





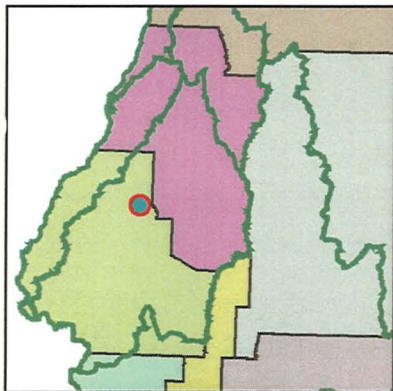
# Idaho Department of Water Resources

Adjudication Claim Number: **67-293 & 67-14691**

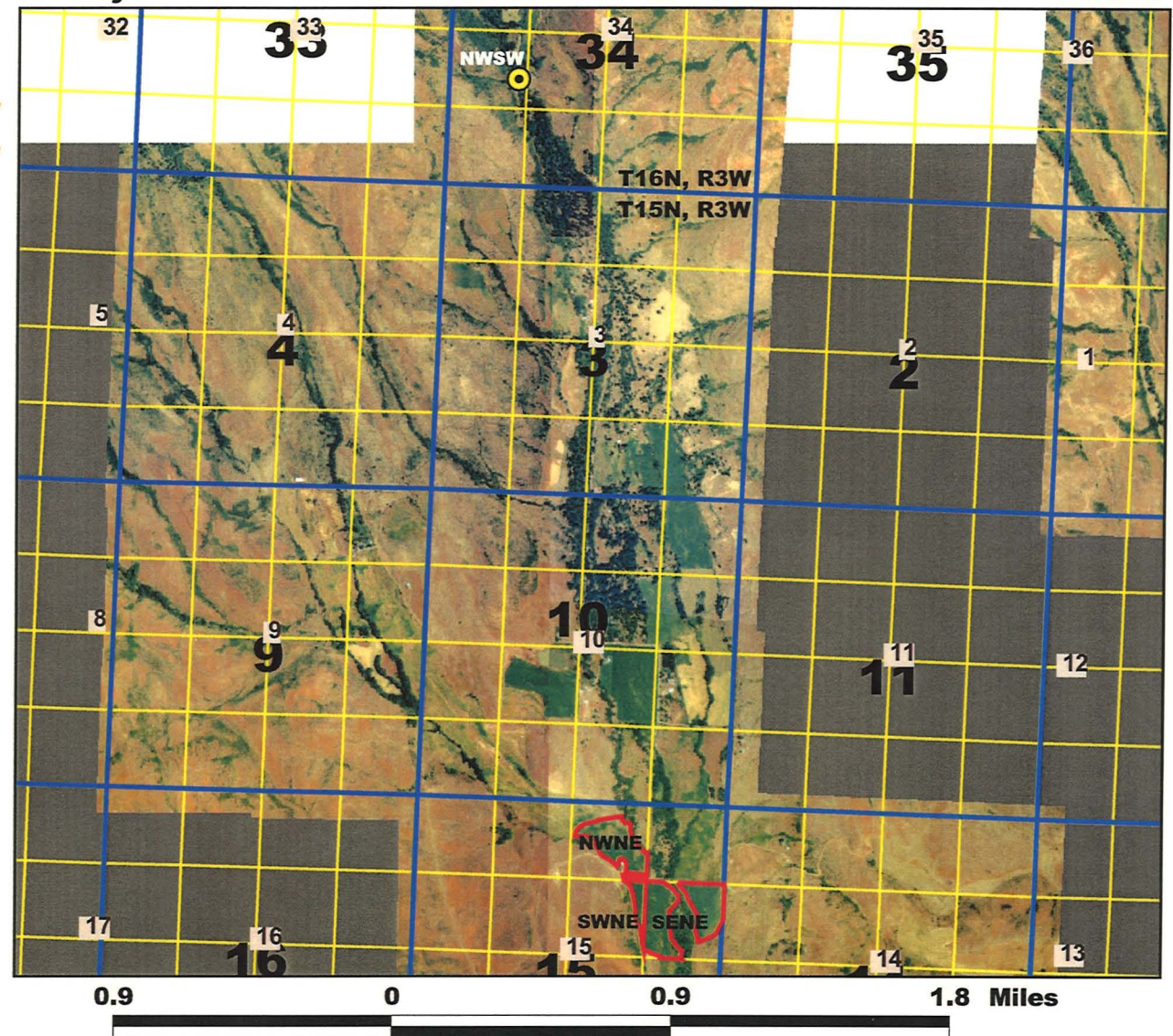
**T15N R03W**  
**T16N R03W**

## Legend

- Point of Diversion**
- Place of Use**
- B67 sections.shp**
- T15n03w.shp**
- T16n03w.shp**



