

12/19/2006

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

RIGHT NUMBER: 67-11026

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

SOURCE: COTTONWOOD CREEK  
LESTER CREEK

TRIBUTARY: WEISER RIVER  
TRIBUTARY: COTTONWOOD CREEK

QUANTITY: 1.920 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

The rights listed below are limited to a total combined diversion rate of 1.92 cfs. Combined Right Nos.: 67-2208, 67-11026, and 67-12330

PRIORITY DATE: 05/21/1957

POINT OF DIVERSION:

T16N R01W S27 SENW Within ADAMS County  
T16N R01W S27 NWSW Within ADAMS County  
T16N R01W S28 NESE Within ADAMS County  
T16N R01W S28 NWSE Within ADAMS County  
T16N R01W S35 NENE 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          | 1.920 CFS       |

PLACE OF USE: IRRIGATION in ADAMS County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T16N R01W S27 | SWNW | 32.00 | T16N R01W S27 | NWSW | 7.20  |
| T16N R01W S28 | NENE | 12.00 | T16N R01W S28 | SENE | 26.00 |
| T16N R01W S28 | NESE | 17.00 | T16N R01W S28 | NWSE | 2.00  |

96.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 96.2 acres in a single irrigation season. Combined Right Nos.: 67-2208, 67-11026 and 67-12330

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



# Idaho Department of Water Resources

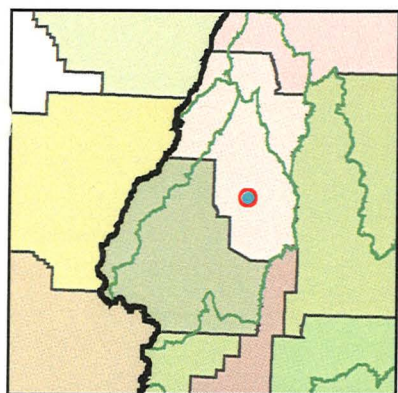
SRBA Recommendation:

**67-11026**

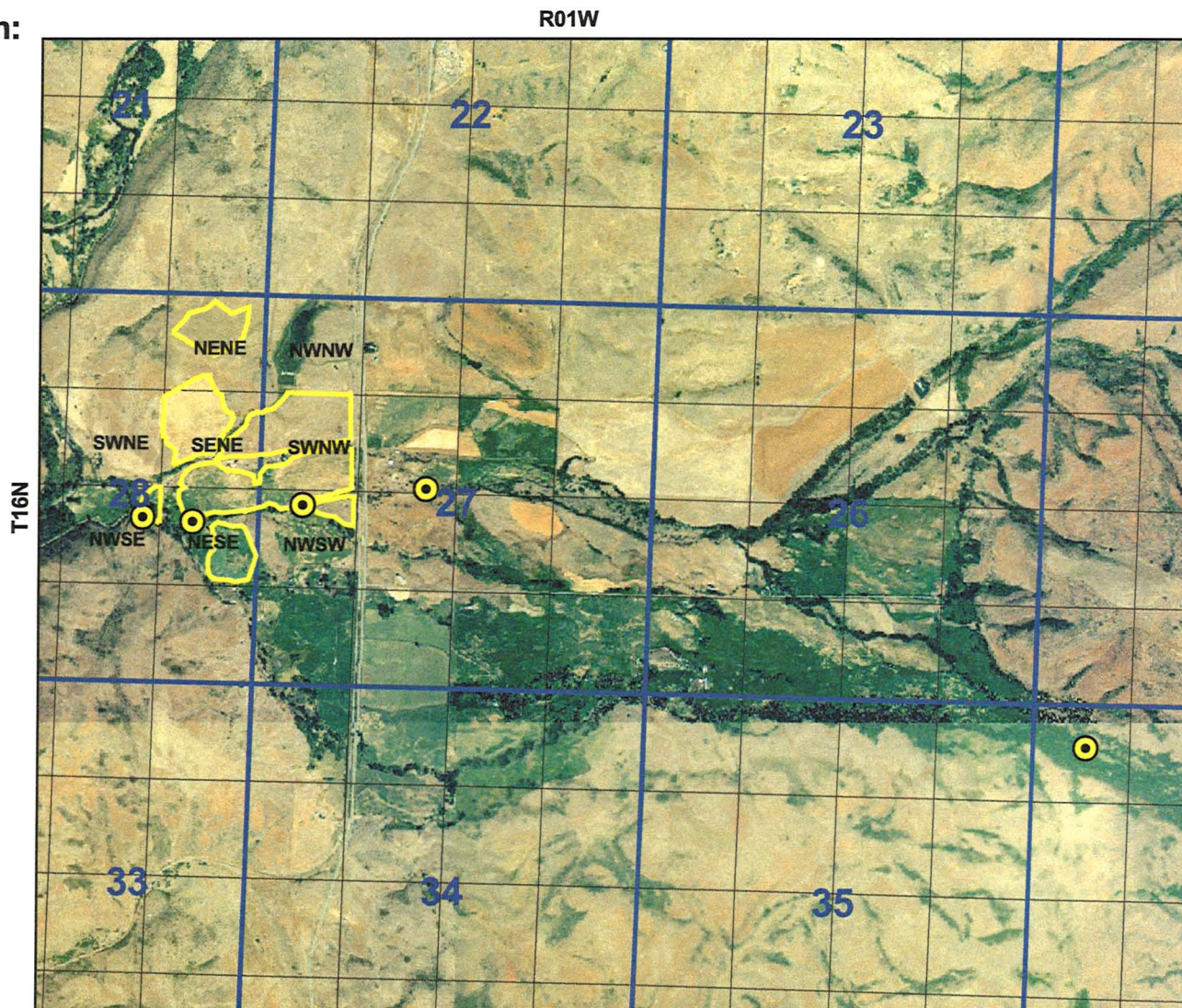
(Irrigation)

## Legend

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

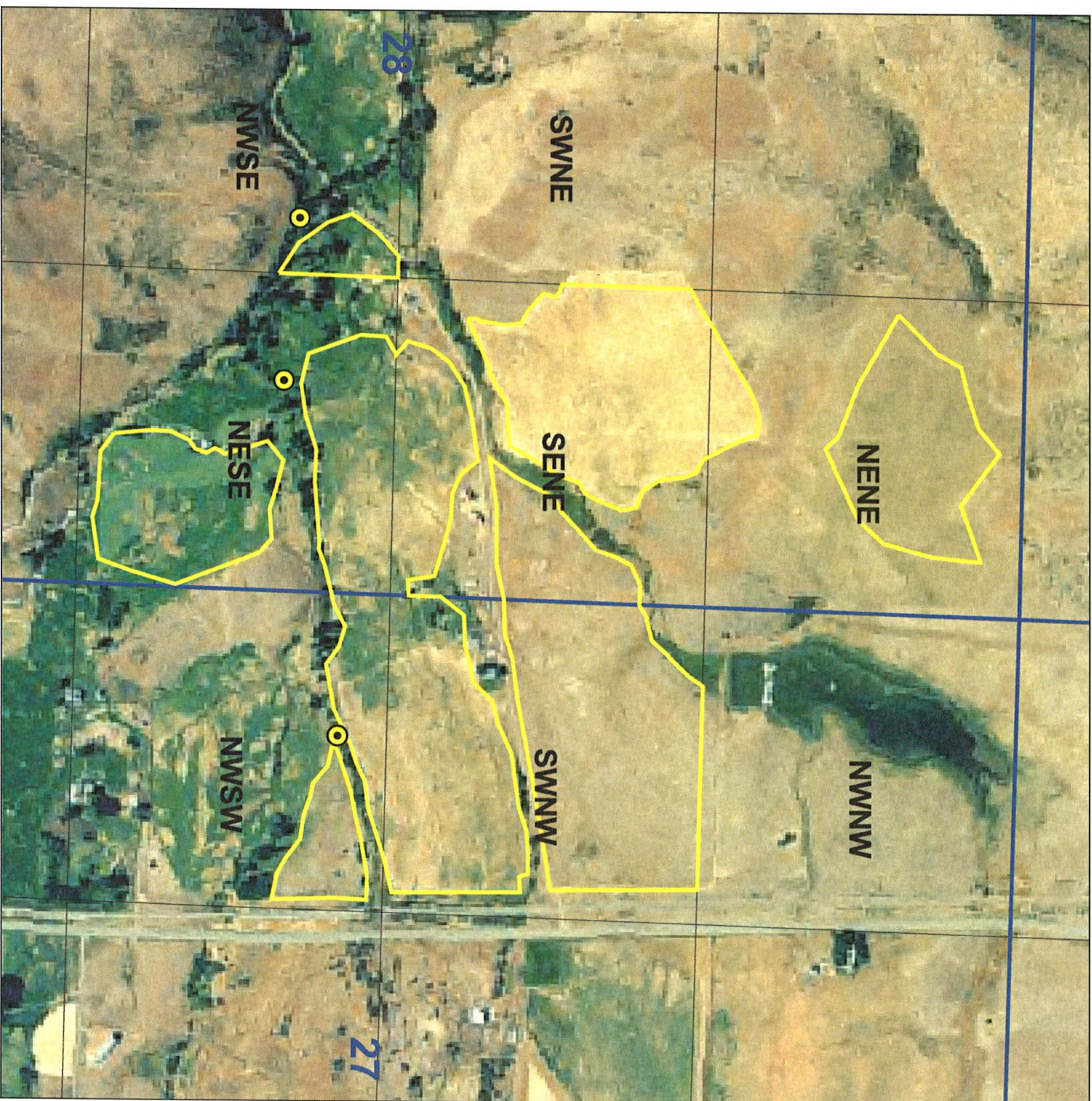
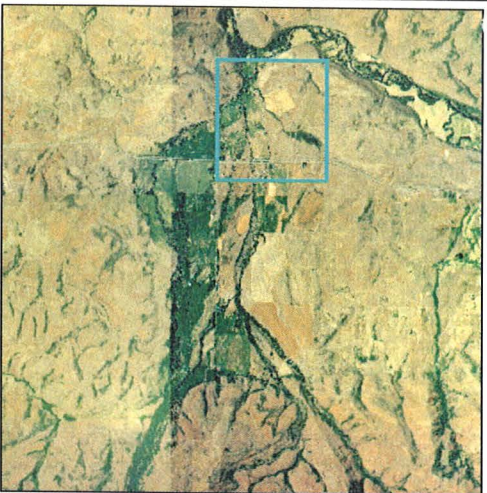


Adams County  
IDWR Basin 67



Prepared by IDWR State Office  
On Tuesday, December 19, 2006  
1987/88 Aerial Photography

67-11026



## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11026 V1

WATER RIGHT NUMBER: 67-11026 V1

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

Priority Date: 05/21/1957

Basis: Beneficial Use

Status: Active

| <u>Source</u>    | <u>Tributary</u> |
|------------------|------------------|
| COTTONWOOD CREEK | WEISER RIVER     |
| LESTER CREEK     | COTTONWOOD 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          | 1.920 CFS             |                      |
|                       | <u>Total Diversion:</u> | 1.920 CFS             |                      |

