

11/14/2006

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 67-11025

ANTHONY J FINCHEN
2205 JACKSON CREEK RD
COUNCIL ID 83612-5244
Telephone Number: (208) 253-4680

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

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

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

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

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

SCANNED
DEC 08 2006



Idaho Department of Water Resources

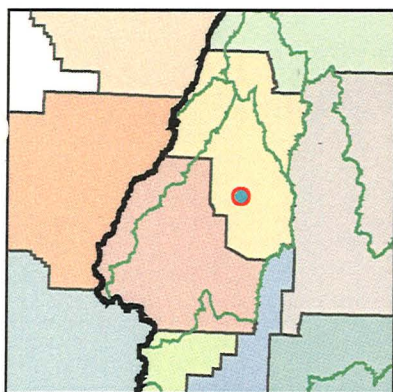
SRBA Recommendation:

67-11025

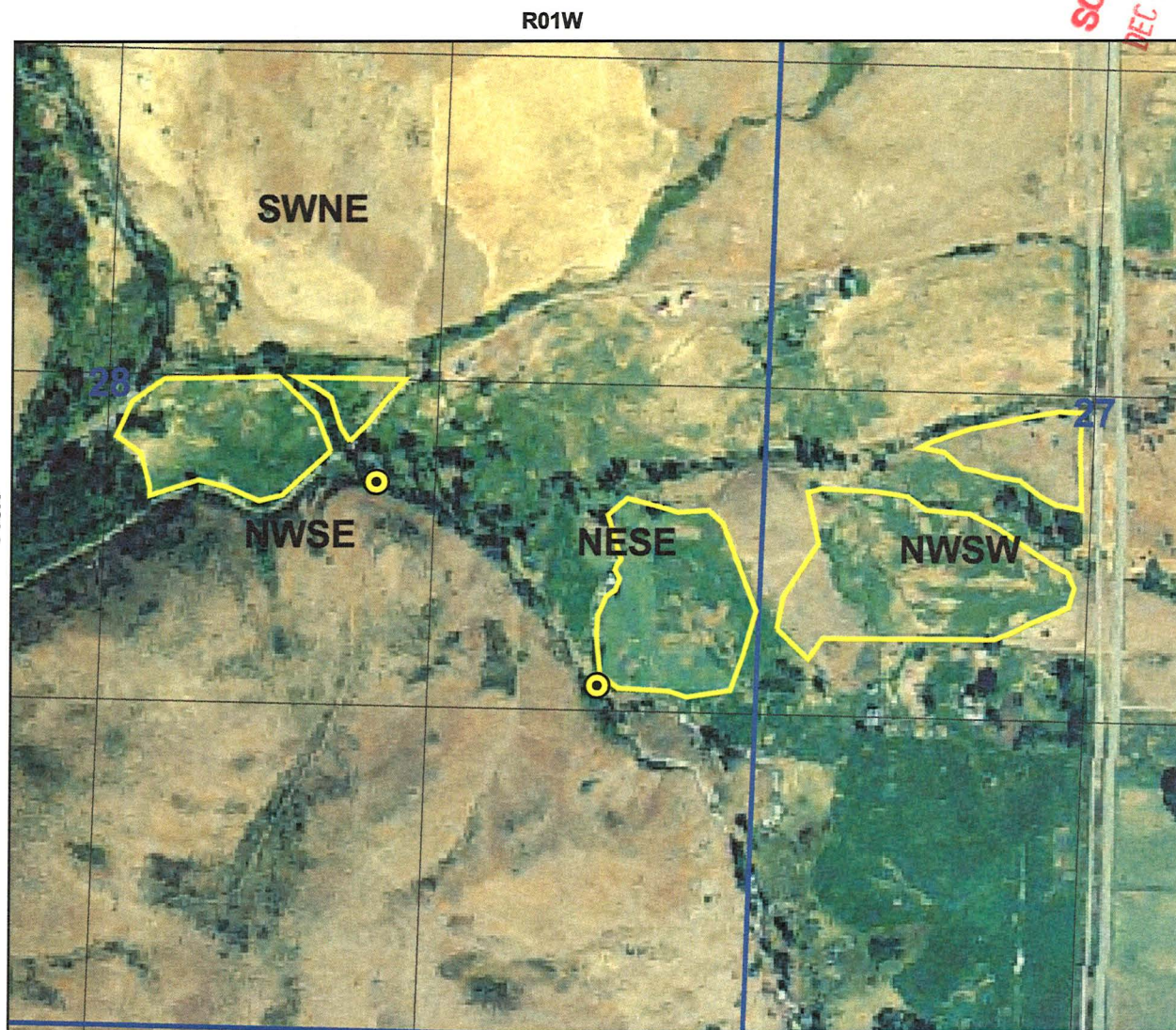
(Irrigation)

Legend

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



Adams County
IDWR Basin 67



Prepared by IDWR State Office
On Wednesday, November 15, 2006
1987/88 Aerial Photography

SCANNED
DEC 8 8 2006

03/08/2006

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

RIGHT NUMBER: 67-11025

NAME AND ADDRESS: ANTHONY J FINCHEN
2205 JACKSON CREEK RD
COUNCIL ID 83612-5244

SOURCE: COTTONWOOD CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.590 CFS

The rights listed below are limited to a total combined diversion rate of 2.34 cfs. Combined Right Nos.: 67-322, 67-2208, 67-11025, 67-11026, and 67-12330

PRIORITY DATE: 08/31/1953

POINT OF DIVERSION:

T16N R01W S28 NESE Within ADAMS County

T16N R01W S28 NWSE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.590 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T16N R01W S27	NWSW	16.00	T16N R01W S28	NESE	9.00
T16N R01W S28	NWSE	8.40			

33.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 33.4 acres in a single irrigation season. Combined Right Nos.: 67-322 and 67-11025

The rights listed below are limited to the irrigation of a combined total of 117.0 acres in a single irrigation season. Combined Right Nos.: 67-322, 67-2208, 67-11025, 67-11026, and 67-12330

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 place of use pursuant to Section 42-1425, Idaho Code.



