

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 67-14349
Date Received: 9/19/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JUDITH K SPOERER
PO BOX 112
COUNCIL ID USA 83612

Phone: (208) 253-6117

WILLIAM S SPOERER
PO BOX 112
COUNCIL ID USA 83612

Phone: (208) 253-6117

2. Date of Priority: 06/01/1952

3. Source: WASTE WATER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
17N	01W	35	SE		SW	ADAMS	
17N	01W	35	SW		SW	ADAMS	

5. Description of diverting works:

DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.15	

7. Total Quantity Appropriated is:
0.15 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	01W	35	SE	SW	IRRIGATION	7.5
					Section Acres	7.5
					Total Acres	7.5

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 is the result of a split due to ownership change for a portion of 67-4080. DH 7/23/2002

Ownership changed by DB 8/2/2004

15. Basis of Claim: Beneficial Use

RECEIVED
JUN 23 2004
WATER RESOURCES
WESTERN REGION

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

RECEIVED
JUN 28 2004
DEPARTMENT OF
WATER RESOURCES

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
67-14349		no			

RECEIVED
JUL 30 2004
WATER RESOURCES
WESTERN REGION

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) Robert G. Evans
P O Box 1450, Trout Creek, MT 59874
4. New Owner/Claimant(s) William S. Spoerer & Judith K. Spoerer
Name Connector (Check one: [] and, [] or, [] and/or)
New Mailing Address P.O. Box 112
City, State and ZIP Code Council, ID 83612
New Telephone Number (208) 253-6117
5. Date you acquired the property May 7, 2004

SCANNED
JUN 24 2004

COPY

For Value Received, ROBERT G. EVANS, an unmarried person

the grantor, does hereby grant, bargain, sell and convey unto
WILLIAM S. SPOERER and JUDITH K. SPOERER, husband and wife

the grantees, whose current address is P.O. Box 112, Council, ID 83612

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

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 35: S1/2SE1/4SW1/4

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said
Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to
and with the said Grantees, that he is the owner 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 he will warrant and defend
the same from all lawful claims whatsoever.

Date: May 6, 2004


ROBERT G. EVANS

Instrument # 106014

COUNCIL, ADAMS, IDAHO

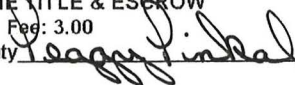
2004-05-07

04:00:47 No. of Pages: 1

Recorded for: TIMBERLINE TITLE & ESCROW

MICHAEL FISK

Fee: 3.00

Ex-Officio Recorder Deputy 

Index to: DEED

STATE OF Idaho)
COUNTY OF Adams)
: ss

On this 6th day of May, in the year of 2004, before me, a Notary Public in and for said State, personally appeared
ROBERT G. EVANS

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 he/she/they executed the same.

