

06/26/2006

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

RIGHT NUMBER: 67-11339

NAME AND ADDRESS: DANA HARRY
PO BOX G
NEW MEADOWS ID 83654

DENNIS HARRY
PO BOX G
NEW MEADOWS ID 83654

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1893

POINT OF DIVERSION:

T17N R02W S23 NENWNW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC Within ADAMS County

T17N R02W S23 NWNW

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel #: RP17N02W232550A



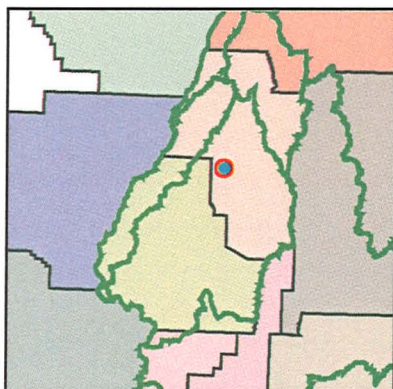
Idaho Department of Water Resources

SRBA Recommendation:

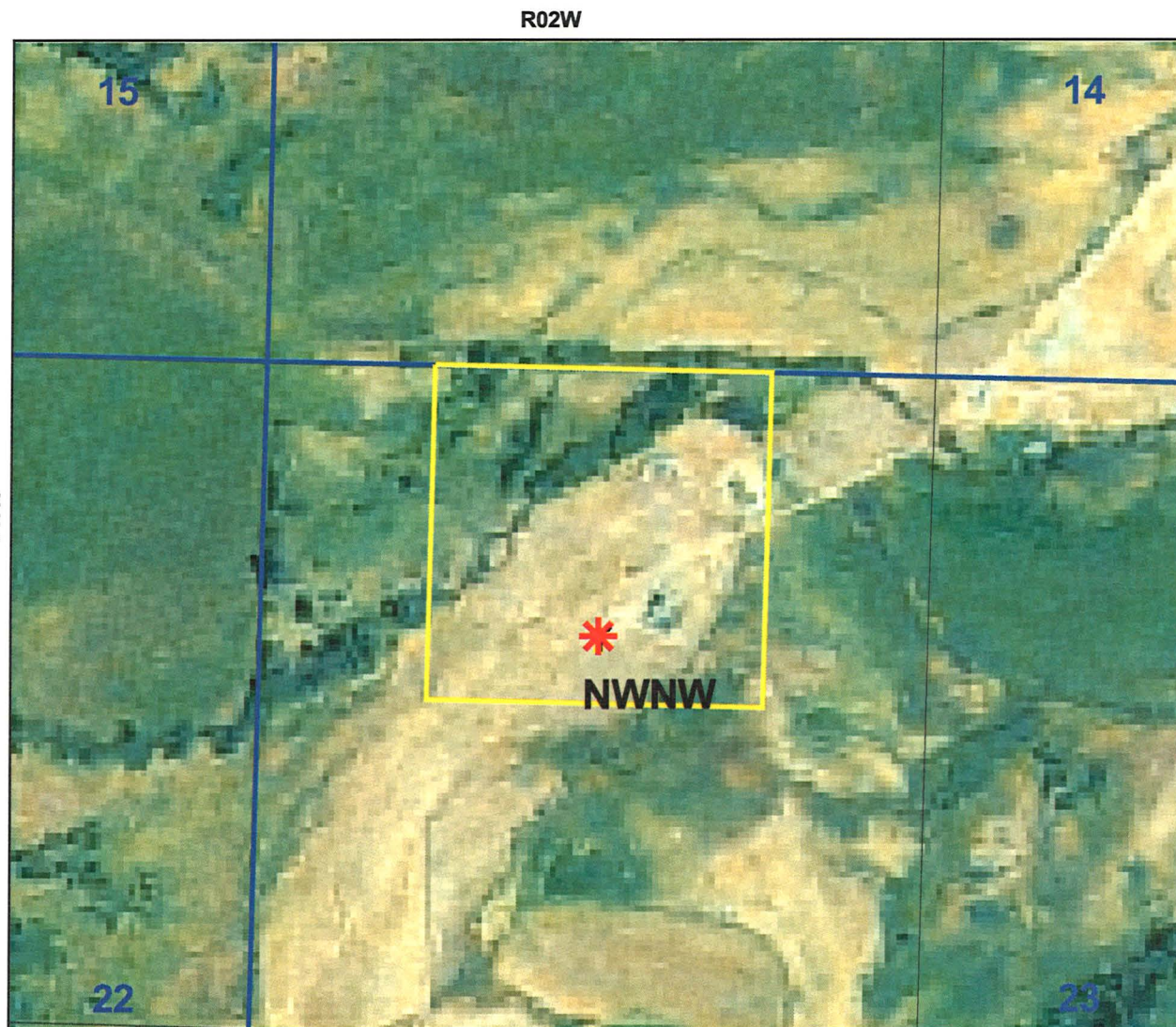
67-11339

Legend

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



Adams County
IDWR Basin 67



0 0.1 0.2 Miles

A scale bar showing distances of 0, 0.1, and 0.2 miles.