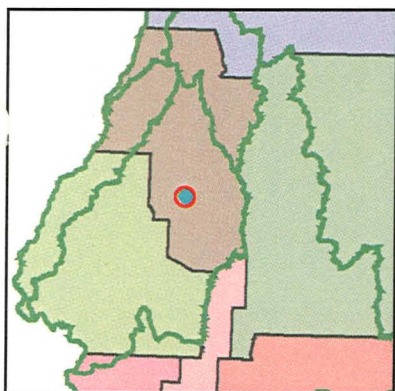
Idaho Department of Water Resources

Adjudication Claim Number: **67-322 & 67-11025**

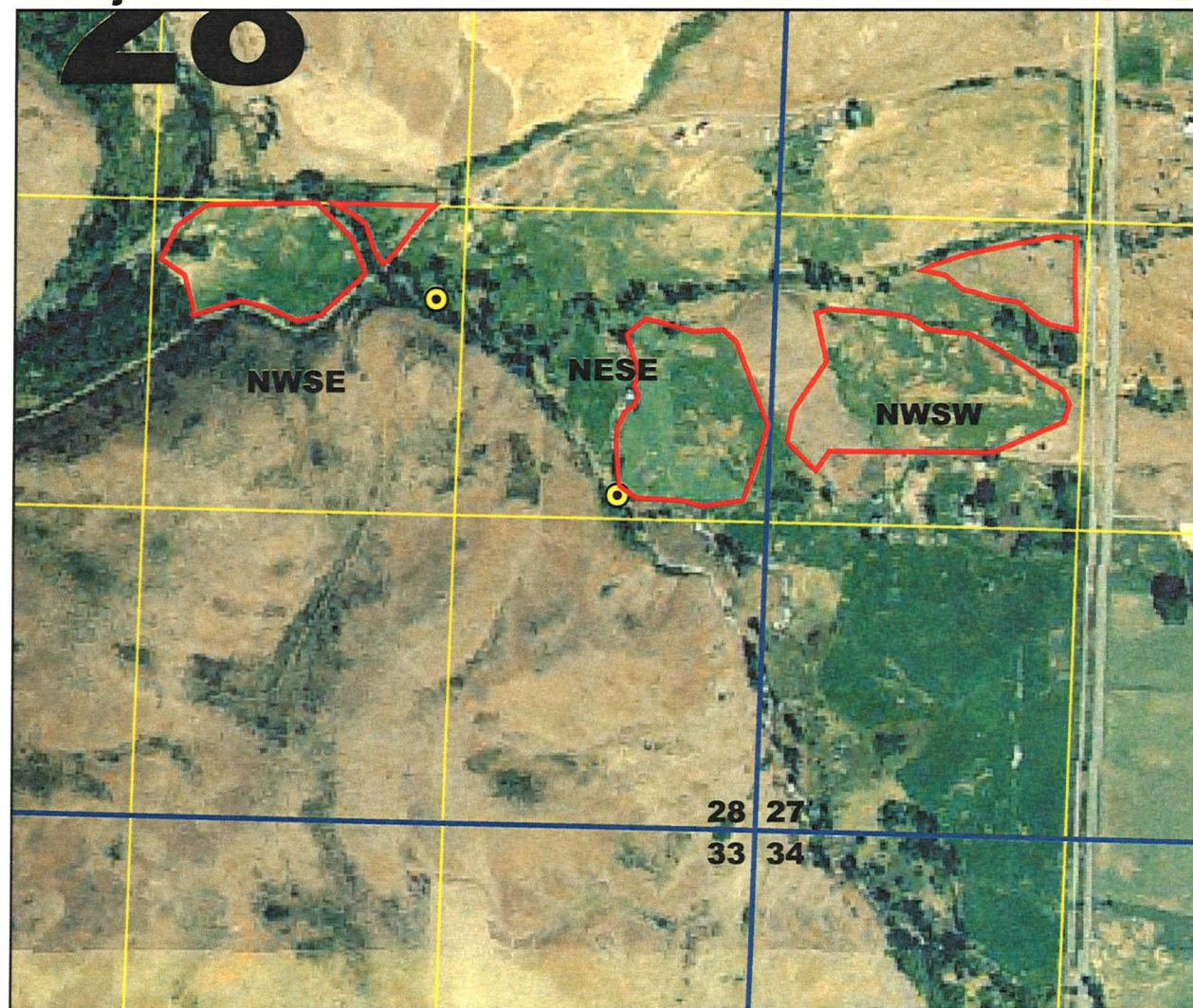
T16N R01W

Legend

- Point(s) of Diversion
- Place of Use
- B67 sections.shp
- T16n01w.shp



Adams County
IDWR Basin 67



1320 0 1320 2640 Feet

Prepared by C. Saxton
On Wednesday, March 8, 2006
1987 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11025 V1

WATER RIGHT NUMBER: 67-11025 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LARRY D DERIE 920 JONATHAN RD WEISER, ID 83672-5122
Current Owner	ANTHONY J FINCHEN 2205 JACKSON CREEK RD COUNCIL, ID 83612-5244 (208) 253-4680

Priority Date: 08/31/1953

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.590 CFS	
	<u>Total Diversion:</u>	0.590 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK	NW1/4SE1/4	Sec. 28, Twp 16N, Rge 01W, B.M.
ADAMS County		
COTTONWOOD CREEK	NE1/4SE1/4	Sec. 28, Twp 16N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	01W	27																	16.0
16N	01W	28													9.0	8.4			17.4

Total Acres: 33.4

Conditions of Approval:

1. E52 The rights listed below are limited to a total combined diversion rate of 2.34 cfs. Combined Right Nos.: 67-322, 67-2208, 67-11025, 67-11026, and 67-12330
2. The rights listed below are limited to the irrigation of a combined total of 33.4 acres in a single irrigation season. Combined Right Nos.: 67-322 and 67-11025
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11025 V1

4. E56 The rights listed below are limited to the irrigation of a combined total of 117.0 acres in a single irrigation season. Combined Right Nos.: 67-322, 67-2208, 67-11025, 67-11026, and 67-12330
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 3/8/2006 License 67-2235

Comment: This claim was filed in place of 67-2235 as it claimed a larger diversion rate and acres. However, the actual use in the field can be covered by 67-2235. Recommend with elements of 67-2235.

2. csaxton 3/8/2006 Copied From Claim

Comment: Ownership changed by DH 9/22/2003

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	3/8/2006 3:45:26 PM	csaxton			Active
Priority Date	3/8/2006 3:46:07 PM	csaxton			Active
POD	3/8/2006 3:46:32 PM	csaxton			Active
Source	3/8/2006 3:48:52 PM	csaxton			Active
POU	3/8/2006 3:49:40 PM	csaxton			Active
Use	3/8/2006 3:50:22 PM	csaxton			Active
Season	3/8/2006 3:50:46 PM	csaxton			Active
Quantity	3/8/2006 4:02:00 PM	csaxton			Active
Summary			03/08/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11025 V1

POD	3/8/2006 3:47:55 PM	csaxton	Updated shape
POD	3/8/2006 3:48:14 PM	csaxton	Updated PLS
POD	3/8/2006 3:48:41 PM	csaxton	Updated PLS
Contacts	3/8/2006 3:45:30 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam by Bosco Bosler on 9-20-05.
POD	3/8/2006 3:46:35 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	3/8/2006 3:48:55 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Use	3/8/2006 3:50:26 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
General	3/8/2006 3:46:10 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	3/8/2006 3:48:30 PM	csaxton	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11025 V1

POU	3/8/2006 3:49:44 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - Recommended as PPU with 67-322 Description for Question 13 - Field Exam by Bosco Bosler on 9-20-05.
POU	3/8/2006 3:50:02 PM	csaxton	Updated shape for Active POU
POU	3/8/2006 3:50:12 PM	csaxton	Updated PLS for Active POU
Season	3/8/2006 3:50:49 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (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?
Quantity	3/8/2006 4:02:04 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11025 V1

Summary	3/8/2006 4:05:32 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 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?
---------	---------------------	---------	---

Water Supply Bank:

Split Analysis

Water Right Number:	Finchen
Diversion Rate:	CFS
Reviewer Name:	Craig L. Saxton
Date:	3/6/2006

Acreage Analysis

[illegible]

Total CFS @ 1 inch per acre = 2.34

Claim

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	322		Decreed	Active	1896-04-01	0.08		10	COTTONW IRRIGATION	FINCHEN, Claim		
67	2208		License	Active	10/12/1951	0.8		98	GROUND ' IRRIGATION	FINCHEN, Claim		
67	4103		Statutory C	Active	1896-06-01	1.98		44	COTTONW IRRIGATION	FINCHEN, Claim		
67	11025		Beneficial I	Active	8/31/1953	1.24		62	COTTONW IRRIGATION	FINCHEN, Claim		
67	11026		Beneficial I	Active	2/25/1952	2		100	LESTER C IRRIGATION	FINCHEN, Claim		
67	12330		Beneficial I	Active	2/15/1963	0.86		43	GROUND ' IRRIGATION	FINCHEN, Claim		

