11-30-06

RECEIVED
DEC 05 2006
DEPARTMENT OF
WATER RESOURCES

Please print your name: DAVID F LAWRENCE

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

The only change we request for this water right is to remove Dean Stoneburer from the list of interest holders.

I have attached the Quitclaim Deed recorded June 2, 2003.

David F Lawrence

NOE review
quitclaim from Dean Stoneburner to Dean Stoneburner & two other parties.
No changes made.

MVB 12-14-06

SCANNED

11/14/2006

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

RIGHT NUMBER: 67-14486

NAME AND ADDRESS: HELEN E DE HAAS
PO BOX 457
COUNCIL ID 83612

DAVID F LAWRENCE
PO BOX 445
COUNCIL ID 83612

DEAN STONEBURNER
PMP 227
718 GRIFFIN AVE
ENUMCLAW WA 98022

Please Remove

TERRY CAIRNS
PMP 227
718 GRIFFIN AVE
ENUMCLAW WA 98022

MERLE A DE HAAS
PO BOX 457
COUNCIL ID 83612

DOYLE D LAWRENCE
PO BOX 648
COUNCIL ID 83612

VONDA LAWRENCE
PO BOX 445
COUNCIL ID 83612

TWYLA CAIRNS
PMP 227
718 GRIFFIN AVE
ENUMCLAW WA 98022

SOURCE: COOL CREEK SPRING TRIBUTARY: WEISER RIVER

QUANTITY: 0.054 CFS

PRIORITY DATE: 06/20/1952

POINT OF DIVERSION:
T16N R01W S24 NWNW Within ADAMS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.040 CFS
IRRIGATION	03/15 11/15	0.054 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T16N R01W S14	NESW	4.00	T16N R01W S14	SWSW	8.00
T16N R01W S23	NWNE	4.00			

STOCKWATER same as IRRIGATION

16 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 48.5 acres in a single irrigation season. Combined Right Nos.: 67-11488, 67-11489, & 67-14486.

Right Nos. 67-11489 and 67-14486 are limited to the irrigation of a combined total of 32.5 acres in a single irrigation season.

Right Nos. 67-11488 and 67-14486 are limited to the irrigation of a combined total of 32.0 acres in a single irrigation season.

SCANNED

6 2006

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

INSTRUMENT NO. 103828

PAGE 1 OF 1

RECEIVED
DEC 05 2006
DEPARTMENT OF WATER RESOURCES

QUITCLAIM DEED

For Value Received, **DEAN STONEBURNER, a single man**

does hereby convey, release, remise and forever quitclaim unto

DEAN STONEBURNER, a single man, AND
TERRY CAIRNES and TWYLA CAIRNES, husband and wife

whose current address is: PMB, 718 Griffin Ave., Enumclaw, WA 98022

the following described premises, to-wit:

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 14: All that portion of the S1/2SW1/4 lying East of the County Road as established on November 30, 1972
EXCEPTING THEREFROM the North 375 feet of the S1/2SW1/4
ALSO EXCEPTING THEREFROM a road right-of-way along the South side of the SE1/4SW1/4

together with their appurtenances.

Instrument # 103828
COUNCIL, ADAMS, IDAHO
2003-06-02 04:12:14 No. of Pages: 1
Recorded for : TIMBERLINE TITLE & ESCROW
MICHAEL FISK Fee: 3.00
Ex-Officio Recorder Deputy
Index to: DEED

Dated: 5/31/2003

DEAN STONEBURNER

* *

STATE OF WA)
)ss
COUNTY OF King)

On this 31 day of May 2003,
before me, a Notary Public in and for said State,
personally appeared **DEAN STONEBURNER**
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.

Della M. Crossley
Notary Public for
Residing at
Commission Expires:
Nov. 6, 2006

DELLA M. CROSSLEY
NOTARY
My Commission Expires 11/6/06
PUBLIC
STATE OF WASHINGTON

12/20/2005

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-14486

NAME AND ADDRESS:
HELEN E DE HAAS
PO BOX 457
COUNCIL ID 83612

DAVID F LAWRENCE
PO BOX 445
COUNCIL ID 83612

DEAN STONEBURNER
PMP 227
718 GRIFFIN AVE
ENUMCLAW WA 98022

TERRY CAIRNS
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PO BOX 648
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VONDA LAWRENCE
PO BOX 445
COUNCIL ID 83612

TWYLA CAIRNS
PMP 227
718 GRIFFIN AVE
ENUMCLAW WA 98022

SOURCE: COOL CREEK SPRING TRIBUTARY: WEISER RIVER

QUANTITY: 0.054 CFS

PRIORITY DATE: 06/20/1952

POINT OF DIVERSION:

T16N R01W S24 NWNW Within ADAMS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.040 CFS
IRRIGATION	03/15 11/15	0.054 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T16N R01W S14	NESW	4.0	T16N R01W S14	SWSW	8.0
T16N R01W S23	NWNE	4.0			

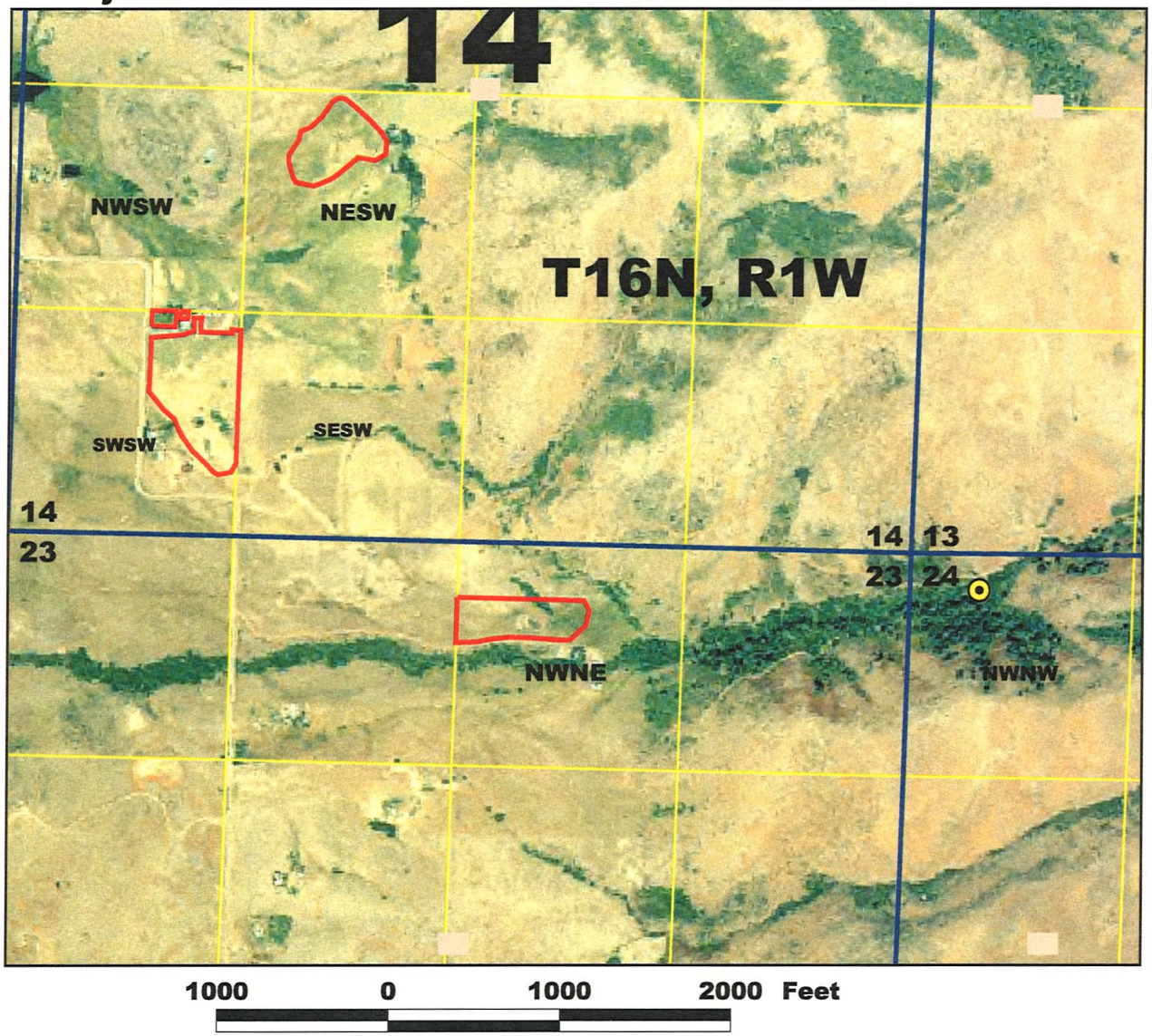
STOCKWATER same as IRRIGATION

16 ACRES TOTAL

Idaho Department of Water Resources

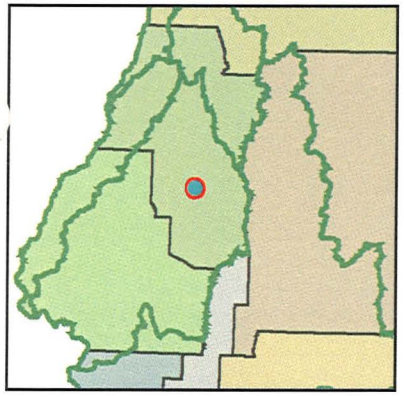
Adjudication Claim Number: **67-14486**

T16N R01W



Legend

- Point of Diversion
- Place of Use
- B67 sections.shp
- T16n01w.shp



Adams County
IDWR Basin 67

N

Prepared by C. Saxton
On Tuesday, December 20, 2005
1987 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14486 V1

WATER RIGHT NUMBER: 67-14486 V1

Owner Type	Name and Address
Current Owner	HELEN E DE HAAS PO BOX 457 COUNCIL, ID 83612 (208)253-4790
Current Owner	DAVID F LAWRENCE PO BOX 445 COUNCIL, ID 83612
Current Owner	DEAN STONEBURNER PMP 227 718 GRIFFIN AVE ENUMCLAW, WA 98022
Current Owner	TERRY CAIRNS PMP 227 718 GRIFFIN AVE ENUMCLAW, WA 98022
Current Owner	MERLE A DE HAAS PO BOX 457 COUNCIL, ID 83612 (208)253-4790
Current Owner	DOYLE D LAWRENCE PO BOX 648 COUNCIL, ID 83612 (208) 253-6172
Current Owner	VONDA LAWRENCE PO BOX 445 COUNCIL, ID 83612 (208)253-4200
Current Owner	TWYLA CAIRNS PMP 227 718 GRIFFIN AVE ENUMCLAW, WA 98022

Priority Date: 06/20/1952

Basis: Beneficial Use

Status: Active

Source	Tributary
COOL CREEK SPRING	WEISER RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
STOCKWATER	01/01 to 12/31	0.040 CFS	
IRRIGATION	03/15 to 11/15	0.054 CFS	
	Total Diversion:	0.054 CFS	

Location of Point(s) of Diversion

COOL CREEK SPRING NW1/4NW1/4 Sec. 24, Twp 16N, Rge 01W, B.M.

ADAMS County

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14486 V1

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
16N 01W 14									4.0		8.0						12.0
16N 01W 23		4.0															4.0

Total Acres: 16

STOCKWATER same as IRRIGATION

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. E56 The rights listed below are limited to the irrigation of a combined total of 32.5 acres in a single irrigation season. Combined Right Nos.: 67-11488, 67-11489, & 67-14486.
3. E55 Right Nos. 67-11489 and 67-14486 are limited to the irrigation of a combined total of 32.5 acres in a single irrigation season.
4. Right Nos. 67-11488 and 67-14486 are limited to the irrigation of a combined total of 32.0 acres in a single irrigation season.

Remarks:

Comments:

1. csaxton 12/20/2005 Field Exam
Comment: Gene Gibson conducted a field exam 3/17/05.

2. csaxton 12/20/2005 Acres
Comment: In the field exam, Gene Gibson found that the max diversion rate from the spring was 0.054 cfs for 16 acres. According to Gene, this water is used in conjunction with irrigation company water. The place of use drawn in on the map by Gene is actually larger than what was claimed. Recommend the 16 acres claimed even though the diversion rate is very small for the number of irrigated acres recommended.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14486 V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal:
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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	12/20/2005 1:43:08 PM	csaxton			Active
Priority Date	12/20/2005 1:44:43 PM	csaxton			Active
POD	12/20/2005 1:44:53 PM	csaxton			Active
Source	12/20/2005 2:02:19 PM	csaxton			Active
POU	12/20/2005 2:03:35 PM	csaxton			Active
Use	12/20/2005 3:01:31 PM	csaxton			Active
Season	12/20/2005 3:02:10 PM	csaxton			Active
Quantity	12/20/2005 3:03:20 PM	csaxton			Active
Summary			12/20/2005	csaxton	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POU	12/20/2005 3:01:23 PM	csaxton	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14486 V1

General	12/20/2005 1:45:09 PM	csaxton	(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 Laura Camp.
POD	12/20/2005 1:45:19 PM	csaxton	(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?
POD	12/20/2005 1:46:12 PM	csaxton	Updated shape
POD	12/20/2005 1:49:41 PM	csaxton	Updated shape
POD	12/20/2005 2:02:12 PM	csaxton	Updated PLS
Source	12/20/2005 2:02:48 PM	csaxton	(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 - Gene Gibson Conducted field exam on 3-17-05.
Contacts	12/20/2005 1:43:33 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Gene Gibson Conducted field exam on 3-17-05.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14486 V1

POU	12/20/2005 2:04:04 PM	csaxton	(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 - Gene Gibson Conducted field exam on 3-17-05.
Use	12/20/2005 3:02:09 PM	csaxton	(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 - Gene Gibson Conducted field exam on 3-17-05.
Season	12/20/2005 3:02:48 PM	csaxton	(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	12/20/2005 3:03:58 PM	csaxton	(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? (Yes) 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? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Gene Gibson Conducted field exam on 3-17-05 and measured spring flow.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14486 V1

Summary	12/20/2005 3:23:34 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? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

Claim

Basin	Sequence	Suffi	Basis	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	*4529*		*Statutory C*	***Withdrawn***	*12/26/1900*	*0.18*		*SPRING*	*IRRIGATION, S*	*LAWRENCE, DAV*	*Claim*
67	11488		Beneficial	Active	6/5/1902	0.8	40	COOL CRE	IRRIGATION	LAWRENCE, DAV	Claim
67	11489		Beneficial	Active	6/5/1902	0.4	20	COOL CRE	IRRIGATION	LAWRENCE, DAV	Claim
67	14486		Beneficial	Active	6/20/1952	0.36	16	COOL CRE	IRRIGATION, S	CAIRNS, TERRY	Claim

Recommendation

Basin	Sequence	Suffi	Basis	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	11488		Beneficial	Active	6/5/1902	0.4	20	COOL CRE	IRRIGATION	LAWRENCE, DAV	Recommendation
67	11489		Beneficial	Active	6/5/1902	0.4	20	COOL CRE	IRRIGATION	LAWRENCE, DAV	Recommendation
67	14486		Beneficial	Active	6/20/1952	0.054	16	COOL CRE	IRRIGATION, S	CAIRNS, TERRY	Recommendation
					Total =	0.854	48.5				

67	4152		Decreed	Active	6/20/1950	0.14		SPRINGS	DOMESTIC, ST	DE HAAS, HELEN	wrWaterRight
67	10144		Decreed	Active	6/30/1977	0.04		GROUND	DOMESTIC	LAWRENCE, DAV	wrWaterRight
67	10145		Decreed	Active	6/30/1948	0.02		SPRING	STOCKWATER	LAWRENCE, DAV	wrWaterRight

Partially Decreed
Non active status
Ready to Recommend

Split Analysis

Water Right Number: Lawrence et all

Diversion Rate: CFS

Reviewer Name: Craig L. Saxton

Date: 12/20/2005

Acreage Analysis

					Parent	Children Acres					
						67-11488		67-11489		67-14486	
Twp	Rng	Sec	Q-Q	Lot		Claimed	Found	Claimed	Found	Claimed	Found
16N	1W	14	NESW			30	20	2.5	6	4	4
			NWSW			10		2.5	3.1		
			SWSW					5	3.5	8	8
			SESW					10	7.4		
		23	NWNE							4	4
						40	20	**20**	20	**16**	16

Melvin Gibson

From: "Saxton, Craig" <Craig.Saxton@idwr.idaho.gov>
To: "'Gibson, Gene'" <melvingib@msn.com>
Cc: "Gibson, Deborah" <Deborah.Gibson@idwr.idaho.gov>
Sent: Monday, July 18, 2005 1:51 PM
Attach: gene 3(4-6-05).jpg; gene 4(4-6-05).jpg; 67-14486.RTF
Subject: 67-14486 - HELP!!!