Prepared by C. Saxton
On Monday, June 26, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11339 V1

WATER RIGHT NUMBER: 67-11339 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CYNTHIA A COPHER 2490 COUNCIL CUPRUM RD COUNCIL, ID 83612 (208)253-4283
Current Owner	DANA HARRY PO BOX G NEW MEADOWS, ID 83654 (208) 347-4035
Original Owner	WILLIAM COPHER 2490 COUNCIL CUPRUM RD COUNCIL, ID 83612 (208)253-4283
Current Owner	DENNIS HARRY PO BOX G NEW MEADOWS, ID 83654 (208) 347-4035

Priority Date: 06/01/1893

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4NW1/4	Sec. 23, Twp 17N, Rge 02W, B.M.
ADAMS County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	02W	23						X											

Conditions of Approval:

1. X01 Domestic use is for 1 home.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11339 V1

2. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
3. Parcel #: RP17N02W232550A
4. 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.
5. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.

Remarks:Comments:

1. csaxton 6/26/2006 Well Priority Date

Comment: By recommending this priority date we are assuming this was a hand dug well and little or no irrigation took place historically. In the 70s, another well was drilled, it is unclear if it was a replacement well or a new well. Only one POD being recommended though.

2. csaxton 6/26/2006 POD location

Comment: POD GPSd by Melanie Vining on 5-20-05. Tag #: A0016801

3. csaxton 6/26/2006 Purpose of Use

Comment: This well is currently used only in the residence. New owner plans to water up to 30 cow/calf pair in which this use would fall under the domestic definition. No evidence of commercial use was found on the property during 5/20/05 field exam and I have no evidence that commercial use existed in 6-1-1893 as claimed. Recommend domestic use only.

4. csaxton 6/26/2006 Fees

Comment: Paid \$25.00 for this claim.

5. csaxton 6/26/2006 Copied From Claim (1)

Comment: CHANGE OF OWNERSHIP 12/3/04.

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: OR

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>
Summary			06/26/2006	csaxton	Active

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 67-11339 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	6/26/2006 12:28:03 PM	csaxton	Updated shape
POU	6/26/2006 12:29:41 PM	csaxton	Updated shape for Active POU
POD	6/26/2006 12:32:11 PM	csaxton	Updated shape
Summary	6/26/2006 12:41:14 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	6/26/2006 12:28:27 PM	csaxton	Updated PLS
POU	6/26/2006 12:29:52 PM	csaxton	Updated PLS for Active POU

Water Supply Bank:

Contacts Data Entry Form

Claim Number: 67-11339

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	CYNTHIA A COPHER	2490 COUNCIL CUPRUM RD	COUNCIL	ID	83612	(208)253-4283
Current Owner	DANA HARRY	P.O. BOX G	NEW MEADOWS	ID	83654	(619)987-2737
Original Owner	WILLIAM COPHER	2490 COUNCIL CUPRUM RD	COUNCIL	ID	83612	(208)253-4283
Current Owner	DENNIS HARRY	P.O. BOX G	NEW MEADOWS	ID	83654	(619)987-2737

Date of Field Exam: 5/20/05 Time: 9 amAccompanied By: Dennis Harry Phone Number: 253-0226
orRelationship to Claimant: claimant 347-4035

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

Reviewer: mwDate: 5/20/05

Claim Number 67-11339

Claimed Basis: Beneficial Use

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

Water Right Basis:

Recommended Basis _____

Comments will submit evidence of priority
Via mail - cannot recommend 6/1/1893 date as
it predates Miller v. Allaway; 110' well w/ this flow
is also not feasible for a hand-dug 1893 well.

Date: 01/07/2018

5/20/05

Point of Diversion and Source Data Entry Form

Claim Number 67-11339

Claimed Point of Diversion and Source

T17N R02W S23 NENWNW Within ADAMS County Source: GROUND WATER

☒ 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

Groundwater

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:

field exam

Coord: 2298171 } used "User DTM Gnd"
1514264 } in Craig's GPS unit

A0016801 - GPS as A0016801

4 pictures taken:

- 1) 1st outlet on property (from well)
- 2) 2nd outlet on property
- 3) well
- 4) well w/ IDWR tag

Reviewer: MVDate: 5/20/05

Place Of Use Data Entry Form

Claim Number 67-11339

Claimed Place Of Use

T17N R02W S23

NWNW

Total Acres

☒ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

_____ See corrections to claimed POU above

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

Total Acres _____

Document how the POU was verified:

field exam

Reviewer: _____

mv

Date: _____

5/30/05

Purpose of Use Data Entry Form

Claim Number 67-11339

Claimed Purpose of Use

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

☐ 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
Domestic	1			
Stockwater		plans to water up to 60 head		

Document how the Purpose of Use was verified:

This well is currently used only in the residence - however, there are 2 outlets piped from well onto property (see 67-11339 photos). New owner of property plans to water stock with this well, up to 30 cow/calf pairs (60 head)

Recommendation preparer or water agent will need to determine best Purpose of Use(s) to recommend.
No evidence of commercial use on property.