Recommendation

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Dat</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	322		Decreed		1896-04-01	0.08		6.4	COTTONW IRRIGATION	FINCHEN,	Recommendation	
	2235		License		8/31/1953	0.8		56	COTTONW IRRIGATION			
67	11025		B-use		8/31/1953	0.59		33.4	COTTONW IRRIGATION	FINCHEN,	Recommendation	
Total =						0.67		33.4				
Cottonwood extra CFS =						0.21						

67	4103				1896-06-01	1.98			COTTONW IRRIGATION	FINCHEN, Recommendation		
	2215					0.48		36	LESTER CREEK			
67	11026		Beneficial I	Active	5/21/1957	1.92		96.2	LESTER C IRRIGATION	FINCHEN, Recommendation		
67	2208		License	Active	10/12/1951	0.8	392	98	GROUND ' IRRIGATION	FINCHEN, Recommendation		
67	12330		Beneficial I	Active	2/15/1963	0.43	142	35.5	GROUND ' IRRIGATION	FINCHEN, Recommendation		
Total =						2.18	386	109				

Basin	Sequence	Basis	Status	Right ID	Priority Date	Rate(cfs)	Source	Water Use(s)	Owner(s)	Source Table
old well	67	322	Decreed	Active	287429	1896-04-01	0.08 COTTONWOOD CREEK	IRRIGATION	FINCHEN, ANTHONY J (Current)	wrAdjudicationClaim
	67	4103	Statutory C	Active	571435	1896-06-01	1.98 COTTONWOOD CREEK, LESTER CREEK	IRRIGATION	FINCHEN, ANTHONY J (Current)	wrAdjudicationClaim
	67	11025	Beneficial	Active	287458	8/31/1953	1.24 COTTONWOOD CREEK	IRRIGATION	FINCHEN, ANTHONY J (Current)	wrAdjudicationClaim
	67	14435	License	Active	571501	10/12/1951	0.42 GROUND WATER	IRRIGATION	FINCHEN, ANTHONY J (Current)	wrAdjudicationClaim
	67	14437	Beneficial	Active	571503	2/25/1952	1.14 LESTER CREEK	IRRIGATION	FINCHEN, ANTHONY J (Current)	wrAdjudicationClaim
Newer	67	14439	Beneficial	Active	571506	2/15/1963	0.62 GROUND WATER RR Tracks	IRRIGATION	FINCHEN, ANTHONY J (Current)	wrAdjudicationClaim

14434 + 32 Old well

14436 + 37 Lester Creek

14438 + 39 RR Tracks well

Craig All this water except 322
is used on same land as water reverts
wells pick up slack. Hope you can
understand.

Bosco

Contacts Data Entry Form

Claim Number: 67-11025

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	LARRY D DERIE	920 JONATHAN RD	WEISER	ID	83672-512 2	
Current Owner	ANTHONY J FINCHEN	2205 JACKSON CREEK RD	COUNCIL	ID	83612-524 4	(208) 253-4680

Date of Field Exam: 9/8/05 Time: 9:00Accompanied By: Claimant Phone Number: 253-4680

Relationship to Claimant: _____

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

- Use license
- 40 ac worth water
- 32 ac forest
56 ac licensed

Reviewer: BoscoDate: 9/20/05

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

67-11025)

State of Idaho)

County of _____)

AFFIDAVIT

I, June (Lay) Deric being first duly sworn,
deposes and says: I lived at 2205 Jackson
Co. Rd. Council, Idaho. I remember my
father using the water to irrigate
these fields as early as 1952.
(I am 60 years old now.)

June Deric
(Signature)

Subscribed and sworn to before me this
day 14th of September, 192005.

Deborah Moxley
(Notary Public)

Residing at Weiser, ID.

My Commission Expires 2/11/2010.

DEBORAH J. MOXLEY
SEAL
NOTARY PUBLIC
STATE OF IDAHO

Priority Date Data Entry Form

Claim Number 67-11025

Claimed Priority Date: 8/31/1953

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 ____

Recommended Basis _____

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

See Affidavit

Reviewer: *Borco*Date: *9/20/05*

Point of Diversion and Source Data Entry Form

Claim Number 67-11025

Claimed Point of Diversion and Source

T16N R01W S28 NESE Within ADAMS County Source: COTTONWOOD CREEK WEISER RIVER

T16N R01W S28 NWSE Within ADAMS County Source: COTTONWOOD CREEK WEISER RIVER

☒ 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

_____	_____
_____	_____
_____	_____

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

Other rights from this POD? _____

Document how the POD and Source were verified:

Same pod + GPS + pictures as
WR# 67-322

Reviewer: BonoDate: 9/20/05

Place Of Use Data Entry Form

Claim Number 67-11025

Claimed Place Of Use

T16N R01W S27 NWSW 30.0 T16N R01W S28 NESE 22.0
T16N R01W S28 NWSE 10.0

Total Acres 62

☐ 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

Total Acres

Document how the POU was verified:

I can only see about 50 acres
by my gues

Reviewer: Barco

Date: 9/20/05



Idaho Department of Water Resources

Silver POU

Gold is pipeline

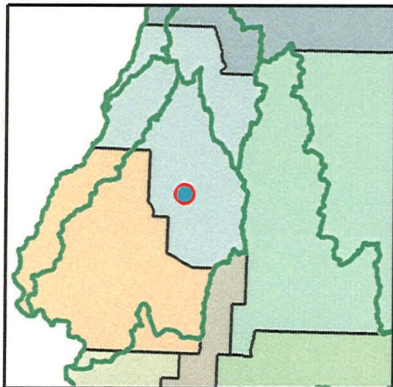
Black is Ditch

Adjudication Claim Number: **67-11025**

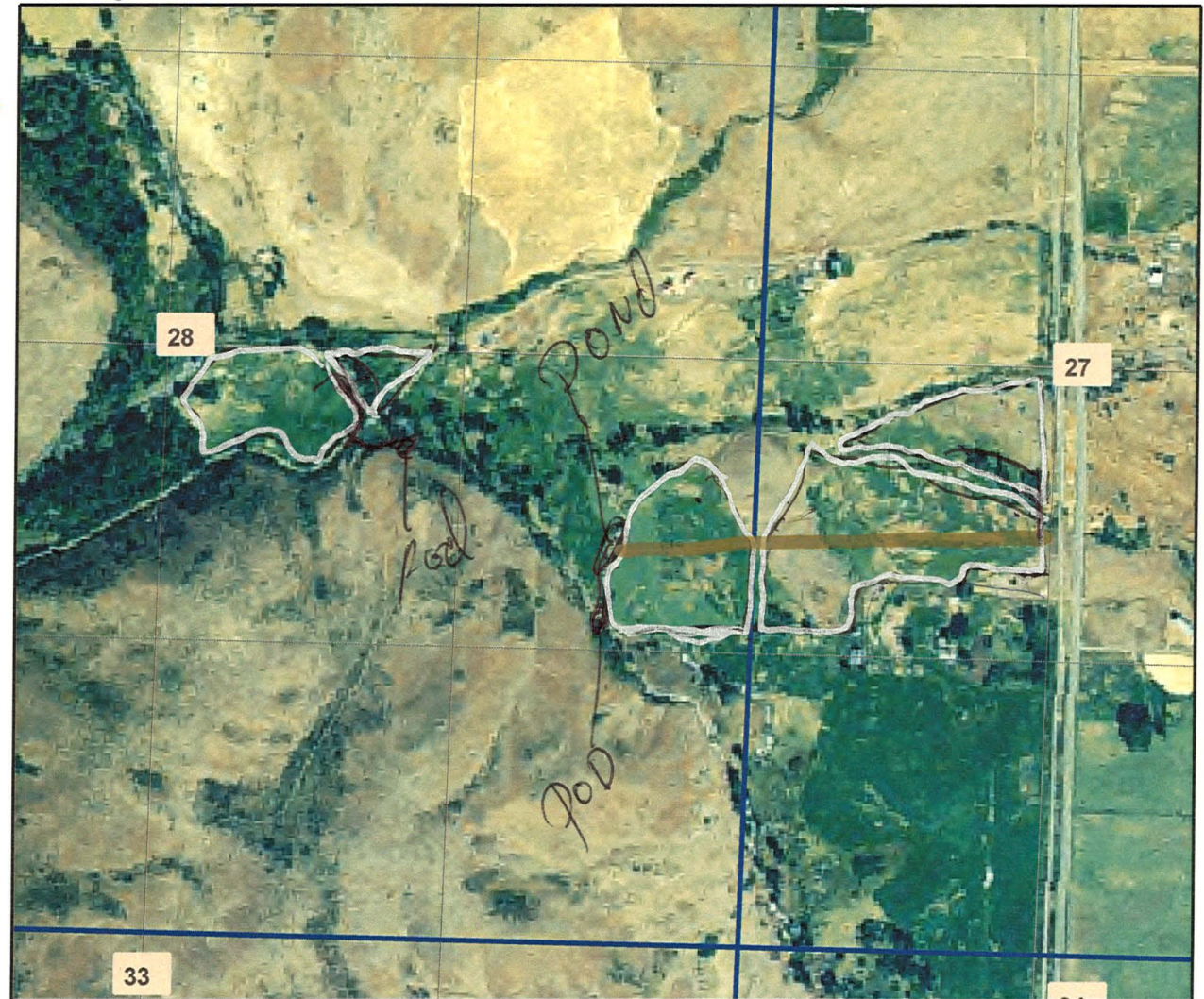
T16N R01W

Legend

-  PLS Sections
-  GCDBQuarter Quarters



Adams County
IDWR Basin 67



0 0.3 0.6 Miles

Prepared by M. Van Bussum
On Wednesday, August 10, 2005
1987 Aerial Photography

Purpose of Use Data Entry Form

Claim Number 67-11025

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

☒ 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:

Reviewer:

Boko

Date:

9/20/05

Period of Use and Quantity Data Entry Form

Claim Number 67-11025

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	1.24	

Overall Diversion Rate 1.24 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:

No flow measurement as creek is dry

Reviewer:

Bono

Date:

9/20/05

MEMO

TO: Files 67-322, 67-11025, 67-14434, 67-14435, 67-14436, 67-14437, 67-14438,
67-14439
FROM: Denise Hatfield
DATE: September 23, 2003
SUBJECT: Ownership change and split information

In reviewing this change of ownership, the change of ownership form received indicated that water right numbers 67-11025 & 67-11026 result in a split. However, after reviewing the claims and the maps, it was determined that the claims to be split are actually 67-2208 and 67-12330, in addition to 67-11026. Claim numbers 67-322 & 67-11025 do not appear to be splits.

Anthony Finchen (new owner) purchased land in Sections 27 & 28, *South of the County Rd.*
Refer to the maps in each file for further information.

SCANNED
APR 09 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

September 24, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ANTHONY J FINCHEN
5718 E AIRPORT RD
NAMPA ID 83687

Re: Original Notice of Claim to a Water Right No. 67-2208
Renumbered Notice of Claim to a Water Right No. 67-14435

Original Notice of Claim to a Water Right No. 67-11026
Renumbered Notice of Claim to a Water Right No. 67-14437

Original Notice of Claim to a Water Right No. 67-12330
Renumbered Notice of Claim to a Water Right No. 67-14439

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim represents a split of the claim filed by a previous owner during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Please note, the ownership has also been changed on claim numbers 67-322 and 67-11025; and copies are enclosed for your records.

Thank you for your patience, as we have had several water right changes to process. Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section
Western Region

DH: dh

Enclosure

State of Idaho

License and Certificate of Water Right

Water License No. 24431Amount 0.8 c.f.s.

Water District No. _____

Priority August 31, 1953

THIS IS TO CERTIFY that ANDY R. LAY
 of _____ Council, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated August 31, 1953; that Permit No. 24431
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.0 second feet, was issued thereunder on August 8, 1958, showing that said works
 were completed on the 29th day of July, 1958; and that on the 15th
 day of August, 1958,

ANDY R. LAY

of _____ Council, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of Cottonwood
Creek, a tributary of Weiser, for the purpose of irrigation and domestic
 use, under Use Permit No. 24431 of the Department of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

11 of Licenses at page 7025, on the 1st day of December, 1960;

The right hereby confirmed dates from August 31, 1953;

The Point of Diversion is located NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

in the -- $\frac{1}{4}$ --- $\frac{1}{4}$, Sec. 28, Tp. 16 N., R. 1 W., B. M. Adams County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed 0.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 N.	1 W.	27 28	SW $\frac{1}{4}$ NW $\frac{1}{4}$	10	4
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	20	12
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	27	31
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	8	9
			Total number of acres to be irrigated:		56

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

1st day of December, 1960.

s/ GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 24431

REPORT ON PROOF OF Beneficial Use

Andy R. Lay, Council, Idaho

Q - .80 c,f,s,
Sub 4
Acres, 56

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

Permit No. 24431This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Andy R. Lay, Council, Idaho2. Source of water supply: Cottonwood CreekTwo3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28T. 16 N. R. 1 W. County of Adams

4. Describe works as they exist, giving dimensions and capacities of same: _____

Applicant has two points of Diversion, one in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and one in 76
The NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sect 28, Twp 16 N R 1 W Headgates 10" diameter by 24' long
Made of concrete, and equipped with slide metal gates.
Adequate diversion dams in Cottonwood Creek for diversion of water.
Adequate ditch capacity, 1' foot on bottom, 2 $\frac{1}{2}$ ' water line, 1' foot depth.

