

NOV 24 2006

DEPARTMENT OF
WATER RESOURCES

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: 67-10931

SUSAN L MOYLE
PO BOX 495
WEISER ID 83672
Telephone Number: (208)549-2879

MARJORIE MOYLE
9594 W BEACON LIGHT RD
STAR ID 83669
Telephone Number: (208)286-7413

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Quantity

2. Describe the changes you wish to make in the proposed recommendation:

0.05 CFS = 22.44 Gallons. That is 1,346.4 Gallons per hour, 32,313.6 Gallons per day, and 11,632,896 Gallons per year.
13,000 Gallons Quantity per day is incorrect. Note: Change Quantity to 32,313.6 Gallons per day.
0.14 AFY Quantity is incorrect. Note: Change Quantity to not less than 35.7 AFY.

3. Give a brief explanation as to why you disagree with these portions:

I did the math and Checked the Resources. I used the Water Conversion Factors card I got from the IDWR. Attached is a copy of the card. Maybe it will be helpful.

I disagree with the proposed recommendations as it stands and the above changes need to be made.

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

DATE: 11-21-06

SIGNATURE:

Susan L. Moyle *Marjorie Moyle*
Margorie moyle

Please print your name: Susan L. Moyle

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

WATER CONVERSION FACTORS

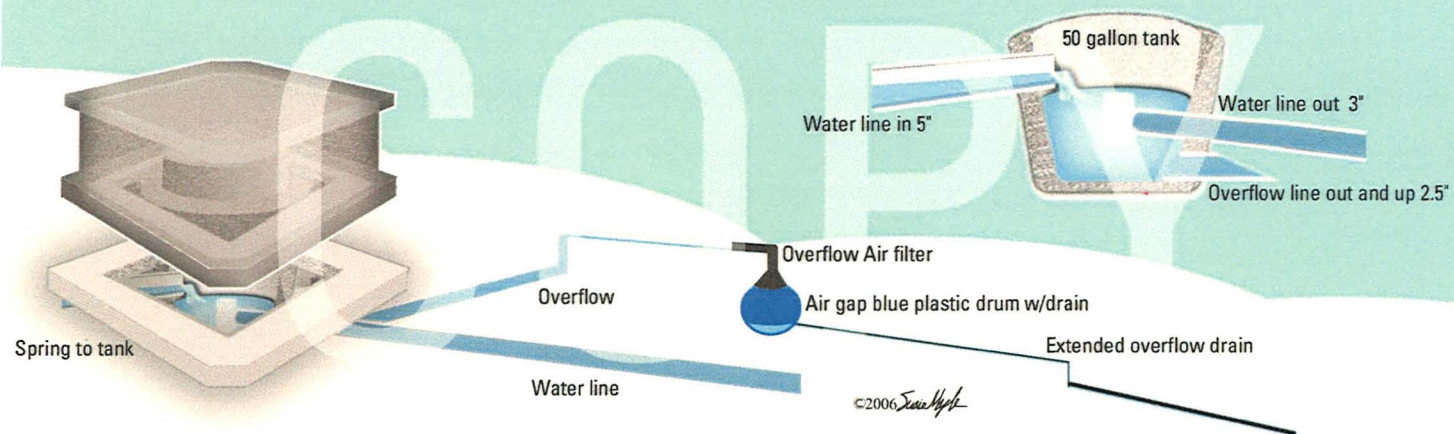
1 cubic foot of water.....	7.4805 gallons.....	62.37 pounds of water
1 cubic foot per second (CFS).....	448.83 gallons per minute.....	26,930 gallons per hour
1 cubic foot per second (CFS).....	646,315 gallons per day.....	1.9835 acre-feet per day
1 cubic foot per second.....	for 30 days = 59,502 acre-feet..	for 1 year = 723.94 acre-feet
1 acre-foot.....	enough water to cover 1 acre of land one foot deep	
1 acre-foot.....		43,560 cubic feet
1 acre-foot.....		325,850 gallons
1 cubic meter per second.....	35.31 CFS.....	15,850 gallons per minute
1 million gallons.....		3.0689 acre-feet
1 million gallons a day (MGD).....		1,120.147 acre-feet per year
10 cents per 1,000 gallons.....		\$32.59 per acre-foot
1 miner's inch.....	9 gallons per minute.....	0.02 CFS

