

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: 67-14368

VERNON E PEARCE
PO BOX 399
2810 HWY 95
COUNCIL ID 83612
Telephone Number: (208)253-1105

SUSAN M PEARCE
PO BOX 399
2810 HWY 95
COUNCIL ID 83612
Telephone Number: (208)253-1105

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 11-29-06 SIGNATURE: Vernon E Pearce

Please print your name: Vernon E Pearce

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

SCANNED
DEC 11 2006

06/02/2006

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

RIGHT NUMBER: 67-14368

NAME AND ADDRESS: VERNON E PEARCE
PO BOX 399
2810 HWY 95
COUNCIL ID 83612

SUSAN M PEARCE
PO BOX 399
2810 HWY 95
COUNCIL ID 83612

SOURCE: UNNAMED STREAM

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.030 CFS

PRIORITY DATE: 01/01/1883

POINT OF DIVERSION:

T18N R01E S32 NWSESW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.030 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T18N R01E S31 SWSE 1.00

1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



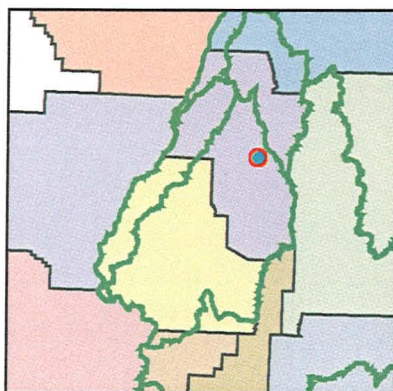
Idaho Department of Water Resources

SRBA Recommendation:

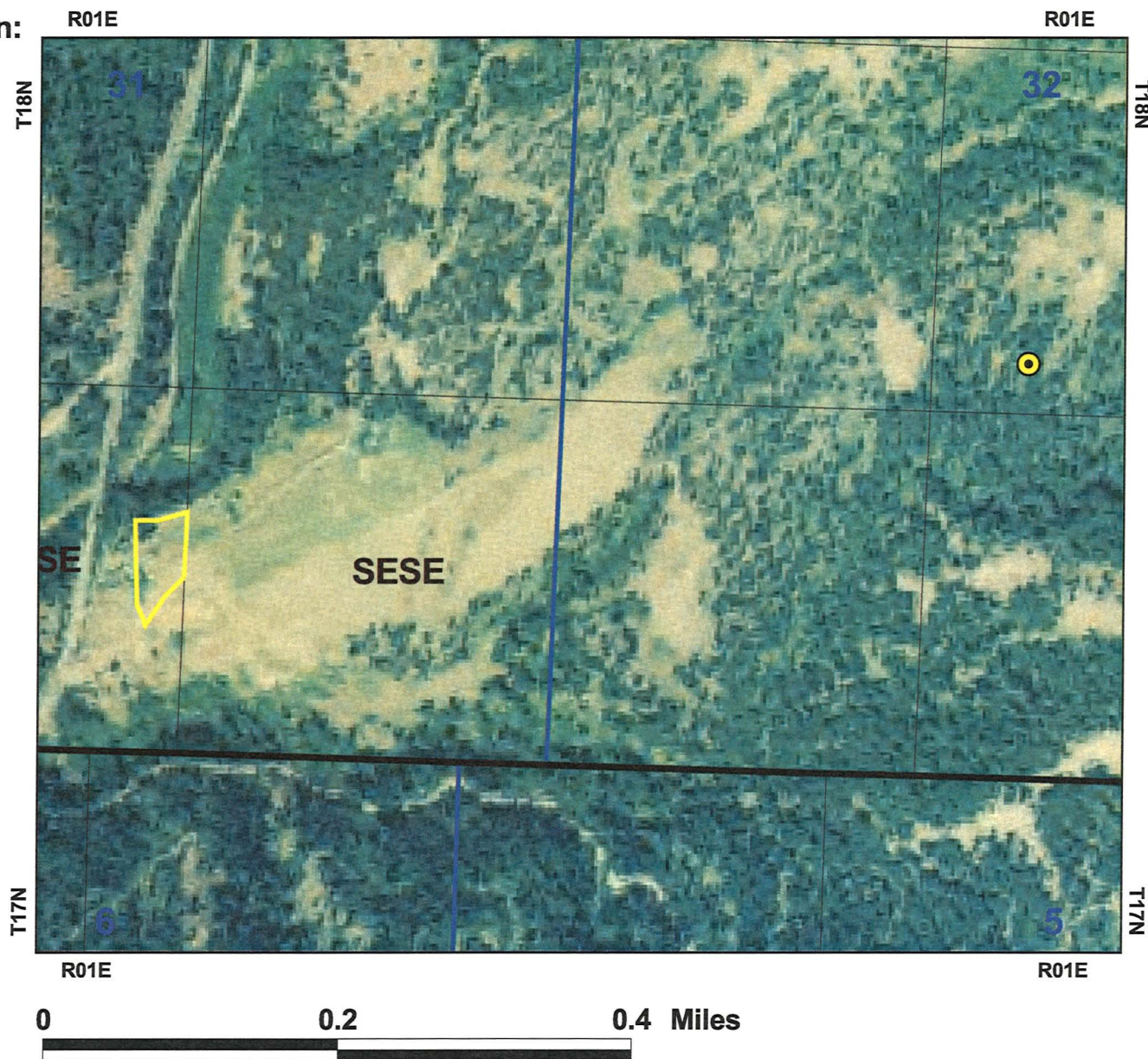
67-14368

Legend

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

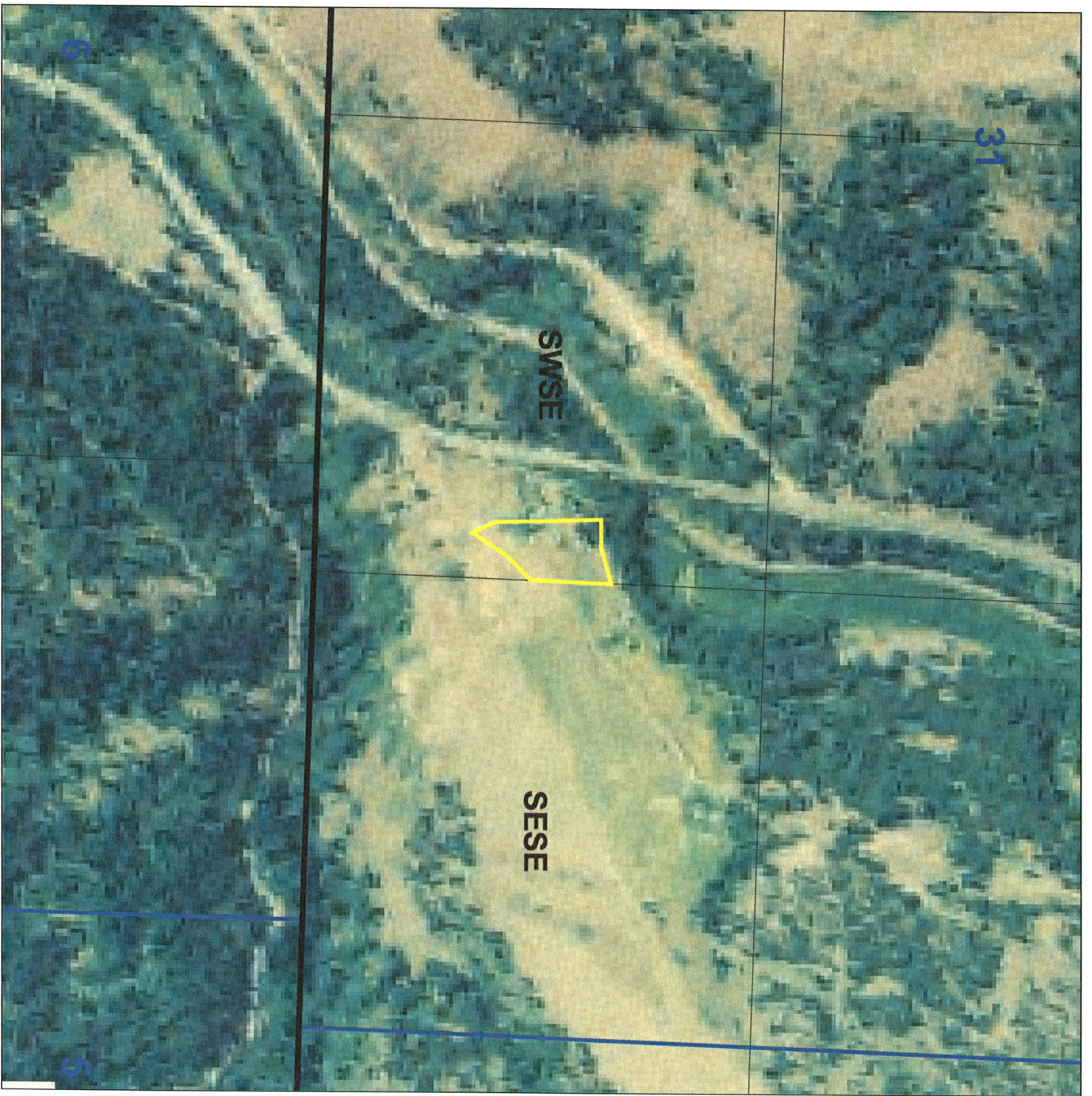
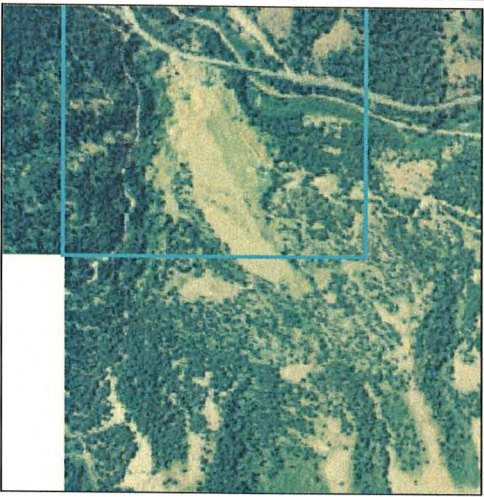