5. Water is used for: Irrigation and domestic purposes6. State whether or not water has been turned into works of diversion: Yes.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28;SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27;Twp. 16 N., Range 1 W., B.M.Acres irrigated, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 28, 12 Acres," " NE $\frac{1}{4}$ SE $\frac{1}{4}$ " " 31 "" " NW $\frac{1}{4}$ SE $\frac{1}{4}$ " " 9 "" " SW $\frac{1}{4}$ NW $\frac{1}{4}$ " 27 4 "Irrigated by gravity and flood ing ^{56'} 15 Acres," " Pump, 0.50 c.f.s. capacity, 41 Acres, sprinkler system

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

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

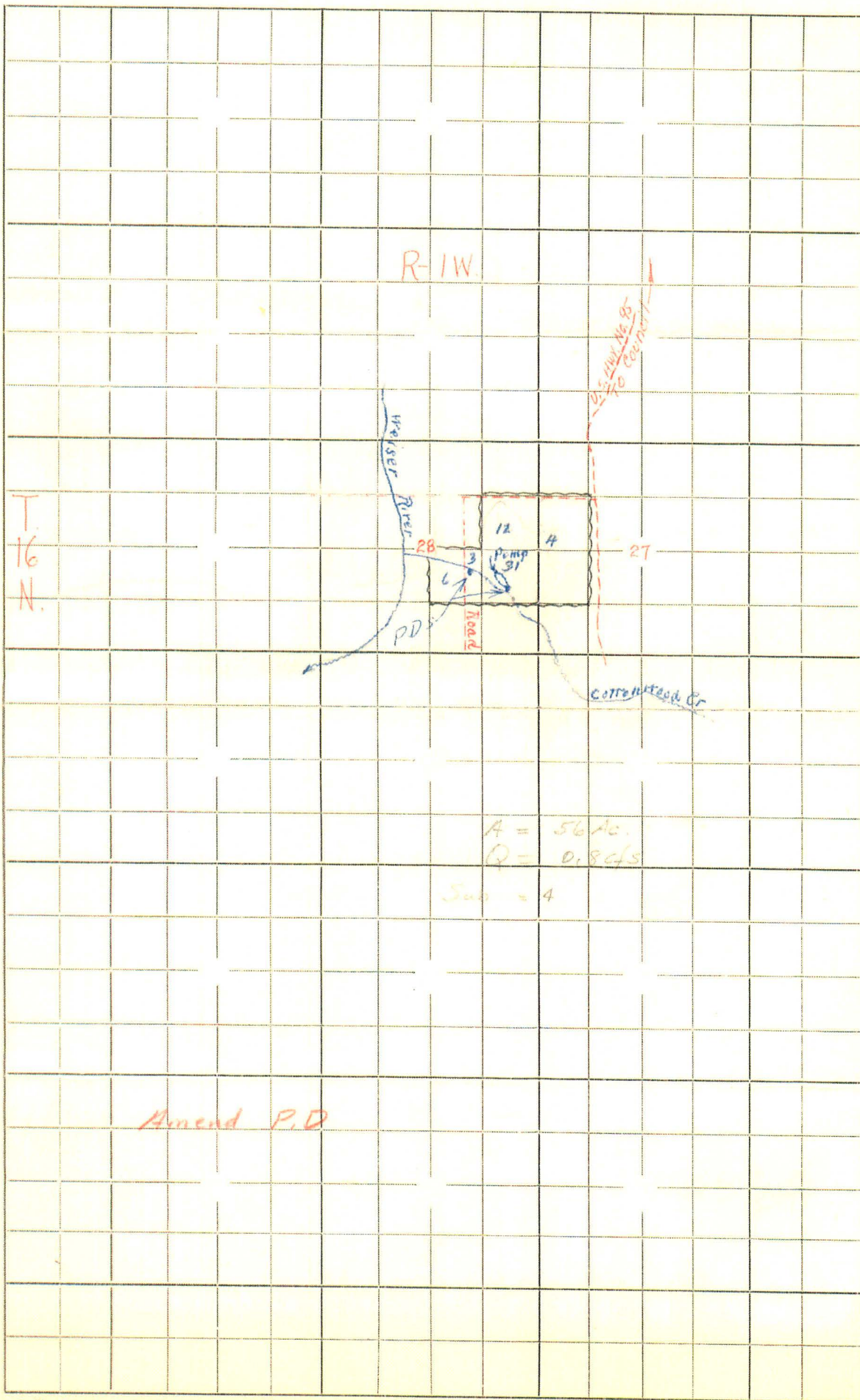
Remarks: _____

This examination was made on the 13th day of October, 1960

(Signed) _____

Examiner.

24431



INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
NOV 7 1960
Department of Reclamation

Andy R. Lay
Council, Idaho
Permit No. 24431

Examination for Beneficial Use

County... Adams

28-16 N. - 1 W.

B = 1.5 a. s.

S = 20 Howard Street
2nd

Rd. = W. SE, Sec. 12, T. 16 N. - 1 W.

Use - Irrigation & Domestic

Look up transfer # 100

See also Problem No. 100

4 1/2 acres

Filed & Aug. 31, 1953

Aug. & Sept. 9, 1953

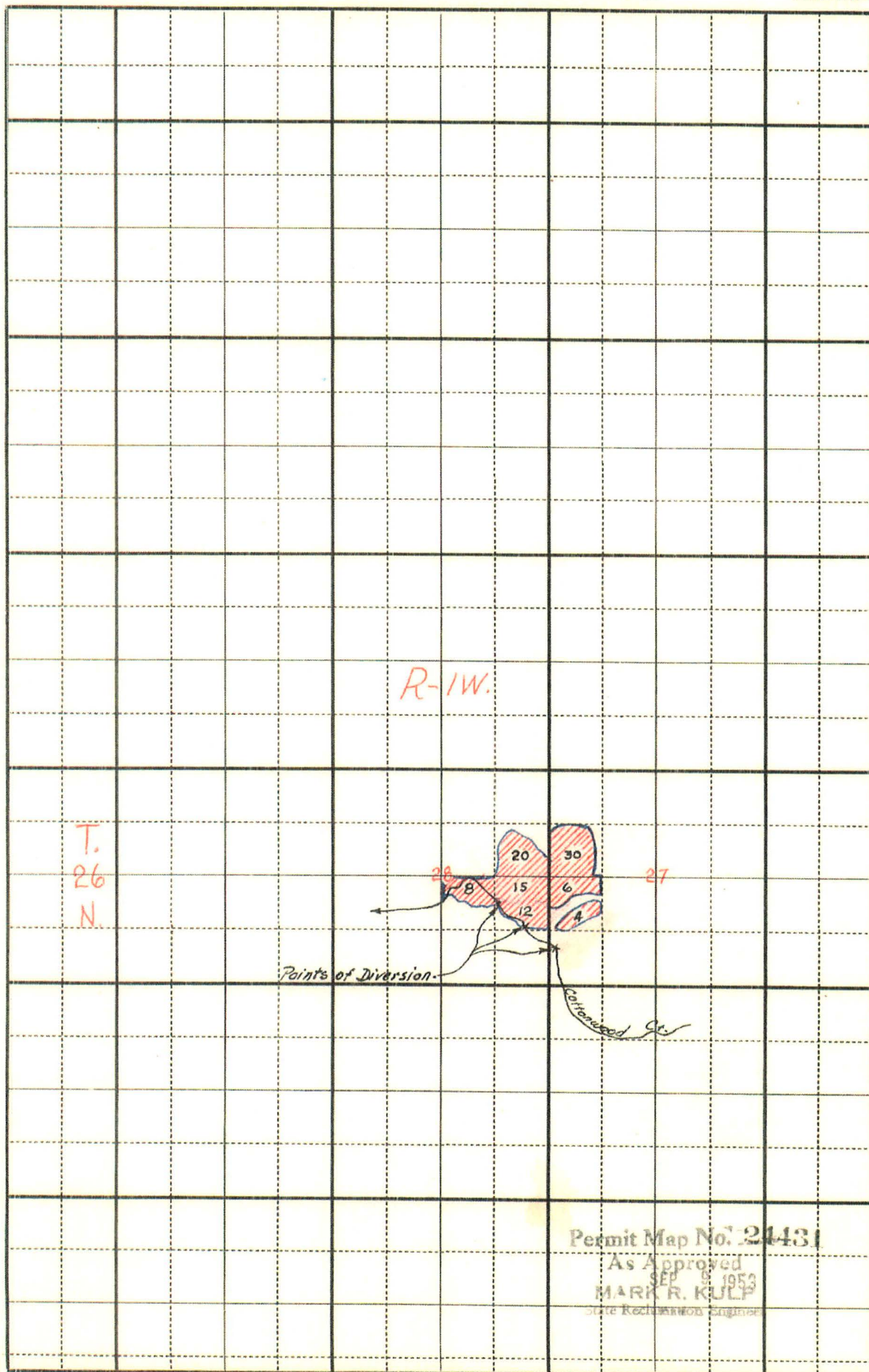
Amended 2-2-54

C/W = 8-8-58

NAME OF APPLICANT

AN R. LAY

Form No. 0



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

24431

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 67-11025
Date Received: 10/19/1989
Receipt No: W006448
Received By:

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

1. Name of Claimant(s)

ANTHONY J FINCHEN Phone: (208) 253-4680
2205 JACKSON CREEK RD
COUNCIL ID USA 83612-5244

2. Date of Priority: 08/31/1953

3. Source: COTTONWOOD CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16N	01W	28	NW SE	ADAMS	
16N	01W	28	NE SE	ADAMS	

5. Description of diverting works:

DAM, HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.24	

7. Total Quantity Appropriated is:
1.24 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
16N	01W	27	NW SW	IRRIGATION	30

					Section Acres	30
16N	01W	28	NE	SE	IRRIGATION	22
			NW	SE	IRRIGATION	10
					Section Acres	32
					Total Acres	62

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DH 9/22/2003

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: _____

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 67-11025
Date Received: 10/19/1989
Receipt No: W006448
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ANTHONY J FINCHEN
5718 E AIRPORT RD
NAMPA ID USA 83687

Phone: (208) 442-8917

2. Date of Priority: 08/31/1953

3. Source: COTTONWOOD CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
16N	01W	28	NW	SE		ADAMS	
16N	01W	28	NE	SE		ADAMS	

5. Description of diverting works:

DAM, HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.24	

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

8. Total consumptive use:

9. Non-irrigation uses:

SCANNED
APR 09 2004

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	27	NW	SW	IRRIGATION	30
					Section Acres	30
16N	01W	28	NE	SE	IRRIGATION	22
			NW	SE	IRRIGATION	10
					Section Acres	32
					Total Acres	62

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DH 9/22/2003

15. Basis of Claim: Beneficial Use

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

RECEIVED

SEP 15 2003

**WATER RESOURCES
 WESTERN REGION**

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 division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
67-4038 <i>Sent to S.O.</i>		no	67-11026		yes
67-2208		no			
67-12330		no			
67-322		no			
67-11025		yes			

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Larry D. Derie & June Derie
HC 62, Box 1720, Council, ID 83612
4. New Owner/Claimant(s) Anthony J. Finchen
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 5718 E. Airport Rd.
- City, State and ZIP Code Nampa, ID 83687
- New Telephone Number (208) 442-8917
5. Date you acquired the property 9/02/03

INSTRUMENT NO. 104453
PAGE 1 OF 2

WARRANTY DEED

For Value Received, LARRY DUANE DERIE and JUNE ILENE DERIE, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto
ANTHONY J. FINCHEN, a single man

the grantee, whose current address is 5718 E. Airport Rd., Nampa, ID 83687

the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all encumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title and that they will warrant and defend the same from all lawful claims whatsoever.

Date: September 2, 2003

Larry Duane Derie
LARRY DUANE DERIE

June Ilene Derie
JUNE ILENE DERIE

Instrument # 104453

COUNCIL, ADAMS, IDAHO

2003-09-03

10:50:39 No. of Pages: 2

Recorded for: TIMBERLINE TITLE & ESCROW

MICHAEL FISK

Fee: 8.00

Ex-Officio Recorder Deputy

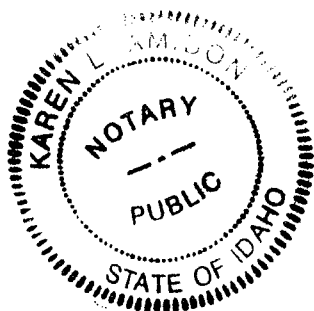
Index to: DEED

STATE OF Idaho)
COUNTY OF Adams) : ss

On this 2nd day of September, in the year of 2003, before me, a Notary Public in and for said State, personally appeared

LARRY DUANE DERIE & JUNE ILENE DERIE

known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.



Karen L. Amason
Notary Public
Residing at: Cambridge, ID
Commission expires: 6/26/2009

EXHIBIT 'A'

INSTRUMENT NO. 104453
 PAGE 2 OF 2

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho:

All that part of the E1/2NE1/4 and N1/2SE1/4 of Section 28 and the SW1/4NW1/4 and NW1/4SW1/4 of Section 27 lying South of the County Road known as Jackson Creek Road.

EXCEPTING THEREFROM the right-of-way of the former Pacific & Idaho Northern Railway now known as Friends of the Weiser River Trail and the County Road.

ALSO EXCEPTING THEREFROM the two parcels of land located in the NW1/4SW1/4 of Section 27 T16NR1WBM previously conveyed to James A. Renwick and Margaret Renwick, husband and wife, as referenced in Book 27 of Deeds page 491 and Book 32M page 38, records of Adams County, Idaho.

Acres lying South
of County Road →

S-27	SWNW	15 ac
	NW SW	all

S-28	SE NE	8 ac
	NE SE	all
	NW SE	26 ac
(NENE does not apply)		

