

06/10/2004

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

RIGHT NUMBER: 65-22778

NAME AND ADDRESS: D R & J INVESTMENTS LTD PARTNERSHIP
8973 W STATE ST
BOISE ID 83703-1729

SOURCE: PORTER CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.040 CFS
6.800 AFY

Use of this right with rights listed below is limited to a total combined diversion rate of 0.02 cfs per acre and to a total combined annual diversion volume of 4.5 af per acre at field headgate. Combined right nos.: 65-1151, 65-1317, 65-2138, 65-2532A, 65-2540, 65-2869, 65-10747, 65-10748, 65-10749, 65-11393A, 65-22775.

PRIORITY DATE: 06/01/1908

POINT OF DIVERSION:

T07N R02E S12 NWSE Within BOISE County

Rights 65-10746 and 65-22775 are also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.040 CFS 6.80 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within BOISE County

T06N R02E S02	NWNW	14.0	T06N R02E S02	SWNW	6.3
T06N R02E S02	SENW	16.0	T06N R02E S02	NESW	0.1
T07N R02E S23	SESW	6.0	T07N R02E S23	NWSE	1.4
T07N R02E S23	SWSE	28.5	T07N R02E S23	SESE	3.0
T07N R02E S26	NENE	28.0	T07N R02E S26	NWNE	39.0
T07N R02E S26	SWNE	38.0	T07N R02E S26	SENE	3.5
T07N R02E S26	NENW	19.0	T07N R02E S26	SENW	21.1
T07N R02E S26	NESW	19.6	T07N R02E S26	SESW	18.0
T07N R02E S26	NWSE	28.0	T07N R02E S26	SWSE	8.3
T07N R02E S34	SENE	13.9	T07N R02E S34	NESE	39.0
T07N R02E S34	NWSE	3.8	T07N R02E S34	SWSE	1.6
T07N R02E S34	SESE	34.0	T07N R02E S35	NENW	4.4
T07N R02E S35	SWNW	20.5	T07N R02E S35	NWSW	34.0
T07N R02E S35	SWSW	28.0			

477 ACRES TOTAL

Use of this right with the rights listed below is limited to the irrigation of a combined total of 477 acres in a single irrigation season. Combined right nos.: 65-1151, 65-1317, 65-2138, 65-2532A, 65-2540, 65-2869, 65-10747, 65-10748, 65-10749, 65-11393A, 65-22775.

This right is limited to the irrigation of 1.5 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.

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.

EXPLANATORY MATERIAL: Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 65-22327.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65B, Porter Creek.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion within reasonable proximity to the point of diversion on Porter Creek.

Failure of the right holder to comply with the conditions of Transfer No. 70465 is cause for the Director to rescind approval of the transfer.

**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

)
)
)
)
)

Water Rights: 65-22775, 65-22776
65-22777, 65-22778

**CORRECTED NOTICE OF
COMPLETED ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐

Address change

☐

Substitution of Party

☐

IC § 42-222 transfer

☐

Point of diversion

☐

Place of use

☐

Period of use

☐

Nature of use

☐

Split of water right

☐

Change in ownership

XX Other – General Provisions – Separate Streams

☐

IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 6-23-04



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 23, 2004, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

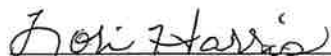
Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

D R & J Investments	☐ overnight mail
8973 W. State St.	☒ regular mail
Boise, ID 83703-1729	☐ hand-delivered
	☐ facsimile

George Dovel	☐ overnight mail
434 Pioneer Rd.	☒ regular mail
Horseshoe Bend, ID 83629	☐ hand-delivered
	☐ facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 23, 2004

D R & J Investments
8973 W. State St.
Boise, ID 83703-1729

Dear Sirs:

Enclosed is a copy of the Corrected Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. The condition regarding the Basin 65 Separate Streams General Provision has been added.

This notification to the Court does not affect the previous approval of your water right(s). You will be notified of any future action on your water right(s) by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

JS:lh
Enclosures

Amended Director's Report
Right No. 65-22778

06/10/2004

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

RIGHT NUMBER: 65-22778

NAME AND ADDRESS: D R & J INVESTMENTS LTD PARTNERSHIP
8973 W STATE ST
BOISE ID 83703-1729

SOURCE: PORTER CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.040 CFS
6.800 AFY

Use of this right with rights listed below is limited to a total combined diversion rate of 0.02 cfs per acre and to a total combined annual diversion volume of 4.5 af per acre at field headgate. Combined right nos.: 65-1151, 65-1317, 65-2138, 65-2532A, 65-2540, 65-2869, 65-10747, 65-10748, 65-10749, 65-11393A, 65-22775.