Adams County
IDWR Basin 67



Prepared by M. Van Bussum
On Thursday, June 15, 2006
1987/88 Aerial Photography

67-14368



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14368 V1

WATER RIGHT NUMBER: 67-14368 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DAVID C VERNER TAMARACK STAR RT COUNCIL, ID 83612
Original Owner	JACK A VERNER TAMARACK STAR RT COUNCIL, ID 83612
Original Owner	CARYN C VERNER , ID
Original Owner	CATHERINE FIEGER 2822 HWY 95 COUNCIL, ID 83612 (208)253-4723
Original Owner	HARRY FIEGER 2822 HWY 95 COUNCIL, ID 83612 (208)253-4723
Original Owner	CARYN FIEGER 2822 HWY 95 COUNCIL, ID 83612 (208)253-4723
Current Owner	VERNON E PEARCE PO BOX 399 2810 HWY 95 COUNCIL, ID 83612 (208)253-1105
Current Owner	SUSAN M PEARCE PO BOX 399 2810 HWY 95 COUNCIL, ID 83612 (208)253-1105

Priority Date: 01/01/1883

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	UNNAMED STREAM

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.030 CFS	
	<u>Total Diversion:</u>	0.030 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NW1/4SE1/4SW1/4	Sec. 32, Twp 18N, Rge 01E, B.M.
ADAMS County		

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14368 V1

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
18N	01E	31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	1.0
																			1.0

Total Acres: 1

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.

Remarks:Comments:

1. mvanbussum 6/2/2006 Source

Comment: Recommending source as unnamed stream trib to unnamed stream. Spring is about 50m upstream of diversion point, at which point the system is clearly a stream. This stream appears to be trib to another unnamed stream, although it may have a local name, trib to East Fork Weiser River.

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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	6/2/2006 1:43:23 PM	mvanbussum			Active
Priority Date	6/2/2006 1:43:59 PM	mvanbussum			Active
POD	6/2/2006 1:44:16 PM	mvanbussum			Active
Source	6/2/2006 1:45:17 PM	mvanbussum			Active
POU	6/2/2006 1:45:37 PM	mvanbussum			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14368 V1

Use	6/2/2006 1:47:18 PM	mvanbussum	Active
Season	6/2/2006 1:47:34 PM	mvanbussum	Active
Quantity	6/2/2006 1:48:29 PM	mvanbussum	Active
Summary	06/02/2006	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
General	6/2/2006 1:44:00 PM	mvanbussum	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Written history of Stevens Stage Coach Inn and photo of property from 1883 in backfile of 67-4335.
POD	6/2/2006 1:44:28 PM	mvanbussum	Updated shape
Source	6/2/2006 1:45:18 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Imagery verifies source.
POU	6/2/2006 1:45:38 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Imagery verifies POU.
POU	6/2/2006 1:46:25 PM	mvanbussum	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14368 V1

Use	6/2/2006 1:47:19 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the 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 - Imagery verifies purpose of use.
Season	6/2/2006 1:47:35 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	6/2/2006 1:48:31 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (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 - Per Dave Tuthill of IDWR, if claimed diversion rate is below 0.2 cfs, no flow measurement is needed. Visual inspection of ditch by IDWR employee Monica Van Bussum confirms ditch capacity exceeds 10 cfs.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14368 V1

Summary	6/2/2006 1:49:11 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 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?
POU	6/2/2006 1:46:34 PM	mvanbussum	Updated PLS for Active POU
Contacts	6/2/2006 1:43:25 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
POD	6/2/2006 1:44:17 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

Water Supply Bank:

Claim Number 67-14368

Claimed Basis: Statutory Claim

Water Right Basis:

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

EOP to 1883

- history of Stevens Stage coach Inn
- pic. of property in backfile 67-4335

Date: 5-22-06

Point of Diversion and Source Data Entry Form

Claim Number 67-14368

Claimed Point of Diversion and Source

T18N R01E S32 NWSESW Within ADAMS County Source: SPRING WEISER RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

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

Other rights from this POD? _____

Document how the POD and Source were verified:

A0017645 - 3+ pictures
see complete notes in 67-4335 (same
source)

Reviewer: MVBDate: 5-24-06

Place Of Use Data Entry Form

Claim Number 67-14368

Claimed Place Of Use

T18N R01E S31 SWSE 1.0

Total Acres 1

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

☐ See corrections to claimed POU above

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

Total Acres _____

Document how the POU was verified:

See layout this file - shape done
from imagery

Reviewer: MVBDate: 5-24-06

Purpose of Use Data Entry Form

Claim Number 67-14368

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

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Document how the Purpose of Use was verified:

imagery & drive-by confirm purpose of use

Reviewer: MVBDate: 5-24-06

Period of Use and Quantity Data Entry Form

Claim Number 67-14368

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	04/01	10/31	0.03	

Overall Diversion Rate 0.03 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:

recommend IDWR standard season of use

Per field examiner, ditch can carry ~~in excess~~
at least 10 cfs.

Reviewer: MVBDate: 5-24-06

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	DAVID C VERNER	TAMARACK STAR RT	COUNCIL	ID	83612	
Original Owner	JACK A VERNER	TAMARACK STAR RT	COUNCIL	ID	83612	
Original Owner	CARYN C VERNER			ID		
Original Owner	CATHERINE FIEGER	2822 HWY 95	COUNCIL	ID	83612	(208)253-4723
Original Owner	HARRY FIEGER	2822 HWY 95	COUNCIL	ID	83612	(208)253-4723
Original Owner	CARYN FIEGER	2822 HWY 95	COUNCIL	ID	83612	(208)253-4723
Current Owner	VERNON E PEARCE	PO BOX 399 2810 HWY 95	COUNCIL	ID	83612	(208)253-1105
Current Owner	SUSAN M PEARCE	PO BOX 399 2810 HWY 95	COUNCIL	ID	83612	(208)253-1105

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

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

no field exam conducted

Reviewer: MVBDate: 5-24-06

p. 2010

HISTORY OF STEVEN'S STAGE COACH INN - OUR PLACE

The first people, of course, who inhabited this area were the fierce Nez Pierce and Shoshone Indians. They were short, well-proportioned, similar in appearance to the midwest tribes. Their skin ranged from light yellow to dark reddish. There were also many forts in the area, one only a mile south of here.

The first white settlers in the area were both young and fantastically energetic.

This house was built in the year 1872 or 1873 as a stage coach stop, and was named Steven's Stage Station. The first living room was the bar, the second living room was the dining room, and the upstairs was lined with bunks for overnight guests. At a later date, the kitchen girls doubled for the upstairs girls. Steven's daughter married Ketchup Bottle Tommy (Tommy Estes). It is not known what happened to the other members of the family. The bar was a favorite spot for travelers, local cattle and sheep herders, and the loggers who worked in the nearby woods. Solo was the most popular card game played in the bar room.

Steven's Stage Station was the only stop between Council and New Meadows. The stage coach started in Weiser, Idaho, and ended in New Meadows in the 1800's. The Indians were very troublesome to the settlers and travelers, many of the white people were killed including women and children.

Mr. and Mrs. Bert Gilmore bought this place, which was then 40 acres, in 1917 for \$ 350.00. They proceeded to repair existing irrigation ditches and build more to irrigate their crops. They planted a large garden and some fruit trees, with their field crops of grain, potatoes and some pasture. The former farmer and Doubleday Sheep Company owned the back 80 acres. Later on the Gilmore's bought the other 80 acres and proceeded to build more ditches to irrigate the back fields. Many of the original ditches are still in use today, doing a remarkable engineering layout.

