

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-03104B

2003 MAR 25 AM 11:16

FILED

NAME AND ADDRESS: O & D PARTNERSHIP
PO BOX 366
HORSESHOE BEND, ID 83629

SOURCE: PORTER CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 1.53 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.02 CFS PER ACRE AT FIELD
HEADGATE. COMBINED RIGHT NOS.: 65-02858A, 65-10963

PRIORITY DATE: 01/01/1883

POINT OF DIVERSION: T07N R02E S12 NWSE Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.53 CFS

PLACE OF USE:	Irrigation	Within Boise County
T07N R02E S02	SWSE 2.0	SESE 9.0
S11	NENE 16.0	NWNE 14.0
	SWNE 18.0	SENE 27.0
	86.0 Acres Total	

THE MAXIMUM ANNUAL CONSUMPTIVE USE VOLUME AUTHORIZED FOR
DIVERSION UNDER THIS RIGHT SHALL NOT EXCEED 215 ACRE-FEET, I.E.
86 ACRES X 2.5 AF/ACRE = 215 ACRE FEET.

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

BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS GENERAL
PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER AFTER
OCTOBER 18, 1977.
THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A SEPARATE
SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3. IF THE
HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT TO IDAHO
CODE 42-222 OR SUCCESSOR STATUTE, NOTHING IN THIS GENERAL
PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY FROM
DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO ITS
WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN THE
EVENT OF INJURY.

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. I.C. SECTION 42-1412(6).

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED
UNDER STATE LAW

RIGHT NUMBER: 65-3104B

NAME AND ADDRESS:

O & D PARTNERSHIP
PO BOX 366
HORSESHOE BEND ID 83629

SOURCE: PORTER CREEK Tributary: PAYETTE RIVER

QUANTITY: 1.530 CFS
0.000 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.02 CFS PER ACRE AT FIELD HEADGATE.
COMBINED RIGHT NOS.: 65-02858A, 65-10963.

~~USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.02 CFS PER ACRE AT FIELD HEADGATE.
COMBINED RIGHT NOS.: 65-03803C, 65-02858A, 65-09417A, 65-10963.~~

PRIORITY DATE: 01/01/1883

POINT OF DIVERSION:

T07N R02E S12 NWSE Within BOISE County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	4/01 11/01	1.530 CFS

PLACE OF USE: IRRIGATION within BOISE County

	~~T07N R02E S02 NESW 2.4~~
	~~T07N R02E S02 SESW 22.0~~
	~~T07N R02E S02 NESE 2.9~~
	~~T07N R02E S02 NWSE 2.8~~
<u>T07N R02E S02 SWSE 2.0</u>	~~T07N R02E S02 SWSE 39.0~~
<u>T07N R02E S02 SESE 9.0</u>	~~T07N R02E S02 SESE 36.0~~
<u>T07N R02E S11 NENE 16.0</u>	~~T07N R02E S11 NENE 31.0~~
<u>T07N R02E S11 NWNE 14.0</u>	~~T07N R02E S11 NWNE 37.0~~
<u>T07N R02E S11 SWNE 18.0</u>	
<u>T07N R02E S11 SENE 27.0</u>	~~T07N R02E S11 SENE 24.0~~
	~~T07N R02E S11 NENW 24.0~~
	~~T07N R02E S11 SENW 2.0~~

86 ACRES TOTAL~~241.1 ACRES TOTAL~~

THE MAXIMUM ANNUAL CONSUMPTIVE USE VOLUME AUTHORIZED FOR
DIVERSION UNDER THIS RIGHT SHALL NOT EXCEED 215 ACRE-FEET, i.e. 86
ACRES X 2.5 AF/ACRE = 215 ACRE FEET.

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 86 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.~~

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED
BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL
UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

IDAHO DEPARTMENT OF WATER RESOURCES

T7N, R2E, Sec 2

1987 NAPP

 **Place of Use**

 **Section Lines**

 **1/41/4**

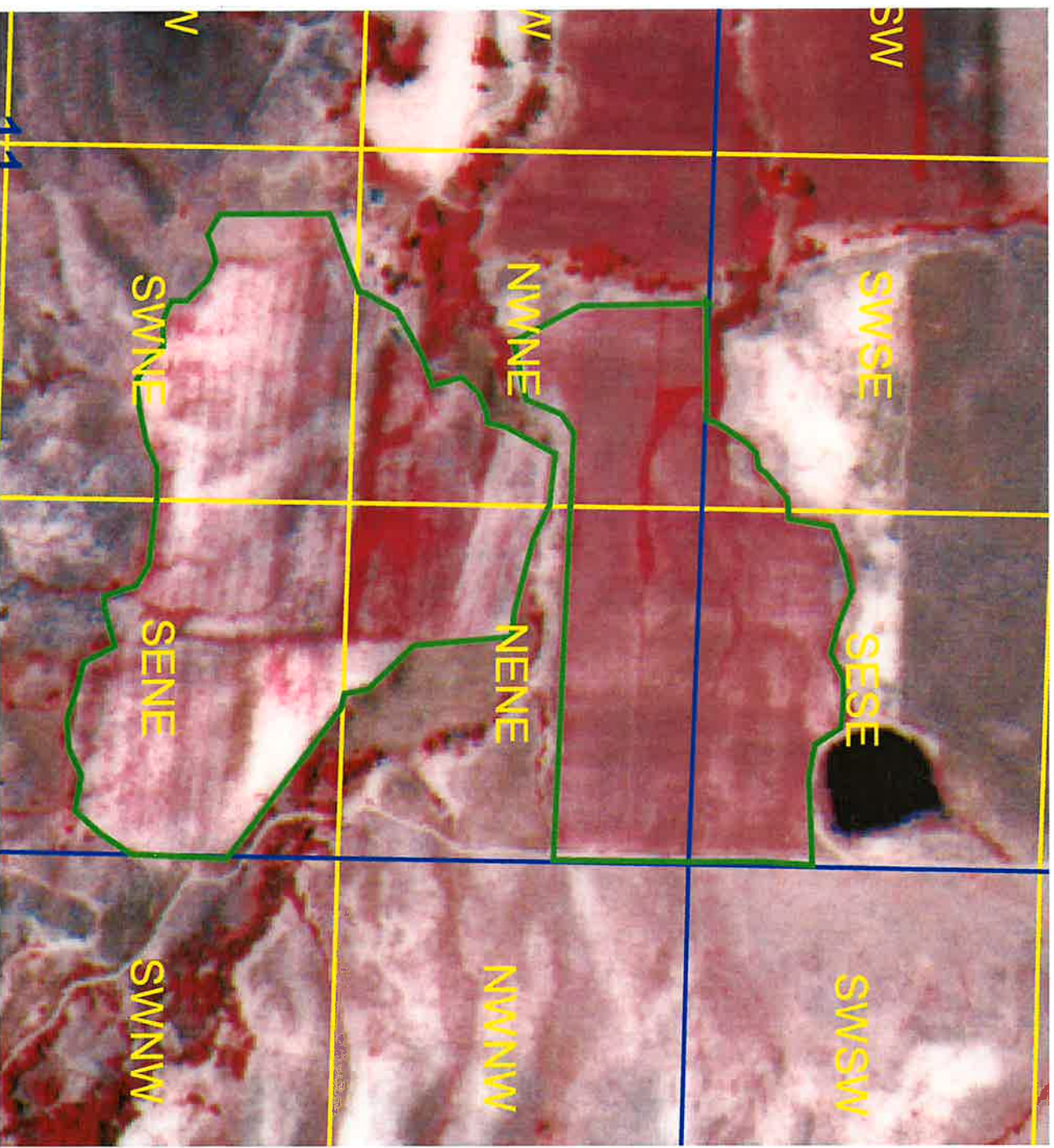
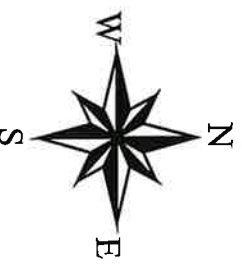
Claim No(s): 65--3104B

O & D Partnership

Prepared by:

Jan Shurte

Date: 12-12-2002



Claim No(s): 65-3104B
TTN, R2E, S 2, 11
Prepared by: Sue Bock
Date: 8/6/2002

Claim No(s): 65-3104B

T7N, R2E, S 2, 11

Prepared by: Sue Bock

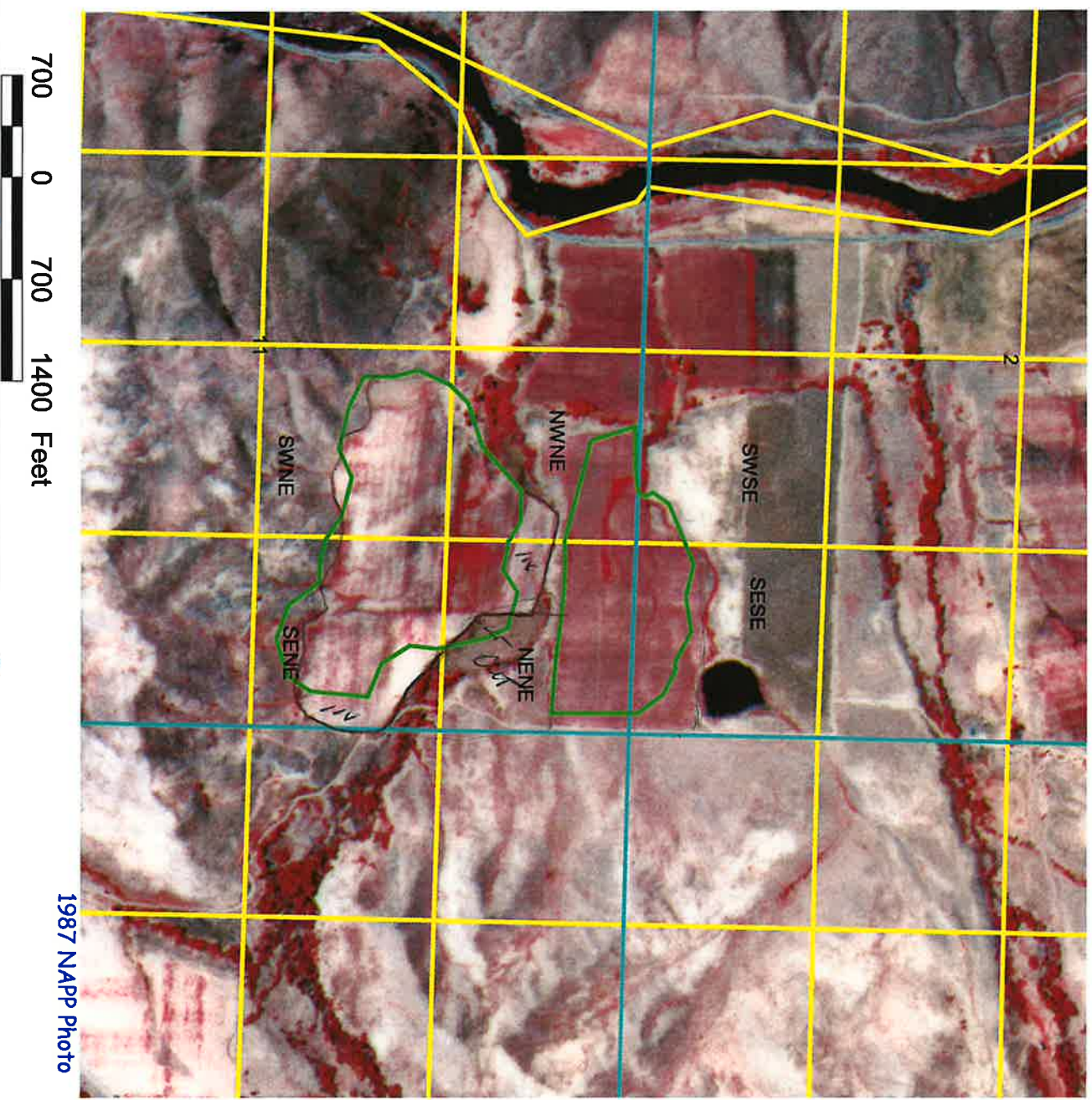
Date: 8/6/2002

☐ Place of Use

Point of Diversion

Section lines

1/4 1/4 lines



09/20/2002

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

RIGHT NUMBER: 65-3104B

NAME AND ADDRESS: O & D PARTNERSHIP
PO BOX 366
HORSESHOE BEND ID 83629

SOURCE: PORTER CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 1.53 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.02 CFS PER ACRE AT FIELD HEADGATE.
COMBINED RIGHT NOS.: 65-02858A, 65-10963.