Washington County  
IDWR Basin 67



Prepared by C. Saxton  
On Tuesday, February 21, 2006  
1987 Aerial Photography

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14691 V1

WATER RIGHT NUMBER: 67-14691 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                       |
|-------------------|-------------------------------------------------------------------------------|
| Current Owner     | GARY FARRENS<br>3360 COW CREEK RD<br>CAMBRIDGE, ID 83610<br>(208)257-3412     |
| Current Owner     | LORRAINE FARRENS<br>3360 COW CREEK RD<br>CAMBRIDGE, ID 83610<br>(208)257-3412 |

Priority Date: 05/10/1918

Basis: Beneficial Use

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| RUSH CREEK    | WEISER RIVER     |

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| IRRIGATION              | 03/15 to 10/31        | 0.240 CFS             |                      |
| <u>Total Diversion:</u> |                       | 0.240 CFS             |                      |

Location of Point(s) of Diversion

|                   |                 |                                 |
|-------------------|-----------------|---------------------------------|
| RUSH CREEK        | SE1/4NW1/4SW1/4 | Sec. 34, Twp 16N, Rge 03W, B.M. |
| WASHINGTON County |                 |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |      |     |      | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|------|-----|------|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW   | SW  | SE   | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 15N | 03W | 15  |    | 15.0 | 4.0 | 25.0 |    |    |    |    |    |    |    |    |    |    |    |    | 44.0   |

Total Acres: 44

Conditions of Approval:

1. E55 Right Nos. 67-0293 and 67-14691 are limited to the irrigation of a combined total of 44.0 acres in a single irrigation season.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14691 V1

Comments:

1. csaxton 2/21/2006 POD

Comment: TR 2772 moved POD for statutory claim 67-4155 to section T16N, R3W, S34, SWNW. SRBA claim 67-12329 was filed as a combination of 67-4155 and 67-4154. And this claim is a split from 67-12329. Thus, I am recommending the POD as described in TR 2772.... except for the fact that a GPS point taken by water master Bosco Bosler on 7-21-04 places the POD in the NWSW of 34 rather than the SWNW of 34. In addition, the additional PODs claimed appear to be for properties owned by Newbold or Wiggins.

2. csaxton 2/21/2006 Priority

Comment: This appears to be flood water that directly overlaps decreed water. Recommend priority as one day after the decree.

3. csaxton 2/21/2006 POU

Comment: Recommended POU in a QQ that was not claimed. But this is a direct overlap of 67-293 so recommended the same POU.

4. csaxton 2/21/2006 TR 2772

Comment: The intent of TR 2772 was to change the point of diversion. This was approved. No other elements of the statutory claim was verified at the time of the decree. The recommendation reflects the POD as defined by the TR, but the other elements of the water right are recommended per evidence of my review.

5. csaxton 2/21/2006 Copied From Claim (1)

Comment: THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 67-04154 AND 67-04155.

6. csaxton 2/21/2006 Copied From Claim (2)

Comment: This right is a split from former right 67-12329.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Contacts       | 2/21/2006 12:51:49 PM     | csaxton         |                           |                 | Active        |
| Priority Date  | 2/21/2006 12:55:50 PM     | csaxton         |                           |                 | Active        |
| POD            | 2/21/2006 1:06:31 PM      | csaxton         |                           |                 | Active        |
| Source         | 2/21/2006 1:07:57 PM      | csaxton         |                           |                 | Active        |
| POU            | 2/21/2006 1:08:44 PM      | csaxton         |                           |                 | Active        |