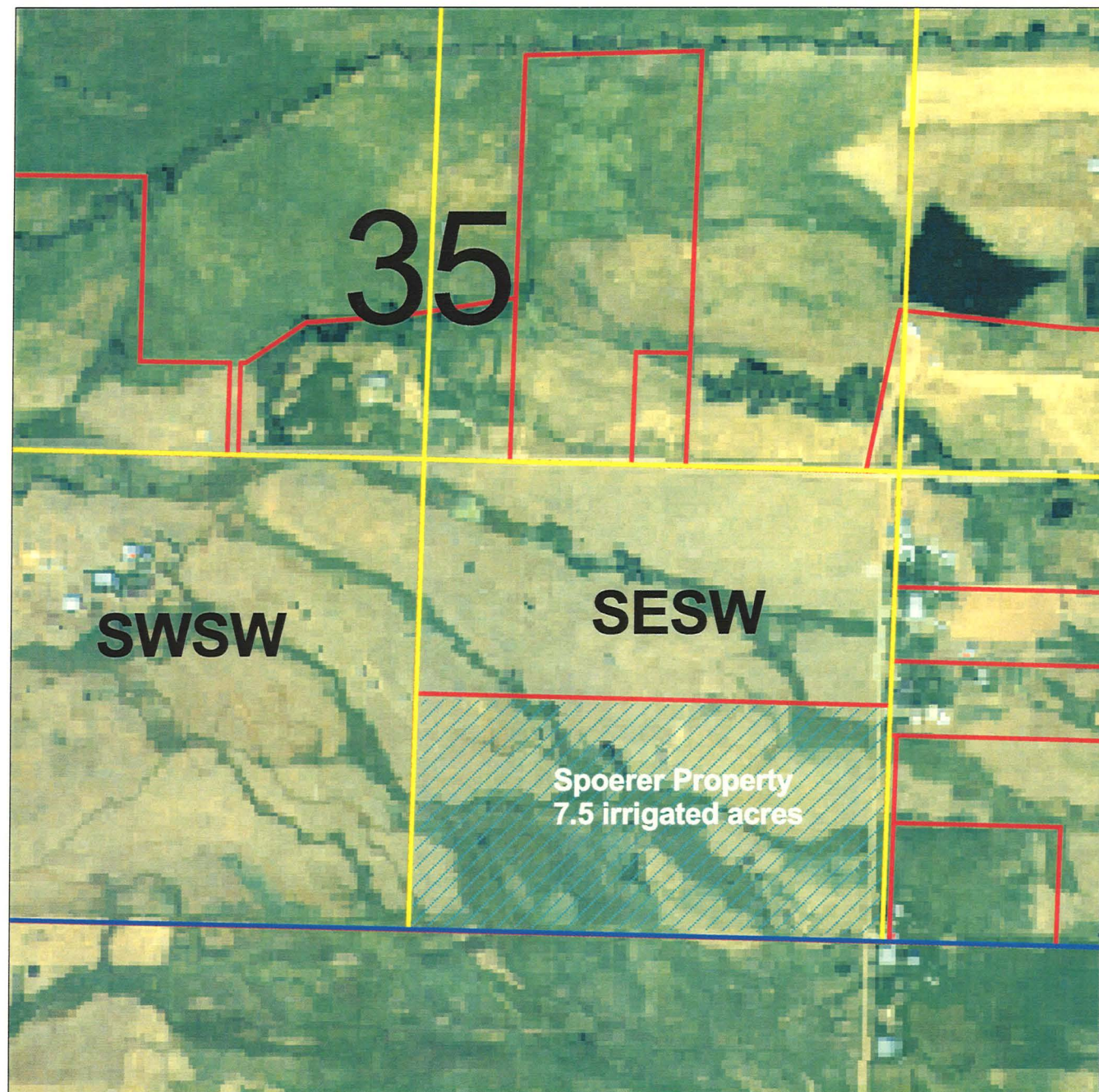



Notary Public
Residing at: Cambridge
Commission expires: 3/31/10

67-14349

17N 1W

-  Section Line
-  QQ Lines
-  Tax Lot Data
-  Spoerer Property



0.03 0 0.03 0.06 Miles



SCANNED
AUG 02 2004

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 67-14349
Date Received: 9/19/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBERT G EVANS
PO BOX 1450
TROUT CREEK MT USA 59874

Phone: (406) 827-3960

2. Date of Priority: 06/01/1952

3. Source: WASTE WATER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
17N	01W	35	SE	SW		ADAMS	
17N	01W	35	SW	SW		ADAMS	

5. Description of diverting works:

DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.15	

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

8. Total consumptive use:

9. Non-irrigation uses:

SCANNED
APR 16 2004

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	01W	35	SE	SW	IRRIGATION	7.5
Section Acres						7.5
Total Acres						7.5

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 is the result of a split due to ownership change for a portion of 67-4080. DH 7/23/2002

15. Basis of Claim: Beneficial Use

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

RECEIVED

SEP 04 1998

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

WATER RESOURCES
WESTERN REGION

1. Water Right Number(s) A67-04080
Adjudication Claim Number(s) _____
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Donald Harvey
NC62 Box 1315, Council, ID 8360
4. New Owner/Claimant(s) Robert G. Evans
Name connector (Check one): [] AND, [] OR, [] AND/OR
New Mailing Address P.O. Box 1450
City, State and ZIP Code Trout Creek, MT 59874
New Telephone Number () - -
5. Date you acquired the property 8/20/98
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
50% of water in SESW
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Robert G. Evans Date 8/19/98

Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

9-19-89

67-4080

67-14348

Harvey

17N 1W S-35
SWSW - 5ac
.1 cfs

67-14349

Evans

17N 1W S-35
SESW 7.5 Ac
.15 cfs

67-14350

Kreuger

17N 1W S-35
SESW 7.5 acres
.15 cfs

WARRANTY DEED

INSTRUMENT NO. 94544
PAGE 1 OF 2

For Value Received, DONALD E. HARVEY, a married man as his sole and separate property the grantor, does hereby grant, bargain, sell and convey unto ROBERT G. EVANS, an unmarried man

the grantee, whose current address is P.O. Box 1450, Trout Creek, MT 59874

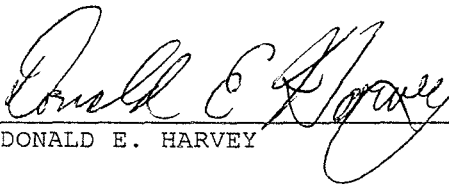
the following described premises, in Adams County, Idaho, to-wit:

SEE EXHIBIT 'A' MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner 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.

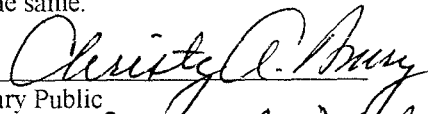
and that he will warrant and defend the same from all lawful claims whatsoever.

Date: August 17, 1998


DONALD E. HARVEY

STATE OF Idaho)
) ss
COUNTY OF Adams)

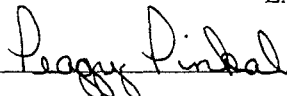
On this 20th day of Aug, in the year of 1998, before me a Notary Public, personally appeared DONALD E. HARVEY known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public
Residing at Trout Creek, Idaho
Commission expires: 8/4/04

STATE OF IDAHO, COUNTY OF ADAMS
I hereby certify that this instrument was filed for record at the request of Timberline Title & Escrow

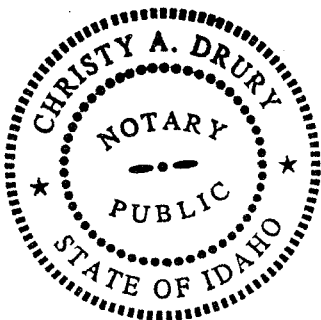
at 25 minutes past 1 o'clock P.M.
this 21 day of August, 1998, in my office, and duly recorded in Book of Deeds at page

MICHAEL FISK
Ex-Officio Recorder

By: 
Deputy

Fees \$ 6.00
Mail to: Timberline Title & Escrow

#98-441



Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 35: S1/2SE1/4SW1/4

TOGETHER WITH the appurtenances thereon unto the said Grantee, his heirs and assigns, subject to the provisions of Section 56-504, Idaho Code Annotated, which grants over all lands belonging to the state a right of way for ditches, tunnels and telephone and transmission lines, constructed by authority of the United States; and to the provisions of Section 46-701, Idaho Code Annotated, reserving to the state all mineral rights in lands sold subsequent to the 8th day of May, 1923.