Hey Gene,

I don't know if you are still on IDWR payroll, but I have a follow-up question on a field exam you conducted if you don't mind. It is referring to 67-11486 from Cool Springs. You conducted a filed exam on 3-17-05, I think per the request of John Westra. It is in the name of Lawerence, Stoneburner, De Haas, and Cairns. I made a couple of maps for you with the GPS points you took.

The main question is where is the POU. Your field exam said the acres are correct, but there isn't a map that shows where the acres are. I was hoping that since you are familiar with the area, you could draw on one of the attached maps the POU.

Then, since I am bothering you with the POU, I just wanted to confirm that there is only one POD. There are 5 gps points on the maps. I assume that the one in the NWNW of section 24 is the source and all that should be recommended. But what are the other 4 points? They are the POU. Pictures in file

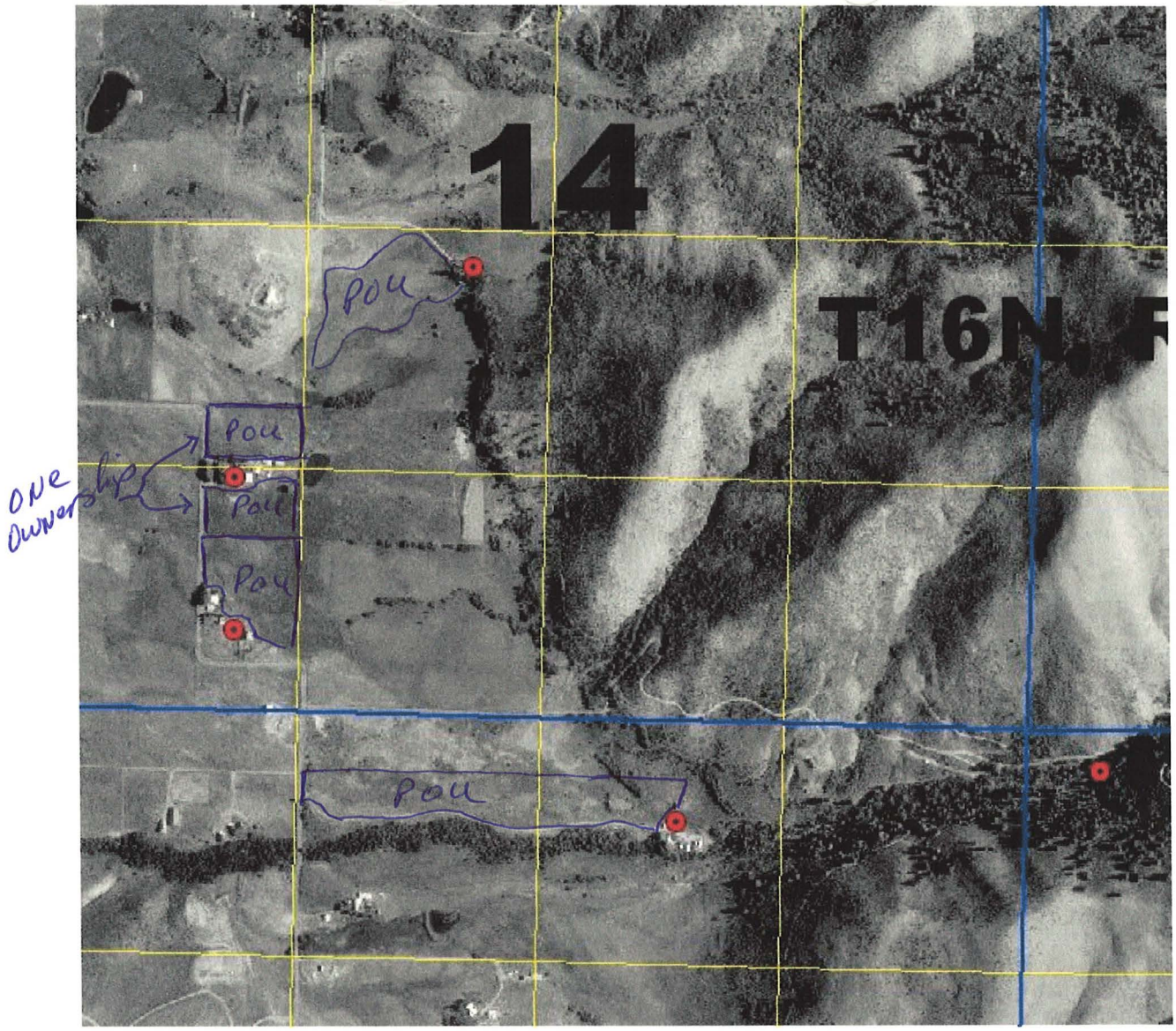
Could you take one of the maps I am attaching and trace the POU and label the POD's. In addition, could you draw in the pipeline from the spring and how it gets to each house. Maybe you could just give it to Debbie if that is easiest.

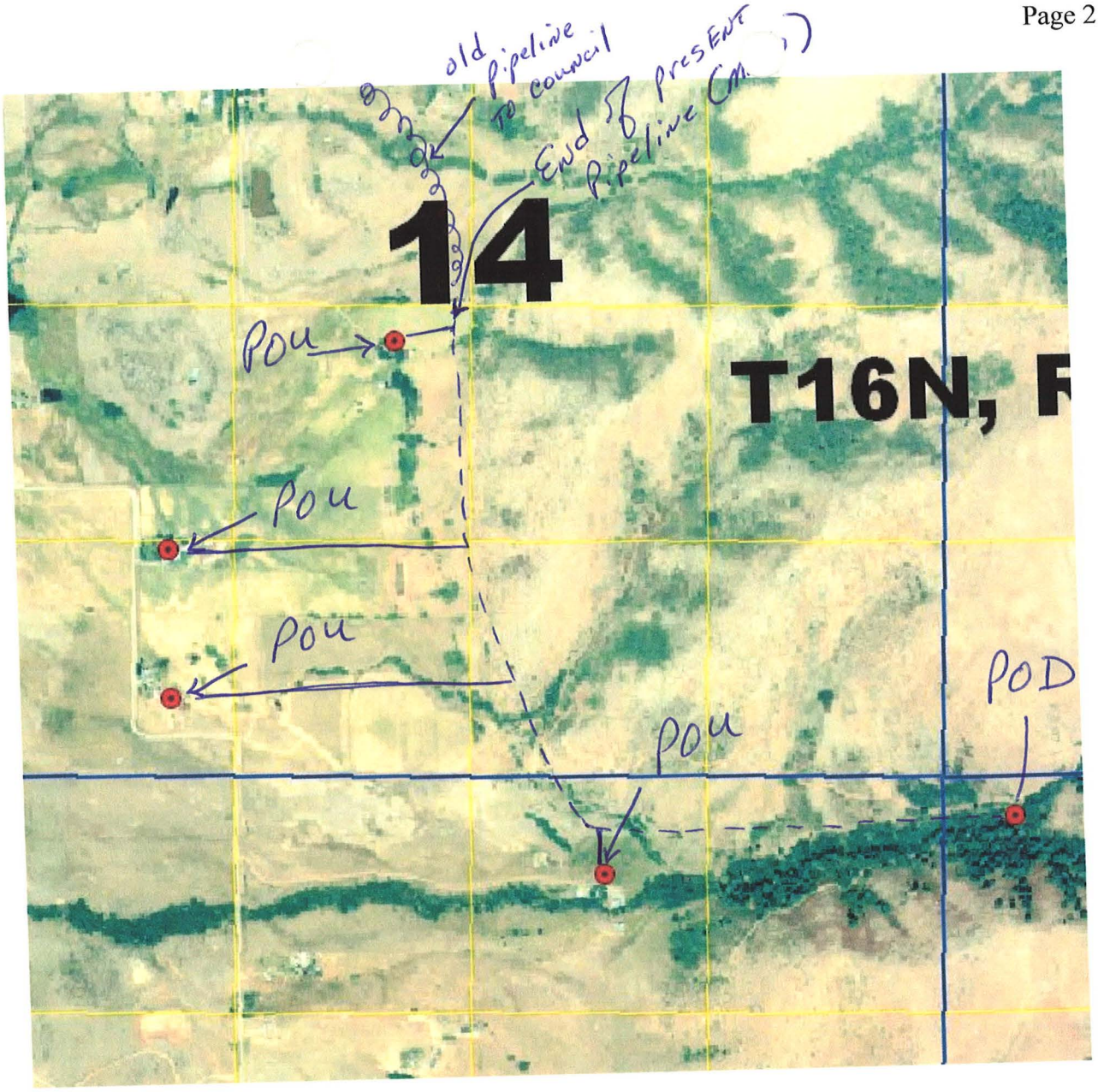
Let me know if this is a problem Gene.

Thanks,

Craig

<<gene 3(4-6-05).jpg>> <<gene 4(4-6-05).jpg>> <<67-14486.RTF>>


14
T16N
POU
POU
POU
POU
One Ownership



Craig do you have the file I have pictures of P.O.U.'s & P.O.D

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-14486

WATER RIGHT NUMBER: 67-14486

Owner Type	Name and Address
Current Owner	HELEN E DE HAAS PO BOX 457 COUNCIL, ID 83612 (208)253-4790
Current Owner	DAVID F LAWRENCE PO BOX 445 COUNCIL, ID 83612
Current Owner	DEAN STONEBURNER PMP 227 718 GRIFFIN AVE ENUMCLAW, WA 98022
Current Owner	TERRY CAIRNS PMP 227 718 GRIFFIN AVE ENUMCLAW, WA 98022
Current Owner	MERLE A DE HAAS PO BOX 457 COUNCIL, ID 83612 (208)253-4790
Current Owner	DOYLE D LAWRENCE PO BOX 648 COUNCIL, ID 83612 (208) 253-6172
Current Owner	VONDA LAWRENCE PO BOX 445 COUNCIL, ID 83612 (208)253-4200
Current Owner	TWYLA CAIRNS PMP 227 718 GRIFFIN AVE ENUMCLAW, WA 98022

Priority Date: 06/20/1952

Basis: Beneficial Use

Status: Active

Source	Tributary
COOL CREEK SPRING	WEISER RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
STOCKWATER	01/01 to 12/31	0.040 CFS	
IRRIGATION	03/15 to 11/15	0.320 CFS	
	Total Diversion:	0.360 CFS	

Location of Point(s) of Diversion

COOL CREEK SPRING NW1/4NW1/4 Sec. 24, Twp 16N, Rge 01W, B.M.

ADAMS County

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-14486

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
16N 01W 14									4.0		8.0						12.0
16N 01W 23		4.0															4.0

Total Acres: 16

STOCKWATER same as IRRIGATION

Conditions of Approval:

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 8/27/2004
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status

Verification Log:

Element	Date Time Stamp	Reviewer	Log text

Water Supply Bank:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A67-14486 _____ _____

1. No Change NAME IS SAME
   NEW OWNER: OK
   No Change ADDRESS
   NEW ADDRESS: OK

2. No Change - DATE OF PRIORITY: Completed evidence submitted OK
   Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. No Change — SAME SOURCE OK
   Source is different than that claimed:

   Source found: _____.

4. No Change — POINT OF DIVERSION OK 2309035 - 1504448
   Point of diversion is different than the claim and/or new P/D's:

Township 16N Range 01W Section 24 l/4____ l/4 NW 1/4 NW
Township _____ Range _____ Section _____ l/4_____ l/4_____ 1/4_____

5. No Change - DESCRIPTION OF DIVERTING WORKS
   Incomplete description, list below:

Same

6. No Change - WATER USES OK
Different uses, (list uses found):

Use _____From _____To _____Amount _____ CFS _____AFA
Use _____From _____To _____Amount _____ CFS _____AFA
Use _____From _____To _____Amount _____ CFS _____AFA

7. No Change - TOTAL VOLUME

Incomplete on claim, the total is, Amount _____ CFS _____AFA

Changes found, the new total is, Amount 24.28 gal ~~CFS~~ _____AFA
.054 cfs

10 g - 42 sec = 14.28 g
4 g - 24 sec = 10.0 g
24.28 g

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: 4 Stock # _____ List types:_____

Additional comments: _____

9. No Change — PLACE OF USE: (If changed, list below.) OK

Use: _____Township _____ Range _____Section _____ l/4_____1/4_____
Use: _____Township _____ Range _____Section _____ l/4_____1/4_____
Use: _____Township _____ Range _____Section _____ l/4_____1/4_____
Use: _____Township _____ Range _____Section _____ l/4_____1/4_____

Remarks: (Comments pertinent to field examination) See additional attachment

_____

_____

_____

_____

SYSTEM DIAGRAM INCLUDED NA
Shown on GIS Layout

CK IF IN OFFICE EXAM
DATE EXAM CONDUCTED: 3-17-05

FIELD EXAMINER: MELVIN GENE GIBSON
Print Name

Melvin Gene Gibson
Signature

MEMO TO FILE
CLAIM # 67-14486
By Gene Gibson

On December 1, 2004, I performed a pre-examination on this claim to find out what equipment would be required to perform a field examination on this claim.

On March 17, 2005, I performed a field examination on this claim and found the following information.

In diversion box from the springs, five measurements were performed in calibrated measurement devises to determine the flow rate.

10 gallons in 42 seconds
10 gallons in 43 seconds
10 gallons in 42 seconds
10 gallons in 41 seconds
10 gallons in 41 seconds
(14.28 gallons per minute)

There was a leak from one of the springs that was also measured.

4 gallons in 24 seconds
4 gallons in 24 seconds
4 gallons in 24 seconds
(10 gallons per minute)

The combined flow rate for both of these measurements is .054 cfs

The irrigation systems are in place and operational at all of the places of use.
From the main pipeline, pipes and hoses are used to convey the water to irrigate the claimed acreages.

Only the flow rate claimed needs to be changed.
This irrigation system is supplemental to an irrigation company.