## IDAHO DEPARTMENT OF WATER RESOURCES

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|          |                      |         |        |
|----------|----------------------|---------|--------|
| Use      | 2/21/2006 1:13:14 PM | csaxton | Active |
| Season   | 2/21/2006 1:13:44 PM | csaxton | Active |
| Quantity | 2/21/2006 2:04:15 PM | csaxton | Active |
| Summary  | 02/21/2006           | csaxton | Active |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------|------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POD            | 2/21/2006 1:06:10 PM   | csaxton         | Updated PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| General        | 2/21/2006 12:55:52 PM  | csaxton         | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(No) 4. Is the basis of claim decree or license?<br>(No) 7. Is the basis of claim a Application or Permit?<br>(No) 8. Is the basis of claim a posted notice?<br>(No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use?<br>(Yes) 12. Does the claim file contain sufficient evidence of Priority Date?<br>(No) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required?<br>Description for Question 12/13 - Flood water - recommend one day after the decree. |
| Use            | 2/21/2006 1:13:19 PM   | csaxton         | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the Purpose of Use?<br>(Yes) 11. Does the file contain all the necessary information to verify the Water Use?<br>(No) 13. Is a Purpose of Use remark and/or condition required?<br>Description for Question 10,11,12 - Same purpose of use as decree 67-293.                                                                                                                                                                                                                                                |
| Season         | 2/21/2006 1:13:49 PM   | csaxton         | (No) 1. Is the basis of claim Decree or License?<br>(No) 2. Is the basis of claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the Period of Use?<br>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?<br>(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?<br>(Yes) 15. Is irrigation claimed as a Purpose of Use?<br>(No) 18. Is a Period of Use remark and/or condition required?                                                                                                                        |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-14691 V1

|          |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------|----------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POD      | 2/21/2006 1:06:35 PM | csaxton | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the POD?</p> <p>(Yes) 9. Does the file contain all the necessary information to verify the POD?</p> <p>(No) 10. Is a POD remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Source   | 2/21/2006 1:08:01 PM | csaxton | <p>(No) 1. Is the basis of claim Decree or License?</p> <p>(No) 2. Is the basis of claim an Application or Permit?</p> <p>(No) 6. Is the basis of claim a Posted Notice?</p> <p>(No) 7. Is there evidence that there has been a change in the source?</p> <p>(Yes) 10. Does the file contain all the necessary information to verify the source?</p> <p>(No) 11. Is a Source remark and/or condition required?</p> <p>Description for Question 10 - Direct overlap with Decree 67-293.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| POU      | 2/21/2006 1:08:49 PM | csaxton | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 2b. Is the POU required?</p> <p>(No) 3. Is the basis of claim a Application or Permit?</p> <p>(No) 7. Is there evidence that there has been a change in the POU?</p> <p>(Yes) 13. Does the file contain all the necessary information to verify the POU?</p> <p>(Yes) 14. Is a POU remark and/or condition required?</p> <p>Description for Question 13 - Direct overlap with 67-293.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Quantity | 2/21/2006 2:04:28 PM | csaxton | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is the basis of claim a posted notice?</p> <p>(No) 7. Is a flow measurement required?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p> <p>(No) 12. Is a Quantity remark or condition required?</p> <p>Description for Question 7 - TR 2772 did not directly address the diversion rate of 67-4155. However, the transfer was approved for 1.6 cfs. Even though I do not have measurements verifying 1.6 cfs, the water master records show that he had no objection with the transfer. Since I am only recommending 0.24 cfs under this right, in order to bring this right and 67-293 up to 1 inch per acre when used in combination, I am confident that the diversion system has the capacity to divert the 0.24 cfs of flood water recommended.</p> |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-14691 V1

|          |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------|-----------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary  | 2/21/2006 2:08:08 PM  | csaxton | (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?<br>(Yes) 5. Does this right have any combined use limits with other rights?<br>(No) 6. Is an additional remark and/or condition required?<br>(Yes) 7. Would you like to view the recommended right?<br>(Yes) 8. Is this a split or combined right?<br>(No) 9. Do you have documents you would like to attach or link to the file?<br>(Yes) 10. Would you like to set the verification date? |
| Contacts | 2/21/2006 12:51:51 PM | csaxton | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: Desktop Review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| POD      | 2/21/2006 1:05:50 PM  | csaxton | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| POU      | 2/21/2006 1:09:07 PM  | csaxton | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| POU      | 2/21/2006 1:09:17 PM  | csaxton | Updated PLS for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

Water Supply Bank:

Transfer No. 2772Water Right No. 67-4155STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**APPROVED****APPLICATION FOR TRANSFER OF WATER RIGHT****To Change the Point of Diversion and/or the Place of Use**Name of applicant Gary Farrens Phone 67-4155Post Office address Rt. 1 Cambridge, ID 83610**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_ (Name)  
in case of \_\_\_\_\_ vs \_\_\_\_\_  
dated in \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_  
(Name of court)
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources
- c. Claim No. 67-4155 on file with the Idaho Department of Water Resources