PRIORITY DATE: 01/01/1883

POINT OF DIVERSION:

T07N R02E S12 NWSE Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/01 11/01	1.530 CFS

PLACE OF USE:	T07N R02E S02	SWSE	2.0	T07N R02E S02	SESE	9.0
	T07N R02E S11	NENE	16.0	T07N R02E S11	NWNE	14.0
	T07N R02E S11	SWNE	18.0	T07N R02E S11	SENE	27.0

86 ACRES TOTAL

THE MAXIMUM ANNUAL CONSUMPTIVE USE VOLUME AUTHORIZED FOR DIVERSION
UNDER THIS RIGHT SHALL NOT EXCEED 215 ACRE-FEET, i.e. 86 ACRES X 2.5
AF/ACRE = 215 ACRE FEET.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

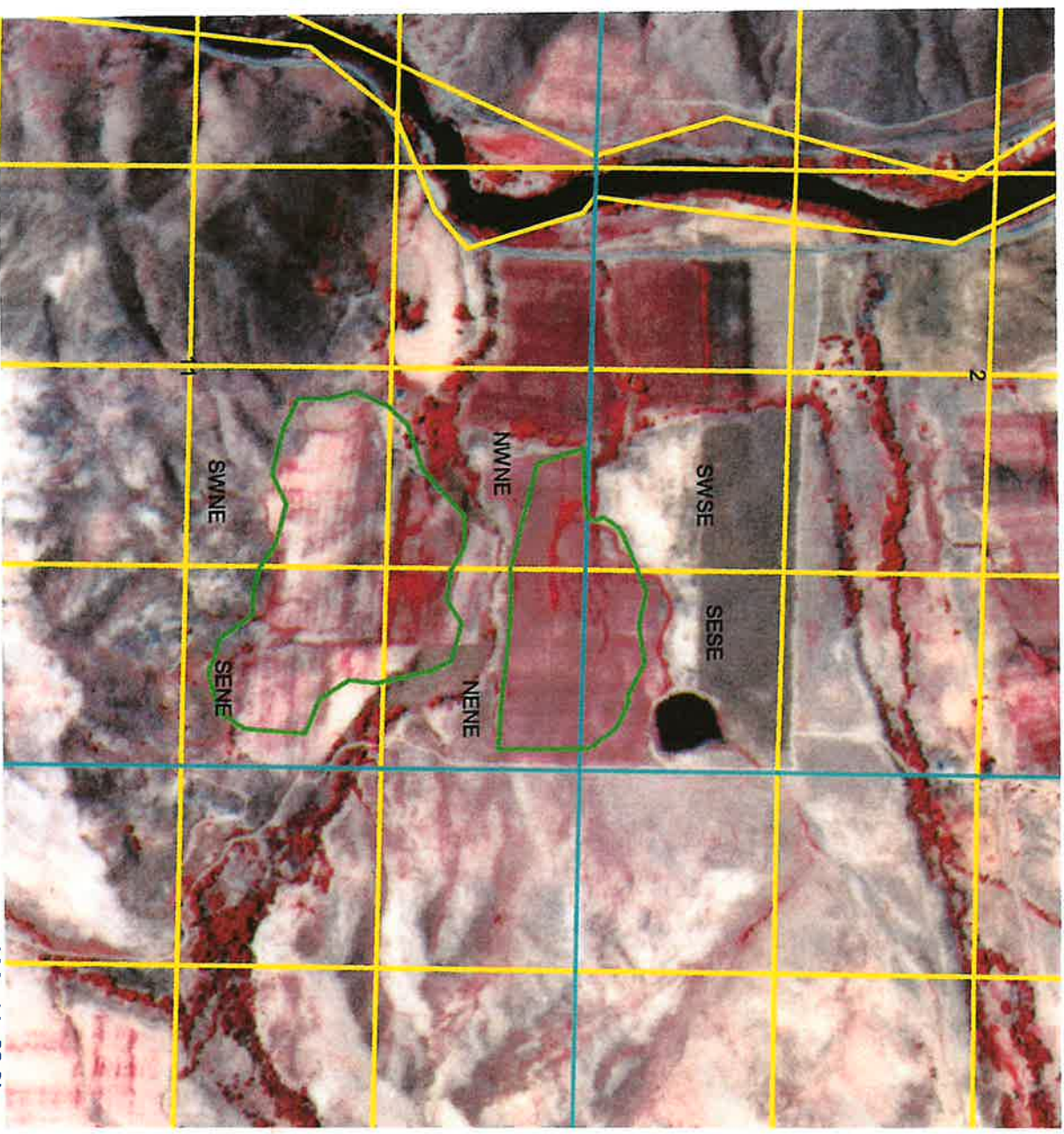
EXPLANATORY MATERIAL: Decreed

*Copy w/o changes faxed through & undelivered.
Presented to O & D at 9-20-02 status conference.*

Idaho Dept. of Water Resources

Claim No(s): 65-3104B
T7N, R2E, S 2, 11
Prepared by: Sue Bock
Date: 8/6/2002

- ☐ Place of Use
- ☒ Point of Diversion
- ☐ Section lines
- ☐ 1/4 1/4 lines



JUE'S PROPOSED CHANGES.

Page 1

08/21/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-3104B V2

WATER RIGHT NUMBER: 65-3104B V2

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ALFRED C WOLFGRAM BOX 100 HORSESHOE BEND, ID 83629
Original Owner	MARGARET I WOLFGRAM BOX 100 HORSESHOE BEND, ID 83629
Original Owner	STEVE DOBSON PO BOX 366 HORSESHOE BEND, ID 83629 (208)793-2694
Original Owner	LEO T OLIVER PO BOX 366 HORSESHOE BEND, ID 83629 (208)853-2255
Current Owner	O & D PARTNERSHIP PO BOX 366 HORSESHOE BEND, ID 83629 (208)793-2694

Priority Date: 01/01/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PORTER CREEK	PAYETTE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.530 CFS	
	<u>Total Diversion:</u>	1.530 CFS	

Location of Point(s) of Diversion

PORTER CREEK	NW1/4SE1/4	Sec. 12, Twp 07N, Rge 02E, B.M.
BOISE 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	
07N	02E	2															2.0	9.0	11.0
07N	02E	11	16.0	14.0	18.0	27.0													75.0

Total Acres: 86

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-3104B V2

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.02 CFS PER ACRE AT FIELD HEADGATE. COMBINED RIGHT NOS.: 65-02858A, 65-10963.

Comments:

1. sbock 8/6/2002 recommendation

Comment: This right is being taken out of a ppu in an attempt to resolve an objection by Mr. Dovel. Right is being recommended as per transfer3445. Taking this right and associated rights out of a ppu should also help facilitate the distribution of shares to various lot owners. Originally Mr. Dobson said that the system was all comingled, but now states that all water can not cover all acres. This Porter Cr. right is number 2 in priority and can not be used on the west side of the bluff.

2. sbock 8/7/2002 pou

Comment: See file for lot designation and number of acres assigned per lot

3. sbock 8/21/2002 layout

Comment: The NAPP photo, gcdb grid, and the taxlot info do not overlap correctly, so the pou outline on the layout may be a bit off from the actual area irrigated.

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: 65

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

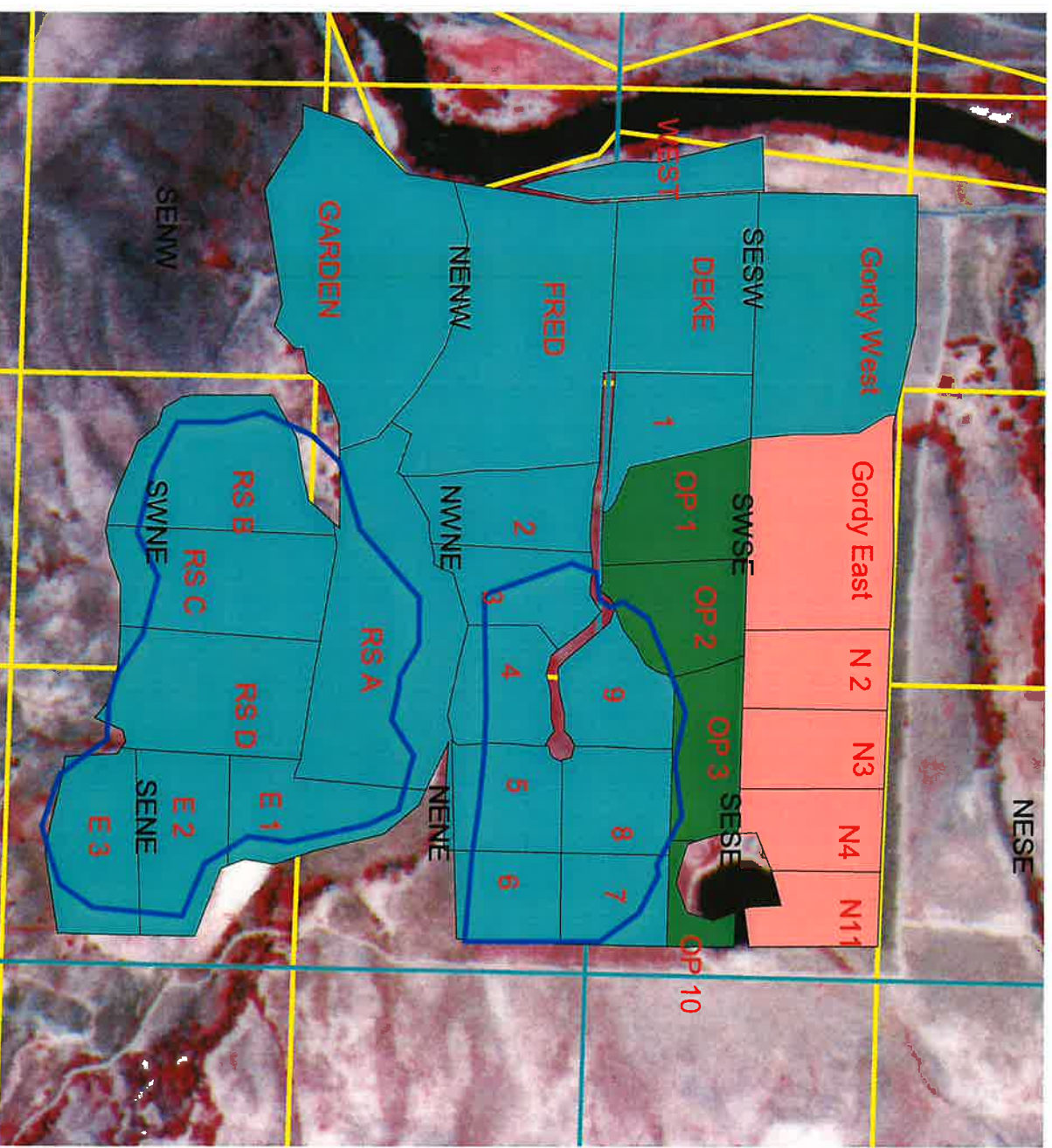
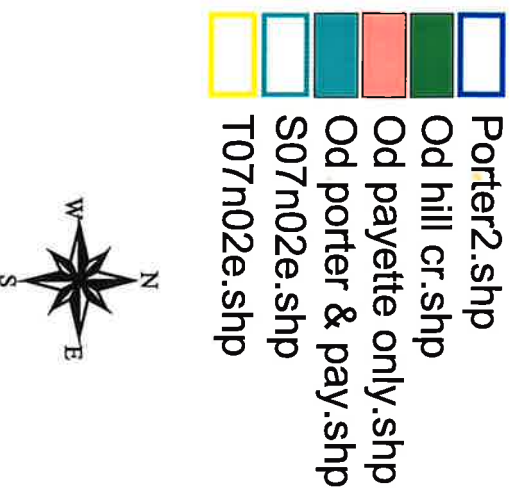
Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Idaho Dept. of Water Resources