PRIORITY DATE: 06/01/1908

POINT OF DIVERSION:

T07N R02E S12 NWSE Within BOISE County

Rights 65-10746 and 65-22775 are also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 11/01

QUANTITY
0.040 CFS
6.80 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within BOISE County

T06N R02E S02	NWNW	14.0	T06N R02E S02	SWNW	6.3
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T07N R02E S23	SESW	6.0	T07N R02E S23	NWSE	1.4
T07N R02E S23	SWSE	28.5	T07N R02E S23	SESE	3.0
T07N R02E S26	NENE	28.0	T07N R02E S26	NWNE	39.0
T07N R02E S26	SWNE	38.0	T07N R02E S26	SENE	3.5
T07N R02E S26	NENW	19.0	T07N R02E S26	SESW	21.1
T07N R02E S26	NESW	19.6	T07N R02E S26	SWSE	18.0
T07N R02E S26	NWSE	28.0	T07N R02E S26	SWSE	8.3
T07N R02E S34	SENE	13.9	T07N R02E S34	NESE	39.0
T07N R02E S34	NWSE	3.8	T07N R02E S34	SWSE	1.6
T07N R02E S34	SESE	34.0	T07N R02E S35	NENW	4.4
T07N R02E S35	SWNW	20.5	T07N R02E S35	NWSW	34.0
T07N R02E S35	SWSW	28.0			

477 ACRES TOTAL

Amended Director's Report
Right No. 65-22778

Amended Director's Report
Right No. 65-22778

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This right is limited to the irrigation of 1.5 acres within the place of use described above in a single irrigation season.

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

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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.

EXPLANATORY MATERIAL: Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 65-22327.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65B, Porter Creek.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion within reasonable proximity to the point of diversion on Porter Creek.

Failure of the right holder to comply with the conditions of Transfer No. 70465 is cause for the Director to rescind approval of the transfer.

**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

Water Rights: 65-22327 (Split Right)
65-22777, 65-22778 (New Rights)
**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐ Address change

☐ Substitution of Party

XX IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

XX Split of water right

☐ Change in ownership

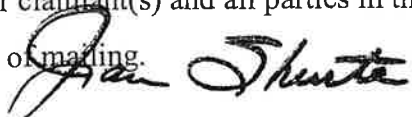
☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 5.25.04



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 25, 2004, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

George Dovel
434 Pioneer Rd.
Horseshoe Bend, ID 83629

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

D R & J Investments
8973 W. State. St.
Boise, ID 83703-1729

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Jack C. Riddlemoser
1905 Garrison Ln.
Kuna, ID 83634

☒ regular mail

Don Harris
Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 25, 2004

D R & J Investments
8973 W. State St.
Boise ID 83703-1729

Dear Sirs:

Enclosed is a copy of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right(s).

The change to your water right(s) was a result of an approved transfer. This notification to the Court does not affect the previous approval of this transfer or your water right(s). You will be notified of any future action on your water right(s) by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

JS:lh
Enclosures

cc: Jack C. Riddlemoser
George Dovel

Shurte, Jan

From: Bromley, Chris
Sent: Tuesday, May 25, 2004 10:15 AM
To: Shurte, Jan
Subject: RE: NCAPS - DRJ & Dovel

Thanks!

-----Original Message-----

From: Shurte, Jan
Sent: Tuesday, May 25, 2004 10:06 AM
To: Bromley, Chris; Harvey, Becky
Cc: Shurte, Jan
Subject: NCAPS - DRJ & Dovel

I thought you would like to know that the NCAPS for the D R & J Investments and George Dovel are going out today.

Transfer No. 70464 was approved taking 2" and 1.5 acres from 65-3103 (#1 water right on Porter Creek) and transferring it to George Dovel - the two split numbers are 65-22775 for D R & J Investments and 65-22776 for George Dovel.

In turn Transfer No. 70465 was approved taking 2" for 1.5 acres from 65-22327 (#6 water right on Porter Creek) and transferring it to D R & J Investments which went into their 477 acre PPU. The two split numbers are 65-22777 for George Dovel & 65-22778 for D R & J Investments. The NCAP will also cover the corresponding D R & J Investments 477 acre PPU uncontested overlaps since the numbers in the combined use remarks had to be changed on each one per the splits. These numbers are 65-1151, 1317, 2138, 2532A, 2540, 2869, 10747, 10748, 10749 & 1393A.

Also, tomorrow during the status conference we need to remind George Dovel that he said he would withdraw his priority date objection to 65-10953 when this was all completed. Just so it doesn't slip through the cracks. I won't be able to participate as I have an appointment at 12:45 and may not be back in time. Let me know if you have any questions.