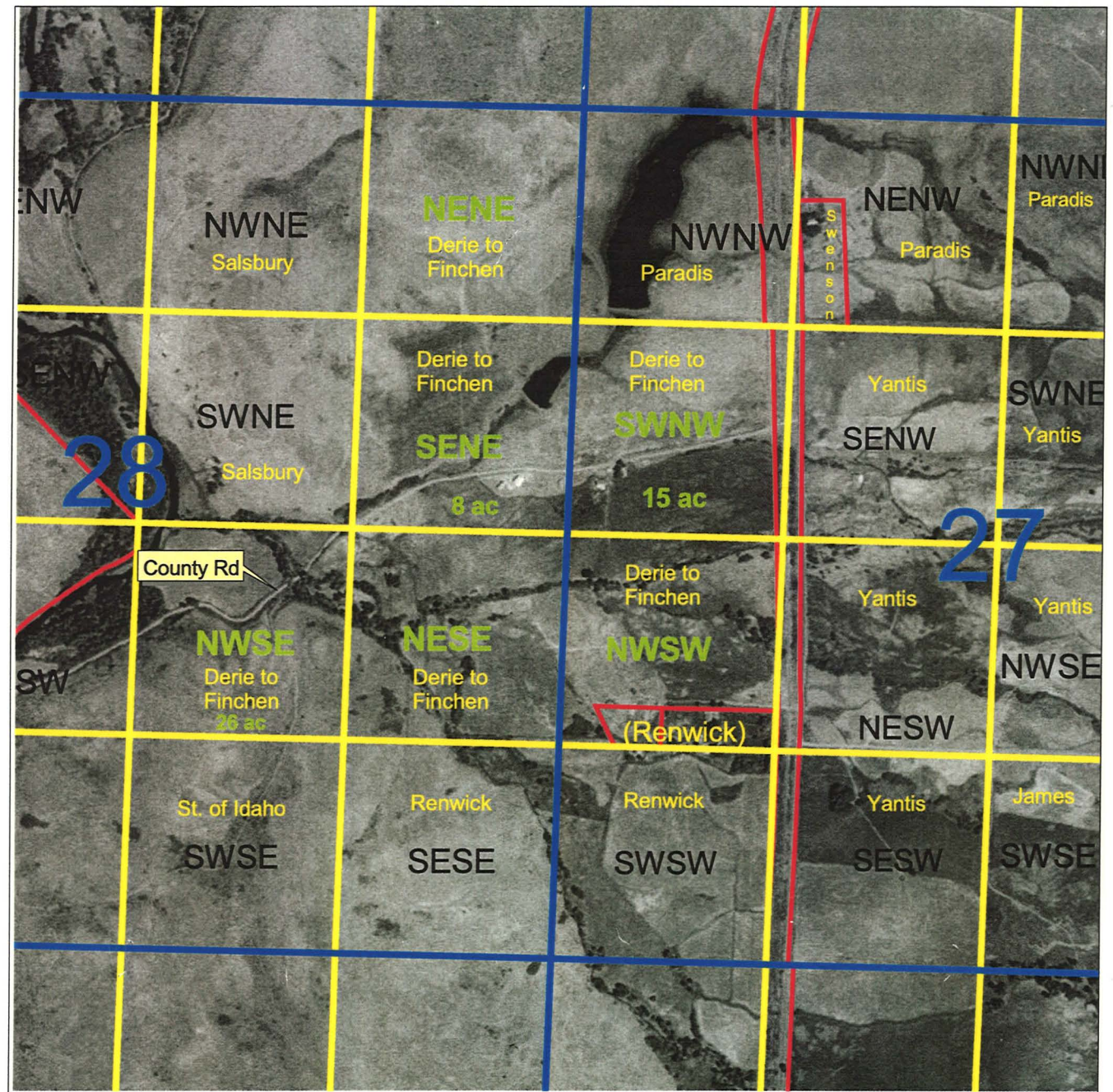
Finchen

67-11025

16N 1W

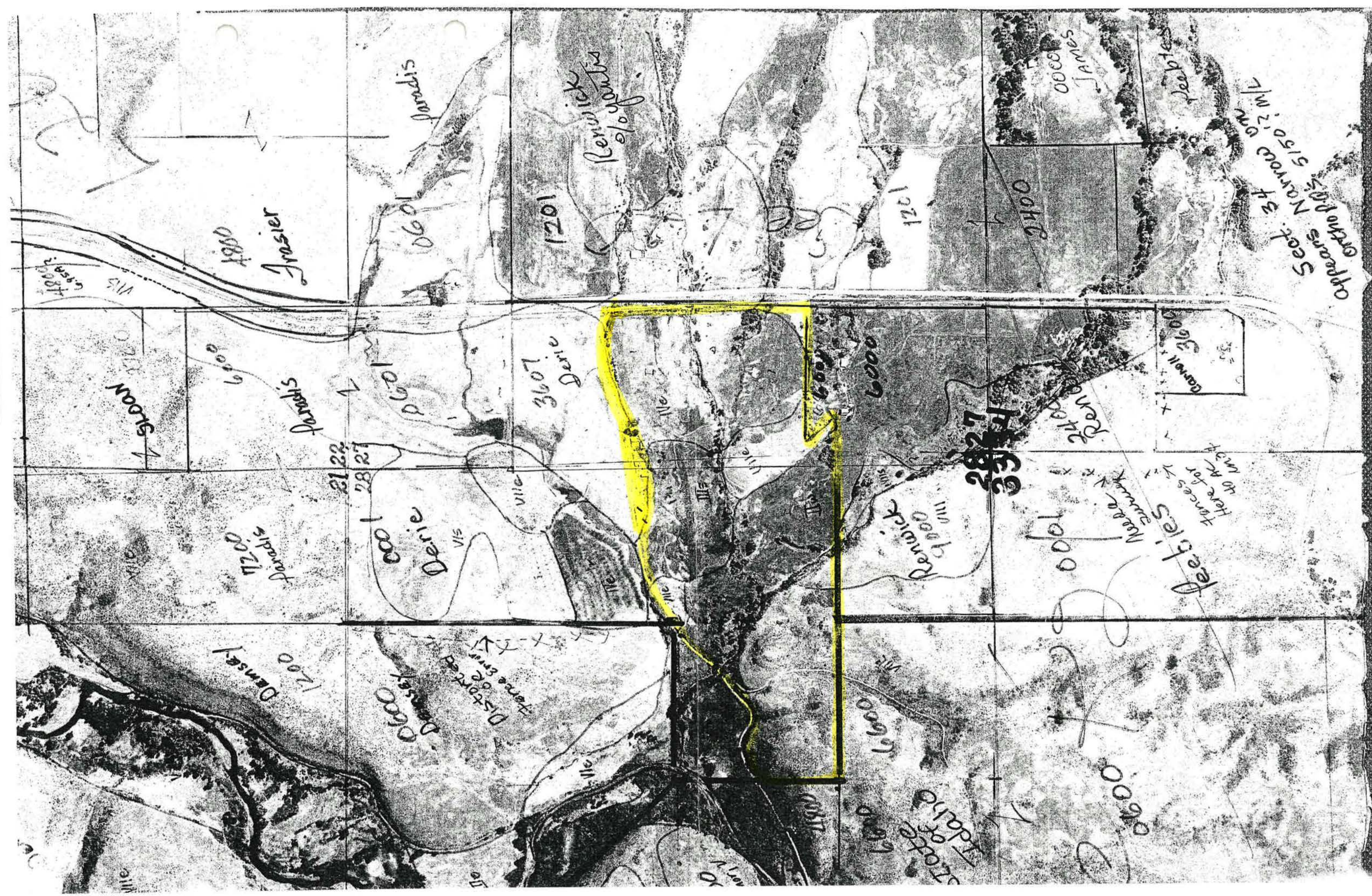
-  Finchen Property
-  Section Line
-  QQ Line
-  Tax Lot Data