Location of Point(s) of Diversion

|                  |            |                                 |
|------------------|------------|---------------------------------|
| LESTER CREEK     | SE1/4NW1/4 | Sec. 27, Twp 16N, Rge 01W, B.M. |
| ADAMS County     |            |                                 |
| LESTER CREEK     | NE1/4SE1/4 | Sec. 28, Twp 16N, Rge 01W, B.M. |
| ADAMS County     |            |                                 |
| COTTONWOOD CREEK | NE1/4NE1/4 | Sec. 35, Twp 16N, Rge 01W, B.M. |
| ADAMS County     |            |                                 |
| LESTER CREEK     | NW1/4SW1/4 | Sec. 27, Twp 16N, Rge 01W, B.M. |
| ADAMS County     |            |                                 |
| COTTONWOOD CREEK | NW1/4SE1/4 | 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  |      |    |    |      |    |    | 32.0 |    |    |    | 7.2 |      |     |    |    |    | 39.2   |
| 16N | 01W | 28  | 12.0 |    |    | 26.0 |    |    |      |    |    |    |     | 17.0 | 2.0 |    |    |    | 57.0   |

Total Acres: 96.2

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 67-11026 V1

Conditions of Approval:

1. The rights listed below are limited to the irrigation of a combined total of 96.2 acres in a single irrigation season. Combined Right Nos.: 67-2208, 67-11026 and 67-12330
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. 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
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. The rights listed below are limited to a total combined diversion rate of 1.92 cfs. Combined Right Nos.: 67-2208, 67-11026, and 67-12330

Remarks:Comments:

1. csaxton 3/7/2006 Priority Evidence

Comment: This claim is claimed as B-use where there is a license 67-2215 already licensed to the claimed POU. The b-use claim, claims the same priority date as 67-2215, but claims greater diversion rate and acreage than what was licensed. I cannot recommend a priority date of the license for greater acres as the licensing filed exam did not find additional acres. With the affidavit, I have recommended a priority of one day after license 67-2215 as that is the best I can do.

2. csaxton 3/7/2006 Source

Comment: All 4 PODs claim Lester Creek as source. Cottonwood Creek is source for one of the claimed PODs.

3. csaxton 3/7/2006 Diversion Rate

Comment: Theoretical measurement taken from licensing FE for 67-2215 found capacity of just one of the Points of Diversion to have the capacity of 3.03 cfs.

4. csaxton 3/7/2006 Copied From Claim (1)

Comment: Claim 67-14436 and 67-14437 has been re-combine into 67-11026 per common ownership (csaxton 3-6-06)

5. csaxton 3/7/2006 Copied From Claim (2)

Comment: This claim has been split. See nos. 67-14436 & 67-14437. DH 9/23/2003

6. csaxton 3/7/2006 PPU

Comment: 67-2208, 67-11026, and 67-12330 recommended as PPU as they share a common system. Water is pumped from wells or diverted from Lester and Cotton wood creek to flood irrigation or to a pond where sources co-mingle.

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11026 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       | 3/7/2006 1:06:49 PM       | csaxton         |                           |                 | Active        |
| Priority Date  | 3/7/2006 1:18:04 PM       | csaxton         |                           |                 | Active        |
| POD            | 3/7/2006 1:22:24 PM       | csaxton         |                           |                 | Active        |
| Source         | 3/7/2006 1:27:32 PM       | csaxton         |                           |                 | Active        |
| POU            | 3/7/2006 1:28:48 PM       | csaxton         |                           |                 | Active        |
| Use            | 3/7/2006 1:30:14 PM       | csaxton         |                           |                 | Active        |
| Season         | 3/7/2006 1:30:34 PM       | csaxton         |                           |                 | Active        |
| Quantity       | 3/7/2006 1:33:04 PM       | csaxton         |                           |                 | Active        |
| Summary        |                           |                 | 03/07/2006                | csaxton         | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                        |
|----------------|------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POD            | 12/19/2006 4:12:02 PM  | csaxton         | Updated PLS                                                                                                                                                                                                                                                                                                                            |
| POD            | 12/19/2006 4:11:53 PM  | csaxton         | Updated shape                                                                                                                                                                                                                                                                                                                          |
| POU            | 12/19/2006 4:18:56 PM  | csaxton         | Updated shape for Active POU                                                                                                                                                                                                                                                                                                           |
| POU            | 12/19/2006 4:19:07 PM  | csaxton         | Updated PLS for Active POU                                                                                                                                                                                                                                                                                                             |
| POD            | 3/7/2006 1:22:28 PM    | csaxton         | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the POD?<br>(Yes) 9. Does the file contain all the necessary information to verify the POD?<br>(No) 10. Is a POD remark and/or condition required? |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-11026 V1

|          |                     |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------|---------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POD      | 3/7/2006 1:24:35 PM | csaxton | Updated PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| POU      | 3/7/2006 1:29:47 PM | csaxton | Updated PLS for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| POD      | 3/7/2006 1:25:26 PM | csaxton | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| General  | 3/7/2006 1:18:08 PM | csaxton | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(No) 4. Is the basis of claim decree or license?<br>(No) 7. Is the basis of claim a Application or Permit?<br>(No) 8. Is the basis of claim a posted notice?<br>(No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use?<br>(Yes) 12. Does the claim file contain sufficient evidence of Priority Date?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required?<br>Description for Question 12/13 - See quick look. |
| POD      | 3/7/2006 1:24:25 PM | csaxton | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| POD      | 3/7/2006 1:25:38 PM | csaxton | Updated PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Contacts | 3/7/2006 1:06:52 PM | csaxton | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: FE by Bosco Bosler on 9-8-05.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| POD      | 3/7/2006 1:23:27 PM | csaxton | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| POD      | 3/7/2006 1:23:58 PM | csaxton | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Source   | 3/7/2006 1:27:36 PM | csaxton | (No) 1. Is the basis of claim Decree or License?<br>(No) 2. Is the basis of claim an Application or Permit?<br>(No) 6. Is the basis of claim a Posted Notice?<br>(No) 7. Is there evidence that there has been a change in the source?<br>(Yes) 10. Does the file contain all the necessary information to verify the source?<br>(No) 11. Is a Source remark and/or condition required?<br>Description for Question 10 - FE by Bosco Bosler on 9-8-05.                                                                                                                                                                                                         |
| POU      | 3/7/2006 1:28:52 PM | csaxton | (No) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2b. Is the POU required?<br>(No) 3. Is the basis of claim a Application or Permit?<br>(No) 7. Is there evidence that there has been a change in the POU?<br>(Yes) 13. Does the file contain all the necessary information to verify the POU?<br>(Yes) 14. Is a POU remark and/or condition required?<br>Description for Question 13 - FE by Bosco Bosler on 9-8-05.                                                                                                                                                                                                                           |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-11026 V1

|          |                     |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------|---------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use      | 3/7/2006 1:30:18 PM | csaxton | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Purpose of Use?</p> <p>(Yes) 11. Does the file contain all the necessary information to verify the Water Use?</p> <p>(No) 13. Is a Purpose of Use remark and/or condition required?</p> <p>Description for Question 10,11,12 - FE by Bosco Bosler on 9-8-05.</p>                                                                                                                                                                                                                                                    |
| Season   | 3/7/2006 1:30:38 PM | csaxton | <p>(No) 1. Is the basis of claim Decree or License?</p> <p>(No) 2. Is the basis of claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(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?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p>                                                                                                                |
| POU      | 3/7/2006 1:29:29 PM | csaxton | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Quantity | 3/7/2006 1:33:08 PM | csaxton | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is the basis of claim a posted notice?</p> <p>(Yes) 7. Is a flow measurement required?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p> <p>(Yes) 12. Is a Quantity remark or condition required?</p> <p>Description for Question 7 - Theoretical measurement taken from licensing FE for 67-2215 found capacity of just one of the Points of Diversion to have the capacity of 3.03 cfs.</p> |
| POU      | 3/7/2006 5:02:27 PM | csaxton | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| POU      | 3/7/2006 5:02:35 PM | csaxton | Updated PLS for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11026 V1

|         |                     |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------|---------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary | 3/7/2006 4:46:21 PM | csaxton | (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?<br>(Yes) 5. Does this right have any combined use limits with other rights?<br>(Yes) 6. Is an additional remark and/or condition required?<br>(Yes) 7. Would you like to view the recommended right?<br>(No) 8. Is this a split or combined right?<br>(No) 9. Do you have documents you would like to attach or link to the file?<br>(Yes) 10. Would you like to set the verification date? |
|---------|---------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Water Supply Bank:

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: 67-11026

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):

*Add POD Drawn in*

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: \_\_\_\_\_

*Anthony J Finchen*

Please print your name: \_\_\_\_\_

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

SCANNED  
DEC 08 2006

03/07/2006

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

RIGHT NUMBER: 67-11026

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

SOURCE: COTTONWOOD CREEK  
LESTER CREEK

TRIBUTARY: WEISER RIVER  
TRIBUTARY: COTTONWOOD CREEK

QUANTITY: 1.920 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

The rights listed below are limited to a total combined diversion rate of 2.18 cfs. Combined Right Nos.: 67-2208, 67-11026, and 67-12330

PRIORITY DATE: 05/21/1957

POINT OF DIVERSION:

T16N R01W S27 SENW Within ADAMS County  
T16N R01W S27 NWSW Within ADAMS County  
T16N R01W S28 NESE Within ADAMS County  
T16N R01W S35 NENE 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          | 1.920 CFS       |

PLACE OF USE: IRRIGATION Within ADAMS County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T16N R01W S27 | SWNW | 32.00 | T16N R01W S27 | NWSW | 20.00 |
| T16N R01W S28 | NENE | 12.00 | T16N R01W S28 | SENE | 26.00 |
| T16N R01W S28 | NESE | 17.00 | T16N R01W S28 | NWSE | 2.00  |

109 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 109.0 acres in a single irrigation season. Combined Right Nos.: 67-2208, 67-11026 and 67-12330

This right is limited to the irrigation of 96.2 acres within the place of use described above in a single irrigation season.