O & D rights	65-3803C	65-3104B	65-9417A	65-2858A	65-10963
	Hill Creek	Porter Creek	Payette River	Payette River	Payette River
	.0227 cfs	.0178 cfs	.02 cfs	.018 cfs	.02 cfs
	per acre	per acre	per acre	per acre	per acre
			4/1/1958	7/29/1966	7/7/1969
Lot Designations					
Gordy (West field)			14		12
Gordy (East field)			15		11
Deke (ag field)					11.5
Fred (ag field)				16	21
Garden (ag field)				15	20
West field (by river)					1.5
op1	6.7				
op2	6.1				
op3	5.4				
op10	5.8				
North 2			5		
North 3			5		
North 4			5		
North 11			5		
1					5
2		3		5	5
3		4		5	5
4		4.5		5	5
5		4.5		5	5
6		4.5		5	5
7		4.5		5	5
8		4.5		5	5
9		4.5		5	5
RS A		10		22	22
RS B		8.3		10	10
RS C		8.3		10	10
RS D		8.4		10	10
E 1		5		6	6
E 2		6		6	6
E 3		6		6	6
Total Acres	24	86	49	141	192

Sec. 2

SWSE 2A

L9 2

SESE 9A

L9 2

L8 3.5

L7 3.5

Sec. 11 NENE 16A

L9 0.5

L6 4.5

L8 1

L5 4.5

L7 1

L4 2.5

Center 2

NWNE 14A

L4 2

L4.2 1

L3 4

L2 3

Center 4

SWNE 18A

Ag1 8.3

Ag2 7.3

Ag3 2.4

SENE 27A

Ag3 5

L4 2.5

E1 5

E2 5

E3 5

L9 4.5 2 + 2 + 1.5

L8 4.5

L7 4.5

L6 4.5

L5 4.5

L4 4.5 2 + 2.5

L3 4 ~~2.5~~

L2 3

E1 5

E2 6

E3 6

Center 10 2 + 4 + (4) SESE

Ag1 8.3

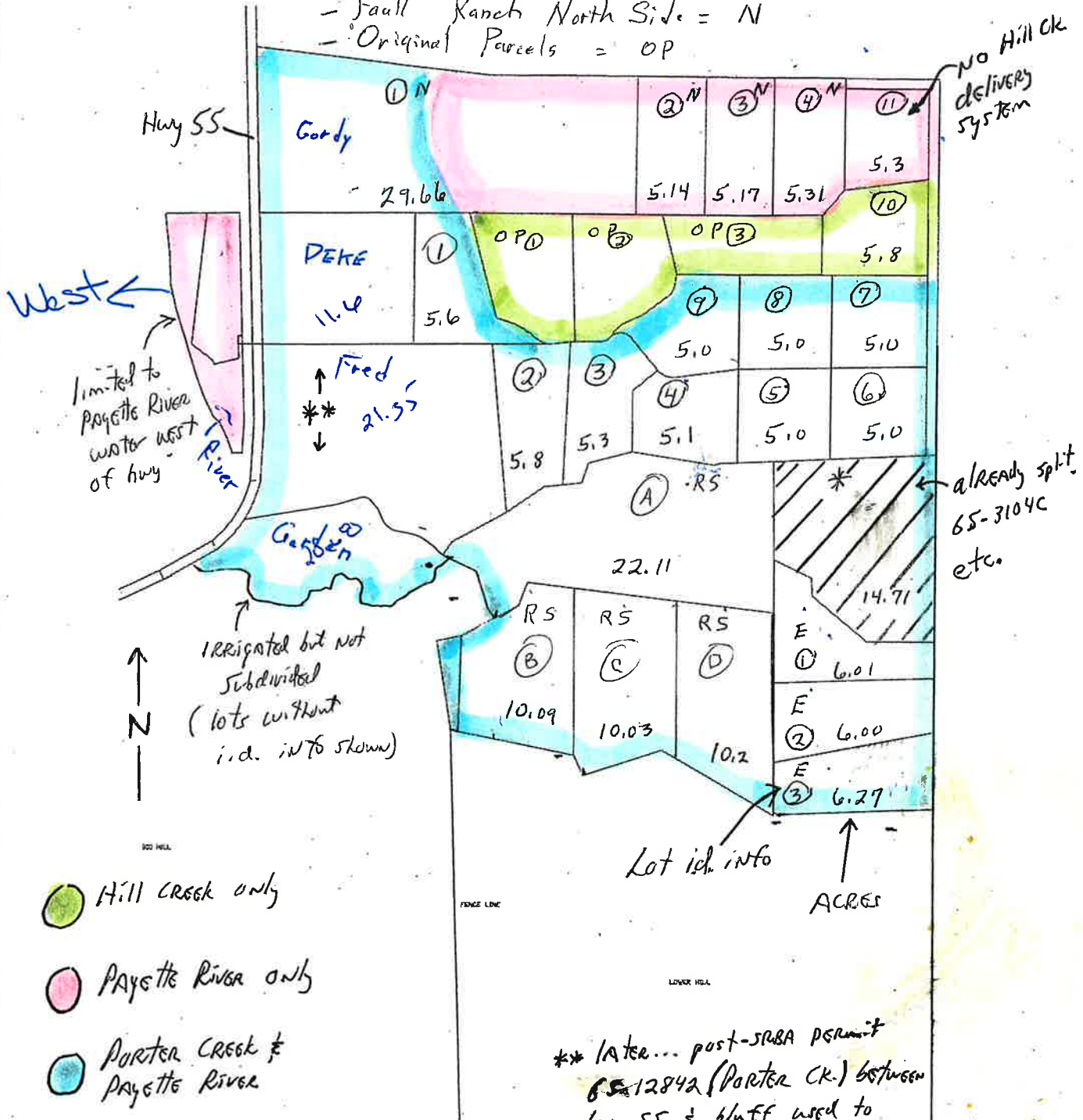
Ag2 8.3 ~~7.3~~ + 1

Ag3 8.4 2.4 + 6

KEY

- Faull Ranch #1 = ①
- * previously split (see 65-2858.8 etc.)
- Faull Ranch East Side = E
- Faull Ranch North Side = N
- Original Parcels = OP

RS = Record of Survey



- Hill Creek only
- Payette River only
- Porter Creek & Payette River

** later... post-SUBA permit
65-12842 (Porter CK.) between
hwy. 55 & bluff used to
distinguish sr. v. jr. Porter CK. rights

SPLITS for Faull Ranch development - information per
Steve Robson 5/17/02 -82

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 65-3104B
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234
Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: O & D Partnership
Address: PO Box 366
Horseshoe Bend, ID 83629

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**
Should be:
 2. ☐ **Source**
Should be:
 3. ☐ **Quantity**
Should be:
 4. ☐ **Priority Date**
Should be:
 5. ☐ **Point(s) of Diversion**
Should be:
 6. ☐ **Instream Flow Description**
Should be:
 7. ☐ **Purpose(s) of Use**
Should be:
 8. ☐ **Period of Year**
Should be:
 9. ☐ **Place of Use**
Should be:
 11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S):

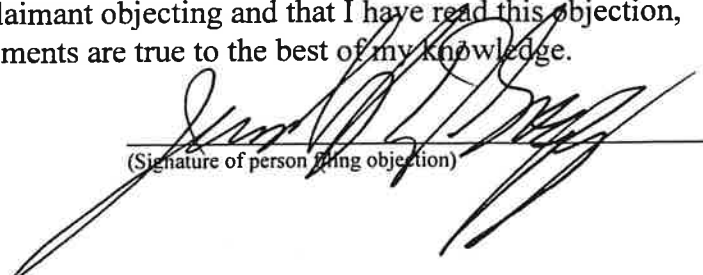
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

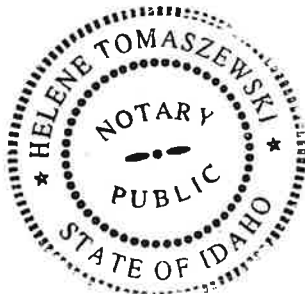
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

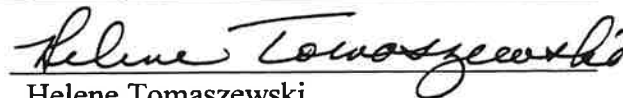

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002





Helene Tomaszewski

Notary Public for: Idaho

Residing at: Meridian

My Commission Expires: 01-16-2002

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: O & D Partnership

Address: PO Box 366
Horseshoe Bend, ID 83629

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

RECEIVED

JAN 23 2002

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

A: Subcase 65-3104B
(Insert water right number)

STANDARD FORM 1
OBJECTION

RECEIVED

JAN 28 2002

WATER RESOURCES
WESTERN REGION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: George Dove
Address: 434 Pioneer Road
Horseshoe Bend, ID 83629
Daytime Phone: (208) 793-2768

Name & Address of Attorney, if any:

C: CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: O & D Partnership
Address: P.O. Box 366
Horseshoe Bend, ID 83629

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address

Should be: _____

2. ☐ Source

Should be: _____

3. ☒ Quantity

Should be: 1.36 cfs

4. ☐ Priority Date

Should be: _____

5. ☐ Point(s) of Diversion

Should be: _____

6. ☐ Instream Flow Description

Should be: _____

7. ☐ Purpose(s) of Use

Should be: _____

8. ☐ Period of Year

Should be: _____

9. ☐ Place of Use

Should be: 68 acres NOT 241.1

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): see Attachment 4

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on January 18, ²⁰⁰²~~2001~~, I mailed the original and copies of this objection, including all attachments, to the following persons:

- Hand Delivered*
1. Original/to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: O & D Partnership
Address: P.O. Box 366
Horseshoe Bend, ID 83629

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

George Dovel
Signature of Objector or attorney
mailing on Objector's behalf

F.

VERIFICATION (Must be Completed)

State of Idaho)
County of Baile)ss.

George Davel, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6)
or that I am the attorney for the party/claimant objecting and that I have read this objection, know
its contents and believe that the statements are true to the best of my knowledge.

George Davel
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 18, 2002
Sandra Seibel
Notary Public for Idaho
Residing at: Horseshoe Bend
My Commission Expires: 2/10/04



Attachment 4 to SRBA Case No. 38576 Subcase 65-3104 dated January 17, 2002

D.3. and D.9. Prior to and during the entire Payette River Basin Adjudication process, the Idaho Code mandated that a field inspection must be conducted by IDWR to determine the number of acres that could have been irrigated historically and map the specific lands where water could have been applied. The Field Inspection for water right 65-3104, conducted by Senior Water Resource Agent Forrest Luthy, determined that only five fields south of Cook Gulch, containing a total of 67.4 acres, could have been irrigated historically. These fields, including total acreage and quantity of water allowed for each, were plotted on the aerial photo that was used and on the appropriate IDWR adjudication work sheet.