**2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant****3. Source of water** Rush Creek (flood water) tributary to Weiser River**4. Date of priority** May 1, 1899**5. Water is used for the following purposes:**

amount 3.2 for Irrigation purposes from 4/1 to 8/1  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day — both dates inclusive)

**6. Total amount of water under right:** a. 3.2 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum

**7. Location of original point of diversion is** NW 1/4 of SE 1/4 of Section 10  
Township 15N Range 3W, B.M., in Washington County  
Additional points of diversion, if any \_\_\_\_\_

**8. Lands irrigated or place of use:**

| TWP. | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 15N  | 3W    | 15   |        | 40     | 40     | 40     |        |        |        |        |        |        |        |        |        | 40     |        |        | 160    |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated 160**9. Describe any other water rights used for the same purpose as described above** none

**10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse?** no If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. \_\_\_\_\_ cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum
2. Point of diversion \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4, Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_, B.M., \_\_\_\_\_ County  
Additional points \_\_\_\_\_
3. Place of use:

| TWP. | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated \_\_\_\_\_

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

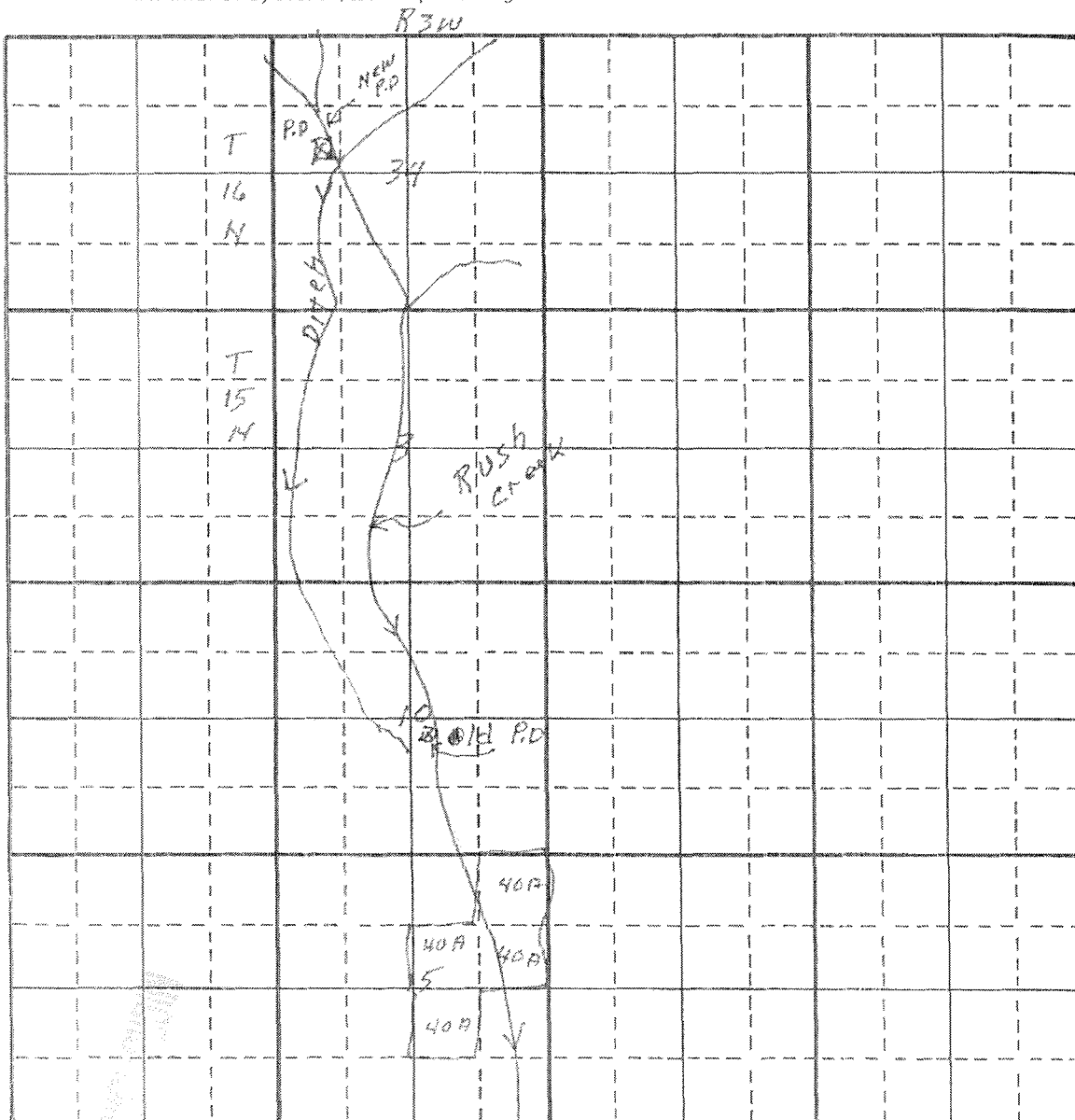
1. General Information
  - a. Amount of water to be diverted 3.2 c.f.s. &/or \_\_\_\_\_ acre feet
  - b. Description of diverting works diversion dam with gravity ditch
  - c. Describe the reasons for the proposed changes Existing dam and diverting works washed out and grade for gravity ditch can't be obtained.
2. Change in point of diversion
 