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



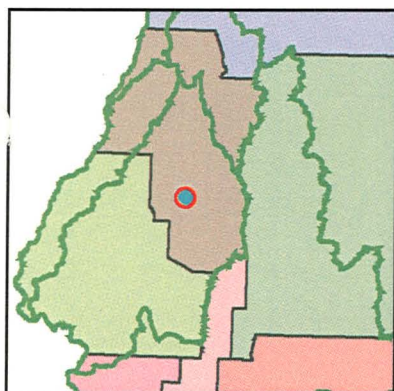
# Idaho Department of Water Resources

Adjudication Claim Number: **67-11026**

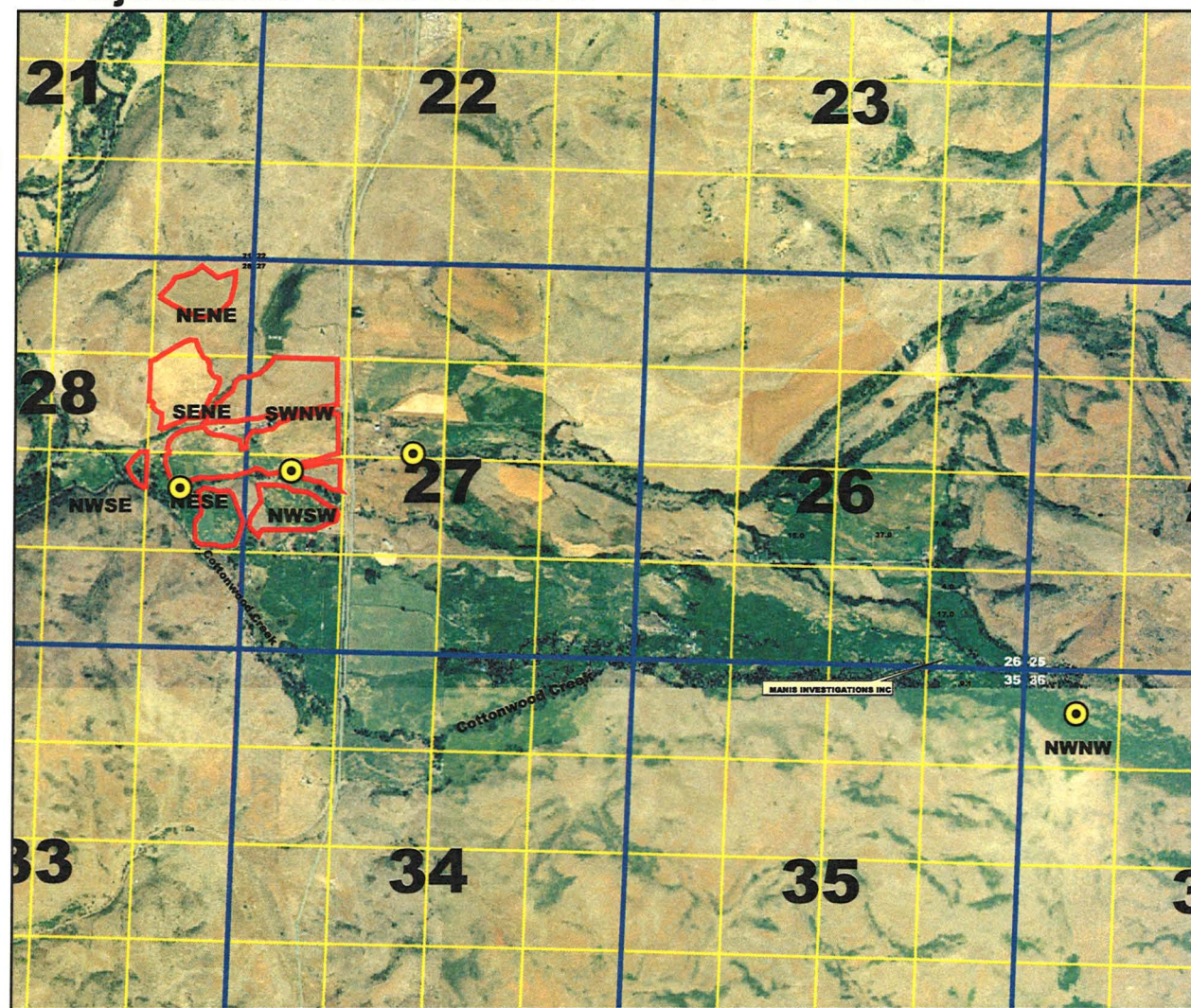
T16N R01W

## Legend

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



Adams County  
IDWR Basin 67



1 0 1 Miles

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

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11026 V1

WATER RIGHT NUMBER: 67-11026 V1

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

Priority Date: 05/21/1957

Basis: Beneficial Use

Status: Active

|                  |                  |
|------------------|------------------|
| <u>Source</u>    | <u>Tributary</u> |
| COTTONWOOD CREEK | WEISER RIVER     |
| LESTER CREEK     | COTTONWOOD 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          | 1.920 CFS             |                      |
|                       | <u>Total Diversion:</u> | 1.920 CFS             |                      |

Location of Point(s) of Diversion

|                  |            |                                 |
|------------------|------------|---------------------------------|
| LESTER CREEK     | SE1/4NW1/4 | Sec. 27, Twp 16N, Rge 01W, B.M. |
| ADAMS County     |            |                                 |
| LESTER CREEK     | NE1/4SE1/4 | Sec. 28, Twp 16N, Rge 01W, B.M. |
| ADAMS County     |            |                                 |
| COTTONWOOD CREEK | NE1/4NE1/4 | Sec. 35, Twp 16N, Rge 01W, B.M. |
| ADAMS County     |            |                                 |
| LESTER CREEK     | NW1/4SW1/4 | Sec. 27, 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  |      |    |    |      |    |    | 32.0 |    |    |    | 20.0 |    |      |     |    |    | 52.0   |
| 16N | 01W | 28  | 12.0 |    |    | 26.0 |    |    |      |    |    |    |      |    | 17.0 | 2.0 |    |    | 57.0   |

Total Acres: 109

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 67-11026 V1

Conditions of Approval:

1. The rights listed below are limited to the irrigation of a combined total of 109.0 acres in a single irrigation season. Combined Right Nos.: 67-2208, 67-11026 and 67-12330
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. K06 This right is limited to the irrigation of 96.2 acres within the place of use described above in a single irrigation season.
4. 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
5. 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
6. The rights listed below are limited to a total combined diversion rate of 2.18 cfs. Combined Right Nos.: 67-2208, 67-11026, and 67-12330

Remarks:

Comments:

1. csaxton 3/7/2006 Priority Evidence

Comment: This claim is claimed as B-use where there is a license 67-2215 already licensed to the claimed POU. The b-use claim, claims the same priority date as 67-2215, but claims greater diversion rate and acreage than what was licensed. I cannot recommend a priority date of the license for greater acres as the licensing filed exam did not find additional acres. With the affidavit, I have recommended a priority of one day after license 67-2215 as that is the best I can do.

2. csaxton 3/7/2006 Source

Comment: All 4 PODs claim Lester Creek as source. Cottonwood Creek is source for one of the claimed PODs.

3. csaxton 3/7/2006 Diversion Rate

Comment: Theoretical measurement taken from licensing FE for 67-2215 found capacity of just one of the Points of Diversion to have the capacity of 3.03 cfs.

4. csaxton 3/7/2006 Copied From Claim (1)

Comment: Claim 67-14436 and 67-14437 has been re-combine into 67-11026 per common ownership (csaxton 3-6-06)

5. csaxton 3/7/2006 Copied From Claim (2)

Comment: This claim has been split. See nos. 67-14436 & 67-14437. DH 9/23/2003

6. csaxton 3/7/2006 PPU

Comment: 67-2208, 67-11026, and 67-12330 recommended as PPU as they share a common system. Water is pumped from wells or diverted from Lester and Cotton wood creek to flood irrigation or to a pond where sources co-mingle.

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11026 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       | 3/7/2006 1:06:49 PM       | csaxton         |                           |                 | Active        |
| Priority Date  | 3/7/2006 1:18:04 PM       | csaxton         |                           |                 | Active        |
| POD            | 3/7/2006 1:22:24 PM       | csaxton         |                           |                 | Active        |
| Source         | 3/7/2006 1:27:32 PM       | csaxton         |                           |                 | Active        |
| POU            | 3/7/2006 1:28:48 PM       | csaxton         |                           |                 | Active        |
| Use            | 3/7/2006 1:30:14 PM       | csaxton         |                           |                 | Active        |
| Season         | 3/7/2006 1:30:34 PM       | csaxton         |                           |                 | Active        |
| Quantity       | 3/7/2006 1:33:04 PM       | csaxton         |                           |                 | Active        |
| Summary        |                           |                 | 03/07/2006                | csaxton         | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                        |
|----------------|------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POD            | 3/7/2006 1:22:28 PM    | csaxton         | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the POD?<br>(Yes) 9. Does the file contain all the necessary information to verify the POD?<br>(No) 10. Is a POD remark and/or condition required? |
| POD            | 3/7/2006 1:24:35 PM    | csaxton         | Updated PLS                                                                                                                                                                                                                                                                                                                            |
| POU            | 3/7/2006 1:29:47 PM    | csaxton         | Updated PLS for Active POU                                                                                                                                                                                                                                                                                                             |
| POD            | 3/7/2006 1:25:26 PM    | csaxton         | Updated shape                                                                                                                                                                                                                                                                                                                          |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-11026 V1

|          |                     |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------|---------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General  | 3/7/2006 1:18:08 PM | csaxton | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(No) 4. Is the basis of claim decree or license?<br>(No) 7. Is the basis of claim a Application or Permit?<br>(No) 8. Is the basis of claim a posted notice?<br>(No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use?<br>(Yes) 12. Does the claim file contain sufficient evidence of Priority Date?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required?<br>Description for Question 12/13 - See quick look. |
| POD      | 3/7/2006 1:24:25 PM | csaxton | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| POD      | 3/7/2006 1:25:38 PM | csaxton | Updated PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Contacts | 3/7/2006 1:06:52 PM | csaxton | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: FE by Bosco Bosler on 9-8-05.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| POD      | 3/7/2006 1:23:27 PM | csaxton | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| POD      | 3/7/2006 1:23:58 PM | csaxton | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Source   | 3/7/2006 1:27:36 PM | csaxton | (No) 1. Is the basis of claim Decree or License?<br>(No) 2. Is the basis of claim an Application or Permit?<br>(No) 6. Is the basis of claim a Posted Notice?<br>(No) 7. Is there evidence that there has been a change in the source?<br>(Yes) 10. Does the file contain all the necessary information to verify the source?<br>(No) 11. Is a Source remark and/or condition required?<br>Description for Question 10 - FE by Bosco Bosler on 9-8-05.                                                                                                                                                                                                         |
| POU      | 3/7/2006 1:28:52 PM | csaxton | (No) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2b. Is the POU required?<br>(No) 3. Is the basis of claim a Application or Permit?<br>(No) 7. Is there evidence that there has been a change in the POU?<br>(Yes) 13. Does the file contain all the necessary information to verify the POU?<br>(Yes) 14. Is a POU remark and/or condition required?<br>Description for Question 13 - FE by Bosco Bosler on 9-8-05.                                                                                                                                                                                                                           |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-11026 V1