However the PRBA claim affidavit signed by former owners Alfred and Margaret Wolfgram claimed that 1.6 cfs had been diverted historically, transmitted approximately one mile, and beneficially applied to 96 acres. IDWR ignored their own field investigation notes, photographs and plats which showed the fields totaled only 67.4 acres and recommended adjudicating the right to divert the 1.6 cfs to irrigate 96 acres claimed in the affidavit.

Despite a 1980 promise by the Adjudication Officer, our protests were not allowed and the right was so adjudicated seven years later. But administration by several Porter Creek watermasters over a period of years required the installation of a valve to prevent Porter Creek water from being used to irrigate lands with Hill Creek water right 65-3803.

Then, new owners, O & D Partnership, filed a transfer application which would expand the water usage to include an additional 140 acres historically irrigated with Hill Creek right 65-3803. We filed a protest and, through a lengthy hearing and appeals process, proved conclusively that only 67.4 acres had been irrigated historically and that a portion of the 1.6 cfs had been forfeited through abandonment.

IDWR agreed to the forfeiture and disallowed 65-3104A by Roger Miller for that portion of the right in the SRBA, yet issued a ruling allowing the transfer of the entire 1.6 cfs which substantially expanded the number of acres irrigated with Right 65-3104. It also dropped the AFA annual consumptive use requirement which increased the total water allowed to be diverted per year by nearly three hundred percent.

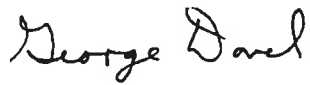
IDWR added a meaningless statement in the SRBA Adjudication Recommendation that the right is limited to the irrigation of 86 acres within the 241.1 acres in a single irrigation season, with full knowledge that it is not possible for a watermaster to accurately determine either the number or location of acres being irrigated at any given time in this hilly ground.

O & D Partnership transferred .07 cfs of the unlawfully expanded right, to irrigate 4 acres, to Teresa Dooms. The recommendation for SRBA adjudication by IDWR allows 1.53 cfs to be diverted 24 hours per day for seven consecutive months to irrigate a total of 241.1 acres.

This, combined with Dooms Right 65-3104C, allows 3.6 times as many acres to be irrigated, a 260 percent increase in irrigation water used each season. If adjudicated, this unlawful expansion could deprive Porter Creek and downstream Payette River users, with rights junior to January 1, 1883, of up to 1.5 billion gallons of irrigation water each irrigation season.

Based on a diversion of .02 cfs per acre, which includes reasonable ditch losses in this area, the historical right should be a maximum diversion of 1.36 cfs. to irrigate 68 acres.

I swear that the foregoing information is true and correct to the best of my knowledge and belief.

A handwritten signature in cursive script that reads "George Dovel".

George Dovel
1/17/2002

11/17/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 65-3104B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	O & D PARTNERSHIP PO BOX 366 HORSESHOE BEND, ID 83629 (208)793-2694
Original Owner	ALFRED C WOLFGRAM
Original Owner	MARGARET I WOLFGRAM BOX 100 HORSESHOE BEND, ID 83629
Original Owner	STEVE DOBSON
Original Owner	LEO T OLIVER PO BOX 366 HORSESHOE BEND, ID 83629 (208)853-2255

Priority Date: 01/01/1883
Basis: Decreed
Status: Valid

<u>Source</u>	<u>Tributary to</u>
PORTER CREEK	PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	1.53 CFS		
Total Diversion			1.53 CFS		

Point(s) of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	02E	12	NW	SE		0	BOISE

IRRIGATION Use:
Acre Limit: 86

Place(s) of use:

Place of Use Legal Description: IRRIGATION BOISE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	02E	11		NENE	31		NWNE	37		SWNE	18		SENE	24
				NENW	24		SENE	2						
		2		NESW	2.4		SESW	22						
				NESE	2.9		NWSE	2.8		SWSE	39		SESE	36

Total Acres: 241.1

Conditions of Approval:

- 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:

- | | |
|---------------------------------|--|
| 1. Place of Use - Irrigation | THIS RIGHT IS LIMITED TO THE IRRIGATION OF 86 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. |
| 2. Quantity | USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.02 CFS PER ACRE AT FIELD HEADGATE. COMBINED RIGHT NOS.: 65-03803C, 65-02858A, 65-09417A, 65-10963. |

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
sbock	11/17/00	PPU	PPU WAS CREATED AFTER MEETING WITH STEVE DOBSON. THIS RIGHT IS BEING RECOMMENDED CONSISTANT WITH TRANSFER. WATER WAS NOT REDUCED BY 6 ACRES FORFEITED IN NWSW SEC 12 AS WATER DID NOT EXCEED .02 CFS PER ACRE.

Dates:

Licensed Date:
Claim Received Date: 05/25/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s):
State or Federal: S
Owner Name Connector: OR
Overall Max Diversion Rate: 1.53
Overall Max Diversion Volume: 0
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Idaho Dept. of Water Resources

Sue's ORIGINAL MAP
SHOWING THE PERMISSIBLE
AREA OF USE

Claim No(s): 65-03104B
T07N, R02E, Sec 2, 11

Created by: Sue Bock

Date: 11/17/2000

 Place of Use

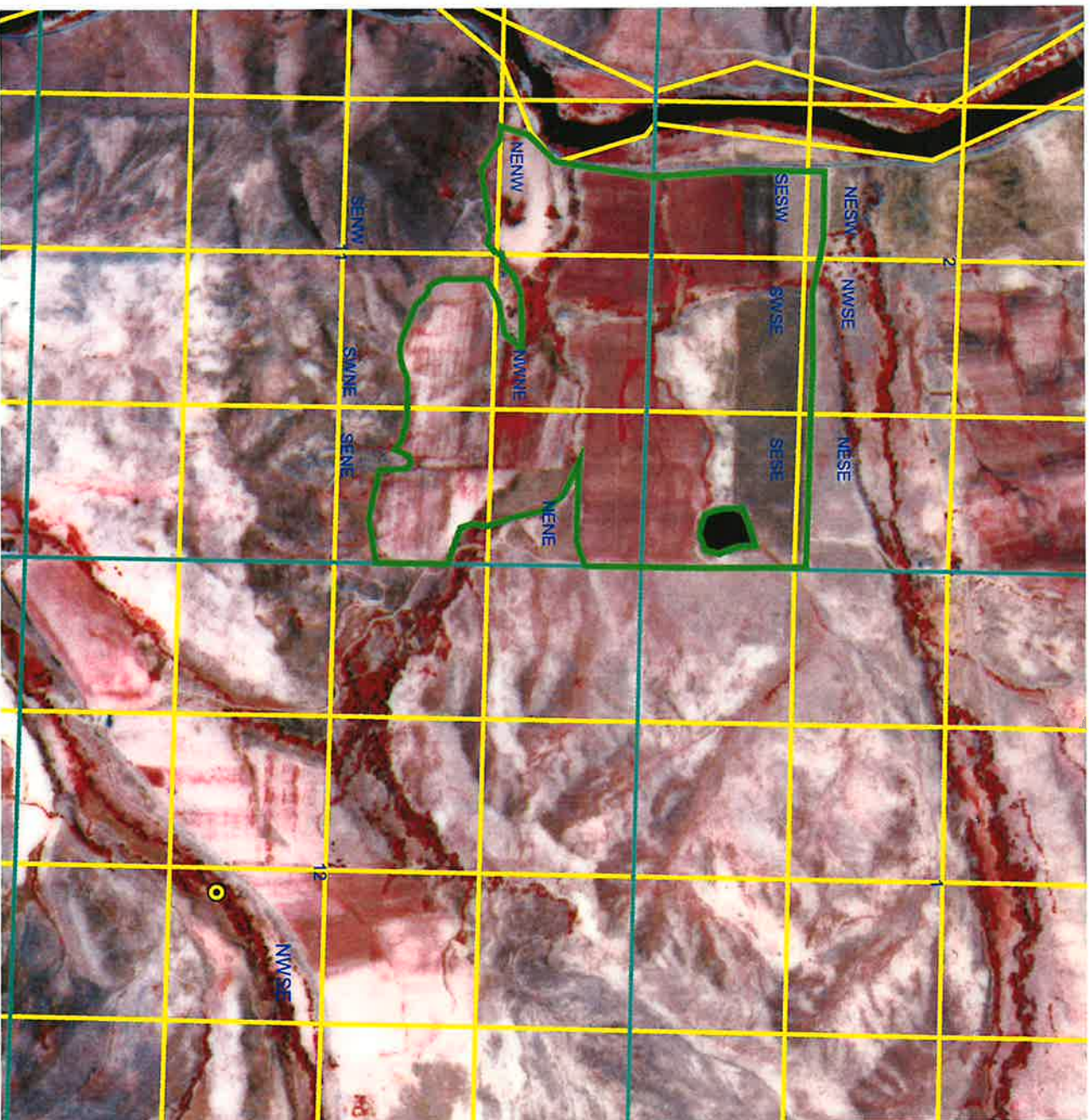
 Point of Diversion

 Section lines

 1/4 1/4 lines



0 1000 2000 3000 Feet



1987 NAAPP Photo

03/08/2001

RECEIVED

APR 03 2001

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 13, 2001

Water right number: 65-3104B

O & D PARTNERSHIP

PO BOX 366

HORSESHOE BEND ID 83629

Telephone Number: (208)793-2694

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

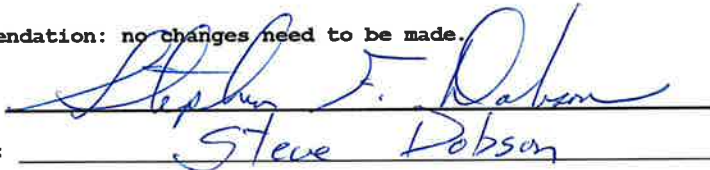
3. Give a brief explanation as to why you disagree with these portions:

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

DATE:

4-3-01

SIGNATURE:


Steve Dobson

Please print your name:

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, (208) 334-2190

8/3/00

Office visit with Mr. Steve Dobson
of O+D.

65-10963, 65-09147A, 65-02858A, 65-03104B
65-03803C

65-03104B, 65-03803C under Dobson & Oliver
Mr Dobson is going to send in ownership
change for these 2 rights should be under
O+D.

Preliminary PPU 238 outline. Dobson agrees
to creation of PPU.

65-10963 Increased for 35 acres in NENE
~~Sec 35~~^{113B}, could not have a covered
moving 5 acres into ~~Sec 2~~ NESE, NUSE, & SESW
through accompanied transfer.

Will go over PPU with Steve later
as partners to Porter Creek.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A65-03104B

00:18:38
06/10/00
511

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STEVE DOBSON	01/01/1883	IRRIGATION	04-01 11-01	1.530 CFS	
C	LEO T OLIVER					
TOTAL DIVERSION:					1.530 CFS	

Water Source: PORTER CREEK

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion:

T07N R02E S12

NMSE

BOISE County

Place of use Legal Description for: IRRIGATION

		NE	NW	SW	SE	SUM
T	R S	NE NE NE NE NE NE	NE NW NW NW NW NW	NE SW SW SW SW SW	NE SE SE SE SE SE	
07N 02E	2	16	14	18	27	11.0
07N 02E	11	16	14	18	27	75.0
TOTAL ACRES						86.0

POU County: BOISE

Non-Irrigation Uses: NONE.

Other Rights: A65-09417A, A65-02858A, A65-03803C & A65-10963A.