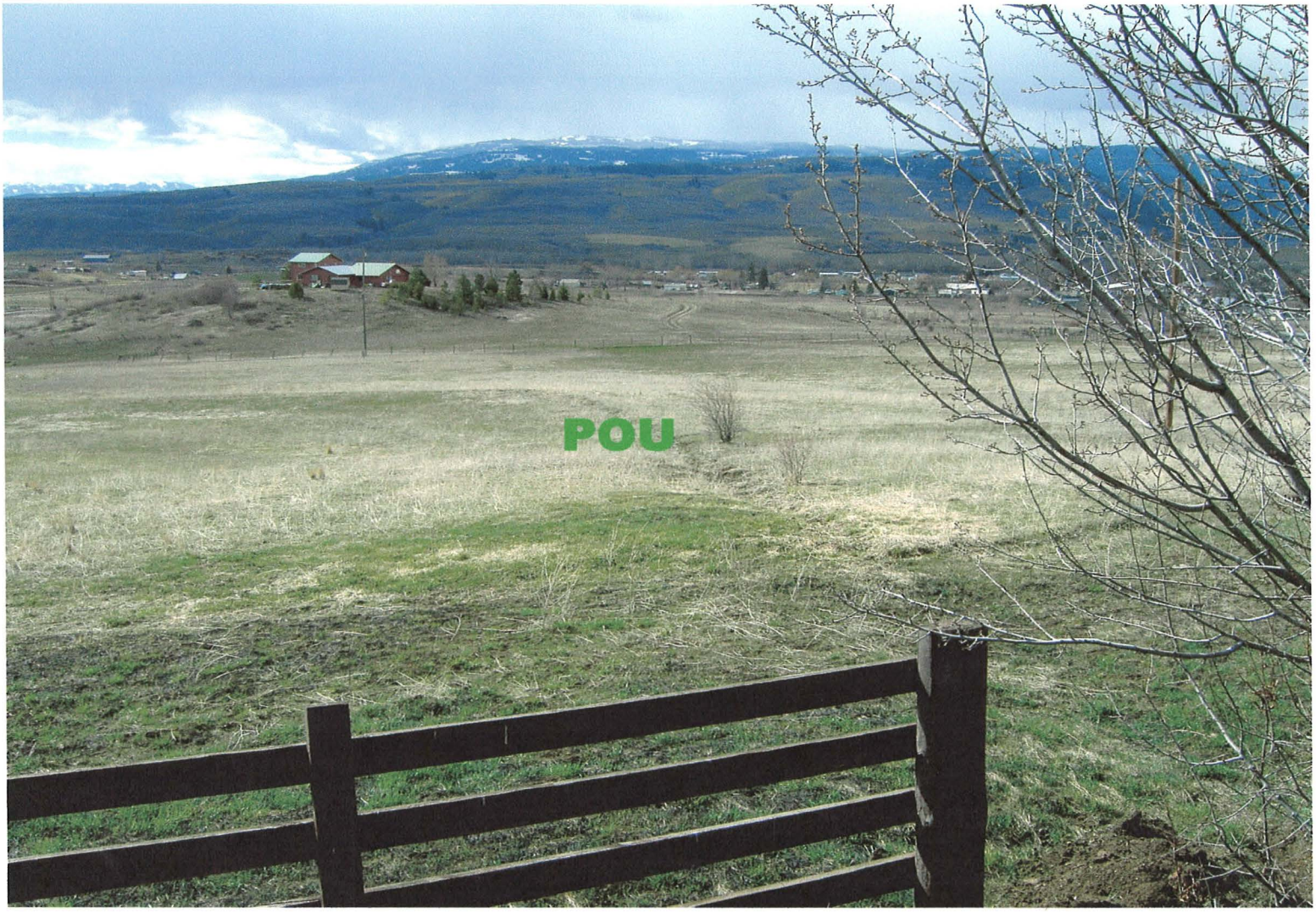
A67-14486
DAVID LAWRENCE





A67-14486
DAVID LAWRENCE



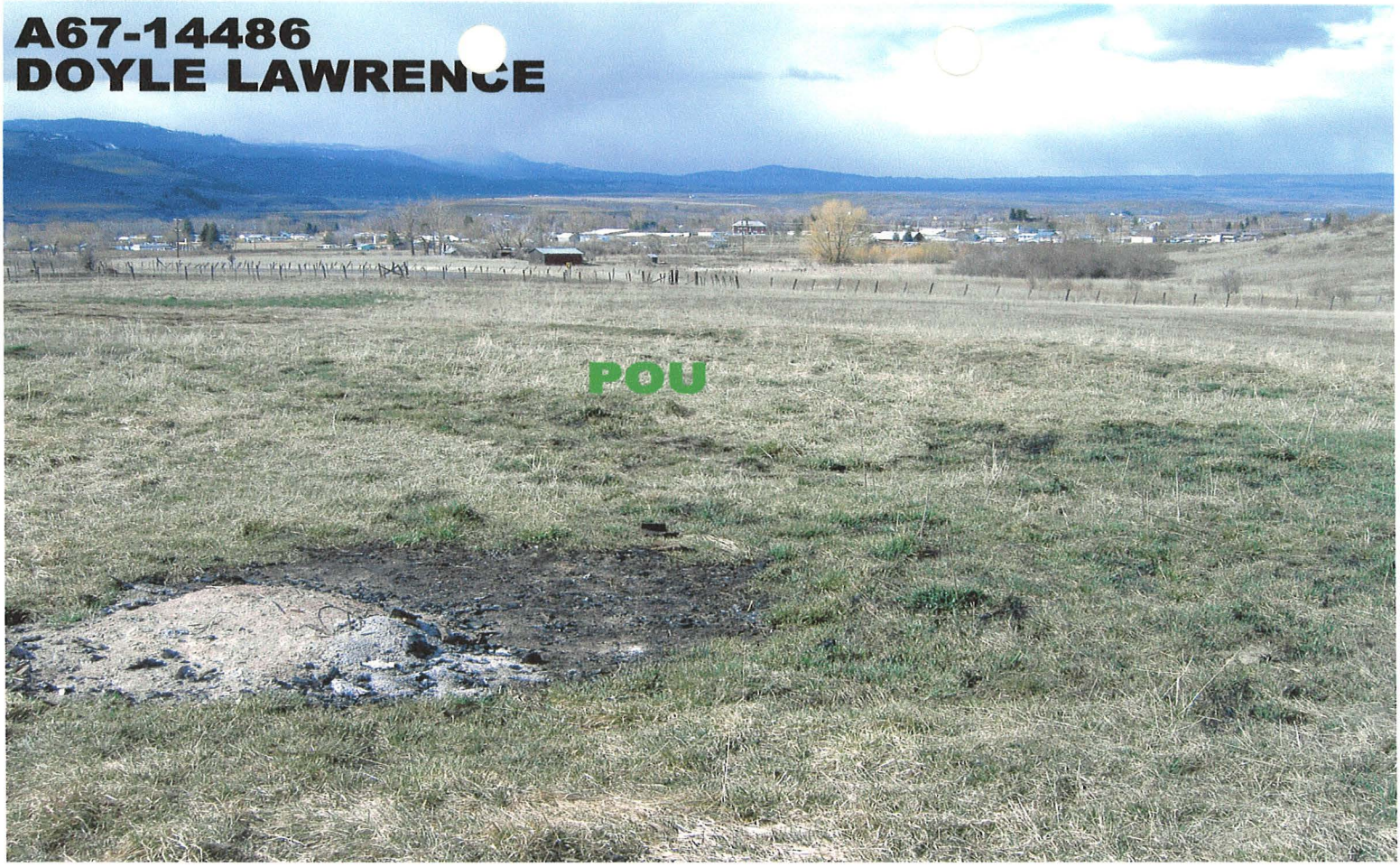


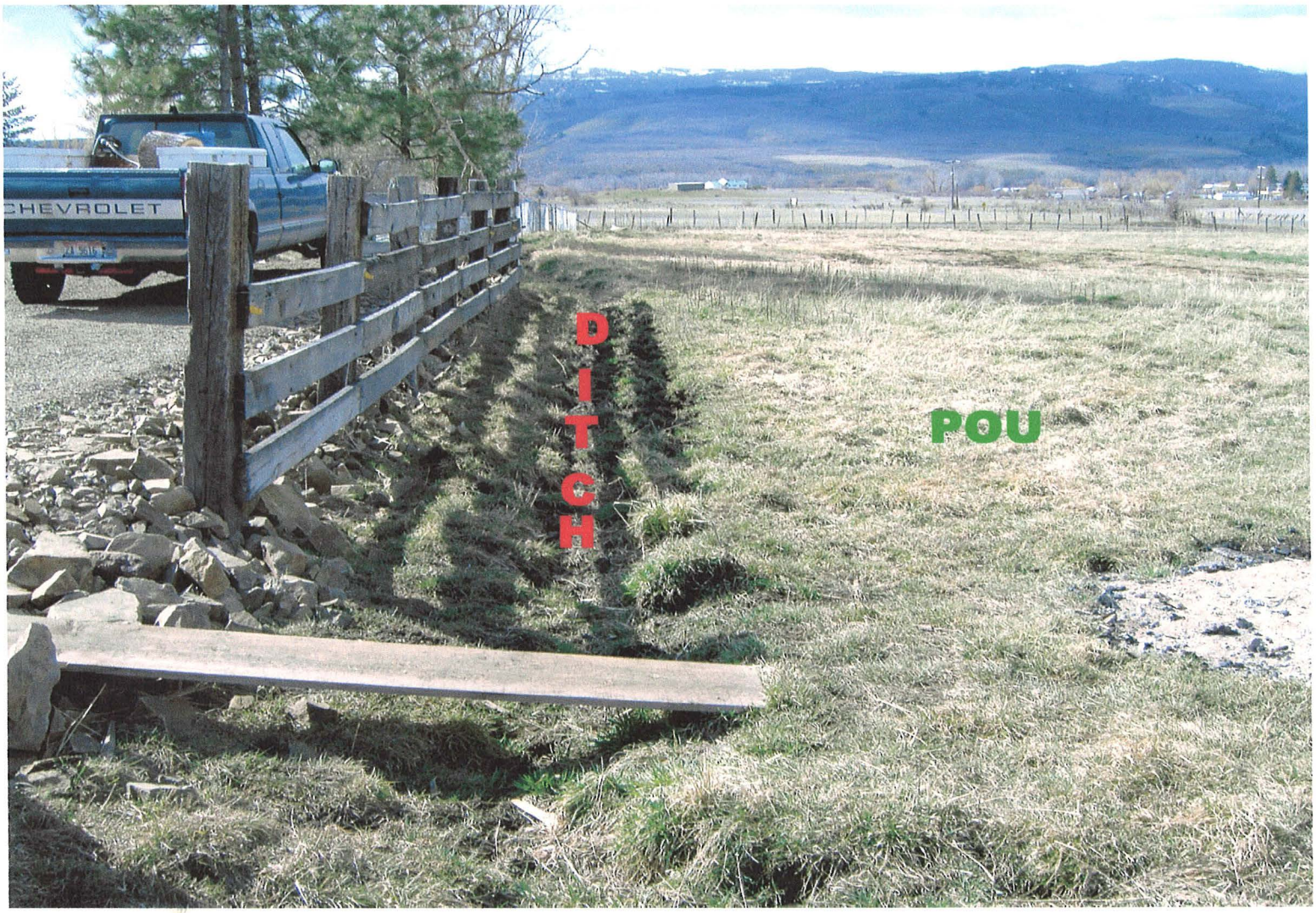
A67-14486
DOYLE LAWRENCE





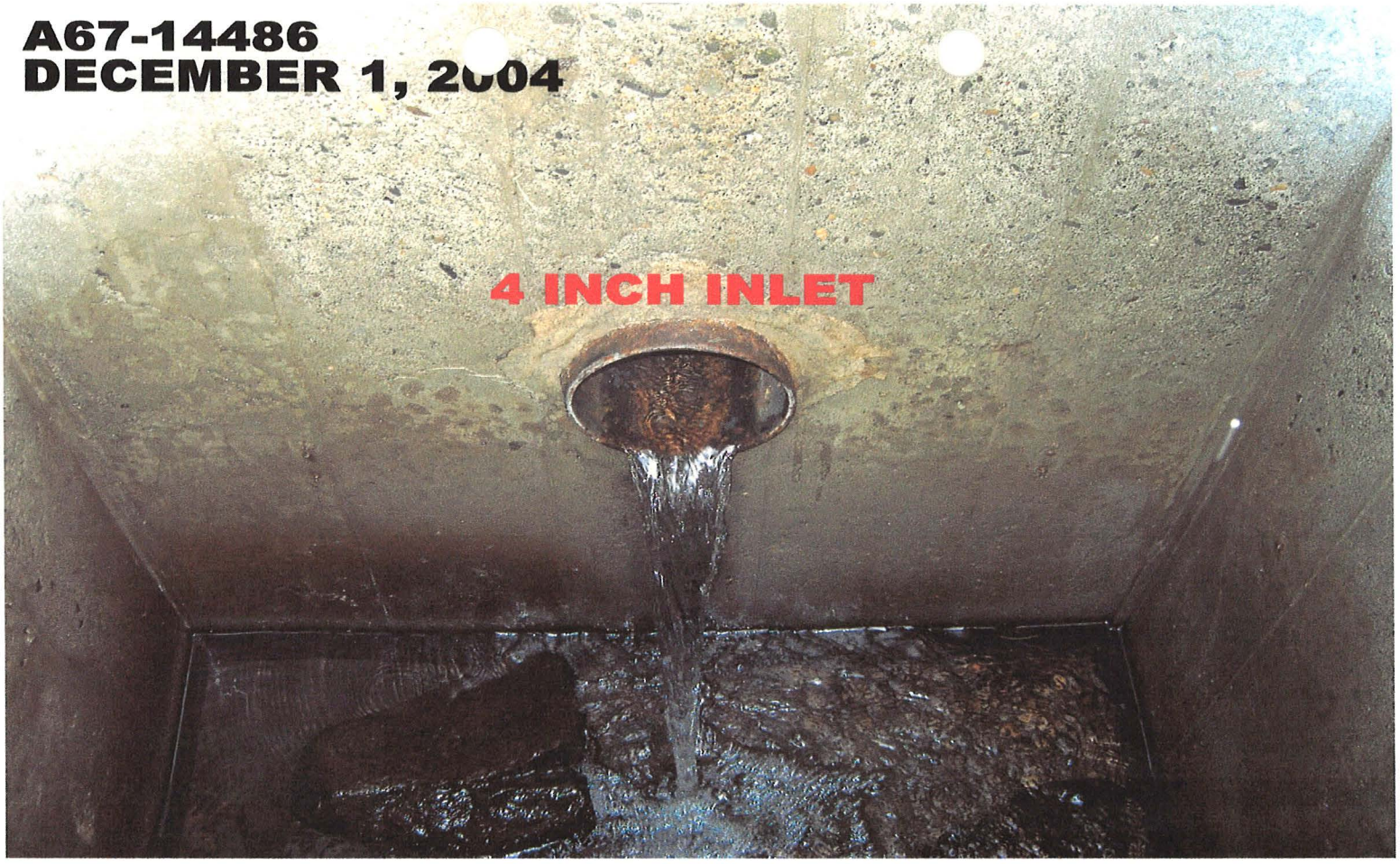
A67-14486
DOYLE LAWRENCE





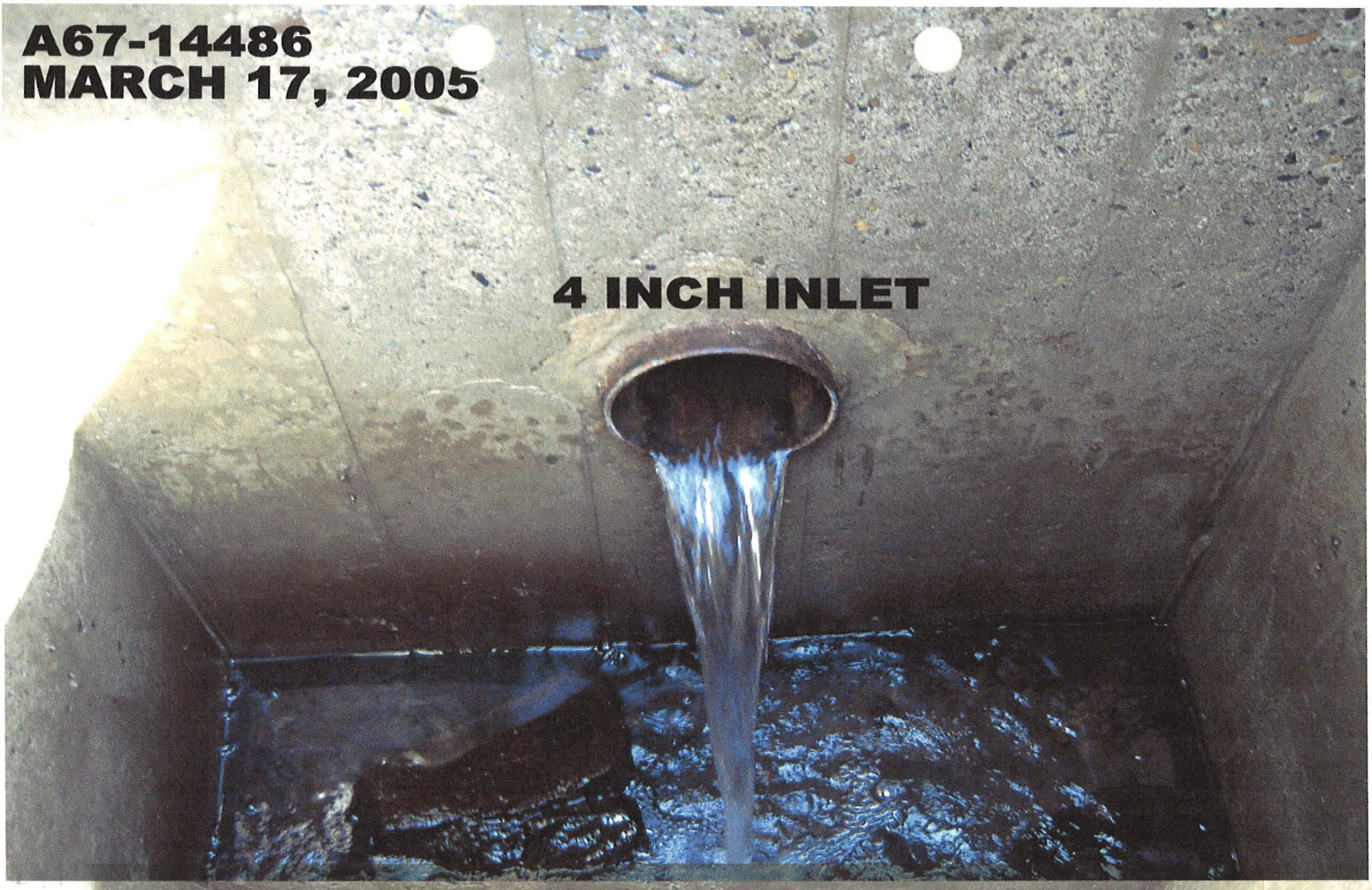

A67-14486
DECEMBER 1, 2004
CONCRETE COLLECTION BOX

A67-14486
DECEMBER 1, 2004





A67-14486
MARCH 17, 2005





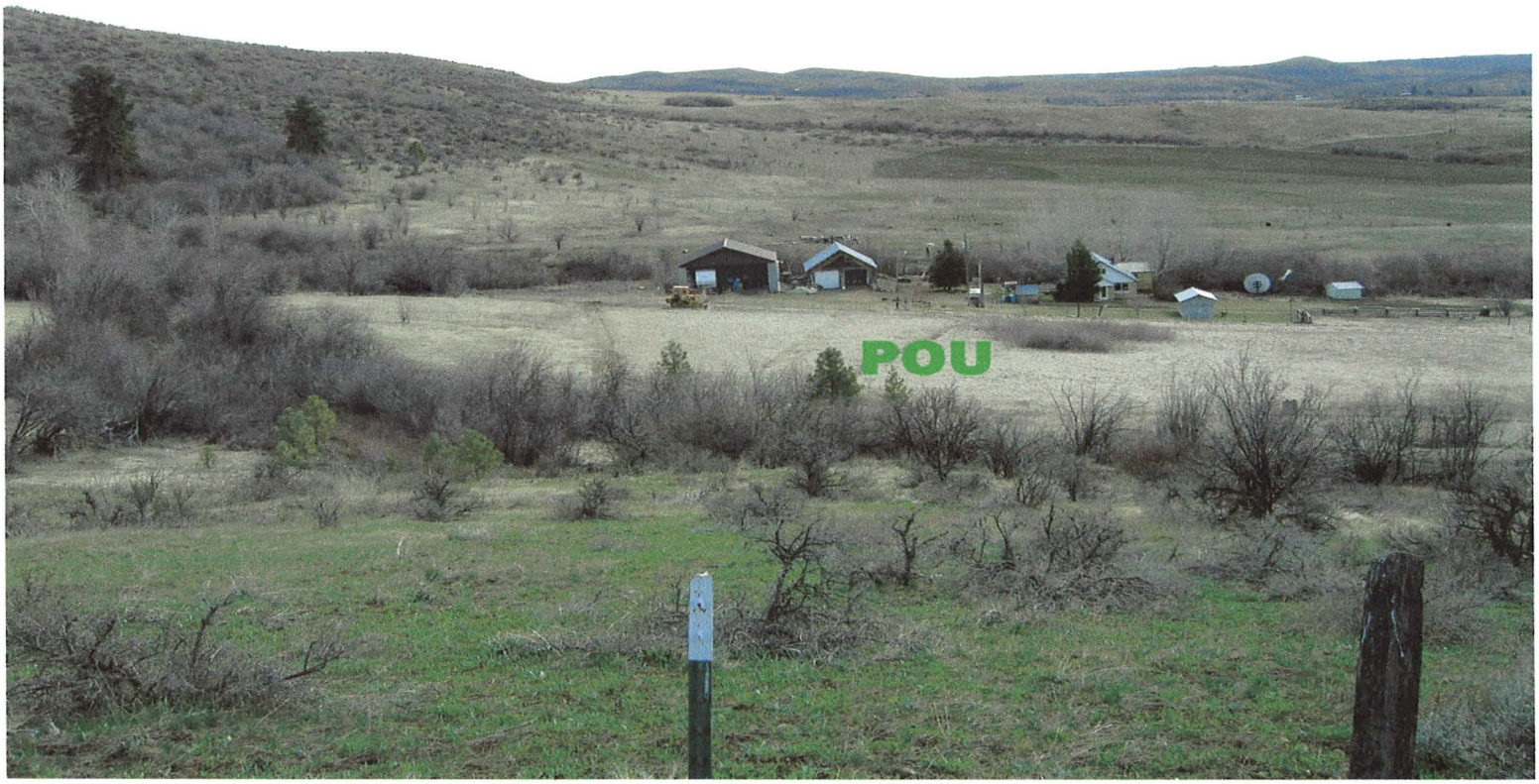

A67-14486
MARCH 17, 2005
MEASUREMENT OF
LOST WATER FROM
SPRINGS

A67-14486
DE HAAS





A67-14486
DE HAAS



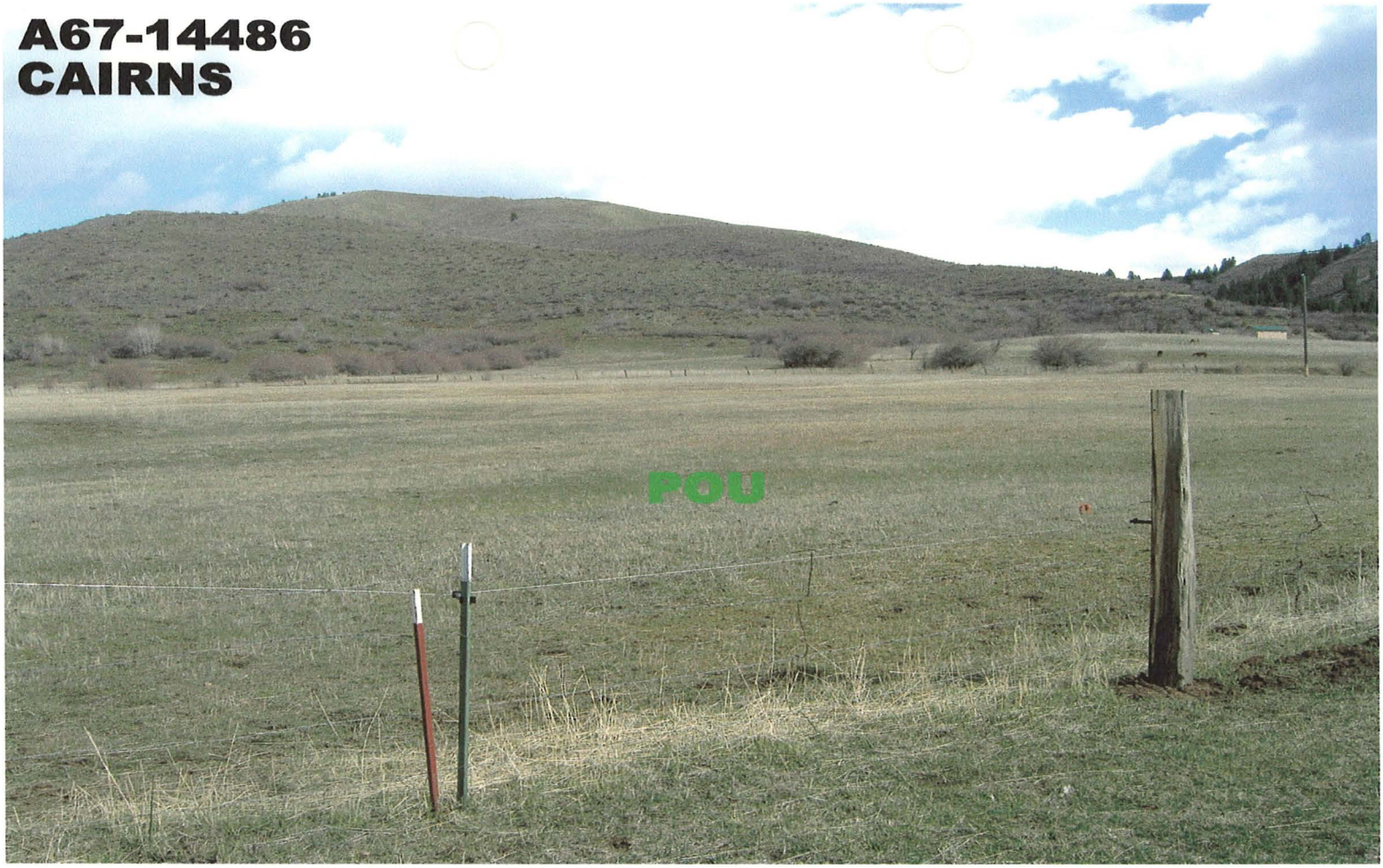


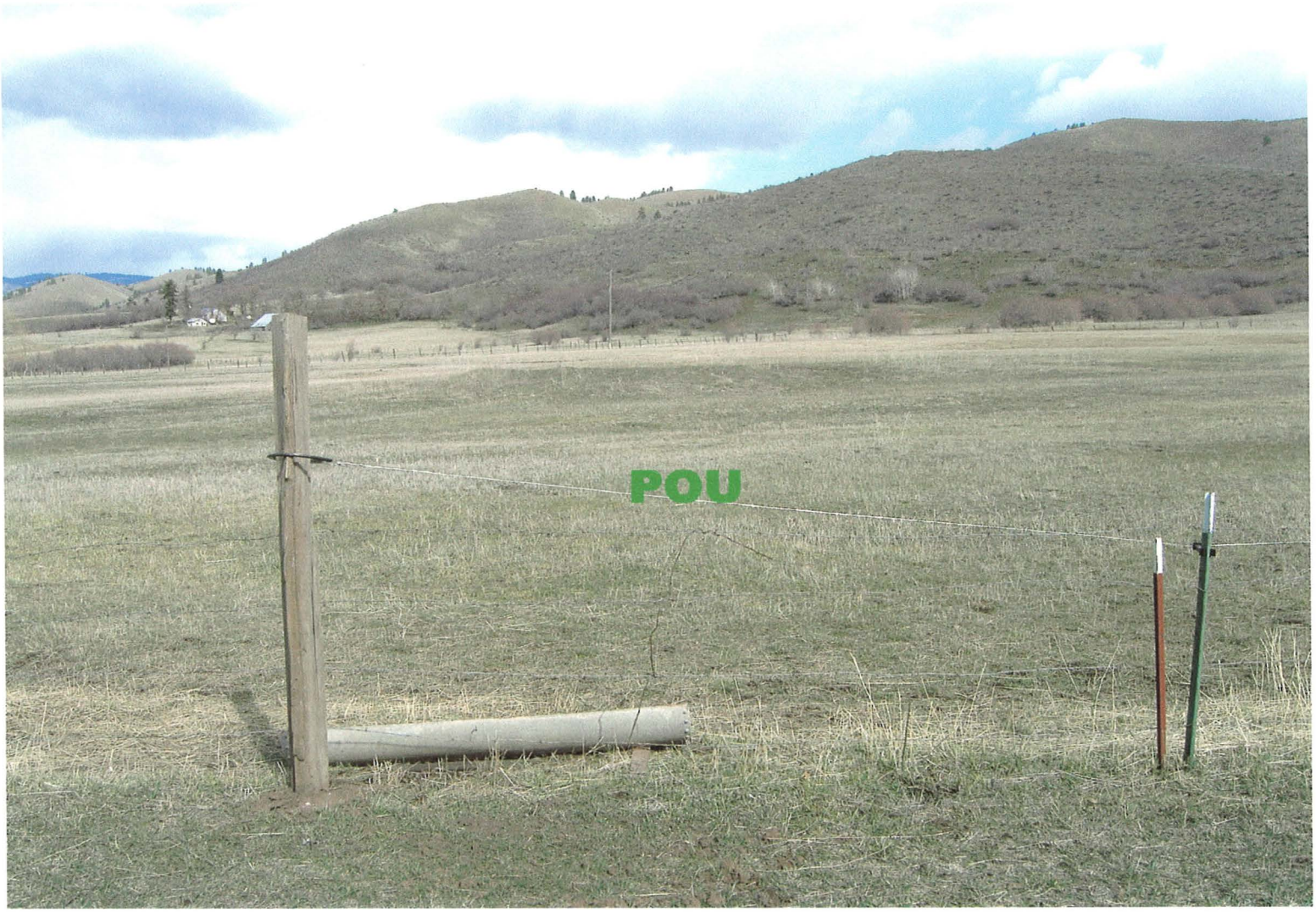
A67-14486
CAIRNS





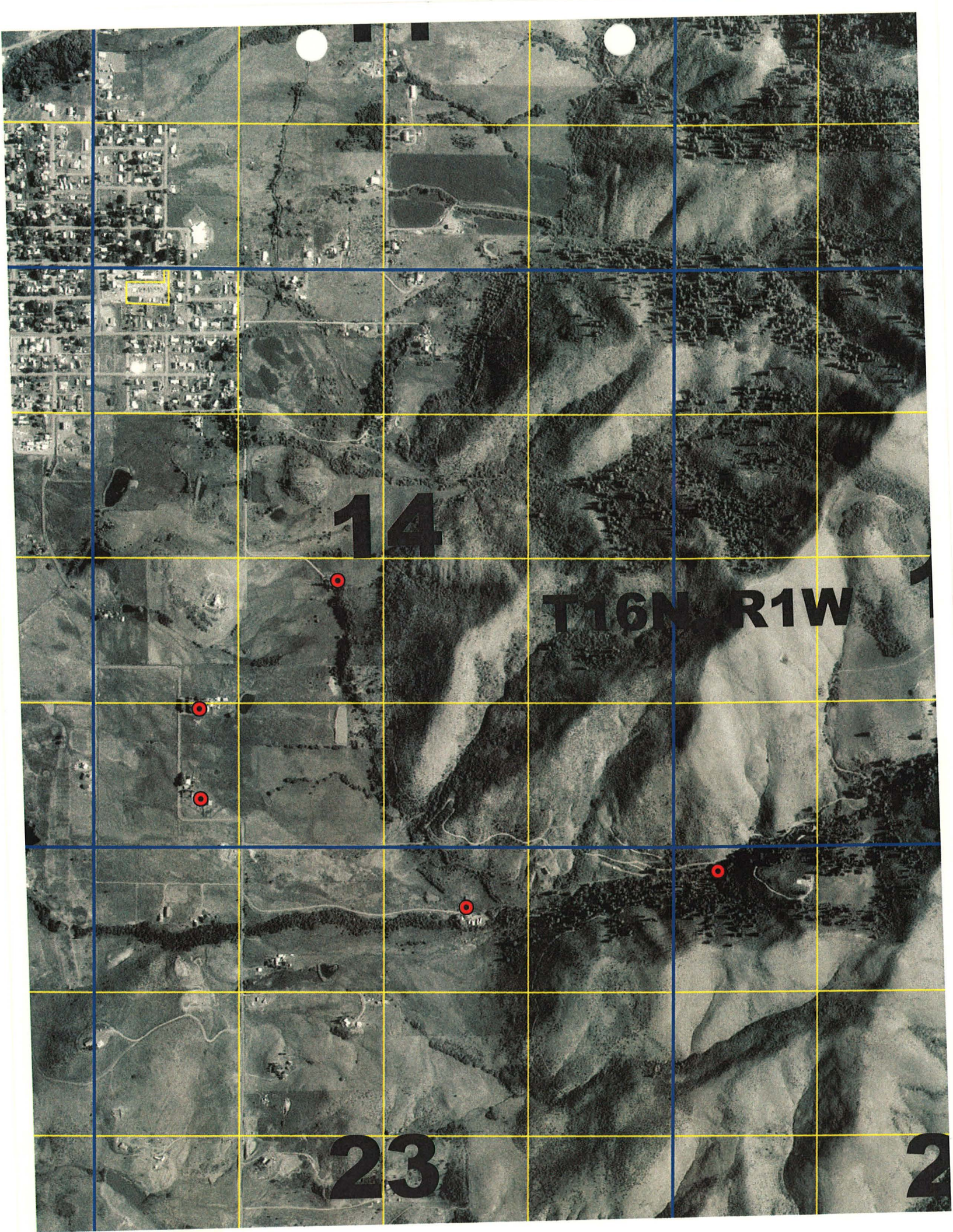
A67-14486
CAIRNS

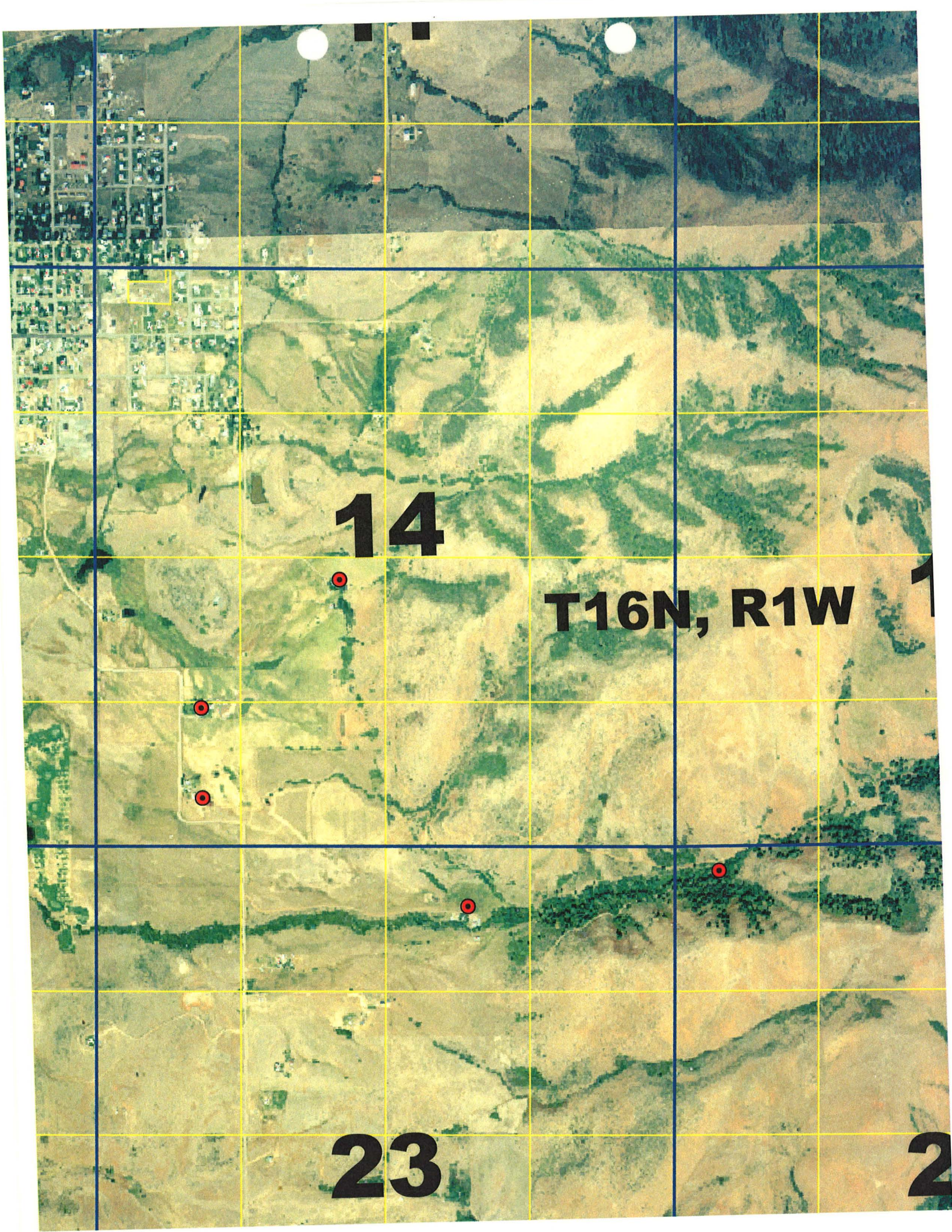


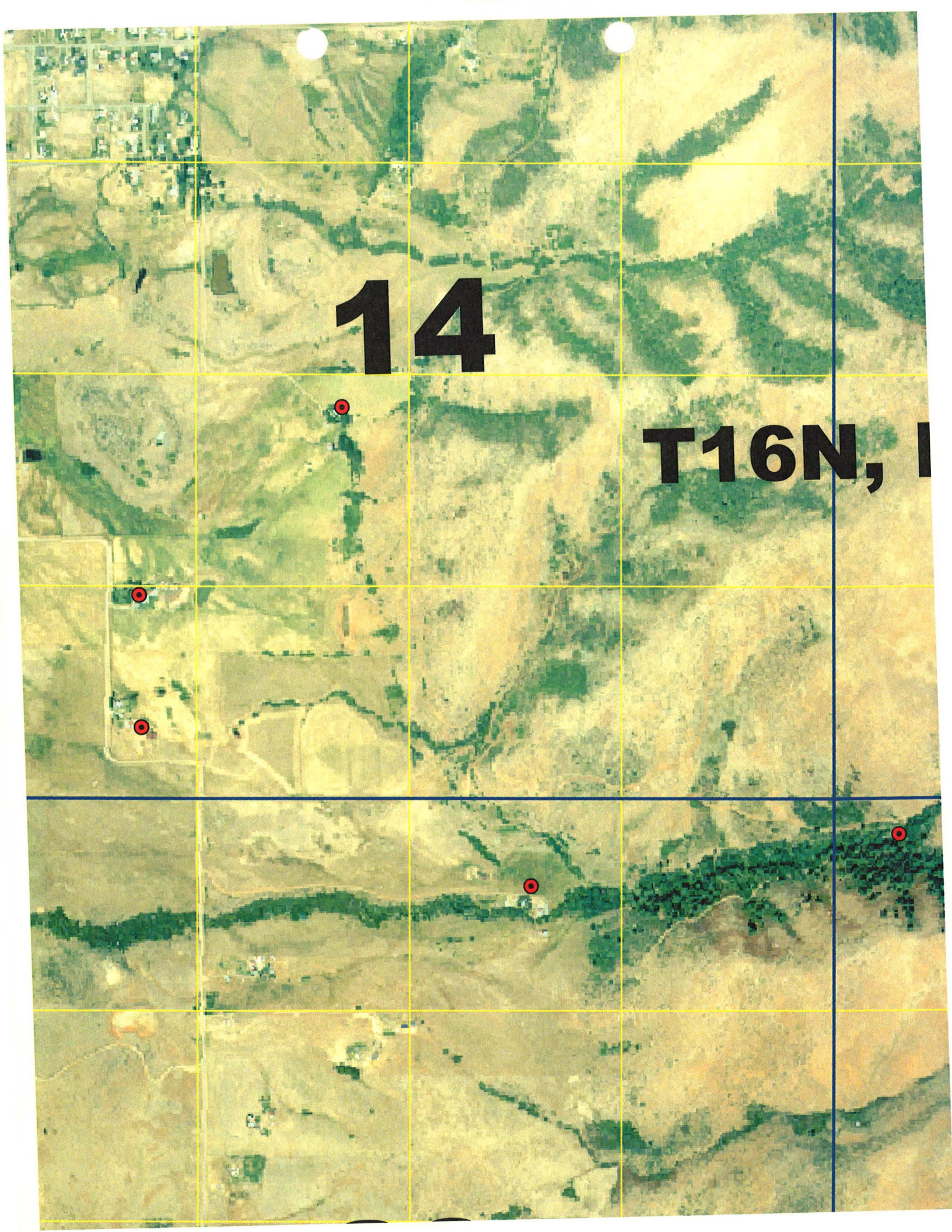


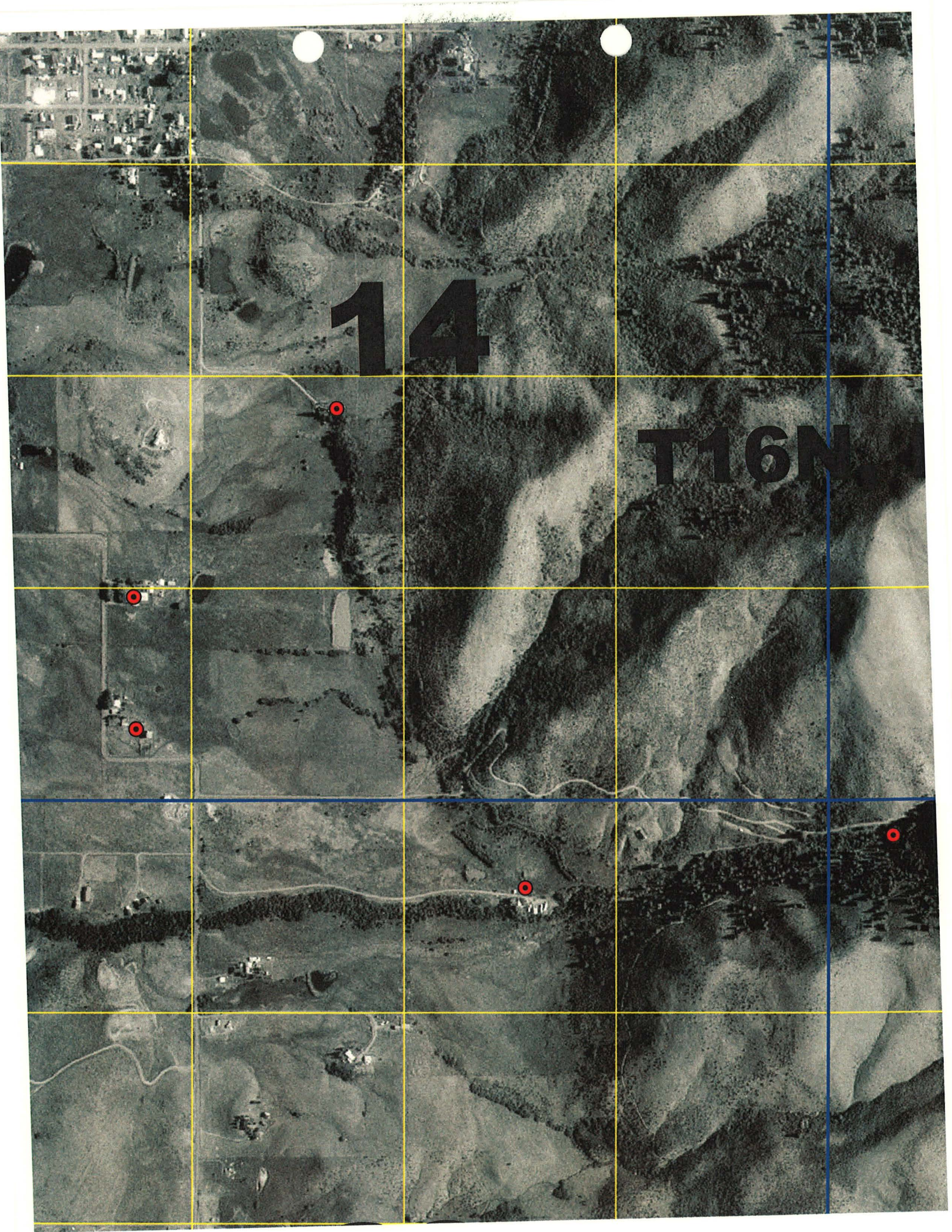

A67-14486
MARCH 17, 2005
SHUT OFF VALVE FOR
SPRING WATER GOING TO
CITY OF COUNCIL


VALVE OF SPRING WATER


14
T16N R1W
23


14
T16N, R1W
1
23
2


14
T16N, I


14
T16N

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-4152

WATER RIGHT NUMBER: 67-4152

Owner Type	Name and Address
Current Owner	LEONARD PALMER 2 PO BOX 704 COUNCIL, ID 83612 (208)253-6040
Current Owner	MERLE A DE HAAS 1 PO BOX 457 COUNCIL, ID 83612 (208)253-4790
Current Owner	MRS LEONARD PALMER 2 COUNCIL, ID 83612
Current Owner	NELLO W JENKINS 3 PO BOX 185 COUNCIL, ID 83612 (208)253-4782
Current Owner	HELEN E DE HAAS 1 PO BOX 457 COUNCIL, ID 83612 (208)253-4790
Current Owner	DAVID LAWRENCE 4 PO BOX 445 COUNCIL, ID 83612 (208)253-4200
Current Owner	MARGARET JENKINS 3 PO BOX 185 COUNCIL, ID 83612 (208)253-4782
Attorney	HOFSTETTER LAW OFFICE LLC C/O DANA L HOFSTETTER 608 W FRANKLIN ST BOISE, ID 83702 (208)424-7800
Current Owner	VONDA LAWRENCE 4 PO BOX 445 COUNCIL, ID 83612 (208)253-4200

Priority Date: 06/20/1950

Basis: Decreed

Status: Active

Source	Tributary
SPRINGS	COOL CREEK