Point of diversion SW 1/4 NW 1/4, Section 34 Township 16N  
Range 3W, B.M., Washington County  
Additional points \_\_\_\_\_
3. Change in place of use
  - a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes \_\_\_\_\_ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
  - b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

[illegible]

Total number of acres to be irrigated \_\_\_\_\_

4. Describe any other water rights used for the same purpose as described above. 67-0293
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE. 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

Arrangements have been made with Keith Ford (right 67-4019) to use  
is diversion and ditch.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Gary Farnsworth  
(Signature of Applicant)

Subscribed and sworn to before me this 26<sup>TH</sup> day of November, 19 82

Jim Johnson  
(Notary Public)

My commission expires life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 67-4155  
and said application is hereby APPROVED, subject to the following limitations and conditions:

1. Use of water under this right is subject to control by the watermaster of State  
Water District No. 67, Weiser River.
2. The issuance of this transfer in no way grants any right-of-way or easement  
across the land of another.
3. Approval of this transfer does not validate the claim to a water right.

Witness my hand this 28<sup>th</sup> day of April, 19 83

L. Glen Saxton  
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by SKV Date 11/26/82 Protest filed by \_\_\_\_\_  
Prelim. check by LLS Fee 50.00 # 23032  
Receipted by SKV Date 11/26/82  
Published in Upper Columbia Review Copies of protest forwarded by \_\_\_\_\_  
Pub. dates 12/2 & 12/16/82 12/8/82 30/8/83 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Watermaster recommendation requested on 1/18/83 Recommended for approval denial  
\_\_\_\_\_ rec'd. 1/24/83 by NBS J.J. Dax

## STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

## Section 42-225a, Idaho Code

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

Notice is hereby given that Gary Farrens (name of claimant)  
of Route 1 Cambridge, ID, claims a right to the diversion and beneficial use of  
(mailing address)  
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Rush Creek (flood water)  
\_\_\_\_\_, tributary to, \_\_\_\_\_

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

|                       |                               |                                              |
|-----------------------|-------------------------------|----------------------------------------------|
| Amount <u>3.2 cfs</u> | Use <u>Irrigation</u>         | Period of Use: From <u>4-1</u> To <u>8-1</u> |
| Amount _____          | Use _____                     | Period of Use: From _____ To _____           |
| Amount _____          | Use _____                     | Period of Use: From _____ To _____           |
| (cfs, gpm<br>or a/f)  | (dom., irri.,<br>stock, etc.) | (both dates inclusive)                       |

- (3) Total quantity of water claimed: 3.2 cubic feet per second, or \_\_\_\_\_ acre feet per annum, and/or \_\_\_\_\_ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) May 1, 1899

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

- (5) A) Point of diversion: (give location of point where water is diverted from its source)  
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Sec. 10 Twp. 15N Rge. 3W B. M. County of Washington  
 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. \_\_\_\_\_