Remarks: GEN THIS CLAIM IS A RESULT IN CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. 65-03104, FEE PAID UNDER RECEIPT NO. W003004, 17 APRIL 1992, RDH.
CLAIM AMENDED PER TRANSFER NO. 3445 APPROVED 4-28-89.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 3445 IN FILE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: 65 Field Inspection Flag: Presumption Flag:

0
C/H
Q 2/5/88
KOC
Pool
Consistent with transfer
water amount protected
by various protected
rights of 12
Nursery of 12
conservation of
2 x each of 12
area

Q 4/11/71
3803C
2 458A
2 4117A
10943



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

November 17, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

O & D PARTNERSHIP
PO BOX 366
HORSESHOE BEND ID 83629

Re: Notice of Claim to a Water Right No. A65-03104B & A65-03803C

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the necessary name changes for the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

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

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist I
Adjudication Section
Western Region Office

DB:db

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DATE: APRIL 17, 1992

CECIL D. ANDRUS
GOVERNOR

**STEVE DOBSON &
LEO T OLIVER**
PO BOX 366
HORSESHOE BEND ID 83629

R. KEITH HIGGINSON
DIRECTOR

NOTICE OF CLAIM NO. (S)
A65-02858A

A65-03104B

A65-03803C

A65-10963A

Gentlemen,

Enclosed is a copy(s) of the above referenced claim(s) which reflects the **CHANGE IN OWNERSHIP PORTIONS** of the lands and appurtenant water rights covered by this claim(s).

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim(s) for final court decree.

If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Ron Howerton
Senior Water Agent
Adjudication Bureau

cc: File(s)
A65-02858A
A65-03104B
A65-03803C
A65-10963A

MICROFILMED

SEP 22 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

“When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season.”

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-3104A V1

WATER RIGHT NUMBER: 65-3104A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROGER MILLER PO BOX 253 HORSESHOE BEND, ID 83629-0253 (208)793-2561
Original Owner	STEVE DOBSON PO BOX 366 HORSESHOE BEND, ID 83629 (208)793-2694
Original Owner	ALFRED C WOLFGRAM BOX 100 HORSESHOE BEND, ID 83629
Original Owner	MARGARET I WOLFGRAM BOX 100 HORSESHOE BEND, ID 83629
Original Owner	LEO T OLIVER PO BOX 366 HORSESHOE BEND, ID 83629 (208)853-2255

Priority Date: 01/01/1883

Basis: Decreed

Status: Disallowed

<u>Source</u>	<u>Tributary</u>
PORTER CREEK	PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.100 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

PORTER CREEK	NW1/4SW1/4	Sec. 12, Twp 07N, Rge 02E, B.M.
BOISE 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	
07N	02E	12																	6.0

Total Acres: 6

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-3104A V1

1. P04 FORFEITED/ABANDONED: This is included for a claim based on a decree or license that is PROPOSED to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.

Remarks:

1. General FORFEITED/ABANDONED DUE TO NON-USE FROM 10/18/1977 TO 4/28/1989.

Comments:

1. sbock 10/30/2000 disallow

Comment: This claim is not being recommended for non-use as found during the transfer process. The land had not been irrigated since 10/18/77 see memo in file from Steve Lester.

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: 65

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

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 65-12842 AND APPLICATION
FOR TRANSFER OF WATER RIGHT NO.
65-03104

STEVE DOBSON AND/OR TOM OLIVER,
Applicants,
GEORGE DOVEL,
Protestant.

SOURCE: Porter Creek
TRIBUTARY TO: Payette River

COUNTY: Boise

MEMORANDUM DECISION AND ORDER
APPROVING APPLICATION FOR PERMIT NO. 65-12842
AND APPROVING IN PART APPLICATION FOR TRANSFER
OF WATER RIGHT NO. 65-03104

Steve Dobson and/or Tom Oliver having filed with the Department of Water Resources (Department) Application for Permit No. 65-12842 to appropriate unappropriated water and Application for Transfer of Water Right No. 65-03104; a protest to each application having been received; and a hearing having been held, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

The Application

1. On May 16, 1988, Steve Dobson and/or Tom Oliver (hereinafter applicants) applied to the Department for a permit to appropriate 0.84 cubic feet per second (cfs) of water from Porter Creek tributary to the Payette River to be used for irrigation from April 1 through November 1 annually. The proposed point of diversion is located within the NW1/4SE1/4, Sec. 12, Twp. 7N, Rge. 2E, B.M., and the proposed place of use is 42 acres located within Secs. 2 and 11 of the same township and range. On the same day, the applicants applied

5. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1990.

6. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

IT IS FURTHER ORDERED that Application for Transfer of Water Right No. 65-03104 is APPROVED IN PART subject to the following conditions:

1. The place of use of this water right shall not exceed 90 acres, defined as: 2 acres in the SW1/4SE1/4 and 9 acres in the SE1/4SE1/4, Sec. 2; 20 acres in the NE1/4NE1/4; 14 acres in the NW1/4NE1/4; 18 acres in the SW1/4NE1/4 and 27 acres in the SE1/4NE1/4, Sec. 11, all in Twp. 7N, Rge. 2E, B.M. The map showing the place of use is a part of the Application for transfer.

2. The maximum annual consumptive use volume authorized for diversion under this transfer shall not exceed 225 acre-feet, i.e. 90 acres x 2.5 AF/acre = 225 acre feet.

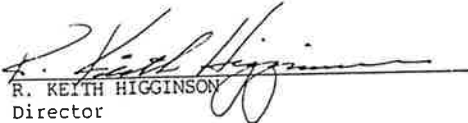
3. The maximum rate of diversion shall not exceed 1.6 cfs.

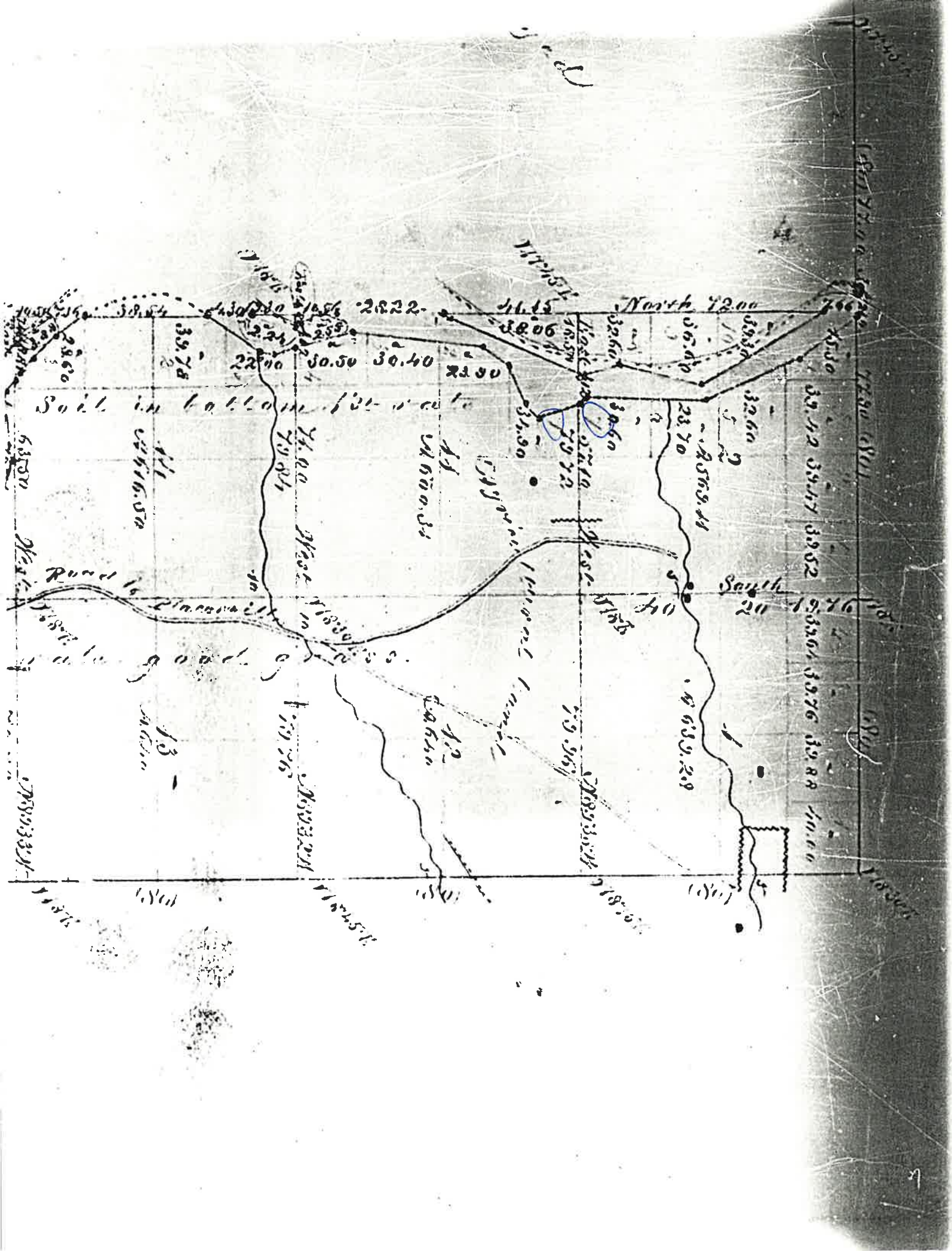
4. Water shall be diverted under this right only during periods when diverted flows are applied to a beneficial use on the specified place of use.

5. A measuring device and lockable controlling works of a type acceptable to the Department shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

6. Use of water under this right is subject to the control of the watermaster of State Water District No. 65-B, Porter Creek.

Dated this 28th day of April, 1989.


R. KEITH HIGGINSON
Director



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 65-3104B
Date Received: 5/25/89
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s): O & D PARTNERSHIP Phone: (208)793-2694
PO BOX 366
HORSESHOE BEND ID USA 83629

2. Date of Priority: 01/01/1883

3. Source: PORTER CREEK Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
07N	02E	12	NW SE	BOISE

5. Description of diverting works:

PUMP IN CREEK W/PIPELINE FOR IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.53	

7. Total Quantity Appropriated is:
1.53 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
07N	02E	2	SW	SE	IRRIGATION	2
			SE	SE	IRRIGATION	9
Section Acres						11
07N	02E	11	NE	NE	IRRIGATION	16
			NW	NE	IRRIGATION	14
			SW	NE	IRRIGATION	18
			SE	NE	IRRIGATION	27
Section Acres						75
Total Acres						86

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS A RESULT IN CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. 65-03104,
FEE PAID UNDER RECEIPT NO. W003004, 17 APRIL 1992, RDH
CLAIM AMENDED PER TRANSFER NO. 3445 APPROVED 4-28-89
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED
TRANSFER NO. 3445 IN FILE
Name changed by DB 11/16/2000, per claimant request.

15. Basis of Claim: Decreed

RECEIVED

NOV 13 2000

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

*Name
Change
only*

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	65-3101B				
	65-3803C				

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s)

Dobson & Oliver

4. New Owner/Claimant(s)

O & D Partnership

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

PO Box 3660

City, State and ZIP Code

Horseshoe Bend, ID 83629

New Telephone Number

() 793-2694

5. Date you acquired the property

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

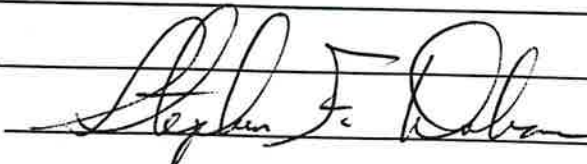
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)



For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

153785

DEED

REQUEST OF
O & D A Partnership
DATE TIME H.
94 OCT 25 PM 1:31
ARLENE C. KOLAR
BY Shirley George
FEE \$15.00

This Deed made effective December 30, 1991, between
STEPHEN F. DOBSON and LESLIE ANN DOBSON, husband and wife, and
LEO T. OLIVER and DORIS OLIVER, husband and wife, Grantors, and
O & D, A PARTNERSHIP (consisting of said Stephen F. Dobson and
Leo T. Oliver), the Grantee, whose complete mailing address is
P.O. Box 366, Horseshoe Bend, Idaho 83629.