Later on the Gilmores built a log cabin, at the time Steven's Station house was almost 50 years old, which has been gone for some 25 years now while Steven's Station is still inhabited.

Mrs. Gilmore's parents moved to the Council area in 1883 when she was three years old, later buying what is now known as Zim's Hot Springs. At the time there was no North or South roads, only a trail used by all and crossing the Weiser River 75 times between Council and New Meadows. At the age of 89 and living in Payette, Mrs. Gilmore still recalls how rough it was when the coach wheels hit the rocks.

The railroad was built to Steven's Station in 1890, where passengers stayed overnight and went on by coach to New Meadows and points North.

We bought this property from Art Capps in 1965. This history was compiled and written in 1966, one year later. Mrs. Gilmore was our main source, but we talked to several other pioneers, including an elderly gentleman at the Old Soldiers Home in Boise, who worked for the Doubleday Sheep Company and frequented Steven's Station.

Mrs. Gilmore also gave us the original photograph of Steven's Station which was taken in 1882 or 1883.

This document was given to the Forest Service by Villard Surgenor

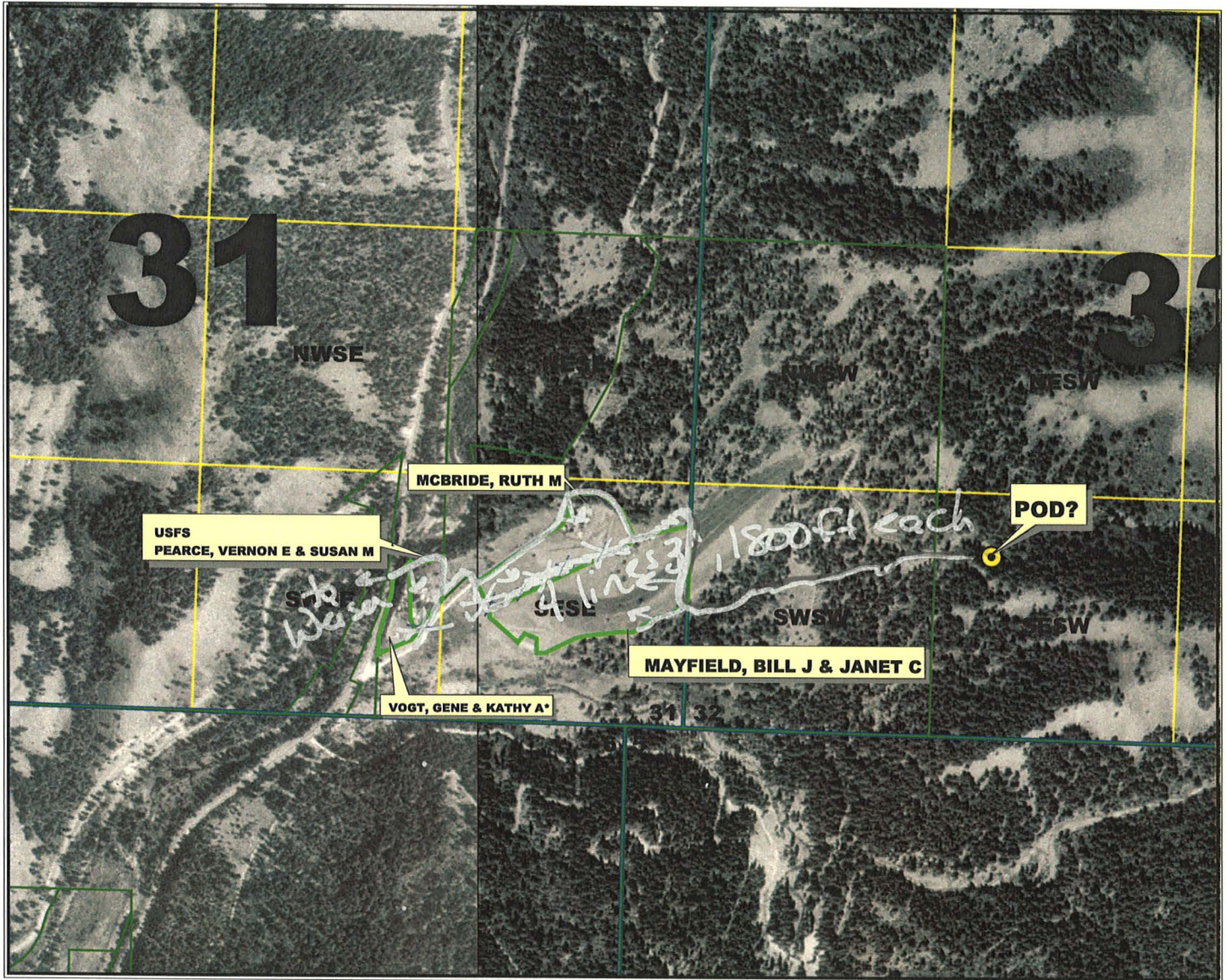
Jun 23 05 06:28p



State of Idaho

Location Map
Claim Stage Coach Springs
Map Source: USGS DOQQ

pipeline is under ditch



1320 0 1320 Feet

● Point of Diversion

■ Irrigated Place of Use

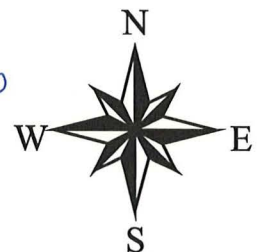
■ State Land

■ Quarter Quarter Lines

■ Section Lines

Claimed Irrigated Acres:
Initial Acres Found:

X means out - ditch incorrectly drawn @ 1st

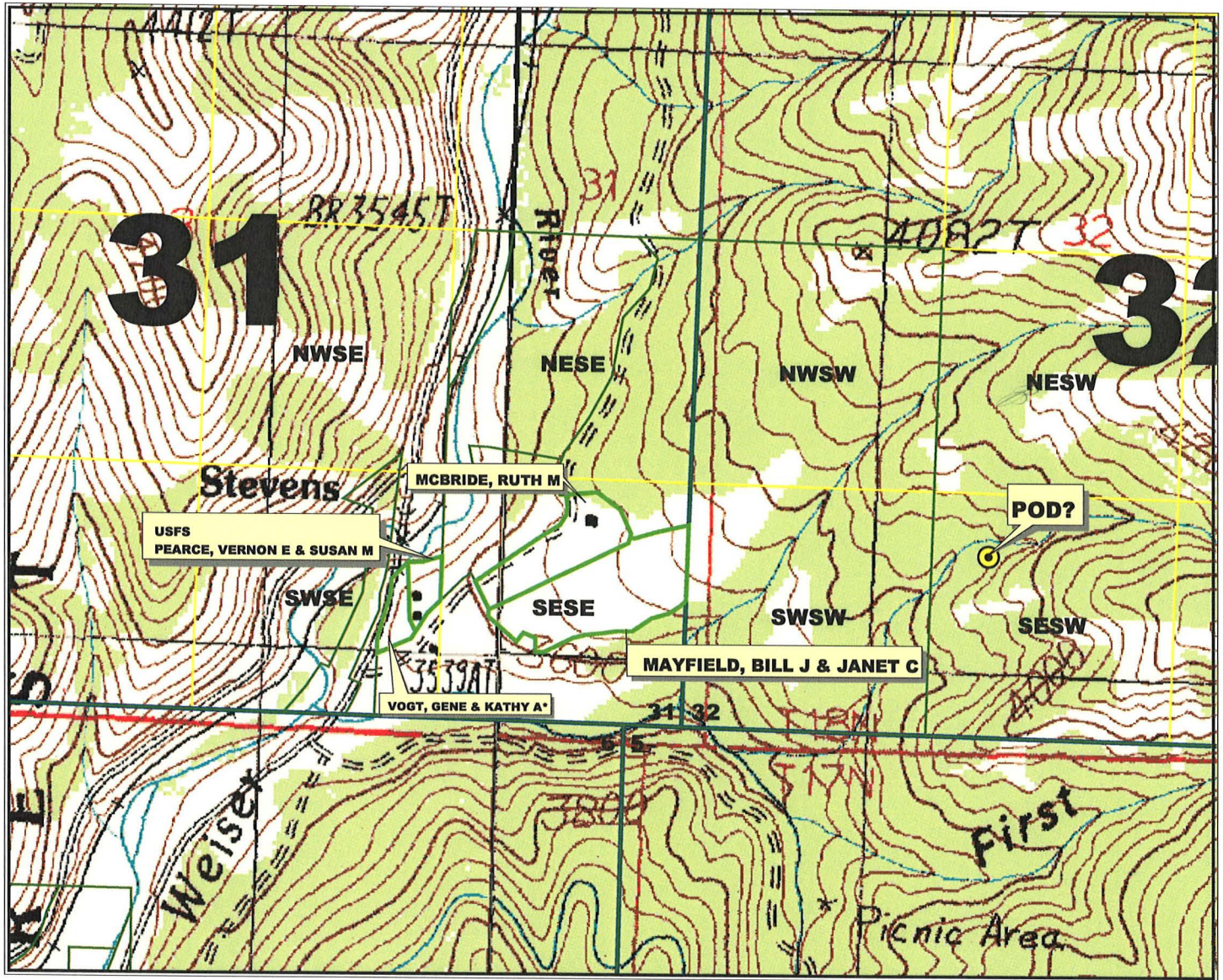


Prepared By: Craig L. Saxton
Date: July 2005



State of Idaho

Location Map
Claim Stage Coach Springs
Map Source: Scanned Quad



1320 0 1320 Feet

● Point of Diversion

■ Irrigated Place of Use

■ State Land

■ Quarter Quarter Lines

■ Section Lines

Claimed Irrigated Acres:
Initial Acres Found:

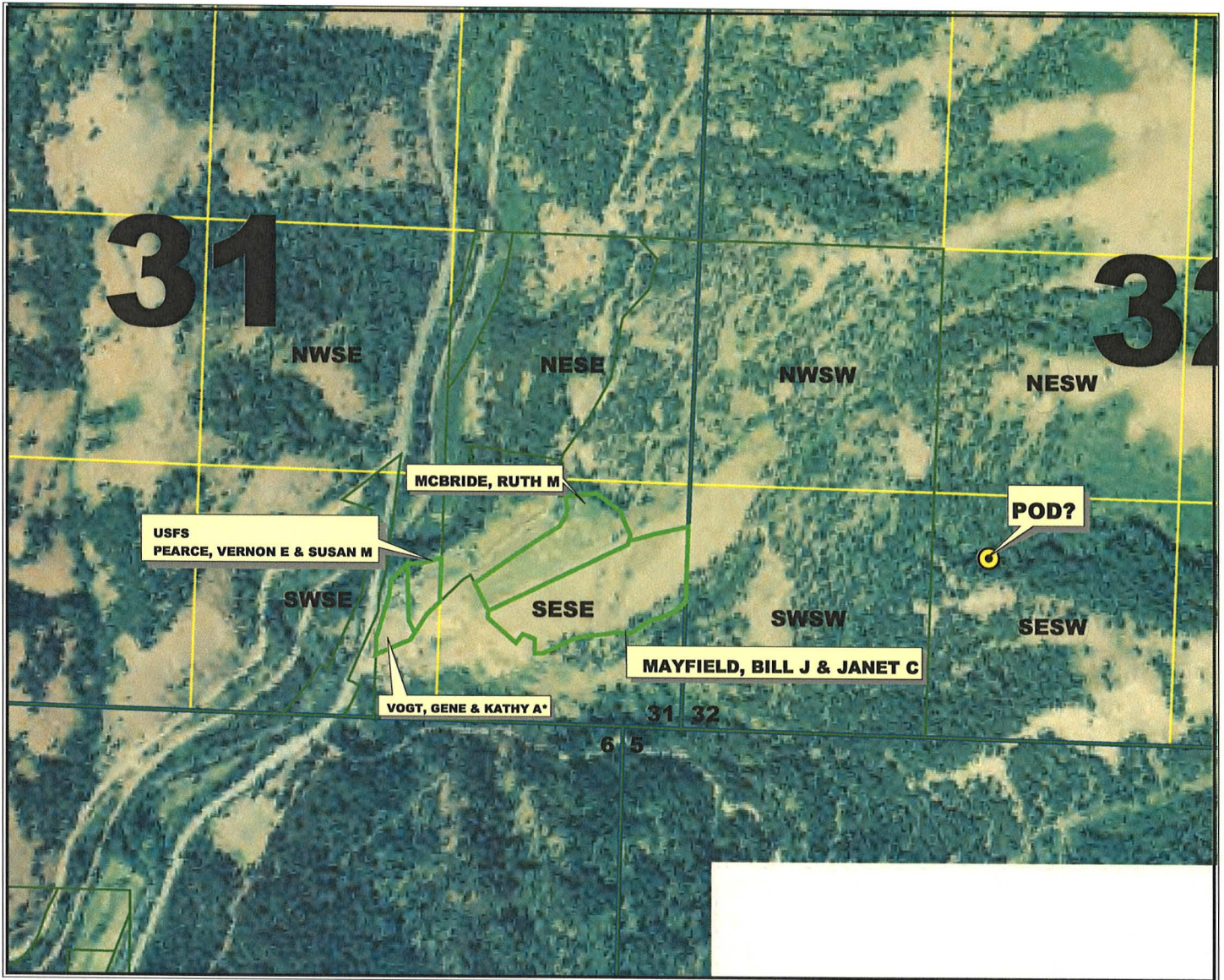


Prepared By: Craig L. Saxton
Date: July 2005



State of Idaho

Location Map
Claim Stage Coach Springs
Map Source: 1987 True Color



1320 0 1320 Feet

● Point of Diversion

■ Irrigated Place of Use

■ State Land

■ Quarter Quarter Lines

■ Section Lines

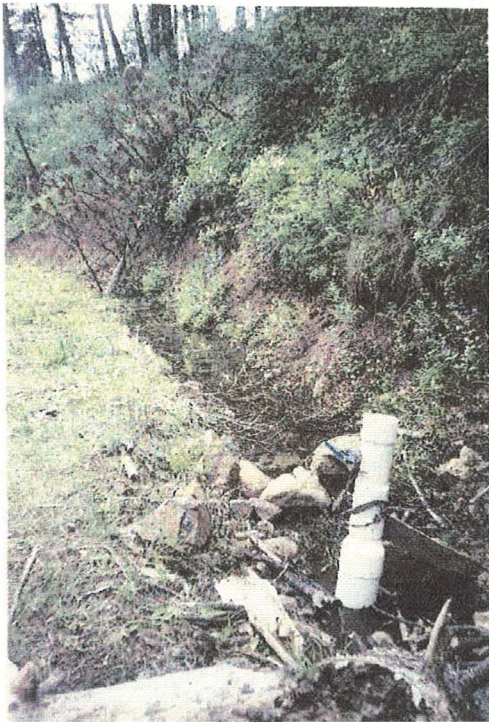
Claimed Irrigated Acres:
Initial Acres Found:



Prepared By: Craig L. Saxton
Date: July 2005



McBride original POD (see below)



Pipe outlet to McBride Property

RUTH M. McBRIDE
McBride/Surgener Pipeline-Ditch
Ditch Bill Easement

Legal Description: T18N R01E Sec 32

Water Right: 69-14367

Priority: 1872

Water Source: Spring to E. Branch Weiser River*

Use: Irrigation 0.19 cfs

Right-of-way:

Ditch – 20'

Fish: ????

Land Ownership:

Council Ranger District

Payette National Forest

*When DB easement was applied for, the system consisted of a spring water source that fed into a pipeline and emptied into a ditch on private property.

However, another permittee that used the same POD and system, exerting 1866 status brought in a backhoe and completely changed the diversion and system.

This area needs to be surveyed. It is no longer a closed system.

This description taken from Nick Hershenow's survey report of June 1, 2001. "Cement dam below spring can divert water through 8" pipe which goes underground and then enters ditch. Ditch flows about 50 meters on Forest. Ditch not currently delivering water to McBride property"

Probably need to identify who is the acting agent for Ms. McBride.

RUTH M. McBRIDE

QUESTION	ANSWER
Facility	Pipeline and Ditch
Water Use	Irrigation (0.19 cfs)
Water Right:	67-14367
Priority:	1872 Priority
Water Source:	Spring to E. Branch Weiser River
Legal Description	T18N R01E Sec 32
System	This description taken from Nick Hershenow's survey report of June 1, 2001. "Cement dam below spring can divert water through 8" pipe which goes underground and then enters ditch. Ditch flows about 50 meters on Forest. Ditch not currently delivering water to McBride property"
Likely Fish Bearing	
Right-of-way	20'
Letter of Assurance Use meets DB criteria Facility in place prior to Oct 1976 In continuous use	No
Contact/Owner Information	Ruth M. McBride 3501 La Costa Street Bakersfield, CA 93306
O&M Plan (Based on BA/BE)	Need
CE (Based on Completed BA/BE)	Need
Archeology	Need
Other Information:	
Probably need to identify who is the acting agent for Ms. McBride.	