|          |                     |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------|---------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use      | 3/7/2006 1:30:18 PM | csaxton | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Purpose of Use?</p> <p>(Yes) 11. Does the file contain all the necessary information to verify the Water Use?</p> <p>(No) 13. Is a Purpose of Use remark and/or condition required?</p> <p>Description for Question 10,11,12 - FE by Bosco Bosler on 9-8-05.</p>                                                                                                                                                                                                                                                    |
| Season   | 3/7/2006 1:30:38 PM | csaxton | <p>(No) 1. Is the basis of claim Decree or License?</p> <p>(No) 2. Is the basis of claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(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?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p>                                                                                                                |
| POU      | 3/7/2006 1:29:29 PM | csaxton | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Quantity | 3/7/2006 1:33:08 PM | csaxton | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is the basis of claim a posted notice?</p> <p>(Yes) 7. Is a flow measurement required?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p> <p>(Yes) 12. Is a Quantity remark or condition required?</p> <p>Description for Question 7 - Theoretical measurement taken from licensing FE for 67-2215 found capacity of just one of the Points of Diversion to have the capacity of 3.03 cfs.</p> |
| POU      | 3/7/2006 5:02:27 PM | csaxton | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| POU      | 3/7/2006 5:02:35 PM | csaxton | Updated PLS for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11026 V1

|         |                     |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------|---------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary | 3/7/2006 4:46:21 PM | csaxton | (No) 1. Is the basis of this claim a Decree,<br>License, Permit, Application or Posted Notice?<br>(Yes) 3. Is the water being used for all of the<br>purposes claimed and to the extent claimed?<br>(Yes) 5. Does this right have any combined use<br>limits with other rights?<br>(Yes) 6. Is an additional remark and/or condition<br>required?<br>(Yes) 7. Would you like to view the<br>recommended right?<br>(No) 8. Is this a split or combined right?<br>(No) 9. Do you have documents you would like to<br>attach or link to the file?<br>(Yes) 10. Would you like to set the verification<br>date? |
|---------|---------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Water Supply Bank:

**Claim**

| <u>Basin</u> | <u>Sequence</u> | <u>Suffix</u> | <u>Basis</u> | <u>Status</u> | <u>Priority</u> | <u>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</u> | <u>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      |               | 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  |                     |                         |  |  |

## 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

| Basin | Sequence | Basis        | Status | Right ID | Priority Date | Rate(cfs) | Source                          | Water Use(s) | Owner(s)                     | Source Table        |
|-------|----------|--------------|--------|----------|---------------|-----------|---------------------------------|--------------|------------------------------|---------------------|
| 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 I | 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 I | Active | 571503   | 2/25/1952     | 1.14      | LESTER CREEK                    | IRRIGATION   | FINCHEN, ANTHONY J (Current) | wrAdjudicationClaim |
| 67    | 14439    | Beneficial I | Active | 571506   | 2/15/1963     | 0.62      | GROUND WATER RR Tracks          | IRRIGATION   | FINCHEN, ANTHONY J (Current) | wrAdjudicationClaim |

14434 + 31 Old well

14436 + 37 Lester Creek

14438 + 39 RR Tracks well

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

Bosco



**T16N R01W**

PLS Sections  
GCDBQuarter Quarters



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

**Adjudication Claim Number:**

67-14437 + 14436



0 0.3 0.6 Miles



## Contacts Data Entry Form

Claim Number: 67-14437

+14436

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

Date of Field Exam: 9/8/05 Time: 9:00Accompanied By: Clement Phone Number: 253 484 680

Relationship to Claimant: \_\_\_\_\_

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

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Reviewer: BoseDate: 9/8/05

**Priority Date Data Entry Form**

Claim Number 67-14437

+14436

Claimed Priority Date: 2/25/1952

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:

Affidavit in 14436

Reviewer:

Basco

Date:

9/20/05

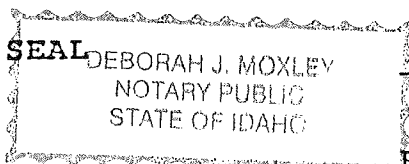
IN THE MATTER OF )  
NOTICE OF CLAIM TO )  
A WATER RIGHT NO.(S) )  
67-14437, 14436 )  
14434, 14435, 14438 )  
14439 )  
State of Idaho )  
County of \_\_\_\_\_ )

AFFIDAVIT

I, June (Lay) Deric being first duly sworn,  
deposes and says: I lived at 2205 Jackson  
Cr. Rd. Council, Idaho. I remember my  
father using the water to irrigate  
these fields as early as 1952.  
(I was born in 1945.)

June Deric  
(Signature)

Subscribed and sworn to before me this  
day 14<sup>th</sup> of September, 192005.



Deborah J. Moxley  
(Notary Public)

Residing at Wells ID.

My Commission Expires 2/11/2010.

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

67-4103 )  
 )  
 )  
 )

AFFIDAVIT

State of Idaho )  
County of \_\_\_\_\_ )

I, June (Lay) Deric being first duly sworn,  
deposes and says: I lived at 2205 Jackson  
Cr. Rd. Council, Idaho. I remember my  
father using the water to irrigate  
these fields as early as 1952.  
(I was born in 1945.)

June Deric  
(Signature)

Subscribed and sworn to before me this  
day 14<sup>th</sup> of September, 192005.

DEBORAH J. MOXLEY  
NOTARY PUBLIC  
STATE OF IDAHO

Deborah Moxley  
(Notary Public)

Residing at Weiser, ID.

My Commission Expires 2/11/2010.

## Point of Diversion and Source Data Entry Form

Claim Number 67-14437

+ 144 34

### Claimed Point of Diversion and Source

T16N R01W S27 SENW Within ADAMS County Source: LESTER CREEK COTTONWOOD CREEK

T16N R01W S27 NSW Within ADAMS County Source: LESTER CREEK COTTONWOOD CREEK

T16N R01W S28 NESE Within ADAMS County Source: LESTER CREEK COTTONWOOD CREEK

T16N R01W S35 NENE Within ADAMS County Source: LESTER CREEK COTTONWOOD 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

|  |  |
|--|--|
|  |  |
|  |  |
|  |  |

| 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 as 67-4103

Reviewer: Bosco

Date: 9/20/05

## Place Of Use Data Entry Form

Claim Number 67-14437 *67-14437*

## Claimed Place Of Use

|               |      |      |               |      |     |
|---------------|------|------|---------------|------|-----|
| T16N R01W S27 | SWNW | 15.0 | T16N R01W S27 | NWSW | 5.0 |
| T16N R01W S28 | NENE | 10.0 | T16N R01W S28 | SENE | 8.0 |
| T16N R01W S28 | NESE | 17.0 | T16N R01W S28 | NWSE | 2.0 |

Total Acres 57

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

## Recommended Place of Use

☐ See corrections to claimed POU above

| Twsp | Rge | Sec | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|------|-----|-----|----|---|--------|---------|-------|----------------|
|      |     |     |    |   |        |         |       |                |
|      |     |     |    |   |        |         |       |                |
|      |     |     |    |   |        |         |       |                |
|      |     |     |    |   |        |         |       |                |

Total Acres \_\_\_\_\_

Document how the POU was verified:

*You will have to add these up*

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

## Purpose of Use Data Entry Form

Claim Number 67-14437

+ 14434

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:

Boice

Date:

9/20/05

## Period of Use and Quantity Data Entry Form

Claim Number 67-14437

+14436

## Claimed Period of Use and Diversion Rate

| Water Use  | Start | End   | Rate | Volume |
|------------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.14 |        |

Overall Diversion Rate 1.14

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:

Stream dry + not pumping wells  
Used flow rate in spring

Reviewer:

Bosco

Date:

9/20/05

## MEASUREMENT CALCULATIONS

Date: March 7, 2006

To: File 67-11026

From: Craig L. Saxton

Re: Measurement calculations for ditch Capacity.

Claim 67-11026 claims, among others, a point of diversion from Lester Creek which appears to be the same POD described in license 67-2215.

The POD and Priority Date described in license 67-2215 were claimed under 67-11026. However, 67-2215 added POD's, increased the claimed POU, and increased the diversion rate.

I feel that I can use the data collected during the 67-2215 field exam to support a greater diversion rate under b-use claim 67-11026.

The permit application was filed for 0.48 cfs, which is what was licensed. However, the ditch had a greater capacity than 0.48 cfs. It wasn't licensed because it wasn't permitted.

Licensing FE for 67-2215 gives us the following Data:

Ditch: width at water level = 2-3 ft  
Width at ditch bottom = 2 ft  
Depth from water level to ditch bottom =  $\frac{1}{2}$  ft

Water diverted through a 15" pipe

Using the equation:  $Q = \frac{1.486}{10} A R^{\frac{2}{3}} S^{\frac{1}{2}}$

And being as conservative as possible:

$$A = \frac{(2 \text{ ft})(2 \text{ ft})}{2} (1/2 \text{ ft}) = \boxed{1 \text{ sq ft}}$$

Slope was calculated from measuring rise from the contour lines on the USGS quad and run by measuring the distance from the POD to the claimants property.

Length between 40 ft contours = 2676 feet  
Distance from POD to claimant property = 954 ft

$$\text{So: } \frac{40 \text{ ft}}{2676} = \frac{x}{954} \quad \boxed{x = 14.3 \text{ ft} = \text{rise}}$$

Thus: slope = 14.3 ft / 954 ft = 0.01498

R = A as assumed that Area and Wetted perimeter are the same

N = 0.06 According to the Bureau of Reclamation Water Measurement Manual (PG 170) the largest n factor is 0.06 where “the channel is strewn with stones and debris or is about one-third full of vegetation

$$Q = \frac{1.486}{0.06} (1 \text{ cu ft}) (0.0149)^{\frac{2}{3}} \quad \boxed{Q = 3.03 \text{ cfs}}$$

Conclusion: The POD identified by tag #: A0016689, conservatively has the capacity to diver 3.03 cfs.

lations where appreciable changes in depth, or stage, occur, it will be necessary to raise or lower the transducers to compensate for changing velocity profiles. With a single pair of transducers the average velocity at 0.6 depth has been found satisfactory for use with the flow cross-sectional area to find the discharge.

Acoustic flowmeters are in the development stage at present (1966). Considerable improvement in equipment and flow-measuring technique can be expected in the future. Power requirements are now readily handled by a 110-volt alternating-current power supply, and under optimum conditions velocity measurement accuracies of 1 percent are indicated. Like other methods that measure only an average velocity of flow, the relationship of the particular velocity of flow to the average streamflow must be known, together with the cross-sectional area of the flow prism in order to determine the rate of flow.

**104. Slope-Area Method.**—The slope-area method consists of using the slope of the water surface, in a uniform reach of channel, and the average cross-sectional area of that reach, to give a rate of discharge. The discharge may be computed from the Manning formula,

$$Q = \frac{1.486}{n} A R^{2/3} S^{1/2} \quad (34)$$

where

$Q$  = discharge in second-feet,

$A$  = mean area of the channel cross section in square feet,

$R$  = mean hydraulic radius of the channel in feet,

$S$  = slope of the water surface =  $\frac{\text{fall}}{\text{length of course}}$ , and

$n$  = a roughness factor depending on the character of the channel lining.