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: A67-04080
Date Received: 9/19/1989
Receipt No: C011704
Received By: *[Signature]*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONALD HARVEY 208-253-4257
Address: HC 62 BOX 1315
COUNCIL, ID 83612

2. Date of Priority: JUN 01, 1952

3. Source: WASTE WATER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	35	SW	SW	SW		ADAMS
			SE	SW	SW		ADAMS

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		

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

8. Total consumptive use is 45.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	35	SW	SW		IRR	5.0
			SE	SW		IRR	15.0
Section Acres							20.0

A67-04080

Page 1

Date: 09/19/89

MICROFILMED
OCT 02 1992

10. Place of Use: Continued

Total Acres 20.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Donald Kery Date: _____
_____ Date: _____

State of Idaho)
County of Ada) SS.

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

[Signature]
Notary Public

Seal

Residing at Boise, ID
My Commission Expires June 10, 1994

MICROFILMED
OCT 02 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 9, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

RECEIVED

OCT 21 2008

Department of Water Resources

WILLIAM S AND JUDITH K SPOERER
PO BOX 7503
BOISE ID 83707-1503

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #67-14349

Dear Claimants:

The Postal Service advised us your address has changed to the above address.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, **list any other water rights you have**, and return this letter by January 31, 2008. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Telephone Number

SCANNED
OCT 21 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

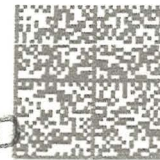
Return Service Requested

67-14349

RECEIVED

OCT 21 2008

DEPARTMENT OF
WATER RESOURCES



UNITED STATES POSTAGE
PITNEY BOWES
02 1M \$ 00.31²
0004227270 JAN 10 2008
MAILED FROM ZIP CODE 83702

WILLIAM S AND JUDITH K SPOERER
PO BOX 7503
BOISE ID 83707-1503

RE: Snake River Basin Adjudication (SRBA)

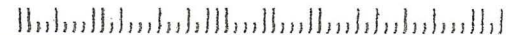
KAAG551 8370

8372000098

SPOERER

837 NFE 1 8080 DD 10/19/08
RETURN TO SENDER

BOX CLOSED
UNABLE TO FORWARD
RETURN TO SENDER



~~OCT 15 2008~~

~~SCANNED~~

SCANNED
OCT 21 2008

SCANNED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

January 9, 2008

WILLIAM S AND JUDITH K SPOERER
PO BOX 7503
BOISE ID 83707-1503

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #67-14349

*4-9-08
response
/ 10*

Dear Claimants:

The Postal Service advised us your address has changed to the above address.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, **list any other water rights you have**, and return this letter by January 31, 2008. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Telephone Number

SCANNED

APR 10 2008

RECEIVED

NOV 27 2006

DEPARTMENT OF
WATER RESOURCES

67-14349

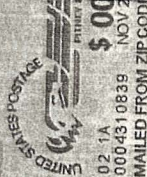
U.S. POSTAL SERVICE
FORM 3547

fee due 75 ¢

U.S.P.S. Form 3547

RETURN TO SENDER

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10



FIRST CLASS

ADDRESS SERVICE
REQUESTED

U.S. POSTAL SERVICE
FORM 3547

fee due 75 ¢

U.S.P.S. Form 3547

RETURN TO SENDER

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2785 AIRPORT WAY
BOISE, IDAHO 83705

SPOE112* 836122026 1606 16 11/23/06
FORM 3547
SPOERER
PO BOX 7503
BOISE ID 83707-1503



JUDITH K SPOERER
WILLIAM S SPOERER
PO BOX 112
COUNCIL ID 83612

SCANNED
APR 10 2008

11/15/2006

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

RIGHT NUMBER: 67-14349

NAME AND ADDRESS: JUDITH K SPOERER
PO BOX 112
COUNCIL ID 83612

WILLIAM S SPOERER
PO BOX 112
COUNCIL ID 83612

SOURCE: WASTE WATER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.150 CFS

PRIORITY DATE: 06/01/1952

POINT OF DIVERSION:

T17N R01W S35 SESW Within ADAMS County
T17N R01W S35 SESW Within ADAMS County
T17N R01W S35 SESW Within ADAMS County
T17N R01W S35 SESW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.150 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T17N R01W S35 SESW 7.50