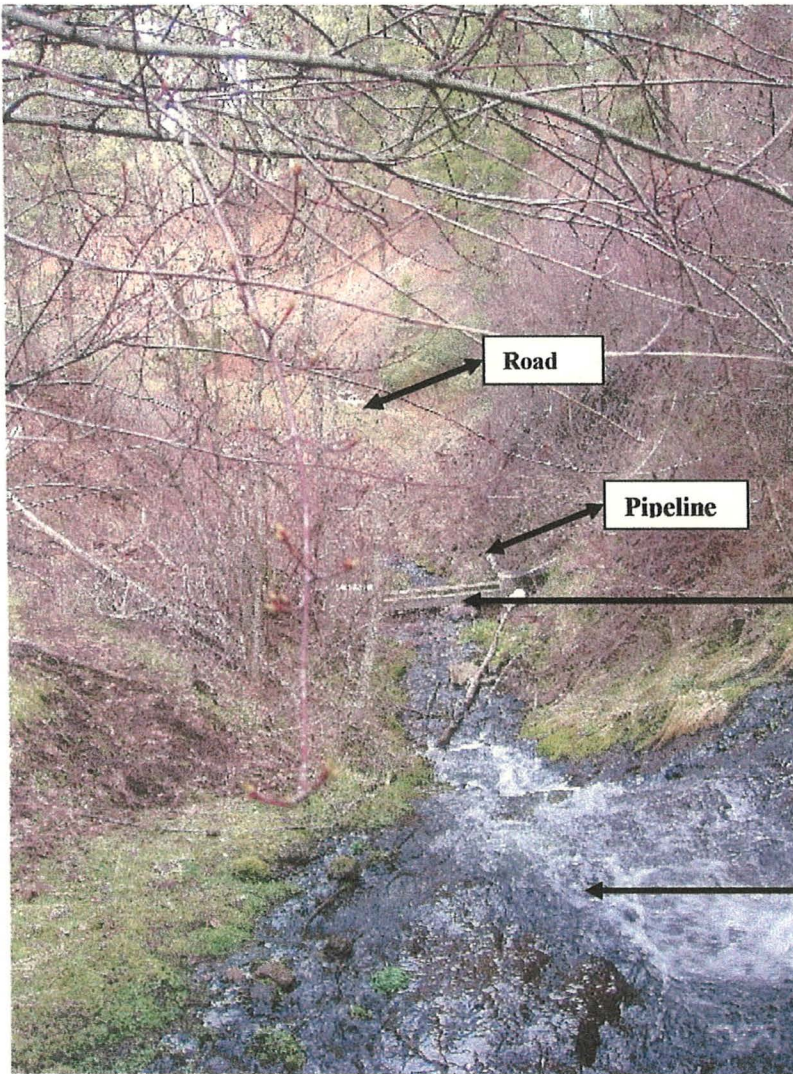
McBRIDE EASEMENT



McBride Spring



McBride Spring



This spring provides water for Ruth McBride (DB applicant), Surgener (1866) and Vern & Susie Pierce, (208-253-1105) (SUP).

Per phone call with B.Klarich (5/25/05), Sue and Jill will contact all of the above and present the option of DB easement for all concerned as "tenets in common".

From McBride Spring looking down on concrete barrier 'catch basin'. Surgener's water pipe buried in road bed. McBride & Pierce water piped from catch basin to ditch.

CONVERSATIONAL MEMORANDUM

Date: September 14, 2005

To: File 67-14368

From: Craig L. Saxton

Subject: Evidence of priority

Spoke with Vernon Pearce (347-2216). I told him that I had evidence of priority for his piece of property. He confirmed that to get a measurement, we need to talk to Mayfield for access. In addition, he confirmed that there is only one spring used by the wateruser despite that the two parent statutory claims list two springs.

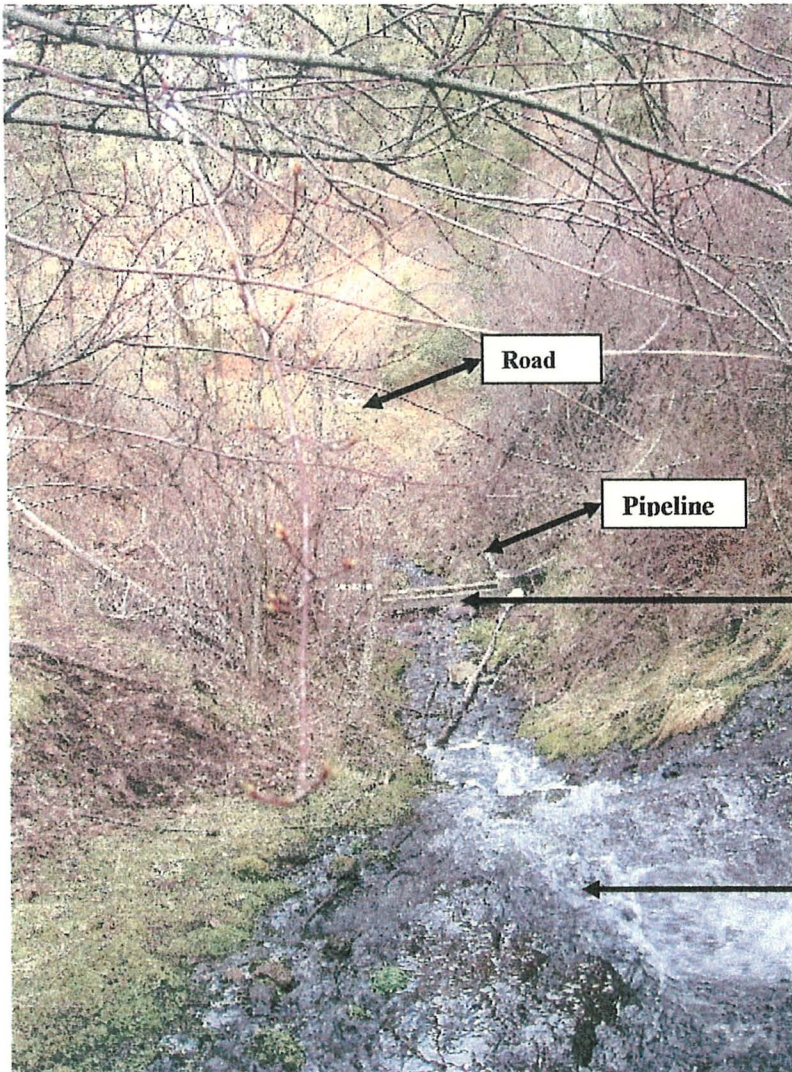
McBRIDE EASEMENT



McBride Spring



McBride Spring



This spring provides water for Ruth McBride (DB applicant), Surgener (1866) and Vern & Susie Pierce, (208-253-1105) (SUP).

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From McBride Spring looking down on concrete barrier 'catch basin'. Surgener's water pipe buried in road bed. McBride & Pierce water piped from catch basin to ditch.

MEMORANDUM

Date: July 25, 2005

To: File

From: Craig L. Saxton

RE: Meeting with Jill Kemp and Sue Foster of the Forest Service on Friday July 22, 2005

Discussion concerning claims

67-4335, Mayfield (Surgner)

67-4323 (parent), then split into:

67-14366, Fieger (Fieger does not own property anymore, should be Vogt)

67-14367, McBride (Fieger – original owner)

67-14368, Pearce (Fieger – original owner)

Questions:

Is the source for 67-4335 the same as the source for 67-4323? Is it a spring, un-named stream, are there two springs. They claim different legals, is there an error?

What is the location of the source for each right?

Forest service notes state that after the 1997 flooding, Willard Surgener, now passed, cut a road up to the source and changed the system. IDWR for the most part does not care about this short of if the POD location changed which in turn changed the source from Spring to Un-named stream. I think it is an un-named stream now. If it was originally diverted directly from the spring, we need to know the location of the spring.

If all of the above mentioned parties use the same ditch for irrigation, we need to know that. If not, we need to know how each system works and if the water co-mingles.

Need to know the capacity of the ditch. Can the ditch carry 50 inches? About 48 inches is what is claimed between the four claims.

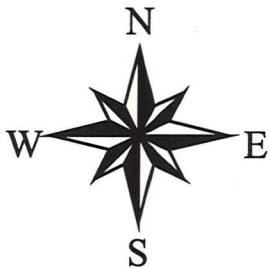
It is not clear whether the POD was ever located on the spring itself or the new irrigation system changed it from the spring to the ditch.

There is also a question whether the source from 67-4335 and parent right 67-4323 were/are from the same source. 67-4335 and 67-4323(parent) claim the POD location to be in different legal descriptions.