A straight course of the channel should be chosen, at least 200 feet and preferably 1,000 feet in length. The course should be free of rapids, abrupt falls, sudden contractions, or expansions.

The slope may be determined by dividing the difference in the water surface elevations at the two ends of the course by the length of the course. Gage points, carefully referenced to a common datum level, should be placed one on each bank of the channel and one in the center of the stream, in stilling wells if possible.

The hydraulic radius is defined as the area of the cross section divided by its wetted perimeter. Where the channel or canal is of regular cross section and the depths at the ends of the course are equal, the area and the wetted perimeter will be constant throughout the course. In irregular channels, the area and the wetted perimeter at several cross sections will be required and a mean value used in computing the hydraulic radius.

The factor  $n$  is dependent on the character of the channel. It may vary from 0.010 where conditions approaching the ideal are maintained, to 0.060 where the channel is strewn with stones and debris or is about one-third full of vegetation.

Inasmuch as the proper selection of the roughness factor  $n$  for many streams is difficult, and is at best an estimate, the discharge determined by the slope-area method is only approximate. Care must be taken to determine the slope and areas simultaneously if the water levels are changing. Various hydraulic text books and handbooks provide tables to assist in the computation of discharges by this method, using the data procured in the field.

**105. Computation of Discharge Over Dams.**—Many overflow dams have been built across streams. The quantity of overflow can be computed by the general formula,

$$Q = C L H^{3/2} \quad (35)$$

where

$Q$  = discharge in second-feet,

$L$  = length of the crest of the dam in feet,

$H$  = head on the crest in feet, and

$C$  = coefficient dependent on the shape of the crest and the head.

Because shapes or profiles of dams and their crests vary a great deal, coefficients of discharge also vary. These coefficients may be determined from hydraulic model studies because experience has shown that  $C$  differs only slightly, if at all, from model to prototype. In many instances it may be possible to adjust any slight differences in the coefficients of discharge obtained from models for subsequent use on the prototype. Engineering Monograph No. 9 gives values of  $C$  for a variety of overfall shapes [10].

Another procedure applicable to many overflow dams is to determine the actual discharge by one of the methods

Slope

Pool: 67-11026



## 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 16 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. 22634

Amount .48 c.f.s.

Water District No.

Priority February 25, 1952

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 February 25, 1952; that Permit No. 22634 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.48 second feet, was issued thereunder on January 24, 1957, showing that said works were completed on the 21st day of January, 1957; and that on the 5th day of March, 1957, 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 Lester Creek, a tributary of Cottonwood Creek, for the purpose of Irrigation

, under Use Permit No. 22634 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 10 of Licenses at page 5997, on the 20th day of May, 1957;

The right hereby confirmed dates from February 25, 1952;

The Point of Diversion is located

in the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Sec. 27, 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 .48 cubic feet per second.

Description and location of use:

| Twp.  | Range | Sec. | Forty-acre Tract                      | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|-------|-------|------|---------------------------------------|----------------------------------|---------------------------------|
| 16 N. | 1 W.  | 27   | SW $\frac{1}{4}$ NW $\frac{1}{4}$     | 10                               | 17                              |
|       |       | 28   | NW $\frac{1}{4}$ SW $\frac{1}{4}$     | 2                                | 3                               |
|       |       |      | SE $\frac{1}{4}$ NE $\frac{1}{4}$     | 6                                | 6                               |
|       |       |      | NE $\frac{1}{4}$ SE $\frac{1}{4}$     | 6                                | <u>10</u>                       |
|       |       |      | Total number of acres irrigated ----- |                                  |                                 |

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

20th day of May, 1957.

/s/ MARK R. KULP  
State Reclamation Engineer.

(SEAL)

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. 22634

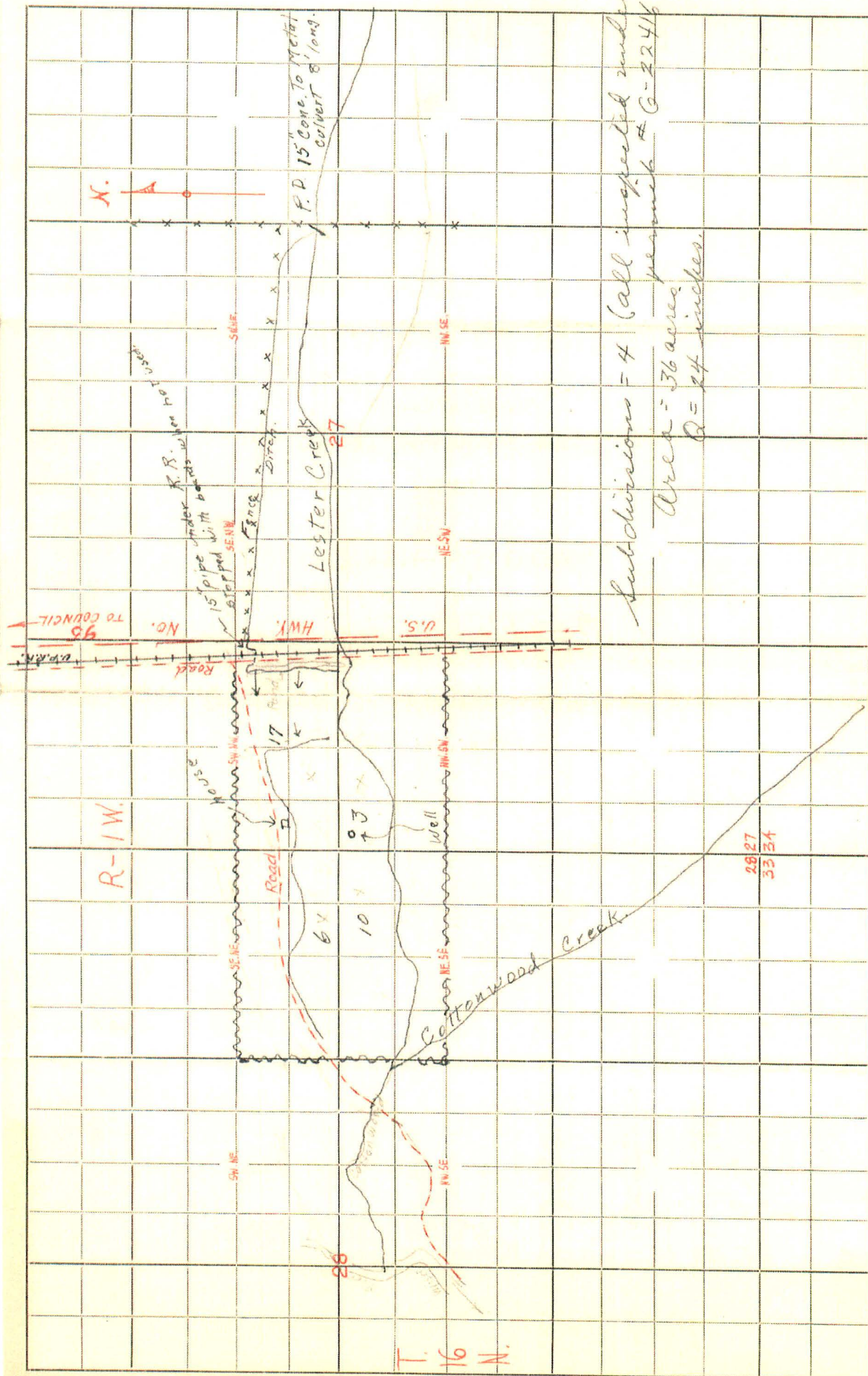
REPORT ON PROOF OF Beneficial Use

Andy R. Lay, Council, Idaho

*0.48 cfs  
max*

|              |                 |
|--------------|-----------------|
| <i>app.</i>  | <i>0.48 cfs</i> |
| <i>Opn</i>   | <i>0.48 cfs</i> |
| <i>but.</i>  | <i>4</i>        |
| <i>acres</i> | <i>36</i>       |

*\$500 License fee  
land is included in  
4-22416.*



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

22634

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

Permit No. 22634

This proof is for Beneficial Use In Water District No. \_\_\_\_\_1. Name of applicant Andy R. Lay2. Source of water supply: Lester Creek3. Location of point of diversion: Is in the SW 1/4 NE 1/4 of Section 27T. 16 N. R. 1 W., B.M. County of Adams

4. Describe works as they exist, giving dimensions and capacities of same: There is a 15" concrete pipe to 15" road culvert at P.D. Slide gate control wide flat ditch 2 to 3' W in bottom lots of fall. Along a fence (on S. side of fence) to road then regular road culvert, then a short distance by track then under track then 15" pipe to fields by gravity.

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

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

10 acres in SW 1/4 NW 1/4, 2 acres in NW 1/4 SW 1/4 of Sec. 27.,

6 acres in SE 1/4 NE 1/4, 6 acres in NE 1/4 SE 1/4 of Sec. 28., all in Twp. 16 N., Rge. 1 W.,

B.M.

See map.

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

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

Remarks: \_\_\_\_\_

He uses this water to supplement the well.  
Raises pasture, hay & grain.  
Has over 100 head of cows.

This examination was made on the 17 day of April, 1957(Signed) E. H. Humphrey Examiner

22634

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  
APR 19 1957

Department of Reclamation

Andy R. Lay  
Council, Idaho

Permit No. 22634

Examination for Beneficial Use

County Gem

27-16N. -1W.

Q = 0.48 a.f.s.

S = Lester Creek

P.D. = SW. NE, Sec. 27, T.16N. -R.1W.