7.5 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

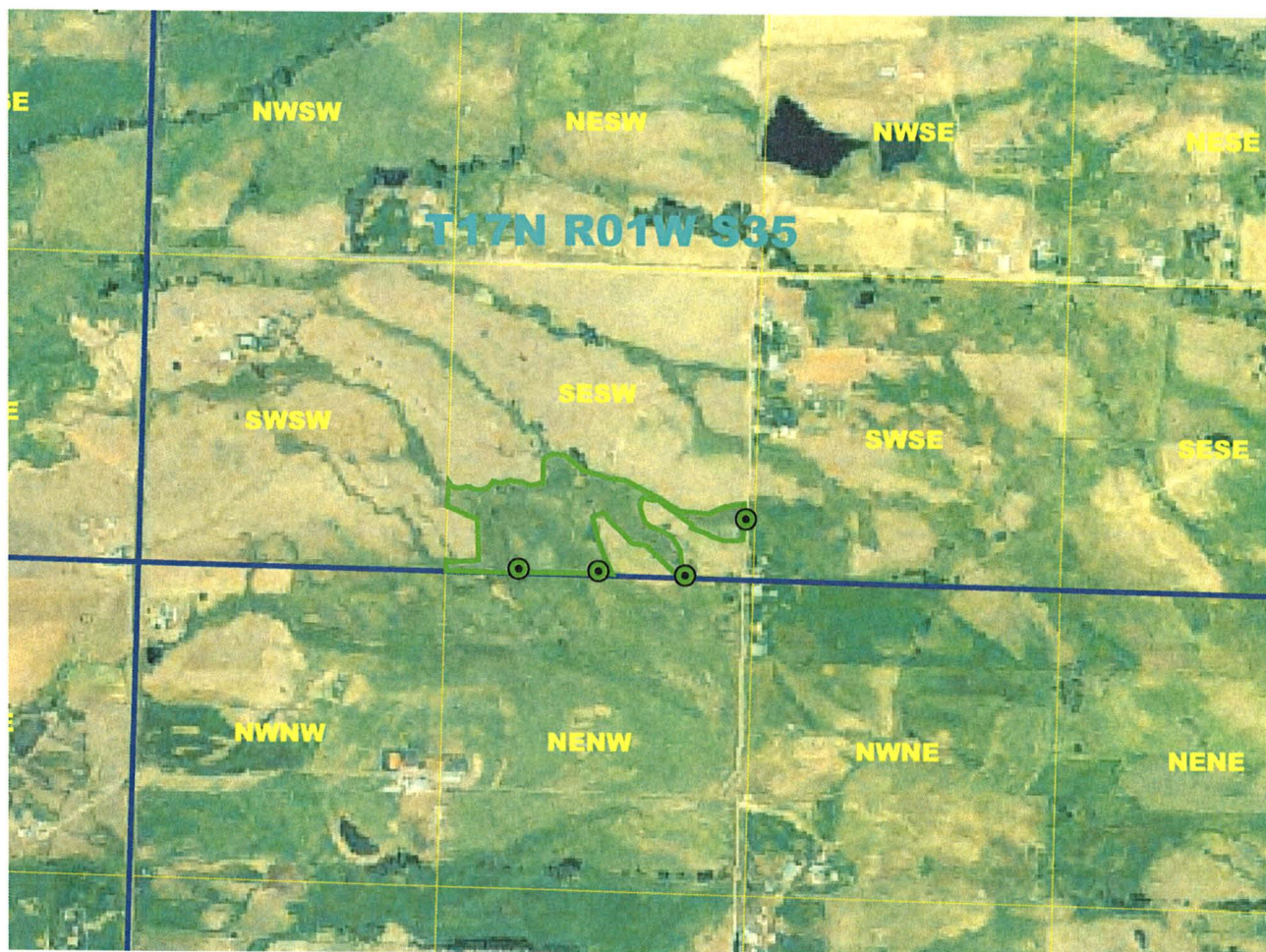
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right when combined with all other Rights shall provide no more than .02 cfs per acre.



State of Idaho
Idaho Department of Water Resources
Western Region

T17N R1W SECTION(S) 35
WATER RIGHT(S) : 67-14349



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

Total Irrigated Acres = 7.5 acre(s)

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: November 2006



MEMORANDUM

TO: ADJUDICATION FILE 67-14349

FROM: DANIEL A. NELSON

DATE: 11/15/06

SUBJECT: CLAIM REVIEW

This claim is based on a statutory claim 67-4080 that claimed 20 acres of irrigation for 0.40 cfs from 2 points of diversion in the SESW and SWSW. This claim was filed for 7.5 acre for 0.15 cfs or an inch per acre for the 7.5 acres with the same points of diversion. My review of the 1987 and 2004 aerial photography shows that 7.5 acres have been irrigated. The 1987 and 2004 aerial photos and the black and the black and white 2002 satellite photo show that for the land belonging to the claimant that there are actually 4 points of diversion located in the SESW, so this was corrected in the recommendation of this claim. The ditches are various channels coming from the field of a neighbor. From the 1987 aerial photography, it appears as though this is the only portion of the statutory claim 67-4080 that is actually being irrigated is the 7.5 acres described in this claim. The diversion rate of 0.15 cfs is below the mandatory measurement requirement, so the entire amount will be recommended.

The original statutory claim 67-4080 was objected to by a Mr. Michael Sweet who is an attorney representing a Mr. Kenneth Schwartz. Where as this was a statutory claim at the time, no resolution was made at the time. I could only find water rights in the name of Kenneth Schwartz from Camp Creek and ground water, so I am not sure if this objection is relevant at this time.