WITNESSETH:

WHEREAS, Leo T. Oliver and Doris Oliver acquired the
property hereinafter described by Warranty Deed dated March 29,
1988 in escrow from Alfred C. Wolfgram and Margaret I. Wolfgram,
husband and wife (who had acquired said property by Warranty Deed
dated June 16, 1976 in escrow from Everett K. Allen and Marie H.
Allen, husband and wife); and

WHEREAS, Leo T. Oliver and Doris Oliver, husband and
wife, conveyed a one-half interest in said property to Stephen F.
Dobson and Leslie Ann Dobson, husband and wife, by Warranty Deed
dated December 30, 1991 in escrow; and

WHEREAS, at the time of the execution and delivery in
escrow of said Warranty Deed dated December 30, 1991 from Olivers
to Dobsons, by agreement of said parties the property hereinafter
described became partnership property of O & D, A Partnership,
and the same has been consistently dealt with by the Grantors
herein as partnership property and not as their individual

property or held in co-tenancy or tenancy-in-common, or otherwise; and

WHEREAS, the above-named parties wish to correct the record so as to accurately reflect the true nature of said property as being partnership property.

NOW, THEREFORE, in consideration of the premises and other valuable consideration, the Grantors hereby convey unto the Grantee all of the Grantors' right, title and interest in and to said property which are more particularly described as follows:

Lot 1, 2, and 3, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, in Section 11; NW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 12, S $\frac{1}{2}$ of Lot 7, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ in Section 2, T. 7 N., R. 2 E., B.M., Boise County, Idaho.

EXCEPT Road right of way described in Book 43 of Deeds at Page 230, Book 48 of Deeds at Page 265, Book 44 of Deeds at Page 47, Book 48 of Deeds at Page 318 and Book 49 of Deeds at Page 35, records of Boise County, Idaho.

Together with all water and ditch rights appurtenant to the above described property and all right which Grantors have under Idaho Department of Reclamation Water Permit No. 33051, and subject to all easements of record or in use.

Subject to contractual obligations of the Grantors, or any of them, pursuant to contracts in escrow between Allens and Wolgrams and Wolfgrams and Olivers.

To have and to hold the same together with their appurtenances unto the said Grantee and its successors and assigns forever.

IN WITNESS WHEREOF the parties hereto have duly
executed this instrument effective as of the day and year first
above written.


STEPHEN F. DOBSON, individually
and as partner in O & D, A
Partnership


LESLIE ANN DOBSON


LEO T. OLIVER, individually
and as partner in O & D, A
Partnership


DORIS OLIVER

STATE OF IDAHO)

County of Ada)

ss.

On this 13 day of Oct., 1994, before me, Angel Madarieta, a Notary Public in and for said State, personally appeared STEPHEN F. DOBSON, individually and as a partner in O & D, A Partnership, known or identified to me to be the person whose name is subscribed to the foregoing instrument in said individual and partnership capacities, and acknowledged to me that he executed the same in such capacities.

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

Angel Madarieta
Notary Public for Idaho
Residing at Bonanza, Idaho
My commission expires 1997

STATE OF IDAHO)

County of Ada)

ss.

On this 13 day of Oct., 1994, before me, Angel Madarieta, a Notary Public in and for said State, personally appeared LESLIE ANN DOBSON, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

Angel Madarieta
Notary Public for Idaho
Residing at Bonanza, Idaho
My commission expires 1997

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: **A65-03104B**
Date Received: 5/25/1989
Receipt No: X777777
Received By: _____

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

AMENDED

1. Name: STEVE DOBSON 208-853-2255
Address: PO BOX 366
HORSESHOE BEND ID 83629
OR
Name: LEO T OLIVER 208-853-2255
Address: PO BOX 366
HORSESHOE BEND ID 83629
2. Date of Priority: JAN 1, 1883
3. Source: PORTER CREEK Trib. to: PAYETTE RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	02E	12		NW	SE		BOISE
5. Description of diverting works:
PUMP IN CREEK W/PIPELINE FOR IRRIGATION.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.530		
7. Total Quantity Appropriated is:
1.530 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
NONE.

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	02E	2	SW	SE		IRR	2.0
			SE	SE		IRR	9.0
					Section Acres		11.0
		11	NE	NE		IRR	16.0
			NW	NE		IRR	14.0
			SW	NE		IRR	18.0
			SE	NE		IRR	27.0
					Section Acres		75.0
					Total Acres		86.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

A65-09417A, A65-02858A, A65-03803C & A65-10963A.

14. Remarks:

THIS CLAIM IS A RESULT IN CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. 65-03104, FEE PAID UNDER RECEIPT NO. W003004, 17 APRIL 1992, RDH.

CLAIM AMENDED PER TRANSFER NO. 3445 APPROVED 4-28-89.

SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 3445 IN FILE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

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16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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OCT 18 1996

Water Right Number - 65-03104 B

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

DOBSON

STEVE

1 - P.O. BOX 366

2 -

3 -

City- HORSESHOE BEND

State- ID Zip- 83629

Phone - 208-000-0000

OLIVER

TOM

1 -

2 -

3 -

City-

State- ID Zip-

Phone - 208-000-0000

*** O - ORIGINAL OWNER ***

WOLFGRAM

ALFRED C.

1 -

2 -

3 -

City- HORSESHOE BEND

State- ID Zip- 83629

Phone - 208-000-0000

WOLFGRAM

MARGARET I.

1 -

2 -

3 -

City- HORSESHOE BEND

State- ID Zip- 83629

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
01/01/1883 14 WESTERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
PORTER CREEK PAYETTE RIVER

+ - - - - - - - - - - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
07N 02E 12 NW SE (15) BOISE

+ - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 1.600

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +

1.600

1.53

+ - - - - - - - - - - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07N 02E 2 SW SE 2.0 01 IRRIGATION (15) BOISE
07N 02E 2 SE SE 9.0 01 IRRIGATION (15) BOISE
07N 02E 11 NE NE 20.0 16 01 IRRIGATION (15) BOISE
07N 02E 11 NW NE 14.0 01 IRRIGATION (15) BOISE
07N 02E 11 SW NE 18.0 01 IRRIGATION (15) BOISE

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JUL 18 1996

Water right number - 65-03104 Prefix Translation: WATER RIGHT

| TwN | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------|-------------|------------|
| 07N | 02E | 11 | SE NE | | 27.0 | 01 | IRRIGATION | (15) BOISE |

Total Acres: 90.0
88

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

Remarks
THE MAX. ANNUAL CONSUMPTIVE USE VOLUME AUTHORIZED FOR DIVERSION UNDER THIS TRANS. SHALL NOT EXCEED 225 AF, I.E. 90 ACRES X 2.5 AF/ACRE = 225 AF. WATER SHALL BE DIVERTED UNDER THIS RIGHT ONLY DURING PERIODS WHEN DIVERTED FLOWS ARE APPLIED TO A BENEFICIAL USE ON THE SPECIFIED PLACE OF USE.
TRANS. 3445.

Old Water Right Numbers
No Old Water Right Numbers found.

Conditions of Approval
R39 - A measuring device and lockable controlling works of a type
- acceptable to the Department shall be permanently installed and
- maintained as part of the diverting works.
R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 65B.

| | | |
|------------------|---------------------|-------------|
| Decree Plaintiff | Decree Defendant | Decree Date |
| STATE OF IDAHO | A & C CORP., ET AL. | 01/21/1986 |

Comments
No Comments Found

Audit Fields - 04/02/86 04/30/88 CONVERT 05/03/89 CURTIS 05/25/93 GUSTAFSO

Water Rights Dates and Flags Area

| | | |
|-------------------------------|------------------------------|----------------------|
| Proof Due Date - 00/00/0000 | Field Exam Made - 00/00/0000 | Field Exam Fee - |
| Approved/Denied - 00/00/0000 | Protested Date - 00/00/0000 | Swan Falls - |
| Proof Made Date - 00/00/0000 | Hearing Date - 00/00/0000 | Temporary Right - P |
| Exam to S.O. Date- 00/00/0000 | Verified Date - 00/00/0000 | DLE/Carey Act - |
| Order Show Cause - 00/00/0000 | Receipt Number - | Water District - 65B |
| Licensed Date - 00/00/0000 | Appl Received - 00/00/0000 | Transfer/Amended - T |
| Decree Date - 01/21/1986 | Name Connector - | POU Ownership Flag - |
| Presumption Flag - | | |

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OCT 18 1996

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3445

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED IN PART

Name of applicant Steve Dobson and/or Tom Oliver Phone 793-2694
Post Office address P.O. Box 366 Horseshoe Bend, ID 83629

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes To provide a more efficient use of existing resources.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

| 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|-----------------|-----------------------|-------------------|---------------------------|
| <u>65-3104</u> | <u>1/1/1883</u> | <u>1.60</u> | <u>Irrigation</u> | <u>4/1</u> to <u>11/1</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |

2. Total amount of water being transferred 1.60 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Porter Creek tributary to Pegette River4. Point(s) of Diversion: no change

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

5. Lands irrigated or place of use:

| Twp. | Rge. | 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 | |
| 7N | 2E | 2 | | | | | | | | | | | | | | | 2 | 9 | 11 |
| | | | 20 | 14 | 18 | 27 | | | | | | | | | | | | | 79* |
| 7N | 2E | 11 | 22 | 16 | 19 | 28 | | | | | | | | | | | | | -85-- |
| | | | | | | | | | | | | | | | | | | | |
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OCT 18 1996

PART 1

6. General Information:

a. Description of diversion system consists of dam in creek, headgate, ditch, and Cignolletti weir. Laterals and a buried pipeline compliment the gravity irrigation system.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ✓ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Sec. 12 - 6 acres to be left as dry farmland or as grazing area.
Sec. 11 - 12 acres to be irrigated under existing Payette River water right (65-2858) and perhaps with new water right (Application filed 5/16/88).

d. Remarks:

The Payette River right, 65-2858, is appurtenant to the entire farm, part of which is irrigated with Porten Creek water under 65-3104. The intention of the transfer is to move part of the Porten Creek water use to the east.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 65-3104

And said application is hereby Approved in part, subject to the following limitations and conditions:

See Memorandum Decision and Order.