Use = Irrigation

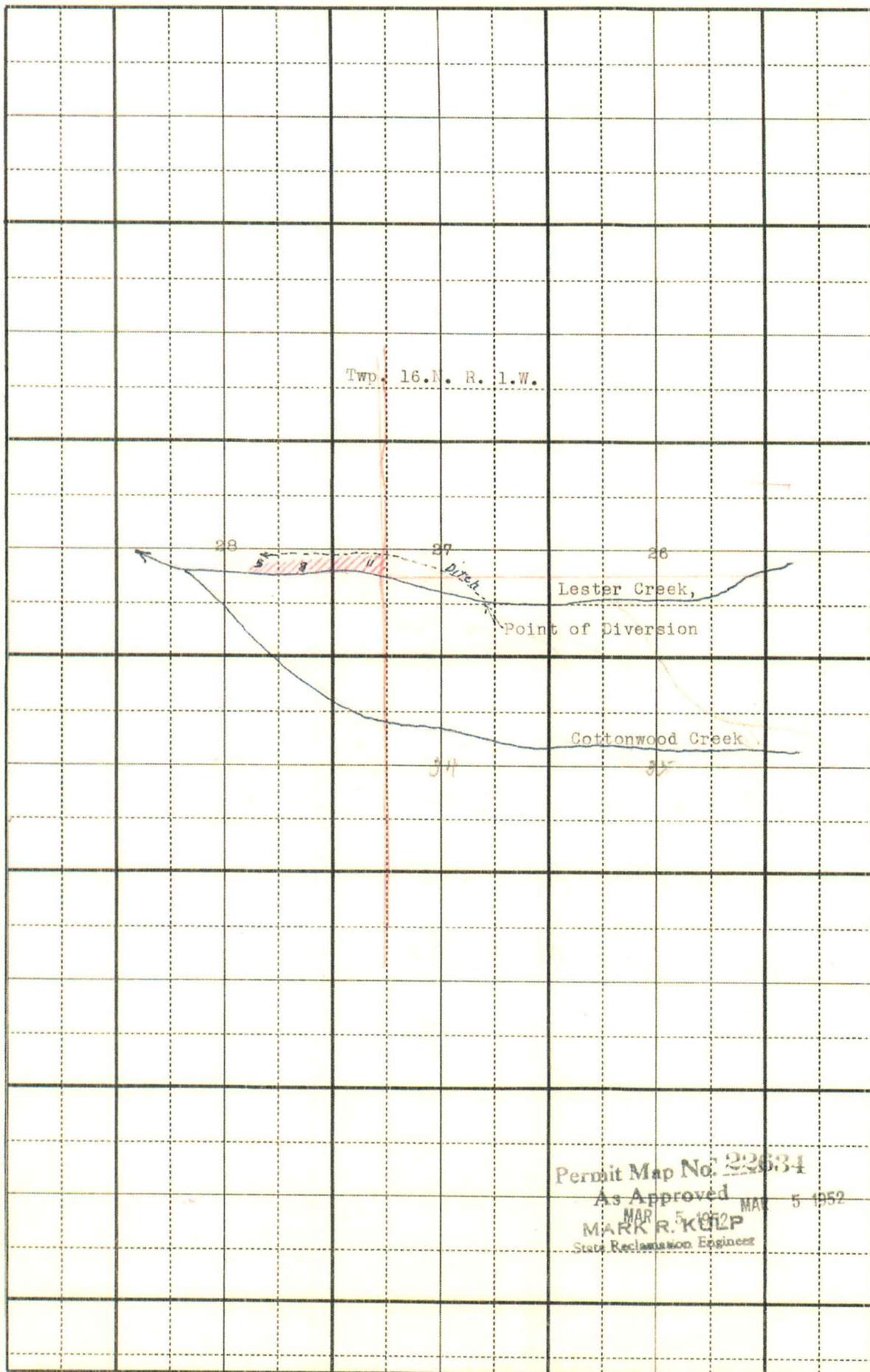
Filed = Febr. 25, 1952

Due = March 5, 1957

C/W = Jan. 24, 1957

NAME OF APPLICANT And R. Lay.

Form No. 0

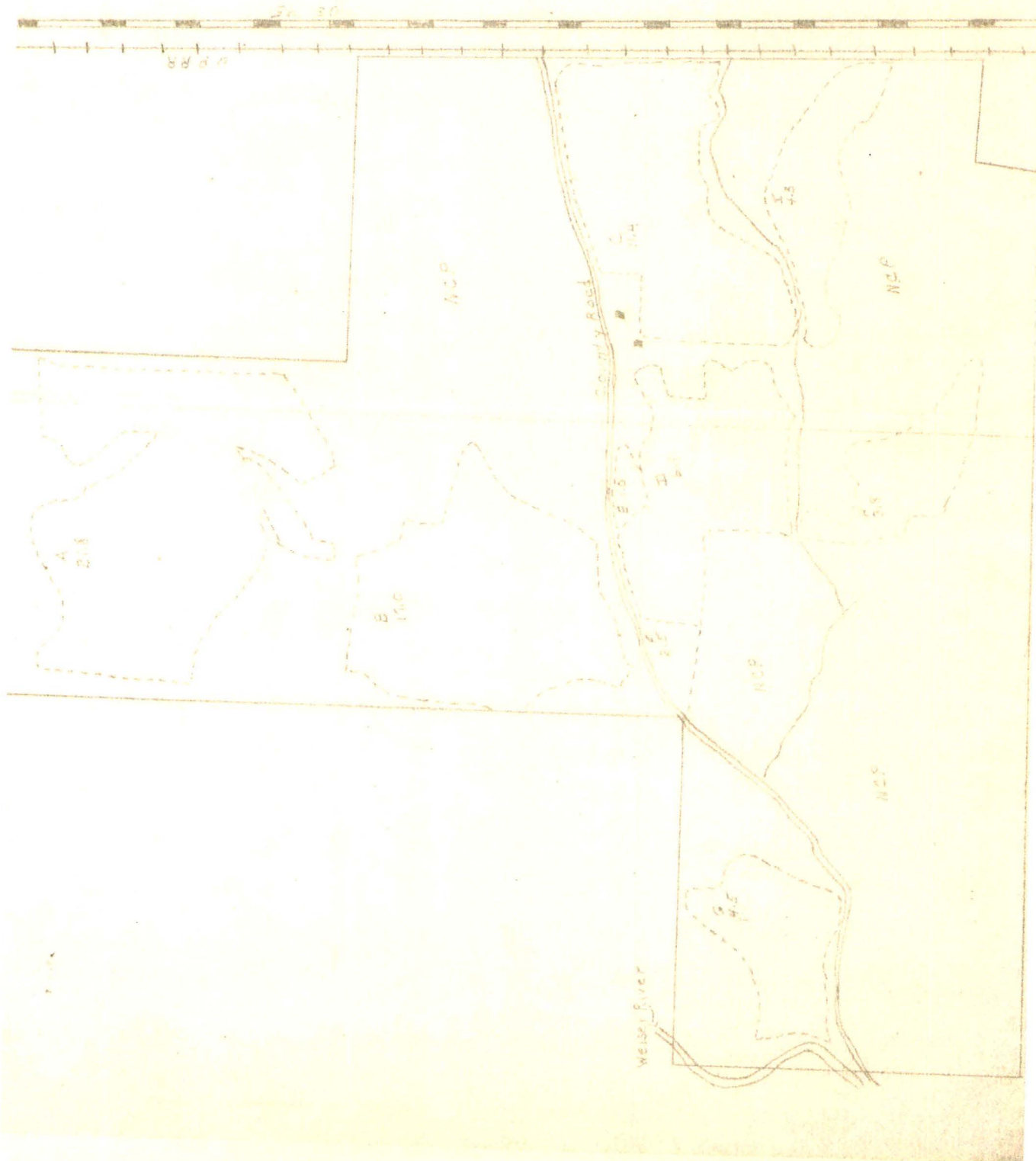


SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

22634

County - Adams  
Tract No. 352-B  
Photo 8-108  
Operator

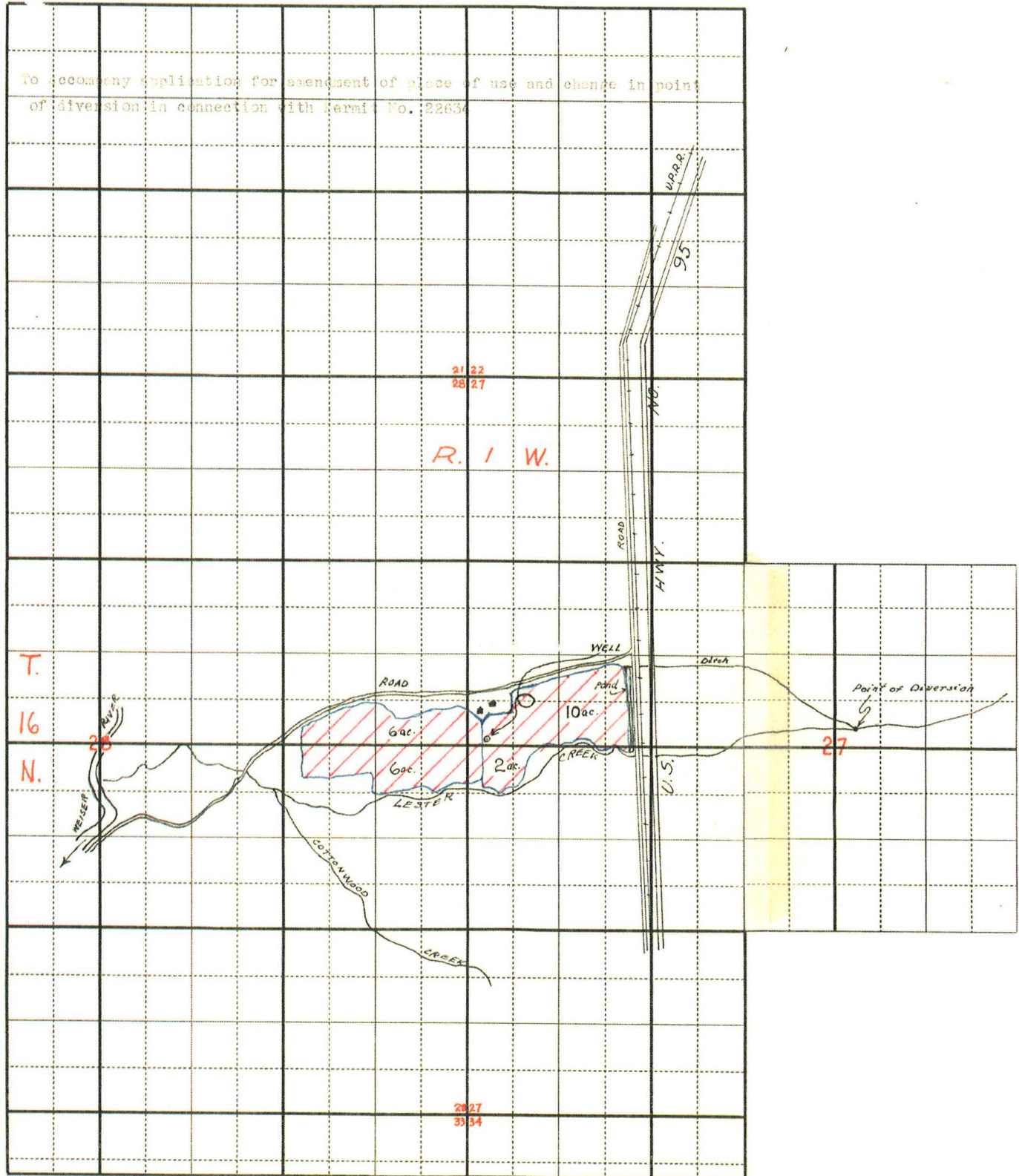
22634



NAME OF APPLICANT. AND R. LAY

Form No. 0

To accompany application for amendment of place of use and change in point of diversion in connection with Permit No. 22634



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

22634

67-APB Filed  
August 9, 1954

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS.

-----

STEPHEN PEEBLES and ETHEL E.  
PEEBLES, Husband and wife,

Plaintiffs,

-vs-

ANDY R. LAY and ONA LAY,  
Husband and wife,

Defendants.