Beneficial Use	From	To	Diversion Rate	Annual Volume
STOCKWATER	1/01	12/31	0.070 CFS	
DOMESTIC	1/01	12/31	0.070 CFS	
		Total Diversion:	0.140 CFS	

Location of Point(s) of Diversion

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-4152

SPRINGS NW1/4NW1/4 Sec. 24, Twp 16N, Rge 01W, B.M.

ADAMS County

Place of Use

STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 01W 14									X		X	X					
16N 01W 23					X												

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	
16N 01W 14									X		X	X					
16N 01W 23					X												

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. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory PARCEL NO. RP 16N01W230700A/T PARCEL NO. RP 16N01W146500A/T PARCEL NO. RP 16N01W145200A/T PARCEL NO. RP 16N01W144801A/T

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-4152

Nello A Jenkins
Laura R Camp
Council, Idaho
83612

July 27, 2004

To Whom it May concern:

Subject: The spring on Cool Creek and its use doing the years we remember.

Our parents moved to the Council Valley in 1949 and bought the place where Doyle Lawrence now lives. We do not remember the exact dates, but according to the record the City of Council abandoned the spring for city use in 1952. Our dad talked about being able to use the water from the spring forever because the city had used his property and that of three others for the pipeline. The water was used for drinking water, stock water, and to irrigate the lawn and garden as will as being used to irrigate some of the pastures for all the years we can remember. In fact in the late summer it was the only water our parents had, as the ditch water dried up. In later years dad developed a spring on there property and used it for drinking and household use, but the water from the spring on Cool Creek was still used for lawns, garden, stock water and to water some of the pastures used for animal grazing.

Sincerely,

Nello A Jenkins
Nello A Jenkins
Laura R Camp (Jenkins)