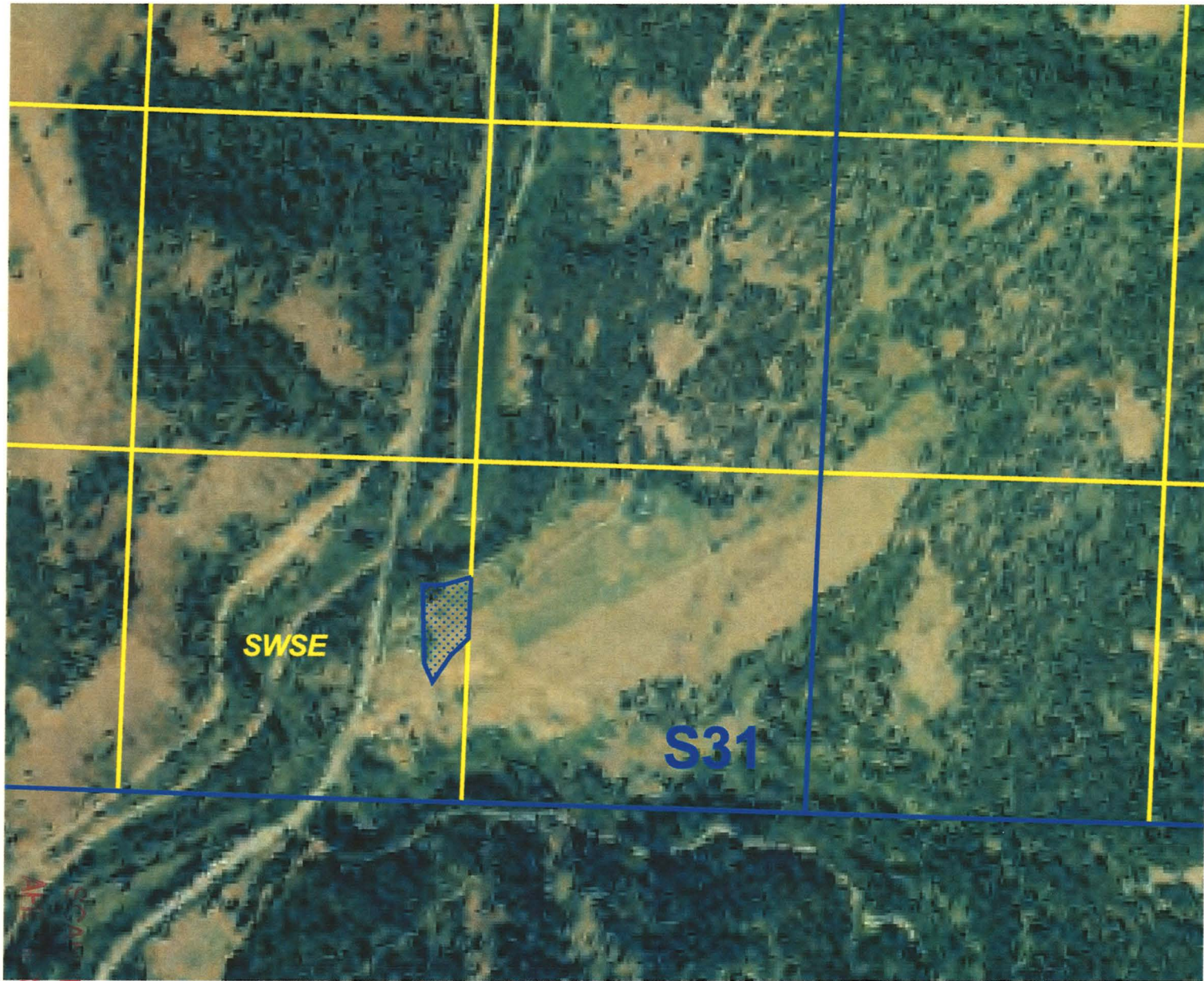
IDAHO DEPARTMENT OF WATER RESOURCES

PEARCE SPLIT
Information plotted
per warranty deed
recorded Aug 26th
1996.

T18N, R01E
S31



-  **Place of use**
-  **Section**
-  **1/4 1/4**



1987 NAPP

SCANNED
APR 04





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 21, 2002

VERNON E PEARCE
SUSAN M PEARCE
PO BOX 399
2810 HWY 95
COUNCIL ID 83612

Re: Original Notice of Claim to a Water Right No. 67-4323

Renumbered Notice of Claim to a Water Right No. 67-14368

Dear Claimants:

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. You will be notified of any future action taken on this claim.

In addition, the right for which you have changed into your ownership did not indicate domestic or stock water use. You may want to amend your claim to reflect these uses. Please contact Ron Howerton at this office if you have any further question.

Sincerely,

Adjudication Section
Western Region

DH: dh

Enclosure

SCANNED
APR 16 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Jack A. &/or David &/or Caryn Verner
(Name of Claimant)

Tamarack Star Rt. Council, ID 83612
(Mailing Address)

Telephone No. 253-4723

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1874

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 is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Spring tributary to Weiser River, East Fork

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)		(Domesic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>.20</u>	Use	<u>Domestic</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	<u>.20</u>	Use	<u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>10/31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) .20 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE 1/4 SW 1/4, Sec. 32 Twp. 18N Rge. 1E B.M., County of Adams

Additional points of diversion:

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. Describe any changes in the system and give the date of the change. Spring into ditch to place of use

- (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.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
18N	1E	31															6	6	12

No. of acres 12

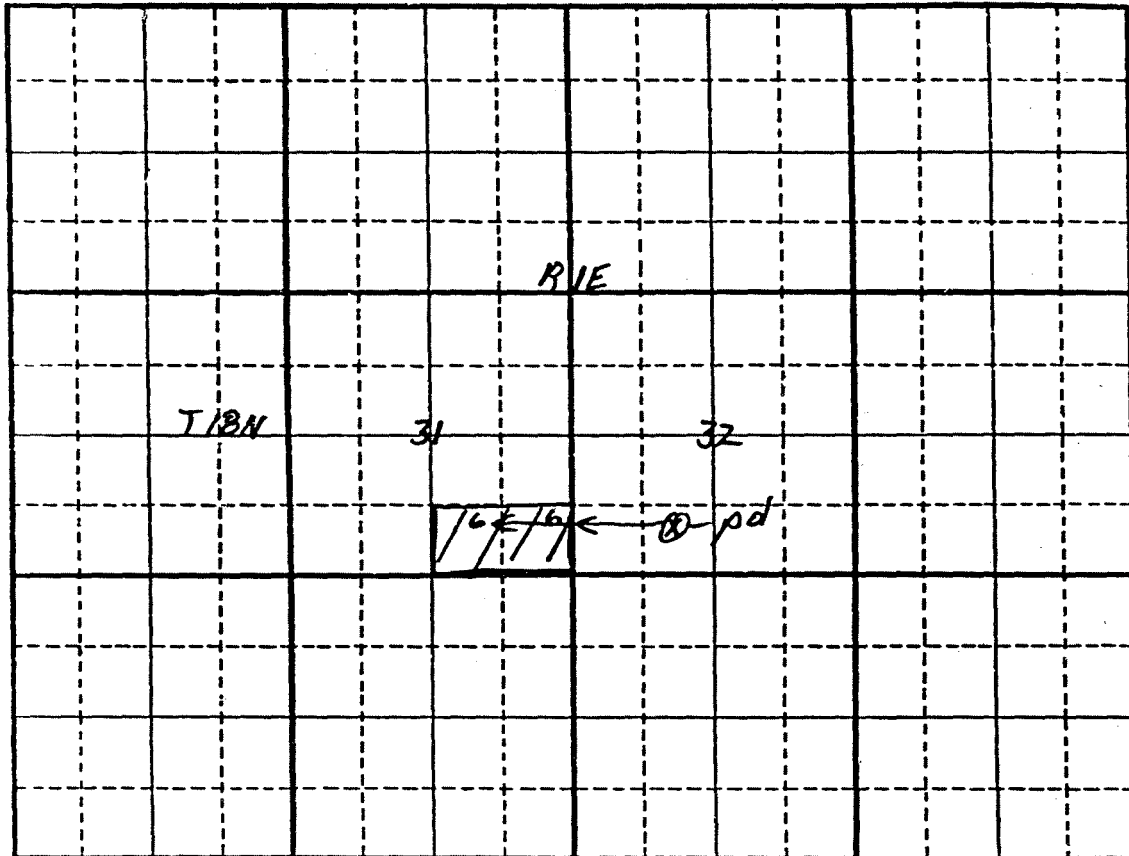
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

Domestic one household

NOTE: Include here the type and number of stock watered:

- (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 affiant's knowledge.

Sworn to before me this 29th day of July, 19 80.