-----

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

The above action came on regularly for trial before the Court without intervention of a jury, on the 27th day of April, 1954, and such trial continued through the 27th, 28th and 29th days of April, 1954, at the Courtroom of the above-entitled Court at Council, in the County of Adams, State of Idaho; the plaintiffs, Stephen Peebles and Ethel E. Peebles, husband and wife, appearing in person and by John H. Norris and Lawrence L. Welch, their attorneys of record, and the defendants, Andy R. Lay and Ona Lay, husband and wife, appearing in person and by Leam F. Miller of the law firm of Week & Miller, their attorneys of record; oral and documentary evidence was presented and admitted on behalf of the plaintiffs and the defendants; and the matter having been submitted to the Court upon such evidence and written briefs of counsel; and the Court being now fully advised in the law and the premises, hereby makes the following Findings of Fact and Conclusions of Law;

FINDINGS OF FACT

I.

That the plaintiffs, Stephen Peebles and Ethel E. Peebles, husband and wife, are now, and ever since on or about the month of February, 1944, have been the owners of the <sup>SW</sup> of the NE<sup>1</sup>/<sub>4</sub>, the NE<sup>1</sup>/<sub>2</sub> of the SE<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> and the NE<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> of Section

Decree II

28, Township 16 N, Range 1, West of the Boise Meridian, and certain other lands, in Adams County, Idaho; and that plaintiffs have lived on said lands continuously ever since that time.

II.

That defendants, Andy R. Lay and Una Lay, are husband and wife and the owners of the E $\frac{1}{2}$  of the NE $\frac{1}{4}$ , the N $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Section 28, Township 16 North, Range 1, West of the Boise Meridian, and the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  and the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 27, Township 16 North, Range 1, West of the Boise Meridian, having purchased the same in 1945.

III.

That Lester Creek is a fork of Cottonwood Creek and is sometimes designated as North Cottonwood, and traverses that part of defendants' land described as the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 28, and the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 27, all in Township 16 North, Range 1, West of the Boise Meridian, in an East-West direction, and returns to and empties into main Cottonwood Creek about 600 feet Easterly from where main Cottonwood Creek empties into the Weiser River.

IV.

That A. W. Peebles, one of plaintiffs' predecessors, then being the owner of the lands hereinabove specifically described as belonging to the plaintiffs, in 1896 constructed a certain irrigation ditch known as the "Peebles Ditch", commencing at a point approximately 200 feet North and 200 feet West of the SE corner of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 28, Township 16 N, Range 1, West of the Boise Meridian, and running thence in a Southeasterly direction and crossing the East side line of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section, Township and Range, at a point approximately 200 feet North of the SE corner of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section, Township and Range, thence crossing into the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section, Township and Range, and thence in a loop

first Easterly then Southerly and then Southwesterly for a total distance of approximately 400 feet to the SE corner of said SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section, Township and Range, and thence meandering Southeasterly and upon the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Section, Township and Range for a distance of approximately 920 feet to a point where it intersects Lester Creek; and that said point of intersection is plaintiffs' point of diversion of the waters of Lester Creek into said Peebles Ditch; and that plaintiffs' said point of diversion is located on defendants' land; and that said Peebles Ditch crosses the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Section 28, Township 16 North, Range 1, West of the Boise Meridian in a Northwesterly direction from said point of diversion for a distance of approximately 920 feet, and thence over a portion of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section, Township and Range, to a point approximately 200 feet North of the SE corner of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  where said ditch enters upon the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 28, Township 16 North, Range 1, West of the Boise Meridian, which latter lands belong to the plaintiffs.

V.

That said Peebles Ditch has been continuously maintained by the plaintiffs and their predecessors in interest during each irrigation season commencing with 1896, and actually used during each irrigation season commencing with 1896 down to and including the Spring of 1951, for the purpose of diverting and conveying public waters from Lester Creek, at plaintiffs' point of diversion, through said ditch, and applying public waters to a beneficial use, and such public waters were during the irrigation season of each of said years, and up to and including the Spring of 1951, applied to a beneficial use, to-wit: to the irrigation of approximately twelve acres of plaintiffs' said lands situate in the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  and the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$

of Section 28, Township 16 North, Range 1, West of the Boise Meridian, in Adams County, Idaho; and for the domestic use of plaintiffs and their predecessors in interest in connection with the use and occupancy of the farm lands and premises of the plaintiffs.

VI.

That at the plaintiffs' point of diversion on Lester Creek the said plaintiffs and their predecessors in interest have, each and every year since construction of said plaintiffs' irrigation ditch, constructed across Lester Creek at said point of diversion a dam to divert water into plaintiffs' said irrigation ditch; that said dams have not been of permanent construction and have been washed out by spring floods each year.

VII.

That on the Easterly side of said Peebles Ditch, and approximately 195 feet in a straight line Northwesterly from plaintiffs' point of diversion, or following the Peebles Ditch as now located approximately 255 feet from the plaintiffs' point of diversion, there is a spring which has heretofore in these proceedings been designated as the "Ditch Spring"; that said Ditch Spring each year prior to the pumping by the defendants out of another spring on defendants' land, heretofore in these proceedings designated as the "Well Spring", produced approximately somewhere between 3 1/2 to 6 inches of water, and which during the entire year of each and every year flowed into said Peebles Ditch, and that said waters have been used by the plaintiffs and their predecessors in interest for irrigation and domestic purposes during each and every year since 1896; that if said Ditch Spring water was not intercepted by plaintiffs' irrigation ditch, it would flow into Lester Creek and from thence into Main Cottonwood Creek and thence into the Weiser River.

VIII

That during the irrigation season of each of said years up to the middle of July of each year, there has always been suf-

ficient flood water in Lester Creek to supply the parties to this action with sufficient water for irrigation and domestic purposes; but that the flow of water down Lester Creek from on or about the middle of July of each year has decreased and the creek bed has become practically dry thereafter, except for pools and springs for approximately 600 feet above plaintiffs' point of diversion; that during each and every irrigation season commencing with 1896 down to and including the year 1950, such flow of said Lester Creek comes to the surface in the bed of said creek Easterly from said dam for said distance of approximately 600 feet above plaintiffs' point of diversion, so that plaintiffs and their predecessors in interest were able to, and did, divert into said Peebles Ditch a sufficient quantity of water, which, together with the Ditch Spring water hereinabove mentioned, enabled plaintiffs to duly and properly irrigate approximately twelve acres of their said lands, and also have a sufficient quantity of water for the domestic use of plaintiffs and their predecessors in interest in connection with the use and occupancy of their farm lands and premises.

IX.

That there was another ~~several~~ spring located on the defendants' lands approximately 1100 feet Easterly of the said Ditch Spring; that said spring was used for domestic purposes for numerous years by the defendants and their predecessors in interest, and which has heretofore in these proceedings been called the "Well Spring"; that the defendants partially dug and cased and drilled and enlarged a well approximately six feet distant from the original location of said spring in the years of 1949 and 1950; that in May, 1951, said defendants began to pump from said Well Spring by means of an electric pump for irrigation purposes, using pipe and sprinklers to irrigate portions of their lands, to

the extent of approximately 60 acres; that defendants pumped practically continuously from said well for irrigation purposes commencing with the month of May, 1951, and during the remaining 1951 irrigating season.

X.

That before the year 1951 plaintiffs and their predecessors in interest were able, and did, divert from Lester Creek and into their said ditch sufficient water, which, together with the Ditch Spring water hereinabove mentioned, enabled plaintiffs to irrigate their crops and have water for domestic purposes, not only during the flood season but also during the entire irrigation season commencing with the month of May of each year, to and including the month of October of each year; but that commencing on or about the 15th day of July, 1951, plaintiffs were unable to divert sufficient water from Lester Creek into their said ditch for the purpose of irrigating their crops, their shrubs, their flowers, their garden or for domestic use; and that said Ditch Spring became practically dry.

XI.

That never during all of the years since 1895 did the said Lester Creek at said dam of plaintiffs and their predecessors in interest go dry, nor did the flow at said point diminish to such an extent that plaintiffs and their predecessors were unable to divert sufficient water into said ditch by their dam, except commencing on or about the 15th day of July, 1951, at which time defendants had been pumping water out of said Well Spring from on or about the 1st day of May, 1951.

XII.

That the lands hereinabove alleged to be owned by the plaintiffs constitute a small stock, grain and hay ranch, and home for the plaintiffs and family; that plaintiffs and family now actually live on said property; that the lands to the irrigation of which

water has been applied by plaintiffs and their predecessors in interest are planted to shade trees, fruit trees, about their dwelling house, vines, shrubs, lawns and gardens and devoted to agricultural uses, for the maintenance of all of which the water, and all of it, so diverted and heretofore applied is essential; that said lands are arid; that said lands are without other means of obtaining water either for domestic or irrigation purposes, and without the full and undiminished supply of water heretofore used upon them, as aforesaid, said lands will be dry and unproductive.

XIII.

That at all times herein mentioned, plaintiffs and their predecessors in interest appropriated all of the said waters so diverted by said dam into their said ditch and the said waters of said Ditch Spring by said ditch, openly, notoriously and adversely to any and all persons whomsoever, and that during all of said time said waters so diverted were so applied to a beneficial use and purpose and as hereinabove alleged.

XIV.

That defendants' said Well Spring was dug and drilled at a point where it intersects and cuts down into the same subterranean basin and flow of water that during each season since 1895 up to and including the year 1950 supplied water to the said Ditch Spring and said subterranean flow of Lester Creek, which furnished and supplied water to plaintiffs and their predecessors in interest for their said lands.

XV.

That defendants, on or about the 1st day of May, 1951, installed and ever since and now have installed in said Well Spring an electric pump; that said electric pump was of sufficient size and capacity to pump out of said Well Spring, and it did draw out and pump out of said Well Spring and said subterranean basin and subterranean flow of waters, such a quantity of water as to di -

minish said subterranean basin and subterranean flow of waters to the extent that during the dry season, commencing with on or about the 15th day of July, 1951, and with continuous operation of said pump for the remainder of the irrigation season, not enough water was supplied to the bed of Lester Creek just East of and at the diversion dam of plaintiffs, and to said Ditch Spring, to enable plaintiffs to have sufficient water for irrigation of their said lands or premises, or for domestic uses, during the remainder of the 1951 irrigation season; that the same conditions prevailed in 1952, and to a lesser extent, by reason of defendants not pumping so continuously, in 1953; and that if said defendants are permitted to operate their said pump at full capacity and continuously hereafter not enough water will be supplied to the bed of Lester Creek just East of and at the diversion dam of plaintiffs, and to said Ditch Spring, to enable plaintiffs to obtain sufficient water for the irrigation of their said lands or premises or for their said domestic use.

XVI.

That the four inches of water decreed to R. S. Kincaid with priority of 1896, by Judgment entered in the case of John T. Muir et al vs. William Allison et al, and made appurtenant to the NE<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Section 24, Township 16 North, Range 1, W4M, and which land is now owned by the defendants, and which said water right has never been legally transferred, and which said water right is now owned by defendant.