NWSW

NESW

NWSE

T17N R01W S35

SWSW

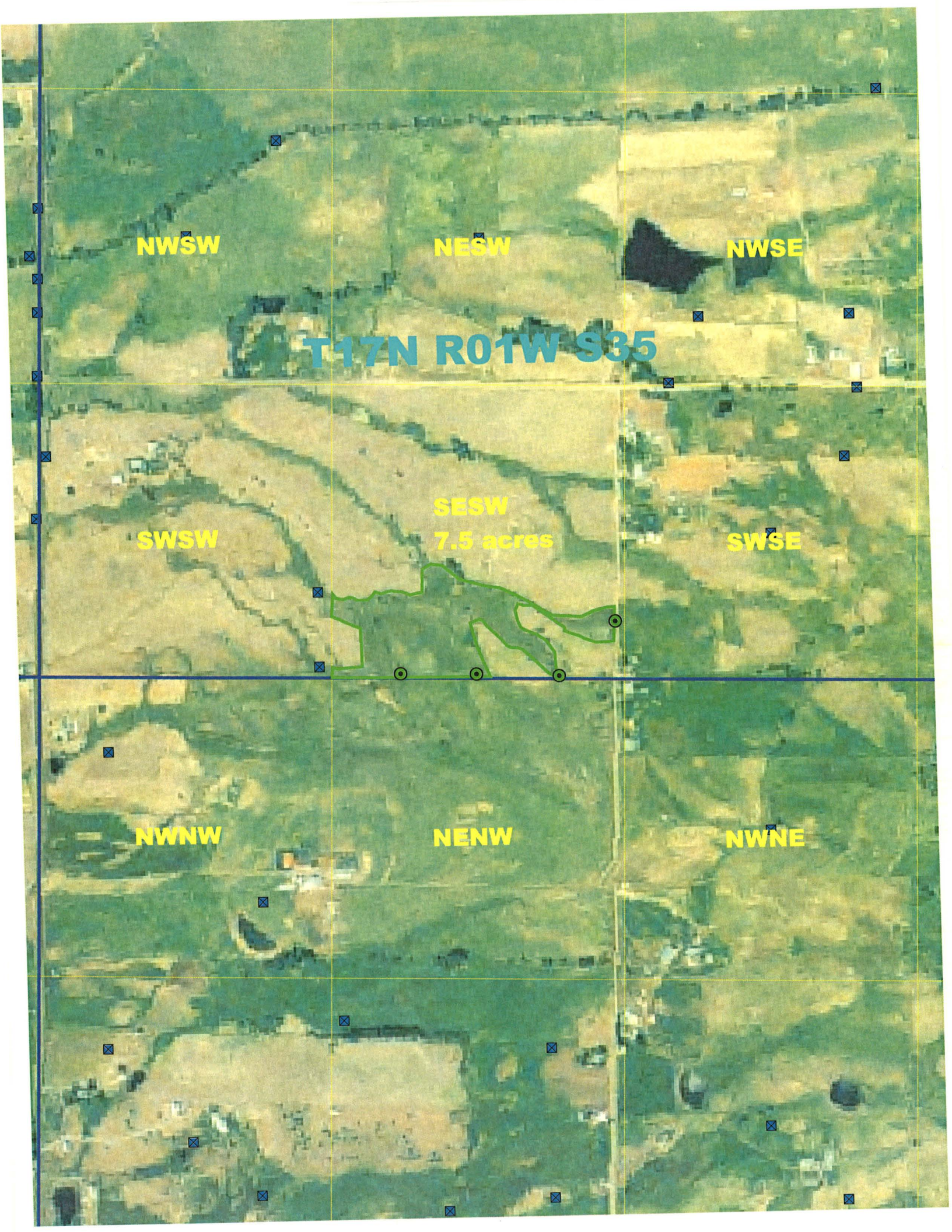
SESW
7.5 acres

SWSE

NWNW

NENW

NWNE



SW

NESW

NW

T17N R01W S35

2004
Aerial

SW

SESW

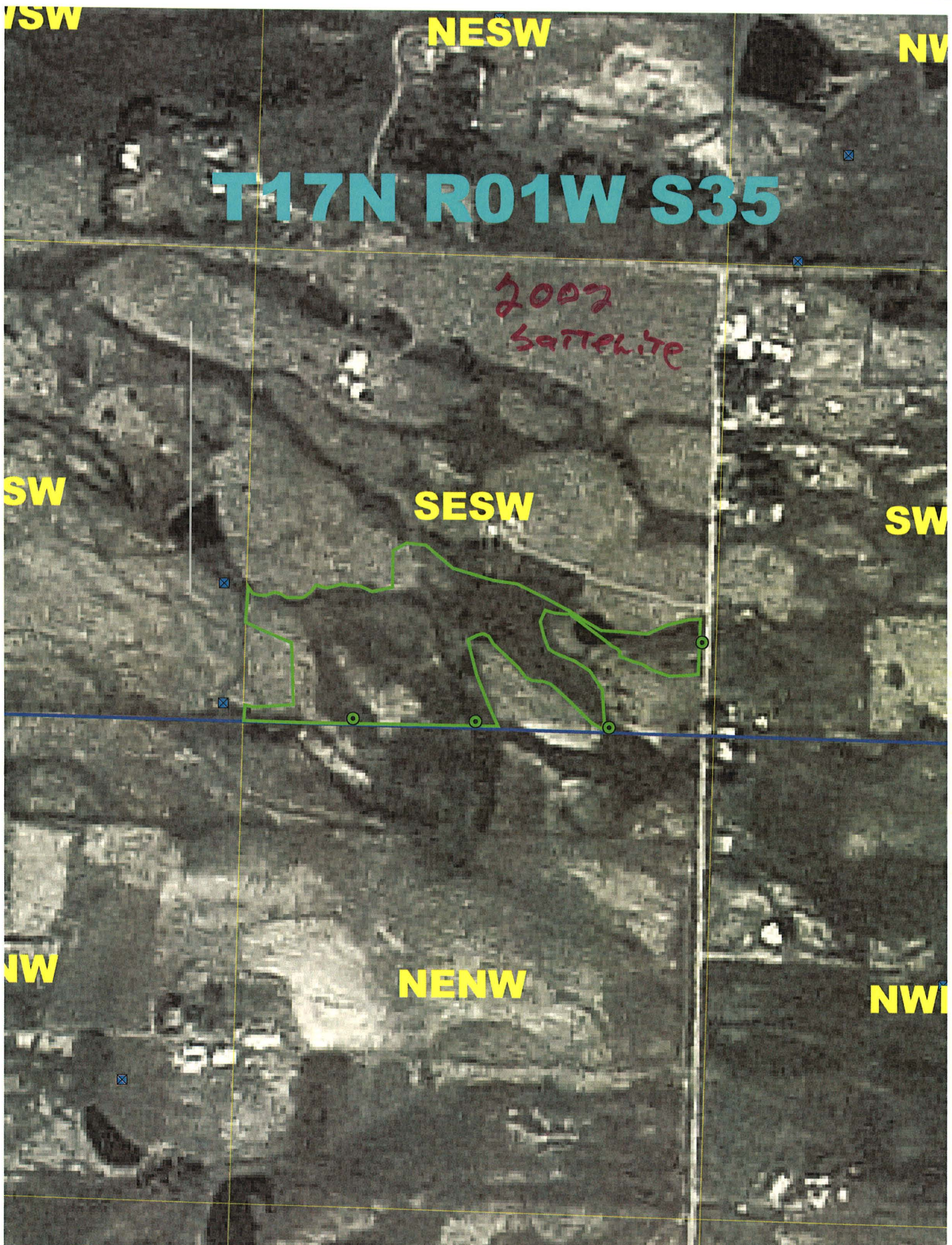
SW

NW

NENW

NW





T17N R01W S35

2007
Satellite

SESW

NENW

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14349 V1

WATER RIGHT NUMBER: 67-14349 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ROBERT G EVANS PO BOX 1450 TROUT CREEK, MT 59874 (406)827-3960
Current Owner	JUDITH K SPOERER PO BOX 112 COUNCIL, ID 83612 (208) 253-6117
Original Owner	DONALD E HARVEY 2216 HWY 95 COUNCIL, ID 83612 (208)253-4257
Current Owner	WILLIAM S SPOERER PO BOX 112 COUNCIL, ID 83612 (208) 253-6117

Priority Date: 06/01/1952

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.150 CFS	
	<u>Total Diversion:</u>	0.150 CFS	

Location of Point(s) of Diversion

WASTE WATER	SE1/4SW1/4	Sec. 35, Twp 17N, Rge 01W, B.M.
ADAMS County		
WASTE WATER	SE1/4SW1/4	Sec. 35, Twp 17N, Rge 01W, B.M.
ADAMS County		
WASTE WATER	SE1/4SW1/4	Sec. 35, Twp 17N, Rge 01W, B.M.
ADAMS County		
WASTE WATER	SE1/4SW1/4	Sec. 35, Twp 17N, 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	
17N	01W	35												7.5					7.5

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 67-14349 V1

Total Acres: 7.5

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E62 This right when combined with all other Rights shall provide no more than .02 cfs per acre.

Remarks:

Comments:

1. dnelson 11/15/2006 Claim Review

Comment: This claim is based on a statutory claim 67-4080 that claimed 20 acres of irrigation for 0.40 cfs from 2 points of diversion in the SESW and SWSW. This claim was filed for 7.5 acre for 0.15 cfs or an inch per acre for the 7.5 acres with the same points of diversion. My review of the 1987 and 2004 aerial photography shows that 7.5 acres have been irrigated. The 1987 and 2004 aerial photos and the black and the black and white 2002 satellite photo show that for the land belonging to the claimant that there are actually 4 points of diversion located in the SESW, so this was corrected in the recommendation of this claim. The ditches are various channels coming from the field of a neighbor. From the 1987 aerial photography, it appears as though this is the only portion of the statutory claim 67-4080 that is actually being irrigated is the 7.5 acres described in this claim. The diversion rate of 0.15 cfs is below the mandatory measurement requirement, so the entire amount will be recommended.