David C. Verner
(Claimant)

Nancy M. Northway
Notary Public
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by 6/5 Date 7/29/80 Exception filed by: _____ Date _____
Prelim. check by 6 Date 7/30/80
30.00 fee received by hln Date 7/29/80 + 500
Published in Adams Co. header now Forwarded to claimant by: 9-3-80 Date 11h
Dates 5/14 & 8/21/80

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: **A67-04323**
Date Received: 10/10/1989
Receipt No: M004867
Received By: N/A

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CARYN FIEGER 208-253-4723
Address: 2822 HWY 95
COUNCIL ID 83612
OR
Name: HARRY FIEGER 208-253-4723
Address: 2822 HWY 95
COUNCIL ID 83612
OR
Name: CATHERINE FIEGER 208-253-4723
Address: 2822 HWY 95
COUNCIL ID 83612
2. Date of Priority: JAN 1, 1872
3. Source: SPRING Trib. to: WEISER RIVER, EAST FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	01E	32	NW	SE	SW		ADAMS
5. Description of diverting works:
DITCH FROM SPRING FOR FLOOD IRRIG. W/SPRINGBOX W/PIPE TO HOMES.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.380		
7. Total Quantity Appropriated is:
0.380 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
18N	01E	31	SW	SE		IRR	6.0
			SE	SE		IRR	6.0
Section Acres							12.0
Total Acres							12.0

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:

31" ADDITIONAL WATER FROM SPRING UNDER DIFF. OWNERS.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: 1

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): *Payor Fiege* Date: 8-26-94

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of Aug 19 94

David R. Tuttle Jr.
Notary Public

Seal

Residing at Bain Id

My Commission Expires Sept 10, 1994

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 67-14368
Date Received: 10/10/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

VERNON E PEARCE
PO BOX 399
2810 HWY 95
COUNCIL ID USA 83612

Phone: (208) 253-1105

SUSAN M PEARCE
PO BOX 399
2810 HWY 95
COUNCIL ID USA 83612

Phone: (208) 253-1105

2. Date of Priority: 01/01/1872

3. Source: SPRING Trib. to: WEISER RIVER EAST BRANCH

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
18N	01E	32	NW SE SW	ADAMS	

5. Description of diverting works:

DITCH FROM SPRING FOR FLOOD IRRIG. W/SPRINGBOX W/PIPE TO HOMES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.03	

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

8. Total consumptive use:

SCANNED
APR 16 2004

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
18N	01E	31	SW	SE	IRRIGATION	1
					Section Acres	1
					Total Acres	1

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 change in ownership for a portion of 67-4323. DH 8/21/2002

NOTE: Ownership change form indicates 1-2 horses, and 1 home.

15. Basis of Claim: Statutory Claim

RECEIVED

OCT 29 1996

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

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

RECEIVED

OCT 30 1996

WATER RESOURCES
WESTERN REGION

1. Water Right Number(s) A67-04323
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) Caryn Fieger
1011 Hiawatha Pl. Ashland, OR 97520
4. New Owner/Claimant(s) Vernon E Pearce Susan M. Pearce
Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR
New Mailing Address P.O. Box 399 (2810 Hwy 95)
City, State and ZIP Code Council, Id, 83612
New Telephone Number (208) 253-1105
5. Date you acquired the property 10-1-96
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.
Number of acres actually irrigated 1 Number and type of stock 1-2 horses
Diversion rate in CFS _____ Number of homes 1 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) Vernon E Pearce Date 10-8-96
Susan M Pearce Date 10-8-96
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.

3-WAY SPLIT TREE

CLAIM: 67-04323

AGENT: Ron Howerton

Date: 4-10-02

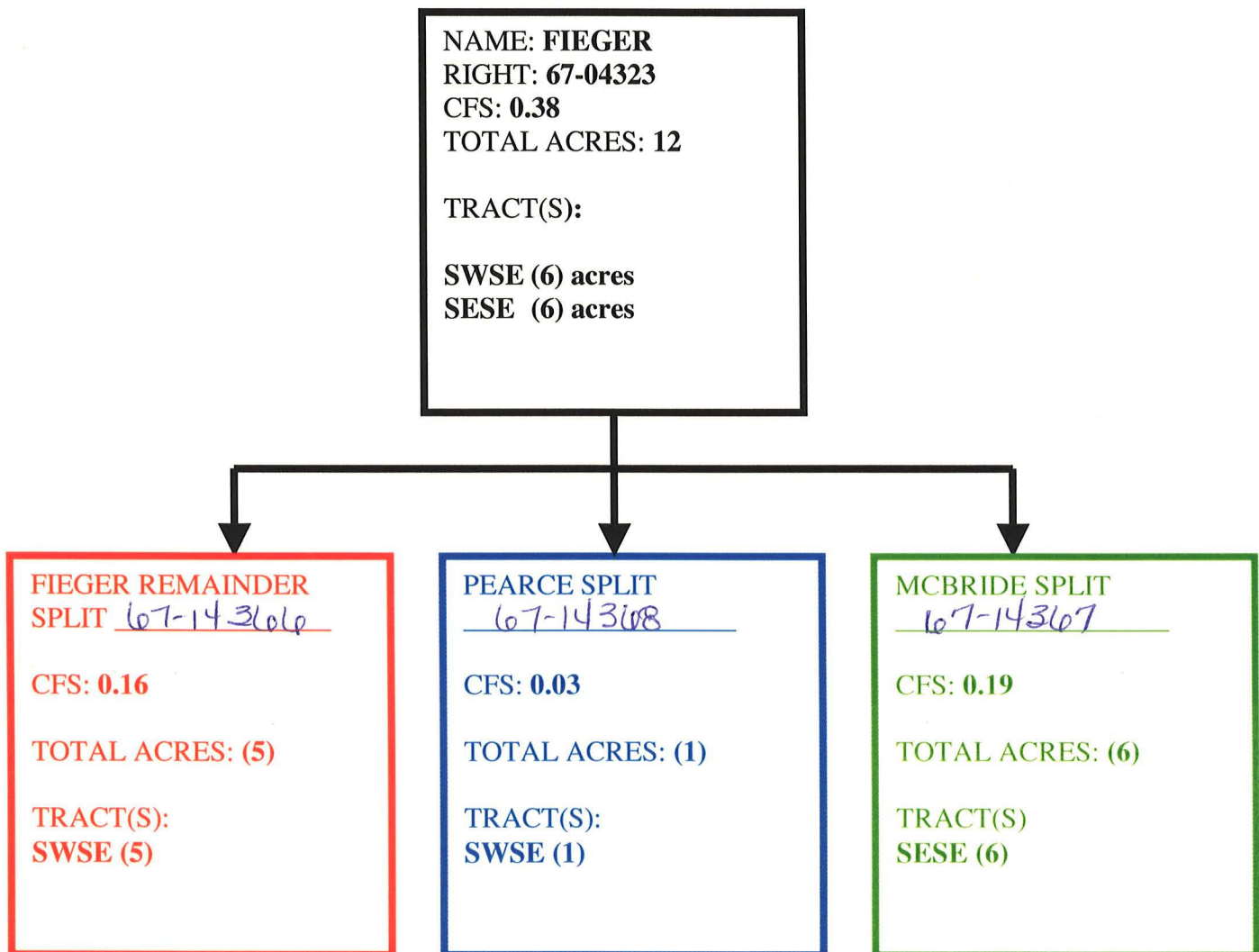
FACTOR = $\frac{\text{CFS } 0.38}{\text{ACRES } 12} = 0.031666667 \text{ CFS/ ACRE}$

FIEGER REMAINDER SPLIT = 5 acres (0.031666667) = 0.16 CFS

PEARCE SPLIT = 1 acre (0.031666667) = 0.03 CFS

MCBRIDE SPLIT = 6 acres (0.031666667) = 0.19 CFS

SPLIT TOTALS = 12 acres @ 0.38 CFS



67-14368

PEARCE SPLIT

AJ5809NP
No. A67-04323

IDAHO DEPARTMENT OF WATER RESOURCES ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/10/02
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HARRY FIEGER	01/01/1872	IRRIGATION	04-01 10-31	0.380 CFS	.03
C	CATHERINE FIEGER					
C	CARYN FIEGER					
	2822 HWY 95					
	COUNCIL ID 83612					
	(208) 253-4723					
TOTAL DIVERSION:					0.380 CFS	.03

PEARCE

Water Source: SPRING

Tributary to: WEISER RIVER, EAST FORK

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T18N R01E S32

NWSESW

ADAMS County

Place of use Legal Description for: IRRIGATION

NE										NW						SW						SE											
T	R	S	:	Lt	Ac	NENE	NWNE	SWNE	SENE	:	Lt	Ac	NENW	NWNW	SWNW	SENW	:	Lt	Ac	NESW	NWSW	SWSW	SESW	:	Lt	Ac	NESE	NWSE	SWSE	SESE	:	SUM	
18N	01E	31	:							:							:							:									12.0
										:							:							:							:	12.0	
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FAX TRANSMITTAL

DATE

4/10/02

TO

Ron

COMPANY

FAX NO.

334-2348

FROM

Angie

COMPANY

TIMBERLINE TITLE & ESCROW, INC.
P.O. Box 6, Council, ID 83612

FAX NO.