Laura R. Camp

Vonda Lawrence
PO Box 445
Council, ID 83612

RECEIVED
AUG 27 2004
WATER RESOURCES
WESTERN REGION

August 26, 2004

Western Region
Idaho Dept of Water Resources
2735 Airport Way
Boise, ID 83705

Dear Sirs,

We are submitting a claim for irrigation and stockwater from the Cool Creek springs near Council, Idaho.

The $50.00 fee plus $1.00 per acre fee is enclosed.

If I have omitted anything, please contact me so it may be corrected.

Sincerely,

Vonda Lawrence

MEMORANDUM
Adjudication Field Examination Request Basin 67

To: Jan Shurte, Adjudication Western Region.

From: J.Westra JW
Date: 11/15/04

RE: Field Examination–SRBA Claim #67-14486 DeHass, Lawrence, Cairns, Stoneburner (DLCS)

Attached is a written request from DLCS for a SRBA field examination for claim #67-14486. The claim relates to an application for permit #67-14476 filed by Jack and Paula Roberts for beneficial use from the same P/D spring. The application for permit was protested by DLCS arguing there is not ample water to fill senior rights during low spring flow periods- summer.

The request is 2 fold; to provide data for the Department's recomendation to the SRBA court, and to utilize measurement data/exam information for the contested Robert's application.

-Other DLCS spring wr.—#67-04152 Domestic- (decreed).

GAVE TO GENE.

RECEIVED
NOV 15 2004
WATER RESOURCES
WESTERN REGION

David & Vonda Lawrence
PO Box 445
Council, ID 83612
ph 208-253-4200

November 12,2004

John Westra
Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Application for water right #67-14486

Dear Mr. Westra,

As the spokesman for the DeHaas, Lawrence, Lawrence & Cairns water right application #67-14486, I am requesting a field examination of that group of springs to be done at the convenience of a person you might have available. If possible, we would request it be done before snowfall this year. I can be available to take him to the site anytime and can be reached at 208-253-4200.