Diversion dam with gravity flow

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

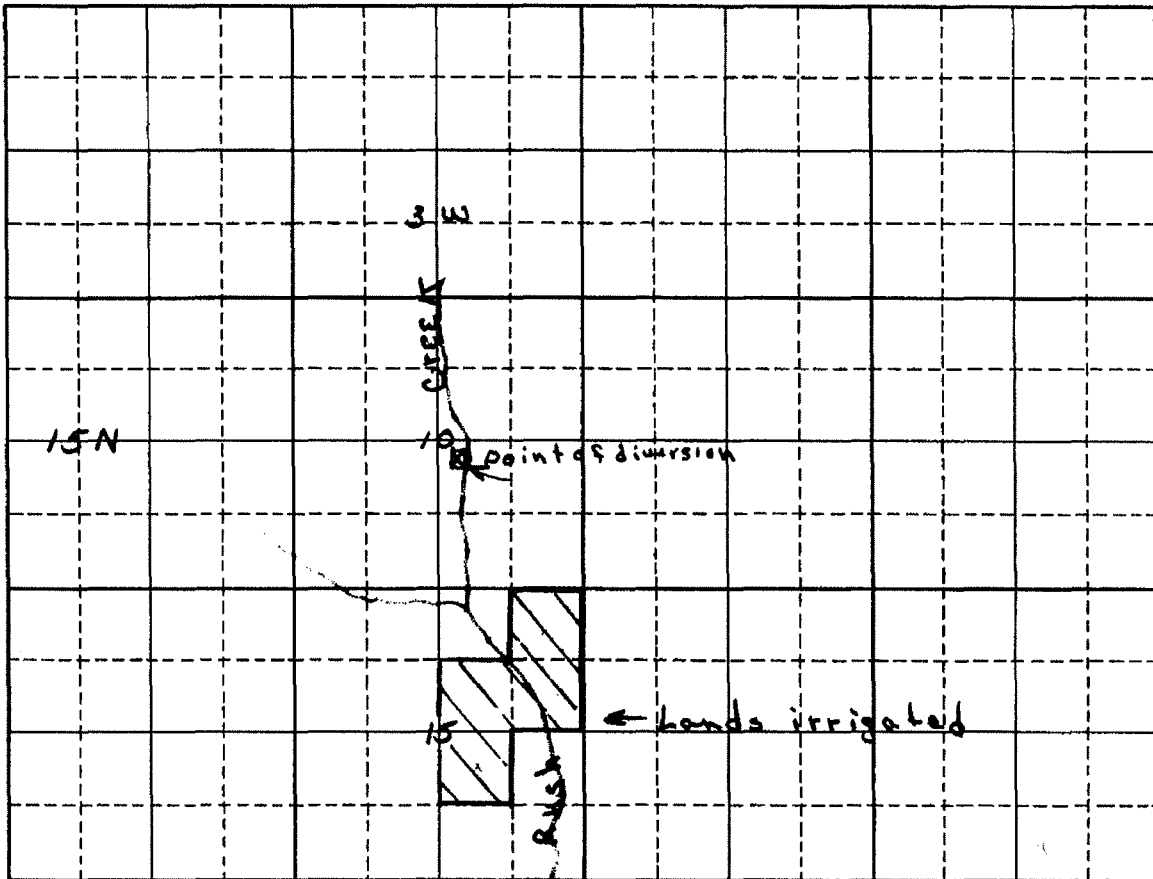
[illegible]

Total No. of acres 160

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

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

(8) Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Scale: 2 inches equal 1 mile.

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

State of Idaho )  
County of Ada ) ss.  
)

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

Gary Farrells  
(Claimant)

Sworn to before me this 29 day of April, 1976.

Rita Bendish  
Notary Public  
Residing at Boise, Id

My commission expires March 8, 1980

For Department Use Only

|                                                 |                         |                     |              |      |
|-------------------------------------------------|-------------------------|---------------------|--------------|------|
| Received by <u>EEB</u>                          | Date <u>29 April 76</u> | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>EEB</u>                     | Date <u>29 April 76</u> |                     | claimant by: |      |
| \$10.00 fee received by <u>EEB</u>              | Date <u>4-29-76</u>     | # <u>3759</u>       |              |      |
| Approved for publication by <u>RB</u>           | Date <u>7-8-76</u>      |                     |              |      |
| Published in <u>Upper Country News Reporter</u> |                         |                     |              |      |
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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 67-14691  
Date Received: 10/20/1989  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GARY FARRENS Phone: (208)257-3412