REGIONAL OFFICES OF THE IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN: 1910 Northwest Blvd., Coeur d'Alene, - Tel: (208) 769-1450, FAX: 769-1454
WESTERN: 2735 Airport Way, Boise, - Tel: (208) 334-2190, FAX: 334-2348
SOUTHERN: 222 Shoshone St. E., Twin Falls, - Tel: (208) 736-3033, FAX: 736-3037
EASTERN: 900 N. Skyline, Idaho Falls, - Tel: (208) 525-7161, FAX: 525-7177

SCANNED

NOV 28 2006

RENDERING AND INFORMATION PROPERTY OF SUSIE MOYLE, PO BOX 495, WEISER, ID. 83672. ALL RIGHTS RESERVED.



11/1/06 Susie said she'll e-mail me an updated diagram of her updated system (ie concrete vault added to system)

GENERAL INFO

CONV DATE: 11/30/2006

NAME: Susie Moyle — susiemoyle@gmail.com

PHONE #: (208) 549-2879

PERMIT #: 67-10931

LOCATION OF WELL:

CASING SIZE: spring isn't actually tributary to Warm Springs Creek any longer, since it's connected to POU + used, overflow is piped away

HP:

DYNAMIC:

STATIC:

DEPTH:

PSI:

Hope this helps you out — SA

RES IRRIGATED: owns 160 — Monica Van Bussum calculated

SPRINKLER INFO:

TYPE:

SIZE:

LENGTH:

OPERATING:

1 acre irrigated (shape file already made)
— yard / garden = $[0.03 \text{ cfs}]$

STOCK: 10 horses; sometimes 50-75 head cattle also rotated to her property from her mom's place

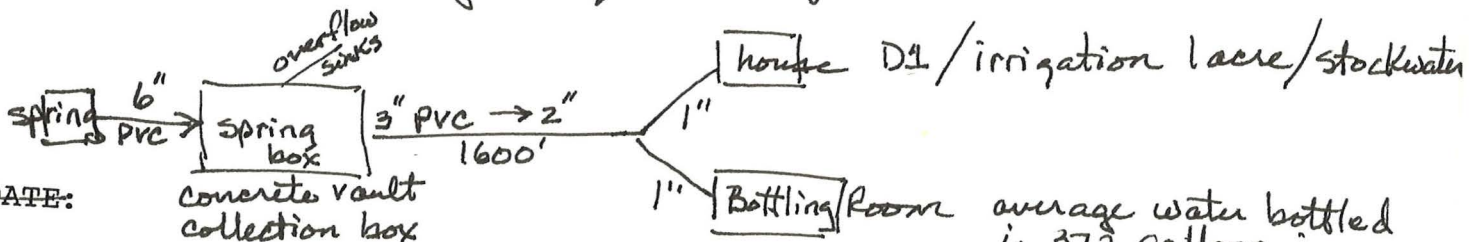
DOMESTICS: D1 internal/external = $[0.04 \text{ cfs}]$

OTHER USES: Commercial: bottled water (3 gallon size bottles —

OTHER RTS USED: 24 per day; 5 gallon size bottles — 60 per day)

DIRECTIONS:

this would be an average, in addition to water being used in the bottling room for cleaning + flushing out the room + lines.



average water bottled is 372 gallons, in addition to large amount of water used cleaning + flushing out the room + lines

* entire gravity flow system

Saxton, Craig

From: Saxton, Craig
Sent: Sunday, December 10, 2006 3:26 PM
To: 'susiemoyle@gmail.com'
Subject: Amended Recommendation for 67-10931

Dear Ms. Moyle,

Sorry it has taken me so long to get back to you. I thought sending you an e-mail would be the quickest and most descriptive way to contact you. In addition, I can send you a copy of the amended recommendation.