(208)253-6887

PHONE NO. (208)253-6886

PAGES

2

(not including this page)

MESSAGE

Pearce deed

#90559 is a Survey

INSTRUMENT NO. 90882

WARRANTY DEED

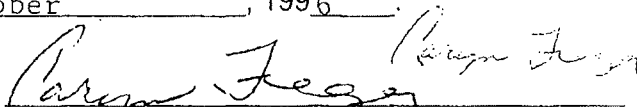
FOR VALUE RECEIVED, CARYN FIEGER, ^{/aka CARYN C. FIEGER, a single woman} Grantor, does hereby grant, bargain, sell, and convey to **VERNON E. PEARCE and SUSAN M. PEARCE**, husband and wife, Grantees, P. O. Box 399, Council, Idaho, 83612, the following described real property situated in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

And also subject to easements, liens or encumbrances of record, in use, or visible on the property.

To have and to hold the said premises, together with improvements and appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor hereby covenants to and with said Grantees, that she is the owner in fee simple of said premises; that the said premises are free from all encumbrances except as noted above; and, that she will warrant and defend the same from all lawful claims whatsoever.

DATED this 1st day of October, 1996.

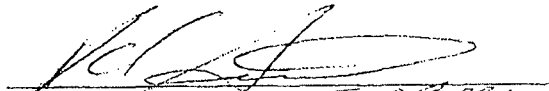

CARYN FIEGER, aka CARYN C. FIEGER

STATE OF IDAHO,)
) ss.
County of Valley.)

On this 30 day of Sept, 1996, before me, RANDALL D SIMONSON, a Notary Public in and for said State, personally appeared **CARYN FIEGER**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.




NOTARY PUBLIC FOR IDAHO
Residing at: Asheville, NC
My Commission Expires: 7/14/97

warranty deed

WARRANTY DEED

EXHIBIT "A"

INSTRUMENT NO. 90882

Township 18 North, Range 1 East, Boise Meridian, Adams County, Idaho

Section 31: A parcel of land situated in the E1/2E1/2SW1/4SE1/4 more particularly described as follows:

Beginning at the CS-SE 1/64 corner of Section 31 noted above, which falls on the North right-of-way of the "Stevens" County Road;

Thence along said right-of-way South 43°48'52" West 146.66 feet to a point;

Thence South 29°36'19" West 82.35 feet to a point;

Thence departing said right-of-way North 26°56'29" West 55.63 feet to a point;

Thence North 03°59'55" West 128.29 feet to a point on the Section subdivision line, being the SW corner of the small tract conveyed by Quitclaim Deed #87096;

Thence along the lines of said small tract North 02°59'31" West 180.29 feet to a point;

Thence North 87°29'54" East 82.15 feet to a point;

Thence North 72°34'44" East 108.52 feet to a point;

Thence South 00°02'35" East 216.26 feet to a point, the SE corner of said small tract and the REAL POINT OF BEGINNING.

EXCEPTING County Road right-of-way.

TOGETHER WITH 1.5 inches of the flow of a certain spring for the purpose of irrigation.

SUBJECT TO THE FOLLOWING:

GENERAL TAXES AND ASSESSMENTS for the year 1996 which are a lien but not yet due or payable.

EASEMENT granted to STATE OF IDAHO for relocation of all irrigation and/or drainage ditches and structures, recorded May 20, 1936 in Book 14 Deeds page 448.

RIGHT-OF-WAY DEED, including terms and conditions thereof, granted to STATE OF IDAHO, recorded April 29, 1939 in Book 16 Deeds page 113.

POWERLINE AND FENCE LINES as shown on a Record of Survey entitled Gaylord Creek Survey, Payette National Forest, recorded September 21, 1976 as Instr. No. 55099.

POWERLINE EASEMENT granted to IDAHO POWER COMPANY, a corporation, recorded February 21, 1991 as Instr. No. 79761.

RESERVATIONS, including terms and conditions to a spring and pipeline, recorded September 13, 1955 in Book 23 of Deeds at Page 252.

MATTERS disclosed in a record of survey, recorded August 22, 1996 as Inst. No. 90559.

BOUNDARY LINE AGREEMENT, including terms and conditions thereof, recorded August 26, 1996 as Instr. No. 90569.

INSTRUMENT NO. 90882

State of Idaho)
County of Adams) ss.

Filed for record at the request of

Timberline Title & Escrow

53 min. past 2 o'clock P.M.

this 1st day of Oct, 1996

MICHAEL FISK, RECORDER

by Deputy
Deputy

Fee \$

RECEIVED

OCT 30 1996

WATER RESOURCES
WESTERN REGION

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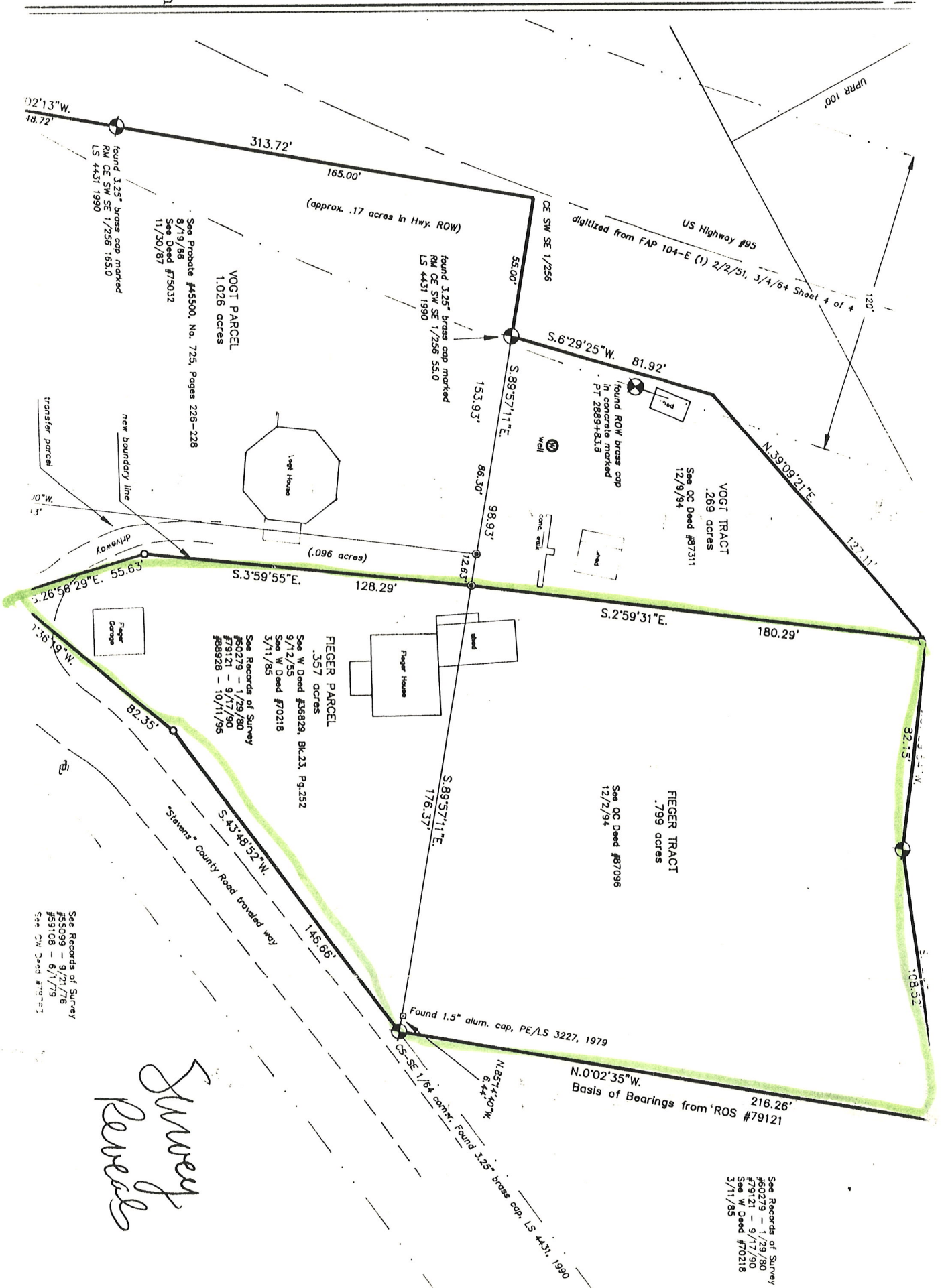
Department of Water Resources

98559

COMPLIMENTS OF
The City of Los Angeles
Department of Public Works
Engineering Division

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Survey
Records

See Records of Survey
#60279 - 1/29/80
#79121 - 9/17/80
See W Deed #70218
3/11/85