XVII.

That the four inches of water decreed to A. B. Peebles, one of plaintiffs' predecessors, with priority of 1896, by Judgment entered in the case of John T. Muir et al, vs. William Allison et al, and made appurtenant to the lands now owned by the plaintiffs, has never been legally transferred.

XVIII.

That for the purpose of maintaining and using said Peebles Ditch where it crosses the lands of the defendants, plaintiffs have used a strip of land approximately five feet on each side of the center line of said ditch; and that said strip of land is needed to enable plaintiffs to keep said ditch in repair and for the maintenance thereof.

XIX.

That said Peebles Ditch, at certain places where it crosses the lands of the defendants, is crooked and could be straightened to some extent and thereby enable plaintiffs to use all available water.

XX.

That plaintiffs and their predecessors in interest had been and are the last water users out of Lester Creek.

XXI.

It has heretofore been adjudged, in the action brought by John T. Muir et al vs. William Allison et al, that the duty of waters of the Weiser River and its tributaries is 5/8 miners inches per acre. That said adjudication is fair and just.

CONCLUSIONS OF LAW

I.

That the plaintiffs as against the defendants, and against all persons claiming by, through or under said defendants, have appropriated and by right of prior appropriation should have the right to take and use for the irrigation of their said lands, and for domestic purposes, at least 3 inches of water out of Lester Creek at the head of what is known as the Peebles Ditch, measured at a weir hereafter to be constructed between 70 and 80 feet from the head of their said ditch; said waters being the said flow of

Lester Creek which comes to the surface in the bed of said creek, easterly from the head of plaintiffs' ditch/a distance of approximately 650 feet, and any other waters flowing down to plaintiffs' point of diversion on Lester Creek; and that there are sufficient spring flood and subterranean waters up to July 15th of each and every year to supply each of the parties' needs; and that said waters should be so used by the plaintiffs and defendants herein to enable both parties to apply and use said waters to insure the maximum beneficial use thereof.

## II.

That said defendants, and all other persons claiming by, through or under said defendants, should be enjoined and restrained from operating their said pump, or pumping from what is known as the "Well Spring", or from any other well or spring, whenever plaintiffs are unable to divert into their said ditch at least 8 inches of water measured at their said weir, at or during any time after July 15, 1954, or after July 15 of any subsequent season; and that the Water Master of the district in which said lands are located should be authorized, empowered and directed to turn off and shut down, and keep turned off and shut down, any pump being used to pump water from defendants' said Well Spring, or from any other well or spring, at any time on or after July 15, 1954, or on or after July 15th of any subsequent irrigation season, when plaintiffs, their executors, administrators or assigns, are unable to divert at least 8 inches of water at their point of diversion on Lester Creek, measured at said weir hereinabove mentioned.

## III.

That plaintiffs, by right of prior appropriation through the open, adverse and notorious use of the flow of water from the "Ditch Spring" located on the defendants' lands for irrigation of their said lands and for domestic purposes for over fifty years,

should have the prior right to pick up and use all the waters flowing from the said Ditch Spring for irrigation of their said lands and for domestic purposes, as against the said defendants, and against all persons claiming by, through or under said defendants, and defendants should be restrained from in anywise interfering with plaintiffs' right to pick up and use waters from said Ditch Spring.

IV.

That the 4 inches of water decreed to H. S. Kincaid with priority of 1896, by Judgment entered in the case of John T. Muir, et al. vs. William Allison et al., 1921, is appurtenant to the defendants' lands, namely the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 28, Township 16 North, Range 1, WDM, and is owned by defendants.

V.

That the 4 inches of water out of Cottonwood Creek decreed to A. W. Peebles, one of the plaintiffs' predecessors, with priority of 1896, by Judgment entered in the case of John T. Muir et al. vs. William Allison et al., 1921, is appurtenant to the lands now owned by the plaintiffs, and should be quieted in the plaintiffs.

VI.

That the plaintiffs, Stephen Peebles and Ethel E. Peebles, should construct and put in a substantial diversion dam on Lester Creek to insure the maximum use of all available water in said creek.

VII.

That plaintiffs, by right of prior appropriation through the open, adverse and notorious use of said Peebles Ditch since 1896, have acquired a right-of-way for their said irrigation ditch where it crosses defendants' said lands; and that said ditch right-of-way should be 5 feet wide on each side of the center line of said ditch for the purpose of conveying irrigation water through said ditch, together with the right of ingress and egress into and from the defendants' lands for the purpose of cleaning, repairing

and maintaining said ditch, and for the purpose of constructing, repairing and maintaining the dam at plaintiffs' point of diversion on Lester Creek and constructing, repairing and maintaining the said weir hereinabove mentioned.

VIII.

That defendants, Andy R. Lay and Ona Lay, should only be entitled to pump from their said Well Spring on their lands for irrigation purposes each year while plaintiffs are able to get their priority of 8 inches of water out of Lester Creek measured at the weir mentioned in Paragraph I of these conclusions; that when plaintiffs are unable to obtain their said priority of 8 inches of water then defendants, and all persons claiming by, through or under said defendants, should be restrained from pumping for irrigation purposes as provided in Paragraph II above.

IX.

That the plaintiffs, as to location on said Lester Creek, are the last users of water out of said Lester Creek for irrigation purposes before said Lester Creek empties into the Weiser River.

X.

That plaintiffs should be required to construct an adequate weir to be placed in plaintiffs' ditch between 70 and 80 feet from plaintiffs' point of diversion on Lester Creek, so that an accurate measurement of the amount of water flowing into plaintiffs' ditch from Lester Creek can at any and all times be determined.

XI.

That it has heretofore been adjudged, in the action brought by John T. Muir et al. vs. William Allison et al., that the duty of waters of the Weiser River and its tributaries is  $5/8$  miners inches per acre. That said adjudication is fair and just.

Dated at Caldwell, Idaho, this 21<sup>st</sup> day of August, 1954.

Donald Anderson  
District Judge.

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 67-11026  
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: 02/25/1952

3. Source: LESTER CREEK Trib. to: COTTONWOOD CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 16N      | 01W   | 27      | SE NW                 | ADAMS  |      |
| 16N      | 01W   | 28      | NE SE                 | ADAMS  |      |
| 16N      | 01W   | 35      | NE NE                 | ADAMS  |      |
| 16N      | 01W   | 27      | NW SW                 | ADAMS  |      |

5. Description of diverting works:

DAM, HEADGATES, DITCHES

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 3/15 | 11/15 | 2      |            |

7. Total Quantity Appropriated is:  
2 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      | SW         | NW  | IRRIGATION    | 40    |
|          |       |         | NW         | SW  | IRRIGATION    | 5     |
|          |       |         |            |     | Section Acres | 45    |
| 16N      | 01W   | 28      | NE         | NE  | IRRIGATION    | 10    |
|          |       |         | SE         | NE  | IRRIGATION    | 26    |
|          |       |         | NE         | SE  | IRRIGATION    | 17    |
|          |       |         | NW         | SE  | IRRIGATION    | 2     |
|          |       |         |            |     | Section Acres | 55    |
|          |       |         |            |     | Total Acres   | 100   |

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:

This claim has been split. See nos. 67-14436 & 67-14437. DH 9/23/2003

Claim 67-14436 and 67-14437 has been re-combine into 67-11026 per common ownership (csaxton 3-6-06)

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.

RECEIVED

OCT 11 2005

Department of Water Resources

## SPLIT CLAIM

Page 1

09/23/2003

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-11026

WATER RIGHT NUMBER: 67-11026

| <u>Owner Type</u> | <u>Name and Address</u>                                               |
|-------------------|-----------------------------------------------------------------------|
| Original Owner    | LARRY D DERIE<br>HC 62 BOX 1720<br>COUNCIL, ID 83612<br>(208)253-6068 |

Priority Date: 02/25/1952

Basis: Beneficial Use

Status: Parent

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| LESTER CREEK  | COTTONWOOD CREEK |

| <u>Beneficial Use</u>   | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-------------|-----------|-----------------------|----------------------|
| IRRIGATION              | 3/15        | 11/15     | 2.000 CFS             |                      |
| <u>Total Diversion:</u> |             |           | 2.000 CFS             |                      |

Location of Point(s) of Diversion

|              |            |          |          |               |              |
|--------------|------------|----------|----------|---------------|--------------|
| LESTER CREEK | SE1/4NW1/4 | Sec. 27, | Twp 16N, | Rge 01W, B.M. | ADAMS County |
| LESTER CREEK | NE1/4SE1/4 | Sec. 28, | Twp 16N, | Rge 01W, B.M. | ADAMS County |
| LESTER CREEK | NE1/4NE1/4 | Sec. 35, | Twp 16N, | Rge 01W, B.M. | ADAMS County |
| LESTER CREEK | NW1/4SW1/4 | Sec. 27, | Twp 16N, | Rge 01W, B.M. | ADAMS County |

Place of UseIRRIGATION Within ADAMS County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T16N R01W S27 | SWNW | 40.0 | T16N R01W S27 | NWSW | 5.0  |
| T16N R01W S28 | NENE | 10.0 | T16N R01W S28 | SENE | 26.0 |
| T16N R01W S28 | NESE | 17.0 | T16N R01W S28 | NWSE | 2.0  |

Total Acres: 100

Conditions of Approval:Remarks:

1. General This claim has been split. See nos. 67-14436 & 67-14437. DH 9/23/2003

Comments:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 67-11026

Dates and Other Information:

Claim Received Date: 10/19/1989  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal: S  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

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> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

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

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: A67-11026  
Date Received: 10/19/1989  
Receipt No: W006448  
Received By: LW

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: FEB 25, 1952

3. Source: LESTER CR. Trib. to: COTTONWOOD CR.

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 16N      | 01W   | 27      |        | SE     | NW  |     | ADAMS  |
|          |       |         |        | NW     | SW  |     | ADAMS  |
|          |       | 28      |        | NE     | SE  |     | ADAMS  |
|          |       | 35      |        | NE     | NE  |     | ADAMS  |

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

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 2.000  |      |        |

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

8. Total consumptive use is 350.0 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      | SW     | NW  |     | IRR | 40.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 16N      | 01W   | 27      | NW     | SW  |     | IRR           | 5.0   |
|          |       |         |        |     |     | Section Acres | 45.0  |
|          |       | 28      | NE     | NE  |     | IRR           | 10.0  |
|          |       |         | SE     | NE  |     | IRR           | 26.0  |
|          |       |         | NE     | SE  |     | IRR           | 17.0  |
|          |       |         | NW     | SE  |     | IRR           | 2.0   |
|          |       |         |        |     |     | Section Acres | 55.0  |
|          |       |         |        |     |     | Total Acres   | 100.0 |

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:

A67-11025, A67-00322, A67-02208, A67-04038

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 D. Erie 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 A. Werner  
Notary Public

Seal

Residing at Linda A. Werner  
Residing at Boise, Idaho  
My Commission My Commission Expires December 8, 1994



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