As background information on this claim:
In the last few years we realized the flow of water from the springs was decreasing and decided to check into working on them. We talked to attorney Dana Hoffstetter. This was when we found out the amount of water we were allowed on claim #A67-04152 was not what we thought we had. We paid the proper fee for the (4) households but were given only (1) domestic water right for the (4) households to share. It has been issued by partial decree. Ms Hoffstetter met with David Tuthill and Chris Bromley regarding the error on that claim. Three options were discussed.

(1) Leaving the SRBA for water right #67-04152 in place and filing an additional beneficial use of the springs.
(2) Setting aside the partial decree of #67-04152 and removing the 13,000 gallon per day limitation.
(3) Leaving the partial decree of #67-04152 in place and filing three additional domestic SRBA claims.

Ms Hoffstetter told us that it appeared the IDWR supported the first option. We did that with the filing of #67-14486.
In the original filing of #67-4152, dated 1976, it states there has been continuous and uninterrupted beneficial use of all the water from those springs since 1950.

In the past, the deeds transferring land around the springs had an exception for the one acre . In 1982 the City of Council Quitclaimed that one acre parcel back to PM Square, owners of the ground at that time, reserving any and all water, water rights and an easement to install, maintain, repair and fully utilize a pipeline from the said springs. The City of Council had long since informally given any right to the springs & pipeline to the properties we four families now own. The flow of water no longer went beyond the David Lawrence property.

The pipes in the springs and the pipeline need work done to recapture all the water. We need to know where we stand as far as the amount of water we are granted before the work is done. Again, I am available anytime to accompany the person sent for the onsite inspection.

Sincerely,

David Lawrence

Protested Claim

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-14486

WATER RIGHT NUMBER: 67-14486

Owner Type	Name and Address
Current Owner	HELEN E DE HAAS PO BOX 457 COUNCIL, ID 83612 (208)253-4790
Current Owner	DAVID F LAWRENCE PO BOX 445 COUNCIL, ID 83612
Current Owner	DEAN STONEBURNER PMP 227 718 GRIFFIN AVE ENUMCLAW, WA 98022
Current Owner	TERRY CAIRNS PMP 227 718 GRIFFIN AVE ENUMCLAW, WA 98022
Current Owner	MERLE A DE HAAS PO BOX 457 COUNCIL, ID 83612 (208)253-4790
Current Owner	DOYLE D LAWRENCE PO BOX 648 COUNCIL, ID 83612 (208) 253-6172
Current Owner	VONDA LAWRENCE PO BOX 445 COUNCIL, ID 83612 (208)253-4200
Current Owner	TWYLA CAIRNS PMP 227 718 GRIFFIN AVE ENUMCLAW, WA 98022

Priority Date: 06/20/1952

Basis: Beneficial Use

Status: Active

Source	Tributary
COOL CREEK SPRING	WEISER RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
STOCKWATER	01/01 to 12/31	0.040 CFS	
IRRIGATION	03/15 to 11/15	0.320 CFS	
	Total Diversion:	0.360 CFS	

Location of Point(s) of Diversion

COOL CREEK SPRING NW1/4NW1/4 Sec. 24, Twp 16N, Rge 01W, B.M.

ADAMS County

Place of Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-14486

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 01W 14									4.0		8.0						12.0
16N 01W 23		4.0															4.0

Total Acres: 16

STOCKWATER same as IRRIGATION

Conditions of Approval:

Remarks:

Comments:

RECEIVED

JUN 17 2004

WATER RESOURCES
WESTERN REGION

FORM 202
12/99

Ident. No. 67-14476

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Jack O. &/or Paula S. Roberts Phone 208-253-0009
   Mailing address P.O. Box 702 Council ID 83612
2. Source of water supply Springs which is a tributary of Cuul Creek
3. Location of point of diversion is Township 16N Range 1W Sec. 24, in the NW ¼, NW ¼, NW ¼, Govt. Lot —, B.M., Adams County;
   additional points of diversion if any: undetermined # springs in same location
4. Water will be used for the following purposes:
   Amount .06 (cfs or acre-feet per annum) for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
   Amount .02 (cfs or acre-feet per annum) for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)
   Amount .06 (cfs or acre-feet per annum) for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
   Amount .12 (cfs or acre-feet per annum) for Power purposes from 1/1 to 12/31 (both dates inclusive)
   Amount .12 (cfs or acre-feet per annum) for Fire Protection purposes from 1/1 to 12/31 (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated is (a) .12 cubic feet per second and/or (b) — acre feet per annum
6. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source concrete collection boxes, 4" metal pipe, ½" pipelines, possible small pond
   b. Height of storage dam See Remarks feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
   N/A
   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
   d. Is ground water with a temperature of greater than 85°F being sought? _____
   e. If well is already drilled, when? _____; Drilling firm _____;
   Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (*minimum 1 year*)
8. Description of proposed uses (*if irrigation only, go to item 9*):
   a. Hydropower; show total feet of head and proposed capacity in kW. 50' head, 500 watts (½ Kw)
   b. Stockwatering; list number and kind of livestock. 12 horses & cattle
   c. Municipal; show name of municipality. _____
   d. Domestic; show number of households. 2
   e. Other; describe fully. Fire protection as needed

AMENDED

x = all other non-irrigation uses in same locations as irrigation

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (*example: D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	1W	23	2½																2½
			X																
16N	1W	24						2½											2½
								X											

Total number of acres to be irrigated 5

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? ? Applicants

b. Who owns the land to be irrigated or place of use? "

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

12. Remarks: Undetermined number of springs in NWNWNW section 24. Possible small pond to be excavated (no dam) in system. Applicants aware that no consumptive use (irrigation & pond) allowed after June 15 each year without Weiser River Watermaster approval (cutoff date varies with water supply for any given year). If pond developed, circle about 50' diameter & 4' deep (capacity about 0.2 acre-feet). Also see worksheet, attached.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Paula Roberts
Signature of Applicant (and title, if applicable)

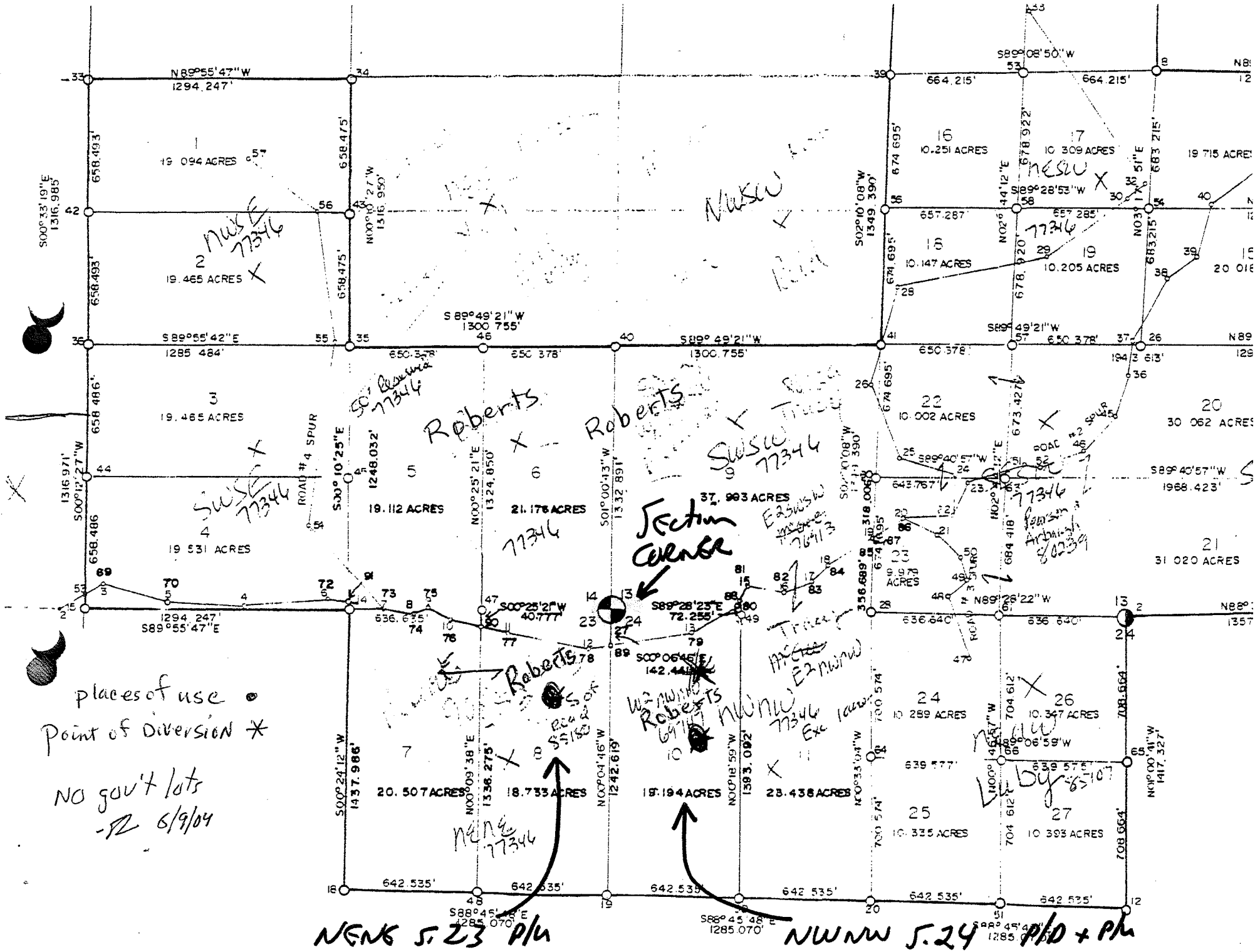
Received by AG Date 6/17/04 Time 10:33 Preliminary check by SL

*Fee $ 100.00 Receipted by SL for: kg # WO31453 Date 4/1/04

Publication prepared by sk Date 7-14-04 Published in The Record

Publication approved sk Date 8-25-04

* Per original appl.


Section Corner
Roberts
77346
places of use
Point of Diversion
NO gov't lots
-RL 6/9/04
NENE 5.23 P/U
NWNW 5.24 P/U + PM

RECEIVED
OCT 04 2004
WATER RESOURCES
WESTERN REGION

October 2, 2004

Mr Westra,

We have enclosed a copy of a letter written to Jack & Paula Roberts dated October 1, 2004, for your information.

We also have enclosed instrument #'s 64570 and 64228 as some background information regarding the springs and pipeline.

After discussing the situation with the Wetlass', Cairns and Gayle Lawrence, we all agree to continue with our protest of the application for Permit #67-14476 in the name of Jack &/or Paula Roberts.

Sincerely,
Wanda Lawrence

David and Vonda Lawrence
PO Box 445
Council, ID 83612

October 1, 2004

Jack and Paula Roberts
PO Box 702
Council, ID 83612

Dear Paula,

During our phone conversation on the evening of September 28, 2004, I asked that if you found any sign of leaking in our spring pipeline near your house to be sure to let us know and we would be right over to dig it out and make the necessary repairs to it. You said you thought there might be a dark spot in the gravel near the corner of the house but Jack had told you it was just rain running off the roof. I just want to make it clear that we are willing to dig up and make repairs to the pipe that has not been encroached upon.

You also told me of your plan to pour a cement patio, covering 25 to 30 feet of the pipeline. Please consider this letter official notice that we object to you pouring cement over the pipeline. I have enclosed Idaho Code 42-1207 and 42-1208 for your review. Please talk to someone with knowledge of irrigation water and pipeline rights-of-way before you proceed with the patio.

We were unaware of your plan to build the house so close to our pipeline and only became aware of it after the house was near completion. Jack stated at the meeting on September 28, 2004, with John Westra of the Department of Water Resources, that he knew the pipeline was on your property but did not know where it was located. He also said that he had scraped the pipe with his backhoe and had installed electrical lines under the pipe. We are a little surprised at all your questions regarding liability. With your house already on the pipeline right-of-way, and if you pour a cement patio covering 25 to 30 feet of the pipe, this does not permit us the access allowed by law. If you have a plan to relocate the pipeline in that area at your expense without impeding our flow of water, we would be happy to discuss that option and we would be willing to help with some of the cost for pipe.

Sincerely,
Vonda Lawrence
Vonda Lawrence

cc: Merle & Helen DeHaas, Terry & Twila Cairns,
Doyle Lawrence , John Westra.

public expense. [1899, p. 380, § 25; reen. R.C., § 3310; compiled and reen. C.L., § 3310; C.S., § 5658; I.C.A., § 41-1105.]

Compiler's notes. The words enclosed in parentheses so appeared in the law as enacted.

The concluding proviso of this section, as it appeared in the 1899 act read, "provided, that after said bridge shall have been constructed across any county or state road _____." The change is made on authority of MacCammelly v. Pioneer Irr. Dist. (1909), 17 Idaho 415, 105 P. 1076.

Liability for Cost.

County must construct all bridges to complete highway over ditch laid out after the ditch has been constructed, but not if highway built first. MacCammelly v. Pioneer Irrigation Dist., 17 Idaho 415, 105 P. 1076 (1909).

If ditch or canal was constructed prior to establishment of public highway which intersects it, expense of building bridge must be borne by county or highway district. Gooding Hwy. Dist. v. Idaho Irrigation Co., 30 Idaho 232, 164 P. 99 (1917).

42-1206. Repair of community ditches. — Where a ditch is common property, or there is a common right to the use of the water of a ditch without payment therefor, and any labor or materials are necessary for the repair or cleaning of the ditch, or any gate or flume thereon or thereunto belonging, the watermaster of the district may make a fair pro rata assessment of labor or materials against the inhabitants of the district claiming the use of such water, according to the benefits received by each; and if any person so assessed neglects or refuses, for the period of three (3) days after notice so to do from the watermaster or his deputy, to furnish his just proportion of the necessary labor or materials, according to such assessment, he must pay his pro rata in cash, to be recovered, with costs, in an action by the watermaster in his own name. [1881, p. 275; R.S., § 3203; reen. R.C. & C.L., § 3311; C.S., § 5659; I.C.A., § 41-1106.]

Remedy of Water Company.

This section was not repealed by S.L. 1899, p. 380, and water company which delivered water to consumer without obtaining prepayment of charges therefor could not shut off consumer's water because of his refusal to pay such charges, but could maintain an action to recover amount of charges. Shelby v. Farmers Coop. Ditch Co., 10 Idaho 723, 80 P. 222 (1905).

Collateral References. 78 Am. Jur. 2d, Waters, § 253.

42-1207. Change of ditch, canal, lateral, drain or buried irrigation conduit. — Where any ditch, canal, lateral or drain or buried irrigation conduit has heretofore been, or may hereafter be, constructed across or beneath the lands of another, the person or persons owning or controlling said land shall have the right at their own expense to change said ditch, canal, lateral or drain or buried irrigation conduit to any other part of said land, but such change must be made in such a manner as not to impede the flow of the water therein, or to otherwise injure any person or persons using or interested in such ditch, canal, lateral or drain or buried irrigation conduit. Any increased operation and maintenance shall be the responsibility of the landowner who makes the change.

A landowner shall also have the right to bury the ditch, canal, lateral or drain of another in pipe on the landowner's property, provided that the pipe, installation and backfill reasonably meet standard specifications for such materials and construction, as set forth in the Idaho standards for public

works construction or other standards recognized by the city or county in which the burying is to be done. The right and responsibility for operation and maintenance shall remain with the owner of the ditch, canal, lateral or drain, but the landowner shall be responsible for any increased operation and maintenance costs, including rehabilitation and replacement, unless otherwise agreed in writing with the owner.

The written permission of the owner of a ditch, canal, lateral, drain or buried irrigation conduit must first be obtained before it is changed or placed in buried pipe by the landowner.