3360 COW CREEK RD  
CAMBRIDGE ID USA 83610

LORRAINE FARRENS Phone: (208)257-3412

3360 COW CREEK RD  
CAMBRIDGE ID USA 83610

2. Date of Priority: 05/01/1899

3. Source: RUSH CREEK , RUSH CREEK , RUSH CREEK Trib. to: WEISER RIVER , WEISER  
RIVER , WEISER RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot |    |    | County     | Type |
|----------|-------|---------|-----------------------|----|----|------------|------|
| 16N      | 03W   | 34      | SW                    | SW | NW | WASHINGTON |      |
| 15N      | 03W   | 10      | NW                    | NW | SE | WASHINGTON |      |
| 15N      | 03W   | 3       | SW                    | SW | NE | WASHINGTON |      |

5. Description of diverting works:

DIVERSION DAM WITH GRAVITY FLOW DITCH

6. Water is used for the following purposes:

|            |       |       |        |            |
|------------|-------|-------|--------|------------|
| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
| IRRIGATION | 04/01 | 08/01 | 0.88   |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 15N      | 03W   | 15      | NW         | NE  | IRRIGATION    | 12    |
|          |       |         | SE         | NE  | IRRIGATION    | 32    |
|          |       |         |            |     | Section Acres | 44    |
|          |       |         |            |     | Total Acres   | 44    |

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 67-04154 AND 67-04155.

This right is a split from former right 67-12329 .

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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 21, 2006

GARY FARRENS  
LORRAINE FARRENS  
3360 COW CREEK RD  
CAMBRIDGE ID 83610

RE: Snake River Basin Adjudication (SRBA)  
**Notice of Claim to a Water Right #67-14691**

Dear Ms. Mooney:

As a result of selling a portion of your property and water rights to Kermit Wiggins who then sold to Brett Newbold, the identification number to your water right has been changed as follows:

From  
67-12329

To  
67-14691

Please use the new number in future inquiries or correspondence you may have with our Department. Enclosed is a copy of your water right. Please retain this copy for your file.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim.

Please feel free to contact me with any questions.

Respectfully submitted,

Craig L. Saxton  
Sr. Water Resource Agent  
Adjudication Bureau

Enclosure:

## Split/Overlap Analysis

**Water Right Number: 67-12329**

Diversion Rate: 1.48 CFS

[illegible]

|                                  |                                 |
|----------------------------------|---------------------------------|
| 67-12329<br>(74.0 ac & 1.48 cfs) | Farrens<br>(44.0 ac & 0.88 cfs) |
|                                  | Newbold<br>(30.0 ac & 0.60 cfs) |
|                                  |                                 |
|                                  |                                 |

| Right No: | Rate of Diversion | Irrigated Acres | CFS / Acre |
|-----------|-------------------|-----------------|------------|
| 67-12329  | 1.48              | 74              | 0.020      |
| Farrens   | 0.88              | 44              | 0.020      |
| Newbold   | 0.60              | 30              | 0.020      |
|           |                   |                 |            |
|           |                   |                 |            |
|           |                   |                 |            |

## **MEMORANDUM**

Date: February 21, 2006

To: File

From: Craig L. Saxton

Re: Change of ownership for 67-00287 and 67-12329

My preliminary review of 67-287 and 67-12329 indicates that all of 67-287 and a portion of 67-12329 should be in the name of Brett Newbold.

### **Analysis:**

Mr. Newbold filed a Notice of Change in Water right ownership in 1999. Portions of SRBA claims 67-7704, 67-4514, and 67-7723 (previously owned by Wiggins) were put into Mr. Newbolds name.

The deeds provided in the 1999 change of ownership indicate that Mr. Newbold owns the land pertaining to all of 67-287 and part of 67-12329. My guess is that the reason 67-287 and 67-12329 were not changed is because Mr. Newbold didn't list these water rights on the change of ownership, and that the claims were in the name of Gary Farrens so we missed them.

The property that is described in the change of ownership documents was originally owned by Gary Farrens, then by Kermit Wiggins, and now by Brett Newbold.

Because the change of ownership didn't list all the water rights that should have been changed from Kermit Wiggins to Mr. Newbold, I do not think there is any particular reason that the water rights in the name of Gary Farrens were not listed in the change of ownership. I simply think that Mr. Newbold didn't know they were on his property at the time. There is nothing in the deed to show that any water rights were excluded from the sale.

### **Conclusion:**

Change ownership on 67-287 into the name of Brett Newbold, and split 67-12329 to put the proportionate share of the claim into the name of Brett Newbold.