Witness my hand this 28th day of April

R. Keith Higginson
R. KEITH HIGGINSON
Director

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OCT 18 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 3667 Decreed to A.C. F/ur M.I. Wolfgang
in case of State of Idaho vs. A.C. Corp. ET AL
dated 1/21/1986 in gem county of Idaho.
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Porter Creek tributary to Poyette River
4. Date or priority 1/1/1883

5. Water is used for the following purpose:

amount 1.60 for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.60 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| | | NW | SE | 12 | 7N | 2E | Boise | NONE |
| | | | | | | | | |
| | | | | | | | | |

8. Lands irrigated or place of use:

| Twp. | Rge. | 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 | |
| 7N | 2E | 11 | 15 | 16 | 19 | 28 | 6.1 | | | 1 | | | | | | | | | 90 |
| 7N | 2E | 12 | | | | | | | | | 6 | | | | | | | | 6 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total acres 96

9. Describe any other water rights used for the same purpose as described above 65-2858, Poyette River

MICROFILMED
OCT 18 1996

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED N/A
(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

3. Lands irrigated or place of use:

| Twp. | Rge. | 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 | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)* N/A

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

3. Lands irrigated or place of use:

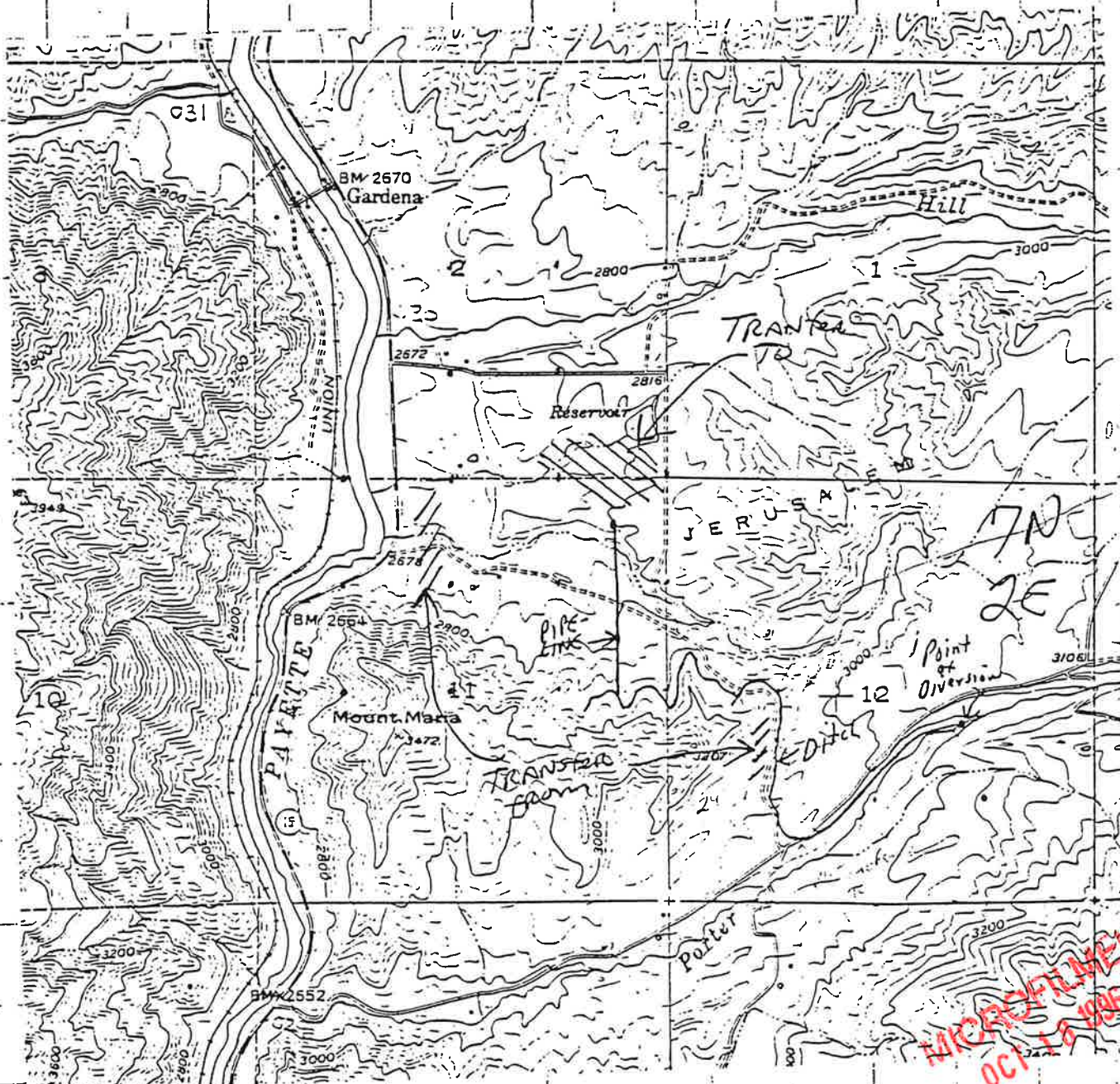
| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | 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 | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |

Total acres _____

MICROFILMED
OCT 18 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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

PART 3

B. CHANGES IN NATURE OF USE

| 1. | New Nature of Use | Amount
(cfs/ac-ft) | Hours/days/year | Period of Use |
|----|-------------------|-----------------------|-----------------|---------------|
| | | | | to |
| | | | | to |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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 willful misrepresentations made in this application may result in voiding its approval.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 16th day of May, 19 88.

Nancy M. Lindgren
(Notary Public)

My commission expires 1-19-1994

FOR DEPARTMENT USE ONLY

| | |
|--|--|
| Transfer contains <u>6</u> pages and <u> </u> attachments | Protest filed by <u>George Dovel</u> |
| Received by <u>SL</u> Date <u>5/16/88</u> | <u>23629</u> |
| Prelim. check by <u> </u> Fee <u>\$50</u> | <u>B+1 Horshoe Bend ID</u> |
| Received by <u>SL (#46101)</u> Date <u>5/16/88</u> | |
| Published in <u>The Idaho World</u> | Copies of protest forwarded by <u>JP</u> |
| Pub. dates <u>6/1 + 6/8/88</u> | Hearing held by <u> </u> Date <u> </u> |
| Watermaster recommendation requested on <u>6/21/88</u> | Recommended for ☐ approval ☒ denial |
| <u> </u> rec'd. <u> </u> | by <u> </u> |
| Copy of transfer sent to lien holder <u> </u> | |

MICROFILMED
OCT 18 1996

The magnitude of the rate of diversion of 1.6 cfs for the right, however, has not been diminished, since it has been routinely diverted and does not exceed the general duty of water standard of 0.02 cfs per acre.

Enlargement of the Water Right

17. The water right will not be enlarged if delivery and use of water are not in connection with more acres than formerly irrigated by the right.

Potential Injury to Other Water Rights

18. If the proposed transfer is approved, additional care will be required from the watermaster to insure that diversion of water under terms of the transfer does not injure senior water rights on Porter Creek.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 65-12842 is APPROVED subject to the following conditions:

1. This water right is subject to all prior water rights.
2. The permit holder shall submit to the Department evidence or plans and specifications of proposed changes to the diverting works, conveyance system and culvert crossing to show that the system is capable of conveying the additional water authorized by this permit. Until the Department has either approved the evidence submitted or the Department has inspected and approved the work accomplished under the pre-approved construction plans, diversion of water under this permit is not authorized.
3. Prior to diversion of water under this right, a measuring device and lockable controlling works of a type acceptable to the Department shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. Use of water under this permit is subject to the control of the watermaster of State Water District No. 65-B, Porter Creek.

MICROFILMED
OCT 18 1996

5. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1990.

6. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

IT IS FURTHER ORDERED that Application for Transfer of Water Right No. 65-03104 is APPROVED IN PART subject to the following conditions:

1. The place of use of this water right shall not exceed 90 acres, defined as: 2 acres in the SW1/4SE1/4 and 9 acres in the SE1/4SE1/4, Sec. 2; 20 acres in the NE1/4NE1/4; 14 acres in the NW1/4NE1/4; 18 acres in the SW1/4NE1/4 and 27 acres in the SE1/4NE1/4, Sec. 11, all in Twp. 7N, Rge. 2E, B.M. The map showing the place of use is a part of the Application for transfer.

2. The maximum annual consumptive use volume authorized for diversion under this transfer shall not exceed 225 acre-feet, i.e. 90 acres x 2.5 AF/acre = 225 acre feet.

3. The maximum rate of diversion shall not exceed 1.6 cfs.

4. Water shall be diverted under this right only during periods when diverted flows are applied to a beneficial use on the specified place of use.

5. A measuring device and lockable controlling works of a type acceptable to the Department shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

6. Use of water under this right is subject to the control of the watermaster of State Water District No. 65-B, Porter Creek.

Dated this 28th day of April, 1989.


R. KEITH HIGGINSON
Director

MICROFILMED
06-18-1990

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: A65-03104
Date Received: 5/18/1989 5/25/89
Receipt No: 1003004
Received By: [Signature] (CHANGES MADE) FEE REQ.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEVE DOBSON 208-853-2255
Address: P.O. BOX 366
HORSESHOE BEND, ID 83629
OR
Name: LEO T. OLIVER 208-853-2255
Address: P.O. BOX 366
HORSESHOE BEND, ID 83629
2. Date of Priority: JAN 01, 1883
3. Source: PORTER CREEK Trib. to: PAYETTE RIVER
4. Point of Diversion:

| | | | | | | | |
|----------|-------|---------|--------|--------|--------|-----|--------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
| 07N | 02E | 12 | NW | SE | | | BOISE |
5. Description of diverting works:
PUMP IN CREEK W/PIPELINE FOR IRRIGATION.
6. Water is used for the following purposes:

| | | | | | |
|------------|-------|-------|--------|------|--------|
| Purpose | From | To | C.F.S. | (or) | A.F.A. |
| IRRIGATION | 04/01 | 11/01 | 1.600 | | |
7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
NONE.

10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 07N | 02E | 2 | SW | | SE | | IRR | 2.0 |
| | | | SE | | SE | | IRR | 15.0 |
| | | | | | | | Section Acres | 17.0 |
| | | 11 | NE | | NE | | IRR | 18.0 |
| | | | NW | | NE | | IRR | 12.0 |
| | | | SW | | NE | | IRR | 17.0 |
| | | | SE | | NE | | IRR | 26.0 |
| | | | | | | | Section Acres | 73.0 |
| | | | | | | | Total Acres | 90.0 |

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
A65-09417A, 10963, 02858, & 03803A.

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree 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: 2

For Individuals:

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

Signature of Claimant(s): [Signature] Date: 5-25-89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 25th day

of May 19 89

Seal

[Signature]
Notary Public

Residing at Meridian ID
My Commission Expires 9-14-94

CLAIM No. A65-03104
PORTER CK.