While the owner of a ditch, canal, lateral, drain or buried irrigation conduit shall have no right to relocate it on the property of another without permission, a ditch, canal, lateral or drain owner shall have the right to place it in a buried conduit within the easement or right-of-way on the property of another in accordance with standard specifications for pipe, materials, installation and backfill, as set forth in the Idaho standards for public works construction or other standards recognized by the city or county in which the burying is to be done, and so long as the pipe and the construction is accomplished in a manner that the surface of the owner's property and the owner's use thereof is not disrupted and is restored to the condition of adjacent property as expeditiously as possible, but not to exceed five (5) days after the start of construction. A landowner shall have the right to direct that the conduit be relocated to a different route than the route of the ditch, canal, lateral or drain, provided that the landowner shall agree in writing to be responsible for any increased construction or future maintenance costs necessitated by said relocation. Maintenance of the buried conduit shall be the responsibility of the conduit owner.

No more than five (5) days after the start of construction, a landowner or ditch owner who buries a ditch, canal, lateral, or drain in pipe shall record the location and specifications of the buried irrigation or drainage conduit, including primary and secondary easements, in the county in which the burying is done, and shall provide the irrigation or drainage entity that owns the ditch, canal, lateral or drain, with a copy of such location and specifications and the construction plans utilized. The irrigation or drainage entity shall keep and maintain such records and have them available for the public. [1907, p. 237, § 4; reen. R.C. & C.L., § 3311a; C.S., § 5660; I.C.A., § 41-1107; am. 1994, ch. 151, § 1, p. 345; am. 2002, ch. 115, § 4, p. 326.]

Compiler's notes. This section is also compiled as § 18-4308 in the Penal Code.

Section 2 of S.L. 1994, ch. 151 is compiled as § 18-4308.

Section 3 of S.L. 2002, ch. 115, is compiled as § 18-4308.

ANALYSIS

Compliance with statutory requirement.
Conflicting evidence.
Historical flow of water.
Impediment to water flow.
Increased maintenance burden to others.
Maintenance of changed ditch.
Proof of causation.
Scope.

Compliance with Statutory Requirement.

Servient estate seeking to change location of ditch must comply with statutory requirement, since prior to enactment of statutory law there was no right to change a ditch. Simonson v. Moon, 72 Idaho 39, 237 P.2d 93 (1951).

Conflicting Evidence.

Where there was conflicting evidence concerning the adequacy of water supply and the court might have inferred that the water shortage resulted from construction defects in new ditch, but also could have inferred that

the shortage was attributable to such other causes as lack of maintenance, for which the defendant contractor was not responsible, the court's determination, under an I.R.C.P. 41(b) motion for involuntary dismissal, that the plaintiff landowners failed to prove a right to damages resulting from alteration of an irrigation ditch by a highway construction contractor, was proper. Allen v. Burggraf Constr. Co., 106 Idaho 451, 680 P.2d 873 (Ct. App. 1984).

Historical Flow of Water.

A decrease in the amount of water to which users of water from an irrigation ditch are entitled, measured in terms of miners' inches or c.f.s., may be the best method of establishing that the flow has been impeded, but it is not the only method to prove this occurrence. Ditch rights are determined by the flow of water historically conveyed through the ditch and not necessarily by the amount of water to which its users are entitled under the water laws of this state. Savage Lateral Ditch Water Users Ass'n v. Pulley, 125 Idaho 237, 869 P.2d 554 (1994).

Impediment to Water Flow.

Defendant could not recover under this section because he failed to introduce any evidence of the historic flow rate of water to his property before and after plaintiff's changes, and another property owner whose property received water from the new concrete collection box through an outlet at the same level in the collection box as the outlet to defendant's property, testified that she received more water after plaintiff's changes. Weaver v. Stafford, 134 Idaho 691, 8 P.3d 1234 (2000).

Increased Maintenance Burden to Others.

An increased maintenance burden caused other users is an injury prohibited under this section; although a minor increase in the length of a ditch or other conditions which negligibly increase its maintenance are insufficient injuries by themselves to constitute a violation of the statute, when such burdens are accompanied by forced rotation of ditch use or other inconvenience, the combined injuries are sufficient. Savage Lateral Ditch Water Users Ass'n v. Pulley, 125 Idaho 237, 869 P.2d 554 (1994).

Maintenance of Changed Ditch.

One, across whose land a lateral ditch was constructed, could change its location only at his own expense, but he need not thereafter maintain ditch. Crawford v. Inglin, 44 Idaho 663, 258 P. 541 (1927).

Ditch should be maintained by persons interested in ditch. Earhart v. Wright, 50 Idaho 270, 295 P. 630 (1931).

Where servient estate cut off side ditch used by defendant for part of his water supply, but constructed a new ditch for use of defendant, burden of proof in proceeding to enjoin prosecution for cutting off ditch was on plaintiff to show that new ditch would convey same amount of water as conveyed by old ditch without impeding the flow in the main ditch. Simonson v. Moon, 72 Idaho 39, 237 P.2d 93 (1951).

If change in location of side ditch required rotation in use of water by users of main ditch, there was a substantial impediment in flow of water. Simonson v. Moon, 72 Idaho 39, 237 P.2d 93 (1951).

The installation of the Jamerson pipeline and the diversion works would in nowise change or affect respondent's easement in the East Ditch, to transmit therein to his land 60 miners inches of water when needed or desired, such installation only changing the location of such easement in an open surface ditch to an underground ditch, such being accomplished through the cooperation of both landowners and by agreement arrived at between them. Ramseyer v. Jamerson, 78 Idaho 504, 305 P.2d 1088 (1957).

The trial court failed to recognize the application of this section although the parties themselves had applied the same in compromise and settlement of the controversy regarding appellant's right to an easement sufficient to accommodate the diagonal lateral over respondent's land or in lieu thereof, to a corresponding easement for a ditch over respondent's lands changed to a location at respondent's expense, different from that of the diagonal lateral. Aguirre v. Hamlin, 80 Idaho 176, 327 P.2d 349 (1958).

Plaintiff did not become entitled to a ditch of greater size and capacity and to an easement therefor, than his original diagonal lateral destroyed by respondent and the easement over respondent's lands should have been of similar construction as the diagonal lateral, over the route as designated by respondent to a point where the diagonal lateral formerly entered appellant's property. Aguirre v. Hamlin, 80 Idaho 176, 327 P.2d 349 (1958).

Where irrigation district entered into agreement with school district to place irrigation ditch in an underground pipe and to construct a cement inlet collar and safety/trash screen for such ditch to be located on the plaintiffs' property, this section gave the school district the right to place the ditch underground on its property and gave plaintiffs the right to move the cement inlet collar and safety/trash screen to the back of their property where it would be less offensive to them, at their expense, if the requirements of the statute were met. Abbott v. Nampa Sch.

Dist. No. 131, 119 Idaho 544, 808 P.2d 1289 (1991).

Proof of Causation.

Whether liability for diminished water flow was predicated upon negligence, or upon violation of this section, the plaintiff landowners were required to show that relocation of the ditch actually caused a diminished flow of water to their properties since proof of causation is essential to invoke the statute. Allen v. Burggraf Constr. Co., 106 Idaho 451, 680 P.2d 873 (Ct. App. 1984).

Scope.

This section is broadly worded and does not specify that it is only the amount of water to which downstream users are entitled under the water laws of this state which may not be impeded. Savage Lateral Ditch Water Users Ass'n v. Pulley, 125 Idaho 237, 869 P.2d 554 (1994).

Collateral References. Prescriptive right of riparian owners to continuance of artificial channel or ditch. 88 A.L.R. 134.

Right of owner to alter his easement in such a way as to deprive servient estate of incidental benefits. 172 A.L.R. 193.

42-1208. Rights-of-way not subject to adverse possession. — Rights-of-way of irrigation districts, Carey act operating companies, nonprofit irrigation entities, and lateral ditch associations, are not subject to adverse possession, and no person shall prevent free access of authorized personnel on rights-of-way or construct any obstruction on rights-of-way in an effort to adversely possess said right-of-way. [I.C., § 42-1208, as added by 1981, ch. 344, § 1, p. 713.]

CHAPTER 13

LATERAL DITCH WATER USERS' ASSOCIATIONS

SECTION.

42-1301. Organization — Officers — Rules.
42-1302. Lateral manager — Election — Duties.
42-1303. Lateral ditches — Repairs, improvements, and maintenance — Assessment of costs.
42-1304. Assessments — Notice — Penalties for delinquency.
42-1305. Delinquent users not entitled to water.
42-1306. Collection and disbursement of funds.
42-1307. Action for assessment — Attorneys' fees.
42-1308. Appointment of lateral manager by director of department of water resources.
42-1309. Association authorized to borrow money, mortgage or pledge assets.

42-1301. Organization — Officers — Rules. — Where three (3) or more parties take water from same canal or reservoir at the same point to be conveyed to their respective premises for any distance through a lateral or distributing ditch or laterals or distributing ditches such parties shall constitute a water users' association known as "Water Users' Association of Lateral or Laterals." Such water users' association may meet and organize at any time after thirty (30) days after this chapter shall take effect, and shall meet annually thereafter between January first and the last Monday in March of each year, at the call of the secretary of such association, said secretary to give ten (10) days' notice by mail of such annual meeting; provided that if for any reason the secretary should fail to call a meeting, then the annual meeting of such association shall be held on the last Monday in March of each year. At such annual meetings each water user shall be entitled to one (1) vote in person, for each inch and a fractional vote

64570

Recorded at request of
State of Idaho }
County of Adams }

Adams County Abstract

at 11:00 A.M.
this 21st day of July 1982
in Bk. 35M of Deeds page 382
Official Records
by [illegible] Deputy
Fee $ 4.00

QUITCLAIM DEED

City of Council

to

Pal Square Corporation

DATED: July 6, 1982

QUITCLAIM DEED

THIS INDENTURE, made and dated this 6 day of July, 1982, between the City of Council, Idaho, a Municipal Corporation of the State of Idaho, located in Adams County, Idaho, the Grantor, and PM SQUARE CORPORATION, a Delaware Corporation qualified to do business in the State of Idaho, the Grantee.

WITNESSETH: That the Grantor, for and in consideration of the sum of $1.00 to it in hand paid by Grantee, the receipt hereof is hereby acknowledged, and for other good and valuable consideration, does hereby remise, release and quitclaim unto the said Grantee the following real property located in Adams County, Idaho, to wit:

The NW¼NW¼ of Section 24, Township 16 North, Range 1 West of the Boise Meridian.

RESERVING UNTO THE GRANTOR any and all water and water rights which they may now have or hereafter acquire in and to that certain spring or group of springs situated in or along Fouste Canyon or creek (sometimes formerally known as Harlon Creek).

AND ALSO RESERVING UNTO THE GRANTOR an easement to install, maintain, repair and fully utilize a pipeline from the said Spring to any Municipal Reservoir or holding facility, presently existing or hereafter to be constructed.

THIS QUITCLAIM DEED is given and granted on the express understanding that the above named Grantor has never received any ownership interest in any portion of the said NW¼NW¼ of said Section, Township and Range. This Quitclaim Deed is not intended to abrogate, diminish or surrender any right or interest which the above named Grantor received by virtue of that certain DEED, EASEMENT AND AGREEMENT, dated the 21st day of June, 1940, wherein James A. Kidwell and Anna C. Kidwell, husband and wife, of Council, Idaho, appeared as parties of the first part and the VILLAGE OF COUNCIL, ADAMS COUNTY, IDAHO, a Municipal Corporation (now the CITY OF COUNCIL, IDAHO) appeared as party of the second part, which instrument was filed in the Office of the County Recorder of Adams County, Idaho on the 11th

day of May, 1982, and recorded as Instrument No. 64228 of the records of said County.

TO HAVE AND TO HOLD all in singular the above described premises unto the Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has caused these presents to be subscribed by its Mayor, Don Menter, acting pursuant to a resolution duly adopted by the city council on the 6 day of July, 1982.

CITY OF COUNCIL

By: _____
DON MENTER, Mayor

STATE OF IDAHO)
) ss.
County of Adams)

On this 6 day of July, 1982, before me, a Notary Public in and for the said State, personally appeared DON MENTER known to me to be the Mayor of Council, Idaho, an acknowledged to me that he executed the within and foregoing instrument in his capacity as Mayor of the City of Council, Idaho, and by and on behalf of the said city.

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 Council, , Idaho.

64228

INSTRUMENT NO. _____

State of Idaho)
County of Adams) ss.

Filed for record at the request of
City of Council
30 min. past 1:00 o'clock P. M.
this 13th day of May A.D. 82
in Book 11 Misc. Miscellaneous at page 255
ESTHER STOVER, Recorder
by _____ Deputy
Fee $ 8.00

DEED, EASEMENT and AGREEMENT

James A. & Anna C. Kidwell

to

Village of Council, Adams County

DEED, EASEMENT and AGREEMENT

THIS INDENTURE, GRANT OF EASEMENT and MEMORANDUM OF AGREEMENT, Made in Duplicate, and entered into on this 21st day of June, 1940, by and between JAMES A. KIDWELL and ANNA C. KIDWELL, his wife, both of Council, Idaho, the parties of the first part and the VILLAGE OF COUNCIL, ADAMS COUNTY, IDAHO, a municipal corporation, hereinafter referred to as the "Village", as party of the second part, WITNESSETH:

That the said parties of the first part for and in consideration of the sum of ONE AND NO/100 DOLLARS ($1.00), to them in hand paid by the said Village, the receipt whereof is hereby acknowledged and in consideration of the certain benefits to them accruing and in consideration of all the terms, conditions, covenants and agreements herein stated and contained, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said Village of Council, Idaho and to its successors and assigns forever, all the following described land, property, water and water rights situated in Adams County, Idaho, to-wit:

"A"

All the right, title, interest and right to beneficial use of the water and flow of water from that certain group of springs situated in, and along, Fouste Canyon or Creek, sometimes called Marlon Creek, situated about 4,890 feet South and 3,147 feet East of the reservoir site of the Village of Council, Idaho, and which are situated in the Northwest Quarter of the Northwest Quarter of Section 24, in Township 16 North, Range 1 West, Boise Meridian, which said first parties have in and to the same, whether by filing appropriation, decree, conveyance or application to beneficial use and first parties interest and ownership therein and thereto is approximately 54/160th of the flow thereof:

"B"

And together with an easement and right of way for the location, installation, construction and perpetual maintenance of an underground pipe or water conduit over, under and across the following lands, to-wit:

The North 993.75 feet of the Northeast Quarter of the Southwest Quarter of Section 14, in Township 16 North, Range 1 West, Boise Meridian,

and which said easement and right of way is more particularly described as being a strip of land 32 feet in width, being 16 feet on either side of the following described center line, to-wit: commencing therefor, at station 40+30 of the Village of Council pipe line survey, as now surveyed and established on and across the before described lands, which station is approximately 300 feet North and 200 feet East of the Southeast corner of the Northeast Quarter of the Southwest Quarter of said Section, Township and Range, and thence bearing generally North approximately 993.75 feet to station 50+30 of said survey, being a point on the North line of said Northeast Quarter of the Southwest Quarter, said Section, Township and Range approximately 200 feet East of the center of said Section 14;

CARL H. SWANSTROM
ATTORNEY AT LAW
COUNCIL, IDAHO

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining the reversion and reversions, remainder and remainders and all the estate, right, title and interest in and to the said premises and property, as well in law as in equity of the said parties of the first part.