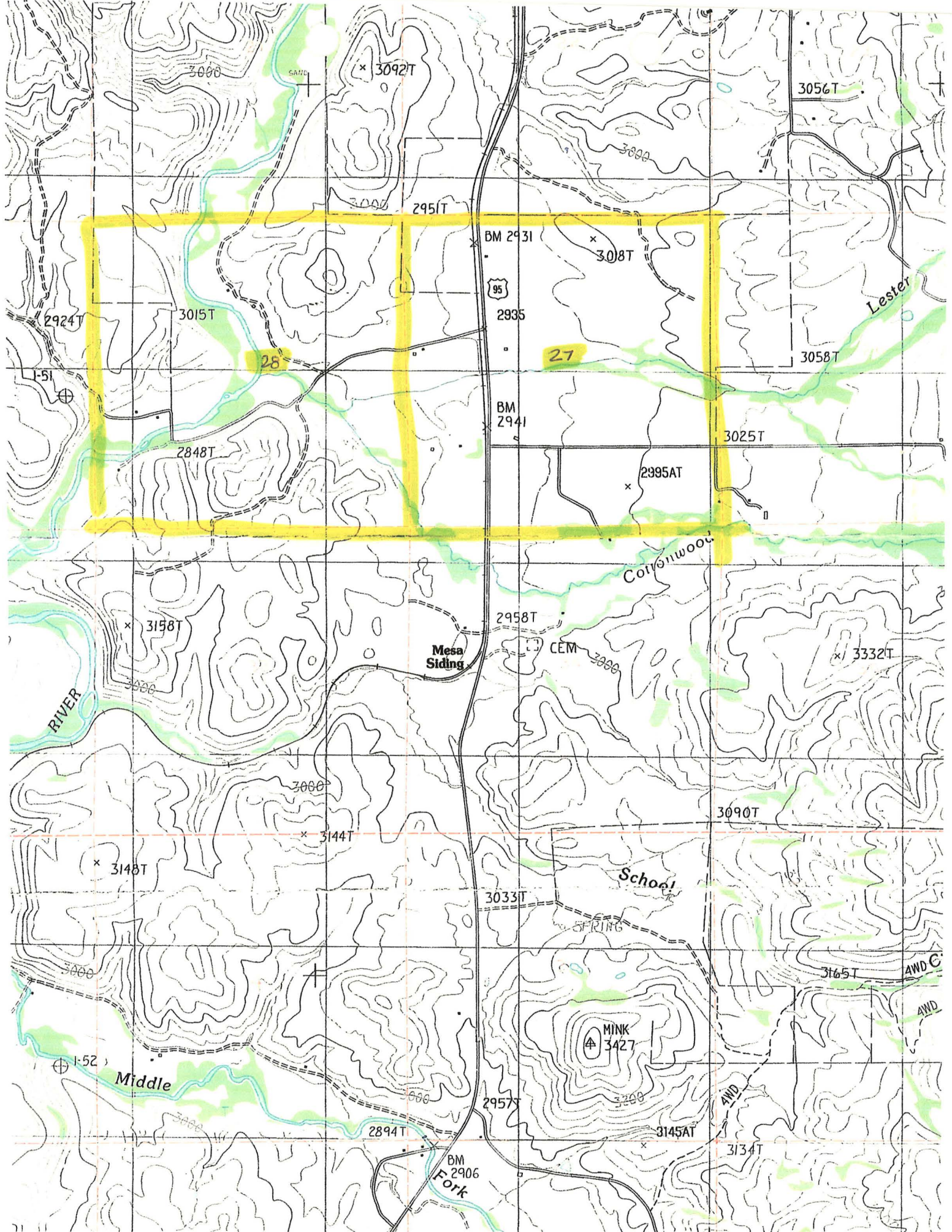
Note: Finchen purchased
land South of County Road



0

0.8 Miles





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: A67-11025
Date Received: 10/19/1989
Receipt No: W006448
Received By: La

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LARRY D. DERIE 208-253-6068
Address: HC 62, BOX 1720
COUNCIL, ID 83612

2. Date of Priority: AUG 31, 1953

3. Source: COTTONWOOD CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	01W	28		NE	SE		ADAMS
				NW	SE		ADAMS

5. Description of diverting works:
DAM, HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.240		

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

8. Total consumptive use is 217.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	27	NW	SW		IRR	30.0
						Section Acres	30.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	28	NE	SE		IRR	22.0
			NW	SE		IRR	10.0
						Section Acres	32.0
						Total Acres	62.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

B.U. CLAIM-LESTER CR., A67-02208, A67-04038, A67-00322

14. Remarks:

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: 2

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): Larry Deric Date: Oct 19/1989
_____ Date: _____

State of Idaho)
County of Ada) SS.

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

 Linda Werner
Notary Public

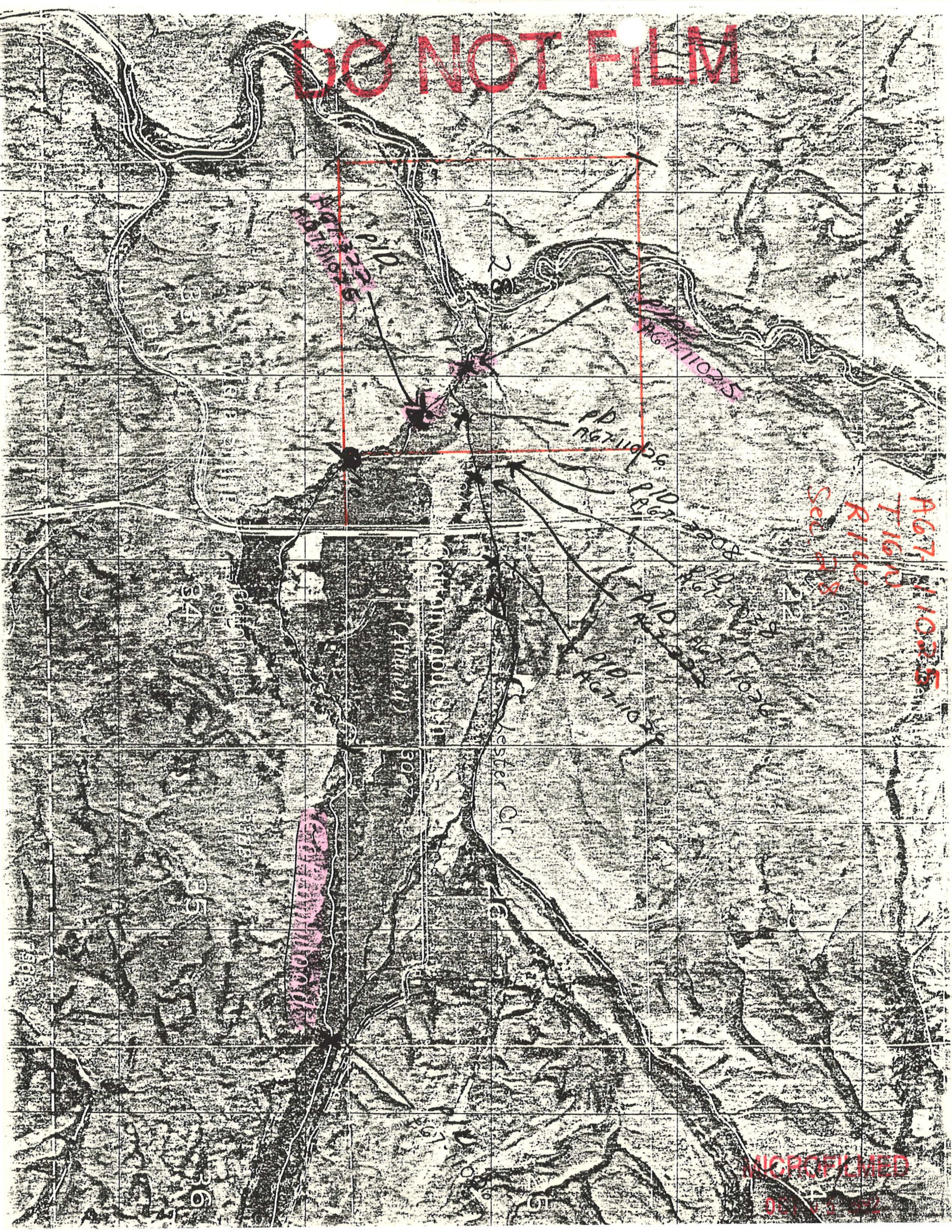
Seal

Linda A. Werner
Residing at Boise, Idaho

Residing at _____ ~~My Commission Expires December 8, 1994~~

My Commission Expires _____

DO NOT FILM



AG 7-110236
P/D
R 67

AG 7-110235
P/D
R 67

PD
AG 7-110236
P/D
R 67

P/D
AG 7-110236
R 67

P/D
AG 7-110236
R 67

AG 7-110235
T 160
S 100
S 100

AG 7-110236
P/D
R 67

MICROFILMED
JUN 11 1962

AC 7-11025
T1611
R. 110
Dec 27

[Handwritten signature]

MICROFILMED

DEC 10 5 1992