Reviewer: MVDate: 5/20/05

Period of Use and Quantity Data Entry Form

Claim Number 67-11339

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
COMMERCIAL	1/01	12/31	0.06	
DOMESTIC	1/01	12/31	0.04	

Overall Diversion Rate 0.1

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
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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:

field exam

Reviewer: MVDate: 5/20/05



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 3, 2004

Dennis & Dana Harry
P.O. Box G
New Meadows, ID 83654

Re: Notice of Claim to a Water Right No. 67-4064 & 67-11339
Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed 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.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

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 67-11339
Date Received: 12/18/1989
Receipt No: W007158
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DANA HARRY Phone: (619)987-2737

P.O. BOX G
NEW MEADOWS ID USA 83654

DENNIS HARRY Phone: (619)987-2737

P.O. BOX G
NEW MEADOWS ID USA 83654

2. Date of Priority: 06/01/1893

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	02W	23	NE NW NW	ADAMS	

5. Description of diverting works:

110' WELL AND 1.25 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
✓ COMMERCIAL	1/01	12/31	0.06	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.1 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
17N	02W	23	NW	NW	DOMESTIC	

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:

CHANGE OF OWNERSHIP 12/3/04

15. Basis of Claim: Beneficial Use

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

RECEIVED

NOV 16 2004

WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
Sent to - 67-399 S.O. 11/17		no			
67-4064		no			
67-11339		no			

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) William Keith Copher and Cynthia Lynn Copher
3503 Highway 95, Cambridge, ID 83610
4. New Owner/Claimant(s) Dennis L. Harry and Dana L. Harry
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box G
- City, State and ZIP Code New Meadows, ID 83654
- New Telephone Number (619) 987-2737
5. Date you acquired the property August 4, 2004

For Value Received, WILLIAM KEITH COPHER and CYNTHIA LYNN COPHER, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto
DENNIS L. HARRY and DANA L. HARRY, husband and wife

the grantees, whose current address is P.O. Box G, New Meadows, ID 83654

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

SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF.

COPY

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

Date: August 4, 2004

William Keith Copher
WILLIAM KEITH COPHER

Cynthia Lynn Copher
CYNTHIA LYNN COPHER

Instrument # 106728

COUNCIL, ADAMS, IDAHO

2004-08-05

02:45:28 No. of Pages: 2

Recorded for: TIMBERLINE TITLE & ESCROW

MICHAEL FISK

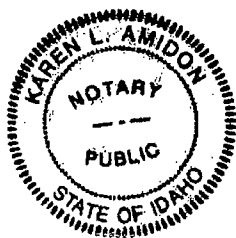
Fee 5.00

Ex-Officio Recorder Deputy

Index to: DEED

STATE OF IDAHO)
COUNTY OF ADAMS)

On this 4th day of August, in the year of 2004, before me, a Notary Public in and for said State, personally appeared WILLIAM KEITH COPHER and CYNTHIA LYNN COPHER known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that they executed the same.



Karen L. Amidon
Notary Public

Residing at: Cambridge, ID

Commission expires: 6/26/2009

INSTRUMENT NO. 101728

PAGE 2 OF 2

EXHIBIT 'A'

Township 17 North, Range 2 West, Boise Meridian, Adams County, Idaho

Section 22: SE1/4NE1/4, N1/2SE1/4, SE1/4SE1/4 ✓

Section 23: N1/2NW1/4, SW1/4NW1/4, W1/2SW1/4

EXCEPTING a parcel of land in the N1/2NW1/4 of Section 23 more particularly described as follows:

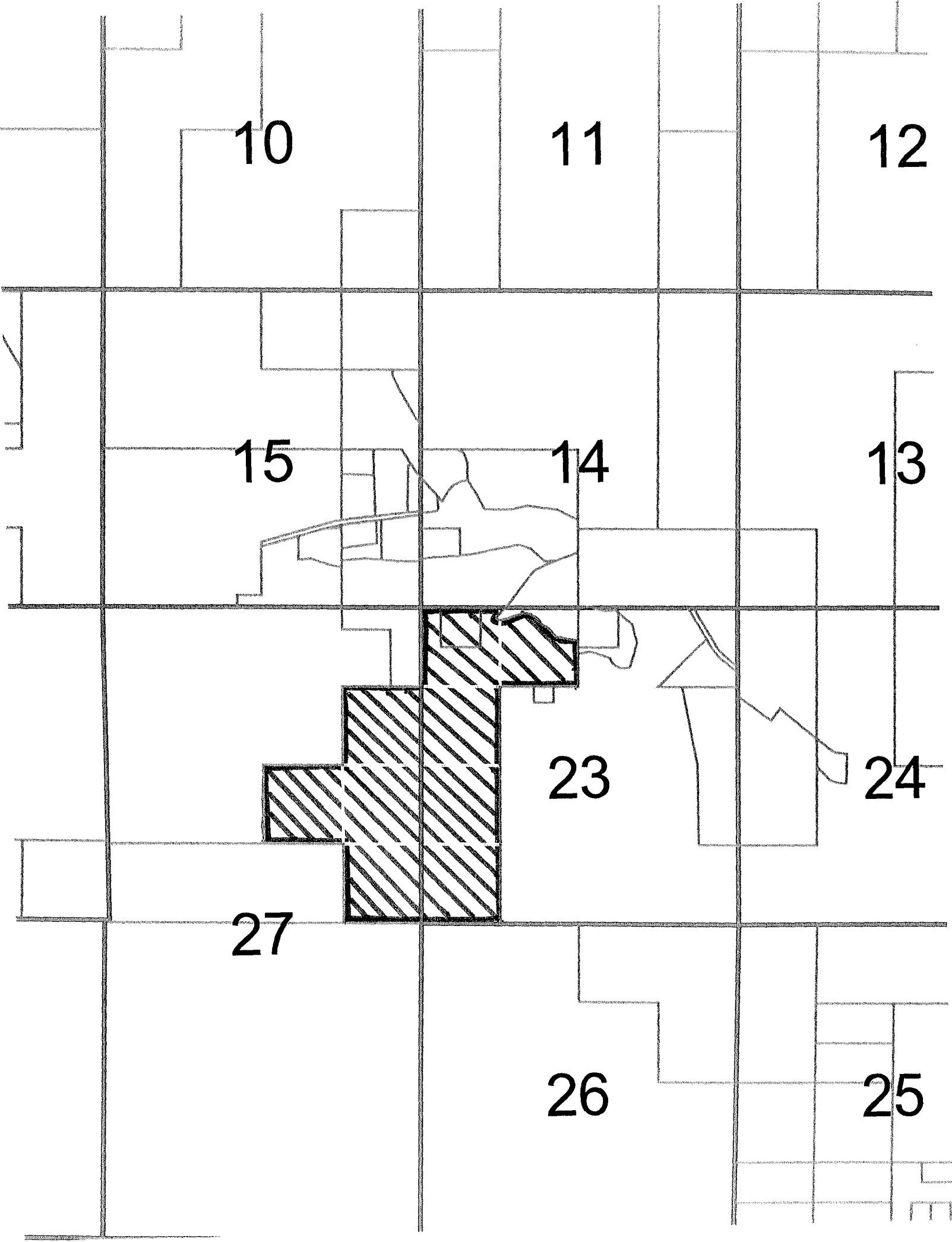
Commencing at the Northeast corner of the N1/2NW1/4;

Thence South 500 feet, more or less, along the East line of the N1/2NW1/4, to a point on the Southerly bank of Hanson Creek;

Thence Westerly along the Southerly bank of Hanson Creek to a point on the Southeasterly right-of-way of an existing road, which point is marked by an iron pin 1,375 feet, more or less, West of the Easterly line of the N1/2NW1/4 and 170 feet, more or less, South of the Northerly line of the N1/2NW1/4;

Thence Northeasterly along the Southeasterly right-of-way of said road to a point on the North line of the N1/2NW1/4;

Thence East along the North line of the N1/2NW1/4 to the Real Point of Beginning.



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: A67-11339
Date Received: 12/18/1989
Receipt No: W00 7/58
Received By: Bas

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM COPHER 208-253-4283
Address: HC 67 BOX 2350
COUNCIL, ID 83612

OR

Name: CYNTHIA A. COPHER 208-253-4283
Address: HC 67 BOX 2350
COUNCIL, ID 83612

2. Date of Priority: JUN 01, 1893

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	02W	23	NE	NW	NW		ADAMS

5. Description of diverting works:
110' WELL AND 1.25 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
COMMERCIAL	01/01	12/31	0.060		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 S/200

A67-11339

Page 1

Date: 12/18/89

SCANNED
MAY 10 2004

MICROFILMED
OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	02W	23	NW	NW		DOMEST	
			NW	NW		STOCK	

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:

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: 0

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): X William Cypher Date: ✓ 12-8-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18 day
of December 19 89 Bruce A. Schindler
Notary Public

Seal

Residing at Boise Idaho
My Commission Expires 4/11/91