The original statutory claim 67-4080 was objected to by a Mr. Michael Sweet who is an attorney representing a Mr. Kenneth Schwartz. Where as this was a statutory claim at the time, no resolution was made at the time. I could only find water rights in the name of Kenneth Schwartz from Camp Creek and ground water, so I am not sure if this objection is relevant at this time.

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: AND
 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	11/15/2006 1:20:41 PM	dnelson			Active
Priority Date	11/15/2006 1:21:54 PM	dnelson			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14349 V1

POD	11/15/2006 1:24:36 PM	dnelson	Active
Source	11/15/2006 1:25:20 PM	dnelson	Active
POU	11/15/2006 1:26:39 PM	dnelson	Active
Use	11/15/2006 1:27:22 PM	dnelson	Active
Season	11/15/2006 1:29:02 PM	dnelson	Active
Quantity	11/15/2006 1:29:59 PM	dnelson	Active
Summary		11/15/2006 dnelson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
General	11/15/2006 1:21:54 PM	dnelson	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit from former owner.
POD	11/15/2006 1:23:05 PM	dnelson	Updated shape
Use	11/15/2006 1:27:23 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Affidavit and claim requests and aerial photography.
Season	11/15/2006 1:29:03 PM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14349 V1

Summary	11/15/2006 1:31:16 PM	dnelson	(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	11/15/2006 1:23:29 PM	dnelson	Updated shape
POD	11/15/2006 1:23:54 PM	dnelson	Updated shape
POU	11/15/2006 1:26:27 PM	dnelson	Updated shape for Active POU
Source	11/15/2006 1:25:20 PM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Verification is below verification requirement.
POU	11/15/2006 1:26:39 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - 1987and 2004 aerial photos and 2002 satellite photos.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14349 V1

Quantity	11/15/2006 1:30:00 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Claim diversion rate is below the mandatory measurement requirement.
POD	11/15/2006 1:24:36 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Contacts	11/15/2006 1:20:42 PM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: Claim is below threshold requiring a field exam.
POD	11/15/2006 1:24:14 PM	dnelson	Updated shape

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-14349

WATER RIGHT NUMBER: 67-14349

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ROBERT G EVANS PO BOX 1450 TROUT CREEK, MT 59874 (406)827-3960
Current Owner	JUDITH K SPOERER PO BOX 112 COUNCIL, ID 83612 (208) 253-6117
Original Owner	DONALD E HARVEY 2216 HWY 95 COUNCIL, ID 83612 (208)253-4257
Current Owner	WILLIAM S SPOERER PO BOX 112 COUNCIL, ID 83612 (208) 253-6117

OK PER
Change of
Ownership.