TO HAVE AND TO HOLD All and singular the above mentioned and described premises, property, water and water rights, easements and rights of way with the appurtenances, unto the said party of the second part and to its corporate successors and assigns forever, but all upon the following terms, conditions, covenants and agreements to-wit:

1: The said Village shall furnish and install a metal pipe line leading from the main line or conduit between the before mentioned springs and Village reservoir, at a point on the said pipe line immediately East of the farm dwelling house of first parties on the before described lands and running thence generally West down to the dwelling house of first parties and thereafter, so long as said premises and property are used as a place of abode the Village shall furnish and deliver to first parties 500 cubic feet of water per month, measured through Village meters, and all without cost or charge to first parties: but if water in excess of 500 cubic feet per month shall be consumed on said premises such excess shall be at the same rates as may be currently charged by the Village for water supplied within the Village, and all use of waters by first parties at such premises shall be subject to all regulations and restrictions (except for the minimum charge) currently or hereinafter in effect within the Village or Council:

2: When the said springs, before described and referred to, have been fully developed by the Village for use as a source of water supply, and during the years 1940, 1941 and 1942, the parties hereto shall cause the flow thereof to be carefully measured in gallons per month before, during, and following the irrigating seasons of each of said years when water of the North Fork of Cottonwood Creek is being conducted through said Fausto Canyon, and if such measurements shall disclose that the flow of water from said springs is augmented or increased by reason of the North Cottonwood waters through such canyon, the first parties shall be entitled to use at the said premises and through the main conduit and connecting service line mentioned in paragraph 1 above, first parties proportionate share of such increased spring flow, being /100 th thereof and without cost or charge therefor:

3: The Village shall construct the service line provided for in paragraph 1, next preceding, upon lands of first parties without cost to the Village for right of way and without liability for damage to land or crops growing along said service line, but first parties shall designate the route or location of such service line:

4: The main pipe line or conduit leading from said springs to the Village reservoir and along the right of way and easement described in paragraph "B" hereof, shall be located as nearly as practical on center line of said easement and such pipe line shall be installed under ground at a minimum depth of 30" wherever conditions of soil will permit and all portions of said line installed

CARL H. SWANSTROM ATTORNEY AT LAW JEROME, IDAHO

through crop, meadow or orchard lands shall be at such depth as not to interfere with any farming operations. The said pipe line shall, sofar as is reasonably practical, be so located as not to injure or destroy any fruit or ornamental trees or any buildings or improvements on said premises:

5: The Village shall reimburse first parties for all damages occasioned to crops, trees and improvements by reason of the digging of the trench for such main pipe line, installing the same and backfilling the trench therefor. The Village undertakes to construct the trenches for such pipe lines in a manner reasonably compatable with the least damage to lands, crops and improvements of first parties and shall cause all trenches to be properly backfilled so as to permit farming and surface use of such right of way:

6: The said right of way shall not be fenced by the Village:

7: The Village shall have perpetual right of ingress and egress to and along said right of way for the purpose of inspecting, maintaining and repairing said pipe line, but shall be accountable to firstparties for any damage occasioned to growing crops, trees or improvements by reason of any repair to, or work upon such pipe line:

8: All of the agreements, conditions and covenants contained in paragraphs 1 to 7 inclusive, next preceding this one, constitute the consideration for the conveyance by first parties to second party of their interest in and to said springs and the water and water rights therein and thereto and said pipe line easement and right of way and each and every of said conditions, covenants and agreements shall run to and with the premises from which the same are granted and conveyed and shall be binding upon the respective heirs, executors, administrators, successors and assigns of the parties hereto:

And, finally, the force and effect of these presents is made expressly contingent upon the securing of funds by the Village of Council by pending bond issue, or otherwise, with which to build such pipe lines before referred to, and the storage works, distribution system and water system improvements now in contemplation by the Board of Trustees of said Village and upon securing by first parties a partial release of mortgage as to the property herein conveyed by The Federal Land Bank of Spokane, Washington, mortgagee, as to said premises and property:

IN WITNESS WHEREOF The said parties of the first part have hereunto set their hands and seals and the said party of the second part has caused these presents to be executed in its corporate and municipal name by the Chairman of its Board of Trustees and to be attested and its seal affixed by its Clerk, thereunto duly authorized by order of the Board of Trustees.

CARL H. SWANSTROM
ATTORNEY AT LAW
COUNCIL, IDAHO

James A. Kidwell SEAL

Anna C. Kidwell SEAL

VILLAGE OF COUNCIL, IDAHO

By _____
Chairman of the Board of Trustees

ATTEST

_____
Clerk.

STATE OF IDAHO)
) SS
COUNTY OF ADAMS)

On this 20th day of June, 1960, before me, Carl H. Swanstrom, Notary Public for Idaho, personally appeared JAMES A. KIDWELL and ANNA C. KIDWELL, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year herein first before written.

_____
Notary Public for Idaho, residing at Council, Idaho.

STATE OF IDAHO)
) SS
COUNTY OF ADAMS)

On this 29th day of June, 1960, before me, Carl H. Swanstrom, Notary Public for Idaho personally appeared ROBERT YAGER and J. [illegible] GRIFFIN, known to me to be respectively the Chairman and Clerk of the Board of Trustees of the Village of Council, Idaho, the municipal corporation that executed said instrument and acknowledged to me that such Village of Council, Idaho, executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year herein first before written.

_____
Notary Public for Idaho, residing at Council, Idaho.

CARL H. SWANSTROM
ATTORNEY AT LAW
COUNCIL IDAHO

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 67-14486
Date Received: 8/27/2004
Receipt No: W032167
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

HELEN E DE HAAS Phone: (208)253-4790
PO BOX 457
COUNCIL ID USA 83612

DAVID F LAWRENCE Phone:
PO BOX 445
COUNCIL ID USA 83612

SCANNED
NOV 0 3 2004

DEAN STONEBURNER Phone:
PMP 227
718 GRIFFIN AVE
ENUMCLAW WA USA 98022

TERRY CAIRNS Phone:
PMP 227
718 GRIFFIN AVE
ENUMCLAW WA USA 98022

MERLE A DE HAAS Phone: (208)253-4790
PO BOX 457
COUNCIL ID USA 83612

DOYLE D LAWRENCE Phone: (208) 253-6172
PO BOX 648
COUNCIL ID USA 83612

VONDA LAWRENCE Phone: (208)253-4200
PO BOX 445
COUNCIL ID USA 83612

TWYLA CAIRNS Phone:
PMP 227
718 GRIFFIN AVE
ENUMCLAW WA USA 98022

2. Date of Priority: 06/20/1952

3. Source: COOL CREEK SPRING Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16N	01W	24	NW NW	ADAMS	

5. Description of diverting works:

Diversion of claimed water is by concrete collection boxes at spring sites from which water is conducted through 4 inch metal pipe, northerly and westerly, above valley level, for about 1 mile, and from that line, 1/2 inch metal pipelines lead, westerly to the place of use.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.32	
STOCKWATER	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 50 Range Cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	14	NE SW		IRRIGATION	4
			SW SW		IRRIGATION	8
					Section Acres	12
16N	01W	23	NW NE		IRRIGATION	4
					Section Acres	4
					Total Acres	16

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: 67-4099, 67-11487

14. Remarks:

15. Basis of Claim: Beneficial Use

Form No. 42-1409 (2) a 1/88 (Internet)

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 A67-14486
Date Received 8-27-04
Receipt Number W032167

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
AUG 27 2004
WATER RESOURCES
WESTERN REGION

Please type or print clearly DeHaas, Stoneburner and/or Cairns, Lawrence, and Lawrence

1. Name of Claimant (s) (See Exhibit for Full Names) Phone (208) 253-4200

   Mailing Address (See Exhibit for addresses.) Zip

2. Date of Priority (Only one (1) per claim) June 20, 1952

3. Source of water supply (a) Springs along Cool Creek, in Fouste Canyon
   which is tributary to (b) Weiser River

4. a. Location of existing point of diversion is: Township 16N Range 1W Section 24,
   NW 1/4 of NW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Adams

   Additional points of diversion if any:

   b. If instream flow, beginning point of claimed instream flow is:

   Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

   Govt. Lot _____ B.M., County of _____

   ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

   _____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Diversion of claimed water is by concrete collection boxes at Spring sites from which water is conducted through 4" metal pipe, northerly and westerly, above valley level, for about 1 mile, and from that line, ½" metal pipe lines lead, westerly, to the place of use.

6. Water is claimed for the following purposes:

		(both dates are inclusive)			(cfs)		(acre feet)
For	Irrigation	purposes from 3-15	to	11-15	amount .32	or	
For	Stockwater	purposes from 1-1	to	12-31	amount .04	or	
For		purposes from	to		amount	or	
For		purposes from	to		amount	or	

7. Total quantity claimed (a) .36 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater for 50 head of cattle

10. Description of place of use:
    a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
    b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
16N	1W	14									4		8						12
16N	1W	23		4															4

Total number of acres irrigated 16

11. In which county (ies) are lands listed above as place of use located? Adams

12. Do you own the property listed above as place of use? Yes X No _____
    If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
    67-4099 & 67-11487 (DITCH CO (SORENSON RINEHART) or None ( )

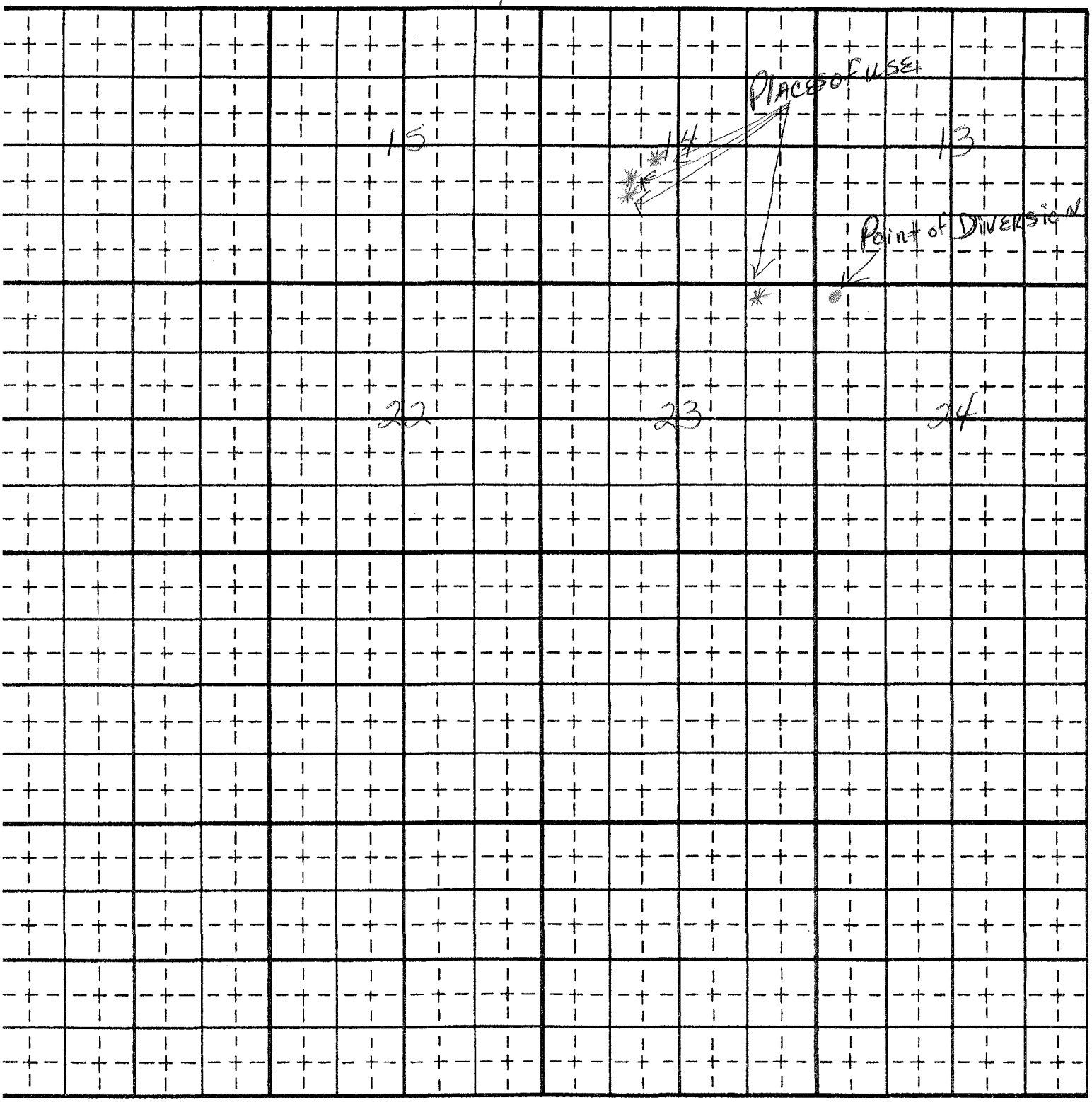
14. Remarks: See: Affidavits of: Vonda Lawrence, Nello Jenkins & Laura Camp, Helen & Merle DeHaas.

Last Name _____ Ident No. _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

PART Twp 16 N R 1W BM



Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 4

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Jordan Lawrence Date 8-12-04

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____
Title
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
) SS.
County of Adams)

Subscribed and sworn (or affirmed) before me this 12th day of August 19 2004

SEAL

Notary Public Maxine J. Nichols

Residing at Fruitvale

My Commission Expires 5/24/06

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.
Signature of Claimant (s) Terry Laine Twyla Cairns Date 8/14/04
Dean Stoll Date 8/14/04

For Organizations: I do solemnly swear or affirm that I am _____
Title
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Washington)
) SS.
County of King)

Subscribed and sworn (or affirmed) before me this 14th day of August 19 2004

SEAL
Notary Public
State of Washington
SHERRY M. BARBER
My Appointment Expires Jun 10, 2006

Notary Public Sherry M Barber
Residing at Tacoma, WA
My Commission Expires June 10 2006
Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Signature of Claimant (s) Doyle D Lawrence Date 8-24-04

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____
Title
of _____ , that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
) SS.
County of Adams)

Subscribed and sworn (or affirmed) before me this 24th day of August 19 2004

SEAL
BONNIE A. FISK
Notary Public
State of Idaho

Notary Public Bonnie A Fisk

Residing at Council, Idaho

My Commission Expires MY COMMISSION EXPIRES November 21, 2009
BONDED THRU NOTARY PUBLIC UNDERWRITERS

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Signature of Claimant (s) Helen DeHaas Date 8/20/04

Merle A DeHaas Date 8-20-04

For Organizations: I do solemnly swear or affirm that I am _____ (Title)

of _____ (Organization), that I have signed the foregoing document in the space below as _____ (Title) of _____ (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
) SS.
County of Adams)

Subscribed and sworn (or affirmed) before me this 20th day of August 19 2004

SEAL — ANGELA J BUMGARNER NOTARY PUBLIC STATE OF IDAHO

Notary Public Angela J Bumgarner

Residing at Cambridge, ID

My Commission Expires 5-8-09

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

ADDENDA- EXHIBIT TO "NOTICE OF CLAIM TO A WATER RIGHT" by DeHaas, Stoneburner and/or Cairns, Lawrence and Lawrence.

1. NAMES AND ADDRESS OF CLAIMANTS:

Merle and/or Helen DeHaas
PO Box 457
Council, ID 83612

Dean Stoneburner and/or
Terry Cairns and/or Twyla Cairns
PMP 227
718 Griffin Ave
Enumclaw, WA 98022

Doyle D Lawrence
PO Box 648
Council, ID 83612

David F and/or Vonda Lawrence
PO Box 445
Council, ID 83612

AFFIDAVIT OF VONDA LAWRENCE

Vonda Lawrence, being first duly sworn on oath, deposes and says:

1. My husband David and I are the owners of a parcel of land in the NE1/4SW1/4 of Section 14, T16N R1W, Adams County, Council, Idaho.

2. We bought the property in T16N R1W, Section 14, in the NE1/4SW1/4, from Neva Plummer in 1984. Mrs. Plummer walked us around the property and instructed us as to the fence lines, ditches, and how to irrigate with the Sorenson Rinehart water, the Cool Creek water, and the water from the Cool Creek springs. She told us she and her husband Bradley bought the property in 1964 from James Kidwell, he had done the same for them and they had valued that historical information greatly. She took us to the cement collection boxes situated in NW1/4NW1/4 of Section 24, T16N R1W, told us ALL the water from those springs and pipeline belonged to the property we own along with the three other properties now owned by Merle DeHaas, Stoneburner & Cairns, and Doyle Lawrence. She took us to the spot on our property where the pipeline is shutoff from continuing on to the old city storage tanks. The end of the 4" pipeline has a shutoff from the westerly pipe so we can place the water in an irrigation ditch above our home for the north pasture. There is also a faucet connected to the westerly pipe we use to water the yard, garden and fruit trees. When the water is not used for those things, the hoses are placed into the irrigation ditch for use in the pasture below the house. Mrs. Plummer said each of the four (4) places used the Cool Creek spring water for domestic use, for irrigation of pastures and for stockwater.

Dated this 12 day of August, 2004.

Vonda Lawrence
Vonda Lawrence

SUBSRIBED AND SWORN to before me this 12th day of August, 2004.

MAXINE J. NICHOLS
NOTARY
PUBLIC
STATE OF IDAHO

Maxine J. Nichols
Notary Public for Idaho
Commission Expires: 5/24/06
Residing at Fruitvale, Id.