- First of all, I have removed the 13,000 gallon per day limitation that was originally on the recommendation. After reviewing the right, I agree that the limitation should not have been put on your recommendation.

However, I still need to assign a volume of water to the water right that makes sense and accurately describes the beneficial use of the spring water.

I spoke with Sandy Hemenway and asked her if she could gather up information on the volume of water your system uses. Based on the information she gave me, I made several calculations.

1)

One sheet of information passed onto me states that on a daily basis the bottling system fills 24 three gallon bottles and 60 five gallon bottles a day:

$(3 \text{ gal})(24 \text{ bottles}) = 72 \text{ gallons}$
 $(5 \text{ gal})(60 \text{ bottles}) = 300 \text{ gallons}$
Total is 372 gallons per day

$(372 \text{ gpd})(365 \text{ day's}) / 325850 \text{ gal} = 0.417 \text{ acre feet per year}$

The notes indicate that there still is a large amount of water used for cleaning and flushing out the room and lines that isn't address in the above calculation.

2)

An e-mail forwarded onto me by Sandy Hemenway and sent by Jami Delmore says that, "*... a 1993 report indicates a max production on 20, 000 and a minimum production of 5000. Bad news is that it doesn't say if that is gal/day, gal/min, gal/week*"

So I took the max number and calculated out the acre foot amount on each of the above scenario's:

$20,000 \text{ gal/min} = 32260 \text{ afy}$
 $20,000 \text{ gal/day} = 22.4 \text{ afy}$
 $20,000 \text{ gal/week} = 3.19 \text{ afy}$

Conclusion:

In your NOE you requested a change in Quantity to no less than 35.7 AFY.

Assuming you used the full diversion rate for 12 hours a day for the year, using your 35.7 AFY, that number would be 17.85 AFY. That would be saying that 0.05 cfs is put to beneficial use continuously without break for 12 hours a day.

So, I think based on the information, I believe I have enough evidence to recommend that **a maximum** of 22.4 acre feet per year is put to beneficial use.

I hope that this sounds reasonable and acceptable as I just do not know how I can justify recommending a greater volume than that. Keep in mind that if you still disagree with my analysis, you will have a chance to object to your recommendation and be heard by the SRBA court.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau



57-10931 Amended
Rec.doc



Volume Notes
67-10931.pdf

NOV 21 2006

11/14/2006

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

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

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Water right number: 67-10931

SUSAN L MOYLE

PO BOX 495

WEISER ID 83672

Telephone Number: (208)549-2879

MARJORIE MOYLE

9594 W BEACON LIGHT RD

STAR ID 83669

Telephone Number: (208)286-7413

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Quantity

2. Describe the changes you wish to make in the proposed recommendation:

0.05 CFS = 22.44 Gallons. That is 1,346.4 Gallons per hour, 32,313.6 Gallons per day, and 11,632,896 Gallons per year.
13,000 Gallons Quantity per day is incorrect. Note: Change Quantity to 32,313.6 Gallons per day.
0.14 AFY Quantity is incorrect. Note: Change Quantity to not less than 35.7 AFY.

3. Give a brief explanation as to why you disagree with these portions:

I did the math and Checked the Resources. I used the Water Conversion Factors card I got from the IDWR. Attached is a copy of the card. Maybe it will be helpful.

I disagree with the proposed recommendations as it stands and the above changes need to be made.