Priority Date: 06/01/1952

Basis: Beneficial Use

Status: Active

> OK PER AFFIDAVIT.

Source

WASTE WATER

Tributary

WEISER RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

0.150 CFS

Annual VolumeTotal Diversion:

0.150 CFS

> OK PER AFFIDAVIT
CLAIM

Location of Point(s) of Diversion

WASTE WATER

ADAMS County

SE1/4SW1/4

Sec. 35, Twp 17N, Rge 01W, B.M.

WASTE WATER

ADAMS County

SW1/4SW1/4

Sec. 35, Twp 17N, Rge 01W, B.M.

4 PLOTS
SE SW - PER 1987 & 2004 AERIAL
PHOTOS.
2002 SATELLITE.

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	
17N	01W	35												7.5					7.5

Total Acres: 7.5

OK PER
MAPS

Add Ego condition.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-14349

Conditions of Approval:

1. Ownership changed by DB 8/2/2004
2. This claim is the result of a split due to ownership change for a portion of 67-4080. DH 7/23/2002

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 9/19/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
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:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-4080

WATER RIGHT NUMBER: 67-4080

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LILLIAN HARVEY STAR RT COUNCIL, ID 83612

Priority Date: 06/01/1952

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.400 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

WASTE WATER	SW1/4SW1/4	Sec. 35, Twp 17N, Rge 01W, B.M.
ADAMS County		
WASTE WATER	SE1/4SW1/4	Sec. 35, Twp 17N, 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		
17N	01W	35												5.0	15.0					20.0

Total Acres: 20

Conditions of Approval:Remarks:Comments:Dates and Other Information:

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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

Notice is hereby given that Lillian Harvey
(name of claimant)
of Council, Idaho 83612, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) waste water (from irrigation water from E. Fk Weiser R. , tributary to, Weiser River and Mill Creek.
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>0.4</u>	Use	<u>Irrigation</u>	Period of Use:	From	<u>March 15</u>	To	<u>Nov. 15</u>
Amount		Use		Period of Use:	From		To	
Amount		Use		Period of Use:	From		To	
	(cfs, gpm or a/h)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 0.4 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1952

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

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE ¼ SW ¼, Sec. 35 Twp. 17N Rge. 1W B. M. County of Adams
 Additional points of diversion: SW ¼ SW ¼, Sec. 35, T. 17 N, R. 1 W.

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Diversion dam with open ditch system

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

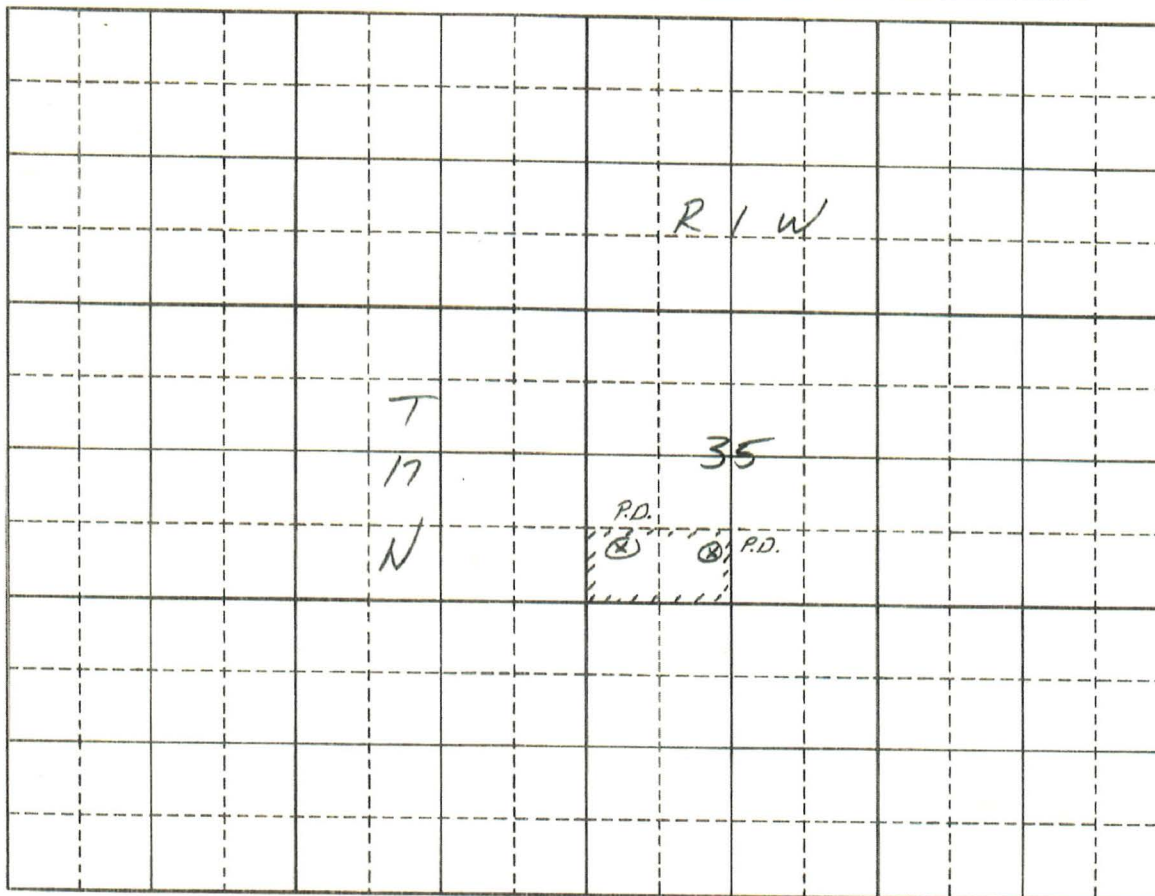
[illegible]