POOR ORIGINAL

R2E

563

12' 30" |

564

565

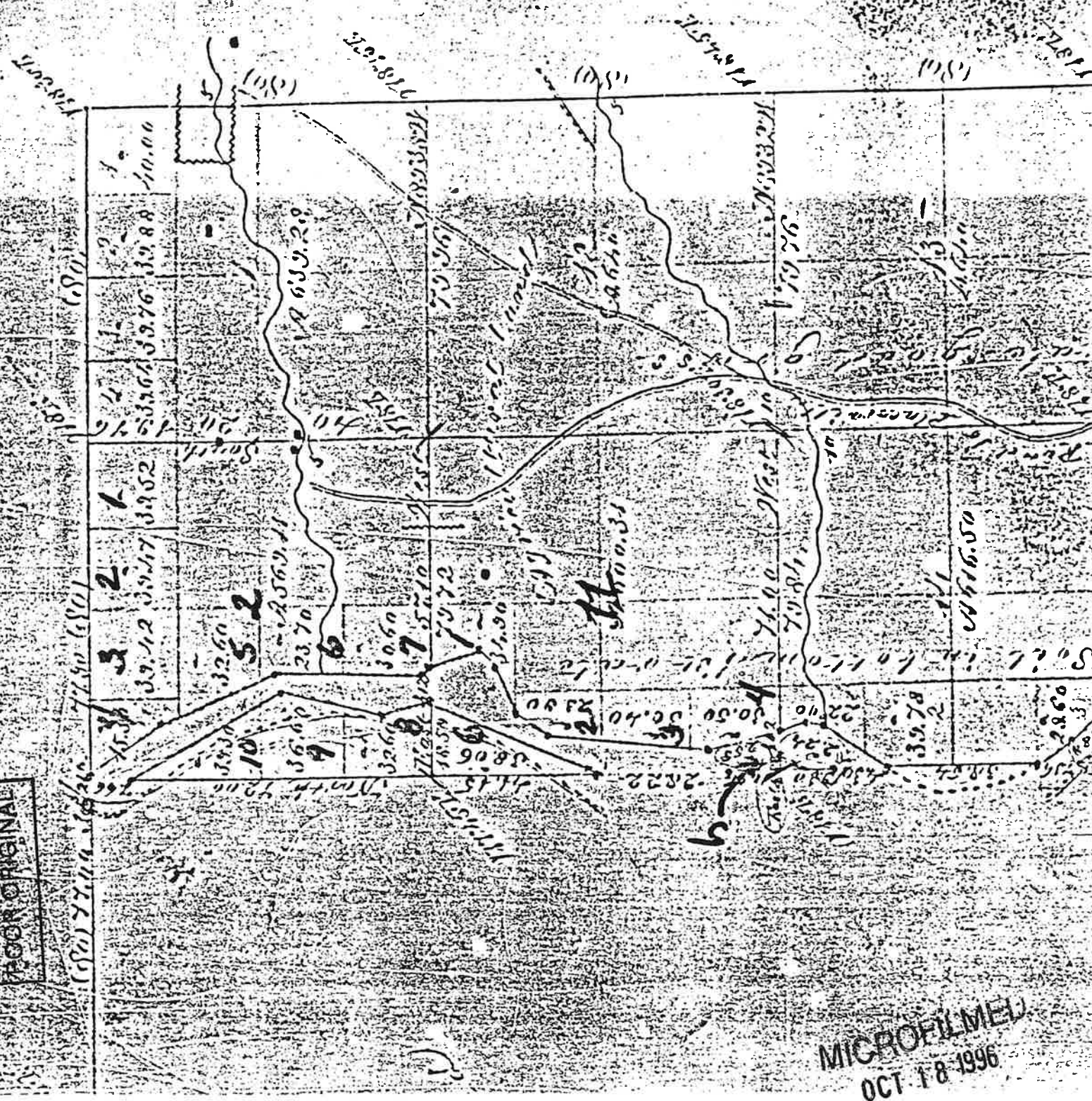
566

| 10' 567

| | | | | | |
|----|-----|----|----|----|----|
| 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 | 32 |
| 33 | 34 | 35 | 36 | 37 | 38 |
| 39 | 40 | 41 | 42 | 43 | 44 |
| 45 | 46 | 47 | 48 | 49 | 50 |
| 51 | 52 | 53 | 54 | 55 | 56 |
| 57 | 58 | 59 | 60 | 61 | 62 |
| 63 | 64 | 65 | 66 | 67 | 68 |
| 69 | 70 | 71 | 72 | 73 | 74 |
| 75 | 76 | 77 | 78 | 79 | 80 |
| 81 | 82 | 83 | 84 | 85 | 86 |
| 87 | 88 | 89 | 90 | 91 | 92 |
| 93 | 94 | 95 | 96 | 97 | 98 |
| 99 | 100 | | | | |

MICROFILMED
OCT 18 1979
PK 89

POOR ORIGINAL



MICROFILMED
OCT 18 1996

Water Right Number - A65-03104; Prefix Translation: ADJUDICATION CLAIM Old (D) Number -
+ - - - - Last Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SPLIT RIGHT

*** O - ORIGINAL OWNER ***
WOLFGAM

MARGARET I.

DOBSON

STEVE

OLIVER

LEO T.

WOLFGAM

ALFRED C.

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/01/1983 14 WESTERN Z - SEE REMARKS

+ - - - - Source - - - - + + - - - Tributary - - - - - +
SPLIT RIGHT PAYETTE RIVER
PORTER CREEK

+ - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07N 02E 12 NW SE (15) BOISE

| Code | Description | Period From | Period To | Water Use | Diversion Rate | Diversion Volume |
|---|-------------|-------------|-----------|-----------|----------------|------------------|
| 01 | IRRIGATION | 04/01 | 11/01 | | 1.600 | |
| + - - Total Div. Rate - + + - - Total Div. Volume - + | | | | | | |
| | | | | | 1.600 | |
| + - - Total Consumptive Use - + + - - KW Usage - + | | | | | | 0.0 |

MICROFILMED
OCT 18 1996

Water right number - A65-03104

Prefix Translation: ADJUDICATION CLAIM

| Trn | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County |
|-----|-----|-----|-------|-----|-------|--------------|-------------|------------|
| 07N | 02E | 2 | SW SE | | 2.0 | 01 | IRRIGATION | (15) BOISE |
| 07N | 02E | 2 | SE SE | | 15.0 | 01 | IRRIGATION | (15) BOISE |
| 07N | 02E | 11 | NE NE | | 18.0 | 01 | IRRIGATION | (15) BOISE |
| 07N | 02E | 11 | NW NE | | 12.0 | 01 | IRRIGATION | (15) BOISE |
| 07N | 02E | 11 | SW NE | | 17.0 | 01 | IRRIGATION | (15) BOISE |
| 07N | 02E | 11 | SE NE | | 26.0 | 01 | IRRIGATION | (15) BOISE |

Total Acres: 90.0

+ - - Diversion Means - PUMP IN CREEK W/PIPELINE FOR IRRIGATION.

+ - - Non-Irrigation Use - NONE.

+ - - Other Rights for Same Use - A65-09417A, 10963, 02858, & 03803A.

+ - - Remarks - - - - - THIS CLAIM HAS BEEN SPLIT INTO THE FOLLOWING PORTIONS:
DOBSON & OLIVER= ... 86 ACRES AT ... 1.53 CFS ... 65-03104B
DOOMS= 4 ACRES AT ... 0.07 CFS ... 65-03104C

+ - - No Old Water Right Numbers Found - - - - - Old Water Right Numbers - - - - -

+ - - Conditions of Approval - - - - - Conditions of Approval found.

+ - - Decree Plaintiff - - - + - - - Decree Defendant - - - + - - - Decree Date - - +
STATE OF IDAHO A & C CORP., ET AL. 01/21/1986

+ - - Comments - - - - - No Comments Found

+ - - Audit Fields - - +

04/16/92 HOWERTON

+ - - Adjudication Rights Dates and Flags Area - - - - -

| | | | | | | | | |
|----------------------|---|------------|-----------------------|---|------------|-------------------------|---|-------|
| Court Report Filing | - | 00/00/0000 | Field Inspection Made | - | 00/00/0000 | Civil Case Number | - | 39576 |
| Objection Filed Date | - | 00/00/0000 | Field Inspection Flag | - | - | Old Case Number | - | - |
| Response Filed Date | - | 00/00/0000 | Verified Date | - | - | Old Judicial District | - | - |
| Claim Received Date | - | 05/25/1989 | Last Amended Date | - | - | Temporary Right | - | P |
| | | | Receipt Number | - | - | Water District | - | 65 |
| | | | POU Ownership Flag | - | - | Federal/State Indicator | - | S |
| | | | Name Connector | - | - | Presumption Flag | - | - |
| | | | | - | OR | Notice of Error Flag | - | - |

MICROFILMED
OCT 18 1996

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: **A65-03104B**
Date Received: 5/25/1989
Receipt No: X777777
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: STEVE DOBSON 208-853-2255
Address: PO BOX 366
HORSESHOE BEND ID 83629

OR
Name: LEO T OLIVER 208-853-2255
Address: PO BOX 366
HORSESHOE BEND ID 83629

2. Date of Priority: JAN 1, 1883

3. Source: PORTER CREEK Trib. to: PAYETTE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 07N | 02E | 12 | | NW | SE | | BOISE |

5. Description of diverting works:
PUMP IN CREEK W/PIPELINE FOR IRRIGATION.

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 1.530 | | |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|---------------|-----|-------|
| 07N | 02E | 2 | SW | SE | | IRR | 2.0 |
| | | | SE | SE | | IRR | 15.0 |
| | | | | | Section Acres | | 17.0 |
| | | 11 | NE | NE | | IRR | 14.0 |
| | | | NW | NE | | IRR | 12.0 |
| | | | SW | NE | | IRR | 17.0 |
| | | | SE | NE | | IRR | 26.0 |
| | | | | | Section Acres | | 69.0 |
| | | | | | Total Acres | | 86.0 |

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

A65-09417A, A65-02858A, A65-03803C & A65-10963A.

14. Remarks:

THIS CLAIM IS A RESULT IN CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. 65-03104, FEE PAID UNDER RECEIPT NO. W003004, 17 APRIL
1992, RDH.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: Dec 30, 1991

LEGAL DESCRIPTION OF PROPERTY: Township 7 N Range 2 E
Section 11, NE 1/4 of NE 1/4 of 1/4 Govt. Lot 1, BM.
Lot 1, Block 1, Subdivision/Townsite 1.
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A 65-03104

☐ Name and Address of Former Owner/Claimant(s)(Seller):
Leo T. Oliver
Stephen E. Dabson

☐ New Owner/Claimant (Purchaser):
Jeff & Teresa Dabson

☐ New Mailing Address:
Box 38 A
Accesshoe Bend, Id.
83629

☐ New Telephone Number: (1) 793-2624

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

4/80 in NENE S. 11 T. 7N R. 2E

A. of 80 Transferred to Dabson

☐ Attach proof of ownership, describe proof attached: Stephen E. Dabson & Leo T. Oliver

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): Jeff Dabson Date 4-6-92

☐ Signature of Former Owner/Claimant(s): Stephen E. Dabson Date 12-30-91
Leo T. Oliver Date 12-30-91

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

~~MICROFILMED~~
SEP 22 1992

CHG. OF OWNERSHIP,
PORTIONS OF

ORIGINAL CLAIM
DOBSON/OLIVER

PORTION OF CLAIM
JEFF/TERESA DOOMS

CALCULATIONS DONE BY: RON HOWERTON
DATE: 4/16/92

- CLAIMS: ① A65-02858 INTO A & B - NOTE: ADD TRIB TO S.R.
② A65-03104 INTO B & C
③ A65-03803A INTO C & D
④ A65-10963 INTO A & B - ADD TRIB TO S.R.

① A65-02858 (DOBSON/OLIVER) (A)
$$\frac{2.72 \text{ CFS}}{149 \text{ AC}} \cdot \frac{x}{145 \text{ AC}} = \boxed{2.65 \text{ CFS}}$$

JEFF/TERESA DOOMS (PORTION) (B)
$$\frac{2.72 \text{ CFS}}{149 \text{ AC}} \cdot \frac{x}{4 \text{ AC}} = \boxed{0.07 \text{ CFS}}$$

② A65-03104 DOBSON/OLIVER (B)
$$\frac{1.6 \text{ CFS}}{90 \text{ AC}} \cdot \frac{x}{86 \text{ AC}} = \boxed{1.53 \text{ CFS}}$$

JEFF/TERESA DOOMS (PORTION) (C)
$$\frac{1.60 \text{ CFS}}{90 \text{ AC}} \cdot \frac{x}{4 \text{ AC}} = \boxed{0.07 \text{ CFS}}$$

③ A65-03803A DOBSON/OLIVER (C)
$$\frac{2.26 \text{ CFS}}{99 \text{ AC}} \cdot \frac{x}{84.3} = \boxed{1.92 \text{ CFS}}$$

JEFF/TERESA DOOMS (PORTION) (D)
$$\frac{2.26 \text{ CFS}}{99 \text{ AC}} \cdot \frac{x}{14.7} = \boxed{0.34 \text{ CFS}}$$

④ A65-10963 DOBSON/OLIVER (A)
$$\frac{3.84 \text{ CFS}}{192} \cdot \frac{x}{188} = \boxed{3.76 \text{ CFS}}$$

JEFF/TERESA DOOMS (PORTION) (B)
$$\frac{3.84}{192} \cdot \frac{x}{4} = \boxed{0.08 \text{ CFS}}$$

42-381 50 SHEETS 3 SQUARE
42-382 100 SHEETS 3 SQUARE
42-383 200 SHEETS 3 SQUARE
MADE IN U.S.A.
NATIONAL