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

DATE: _____

SIGNATURE: _____

Please print your name: Susan L. Moyle

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

WATER CONVERSION FACTORS

1 cubic foot of water.....	7.4805 gallons.....	62.37 pounds of water
1 cubic foot per second (CFS).....	448.83 gallons per minute.....	26,930 gallons per hour
1 cubic foot per second (CFS).....	646,315 gallons per day.....	1.9835 acre-feet per day
1 cubic foot per second.....	for 30 days = 59,502 acre-feet..	for 1 year = 723.94 acre-feet
1 acre-foot.....	enough water to cover 1 acre of land one foot deep	
1 acre-foot.....		43,560 cubic feet
1 acre-foot.....		325,850 gallons
1 cubic meter per second.....	35.31 CFS.....	15,850 gallons per minute
1 million gallons.....		3.0689 acre-feet
1 million gallons a day (MGD).....		1,120.147 acre-feet per year
10 cents per 1,000 gallons.....		\$32.59 per acre-foot
1 miner's inch.....	9 gallons per minute.....	0.02 CFS

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SOUTHERN: 222 Shoshone St. E., Twin Falls, - Tel: (208) 736-3033, FAX: 736-3037

EASTERN: 900 N. Skyline, Idaho Falls, - Tel: (208) 525-7161, FAX: 525-7177

Hemenway, Sandy

From: Delmore, Jami [jdelmore@phd3.state.id.us]
Sent: Tuesday, November 28, 2006 1:30 PM
To: Hemenway, Sandy
Subject: RE: request for a copy of the sanitary survey or contents of the file for Rocky Mtn. Bottled Water/Susie Moyle

I found two files on them. There isn't a lot of help. I pieced information from different sources. Unfortunately the most recent of my information is still over 9 years old. Jeff did an inspection last month. He may be more helpful on current info. There isn't anything in the food file that would help.

The old info indicates pipe from the spring box is approximatedly 1600 feet. It starts out at 3 inches, then gradually reduces to 2 inches, and then 1 inch as it enters the building.

There is a cleanout 18 feet from the spring. From the cleanout, there is a 2 1/2 inch pipe that travels 11 feet to a 30 gallon blue plastic drum that acts as a catch basin for the overflow water. The overflow pipe is 2 inches and travels 40 feet. It doesn't say where the water discharges. A 1993 report indicates a max production on 20,000 and a minimum production of 5,000. Bad news is that it doesn't say if that is gal/day, gal/min, gal/week.

Paperwork says the spring is on the hillside and it has gravity feed. It does not mention elevation. There is no mention of the size of the spring box or the length of pipe between the house and bottling room. It is not clear what the gallons per minute would be.

It isn't much. Good luck. Jami

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

From: Hemenway, Sandy [mailto:Sandy.Hemenway@idwr.idaho.gov]
Sent: Monday, November 27, 2006 3:29 PM
To: Delmore, Jami
Cc: Hemenway, Sandy
Subject: request for a copy of the sanitary survey or contents of the file for Rocky Mtn. Bottled Water/Susie Moyle

Hi Jamie,

My supervisor Craig Saxton is working on an adjudication water right for Susan Moyle/Rocky Mtn. Bottled Water (spring). This system used to be regulated by SWDHD, so I know there should be a file, although it may be inactive. Susie submitted a lot of information about the spring, and I know a sanitary survey was conducted on the PWS, in addition to pictures taken when the Department of Agriculture accidentally sprayed the area near the spring with pesticides. The main thing that is needed is the size of the spring box/collection box, size and length of pipe from the spring box to the house and bottling room, gallons per minute (if stipulated on the report), and elevational slope (if stipulated on the report).

I know I have to send a formal request for this information, but do not have a copy of the request form here at the state office. Could you please send me another copy of the form? I am currently working out of the State Office/Adjudication Dept., but do some work still out at the Western/airport office. As of August, Dave Tuthill hired me on with IDWR as a Sr. Water Resource Agent.

Thanks,
Sandy

11/30/2006

Receipt Details for ID C012416

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
10/19/1989 3:36:40 PM	10/19/1989	State	\$56.00	Check
Payer	MOYLE, MARJORIE			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1225			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE-

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$56.00	ADJUDICATION FEE-	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
67	10931		\$56.00	Claim

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