Total No. of acres 20

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

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

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Ada) ss.

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

Sworn to before me this 5th day of September, 1974.

Lillian Harvey
(Claimant)

Susan Whaley
Notary Public

Residing at Boise, Idaho

My commission expires 8-6-78

For Department Use Only

Received by <u>SW</u>	Date <u>9-5-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CB</u>	Date <u>9-5-74</u>		claimant by:	
\$10.00 fee received by <u>SW</u>	Date <u>9-5-74</u>	# <u>15222</u>		
Approved for publication by <u>Ca 9-05-74</u>				
Published in <u>Adams County Leader</u>				
Dates <u>Sept 12 & Sept 19</u>				

Ryan & Sweet

FRANK D. RYAN - 1958
HAROLD L. RYAN
NICK G. SPEROPULOS - 1967
MICHAEL B. SWEET

ATTORNEYS AND COUNSELORS AT LAW
P. O. BOX 587
WEISER, IDAHO 83672

TELEPHONE
549-2681
AREA CODE 208

September 23, 1974

Department of Water Resources
SEP 24 1974

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83707

Re: Notice of Claim to
Water Right No. 67-4080

Gentlemen:

Please be advised that this office represents Mr. Kenneth A. Schwartz with regard to the above captioned matter. Mr. Schwartz desires to take exception to the claim filed by Mrs. Harvey on the basis that he has established a prior right to the water and has applied it to a beneficial use. Please advise Mr. Schwartz through this office of any further action or appearances that are necessary by him.

Very truly yours,

RYAN & SWEET

Michael B. Sweet

Michael B. Sweet

MBS:fs

September 30, 1974

Re: Claim No. 67-4080

Lillian Harvey
Council, ID 83612

Dear Ms. Harvey:

In reference to the above claim, the enclosed is a copy of an exception filed by Michael B. Sweet in behalf of Kenneth A. Schwartz in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

42-225b. Recording of claims by department--Corrections--

At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water administration, July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

If you have any questions concerning this matter, please contact us.

Very truly yours,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF:cla

Enclosure

RECEIVED

RECEIVED

SEP 21 2005

DEPARTMENT OF
WATER RESOURCES

September 14, 2005

State of Idaho
Department of Water Resources
322 East Front Street
P.O Box 83720
Boise ID 83720-0098

Re: Water Right Claims 67-14349 and 67-14350

Attn: Craig L. Saxton, Sr. Water Resources Agent

Dear Mr. Saxton:

Enclosed in this correspondence is an Affidavit signed by Donald Harvey, which is direct supporting evidence of the priority date of the two above referenced Water Rights.

Mr. Harvey has lived on the referenced parcels on which these water rights are attached since 1948. And as stated in his Affidavit, he began irrigation of these parcels on or about June 1, 1952.

Mr. Harvey split off the two separate 20-acre parcels and sold one to Michael Kruger Water Claim # 67-14350 and the other to Robert Evans Water Claim #67-~~14350~~ 14349²². Subsequently, the Water Claim and parcel owned by Michael Kruger was sold to Loren L. Ferguson in 2003 and the Water Claim and parcel owned by Robert Evans was sold to William S. Spoerer in 2004. We the under signed completed the proper paperwork to transfer the Water Right claims to our respective names and ownership.

If you require further information regarding the evidence of priority date, do not hesitate to correspond with either of the undersigned.


Loren L. Ferguson
2335 Mill Creek Rd
Council ID 83612


William S Spoerer
2199 Missman Rd
Council ID 83612

SCANNED

SEP 22 2005

Spoerer
Box 112
Council ID
83612

BUSINESS REPLY MAIL

FIRST-CLASS MAIL

PERMIT NO. 1148

BOISE ID

POSTAGE WILL BE PAID BY ADDRESSEE

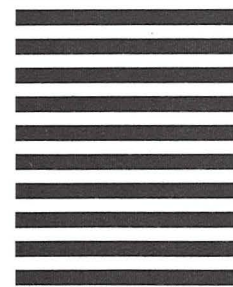
SRBA

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
PO BOX 83720
BOISE ID 83707-9815

Attn: C. Saxton



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



67-14349

RECEIVED
SEP 08 2005
DEPARTMENT OF
WATER RESOURCES

My Commission Expires 11-4-05.



SCANNED

SEP 08 2005



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

August 2, 2004

WILLIAM S SPOERER
JUDITH K SPOERER
PO BOX 112
COUNCIL ID 83612

Re: Notice of Claim to a Water Right No. 67-14349

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,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

SCANNED
AUG 02 2004