Jan

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 65-22778
Date Received: 5/19/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

D R & J INVESTMENTS LTD PARTNERSHIP Phone: (208)853-1371
8973 W STATE ST
BOISE ID USA 83703-1729

2. Date of Priority: 06/01/1908

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	Type
07N	02E	12	NW SE	BOISE	

5. Description of diverting works:

dam with buried pipeline to place of use, sprinkler irrigation

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.04	6.8

7. Total Quantity Appropriated is:
0.04 C.F.S. and/or 6.8 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	02E	2	NW	NW		IRRIGATION	14
			SW	NW		IRRIGATION	6.3
			SE	NW		IRRIGATION	16
			NE	SW		IRRIGATION	0.1
			Section Acres				
07N	02E	23	SE	SE		IRRIGATION	3
			SW	SE		IRRIGATION	28.5
			NW	SE		IRRIGATION	1.4
			SE	SW		IRRIGATION	6
			Section Acres				
07N	02E	26	SW	SE		IRRIGATION	8.3
			NW	SE		IRRIGATION	28
			SE	SW		IRRIGATION	18
			NE	SW		IRRIGATION	19.6
			SE	NW		IRRIGATION	21.1
			NE	NW		IRRIGATION	19
			SE	NE		IRRIGATION	3.5
			SW	NE		IRRIGATION	38
			NW	NE		IRRIGATION	39
			NE	NE		IRRIGATION	28
			Section Acres				
07N	02E	34	SE	SE		IRRIGATION	34
			SW	SE		IRRIGATION	1.6
			NW	SE		IRRIGATION	3.8
			NE	SE		IRRIGATION	39
			SE	NE		IRRIGATION	13.9
Section Acres						92.3	
07N	02E	35	SW	SW		IRRIGATION	28
			NW	SW		IRRIGATION	34
			SW	NW		IRRIGATION	20.5
			NE	NW		IRRIGATION	4.4
Section Acres						86.9	
Total Acres						477	

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

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.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 65-22327.

This right is limited to the irrigation of 1.5 acres within the place of use described above in a single irrigation season.

Use of this right with rights listed below is limited to a total combined diversion rate of 0.02 cfs per acre and to a total combined annual diversion volume of 4.5 af per acre at field headgate. Combined right nos.: 65-1151, 65-1317, 65-2138, 65-2532A, 65-2540, 65-2869, 65-10747, 65-10748, 65-10749, 65-11393A, 65-22775.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion within reasonable proximity to the point of diversion on Porter Creek.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65B, Porter Creek.

The right holder shall accomplish the change authorized by Transfer 70465 within one (1) year of the date of this approval or by 4/22/04.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Rights 65-10746 and 65-22775 are also diverted through the point of diversion described above.

15. Basis of Claim: Decreed

WATER RIGHT NO. 65-22778
As Modified by Transfer No. 70465

In accordance with the approval of Transfer No. 70465, Water Right No. 65-22778 is now described as follows.

Right Holder: D R & J INVESTMENTS LTD PARTNERSHIP
 8973 W STATE ST
 BOISE ID 83703-1729

Priority Date: June 01, 1908

Source: PORTER CREEK

Tributary: PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.04 CFS	6.8 AF
			0.04 CFS	6.8 AF

LOCATION OF POINT(S) OF DIVERSION:

PORTER CREEK NWSE Sec. 12 Twp 07N Rge 02E 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	
06N 02E 2						14.0	6.3	16.0	.1								36.4
07N 02E 23												6.0		1.4	28.5	3.0	38.9
07N 02E 26	28.0	39.0	38.0	3.5	19.0			21.1	19.6			18.0		28.0	8.3		222.5
07N 02E 34				13.9									39.0	3.8	1.6	34.0	92.3
07N 02E 35					4.4		20.5			34.0	28.0						86.9

Total Acres: 477

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1.5 acres within the place of use described above in a single irrigation season.
2. Use of this right with the rights listed below is limited to the irrigation of a combined total of 477 acres in a single irrigation season. Combined right nos.: 65-1151, 65-1317, 65-2138, 65-2532A, 65-2540, 65-2869, 65-10747, 65-10748, 65-10749, 65-11393A, 65-22775.
3. Use of this right with rights listed below is limited to a total combined diversion rate of 0.02 cfs per acre and to a total combined annual diversion volume of 4.5 af per acre at field headgate. Combined right nos.: 65-1151, 65-1317, 65-2138, 65-2532A, 65-2540, 65-2869, 65-10747, 65-10748, 65-10749, 65-11393A, 65-22775.

POU

7. POU

7. Qnt

WATER RIGHT NO. 65-22778
As Modified by Transfer No. 70465

CONDITIONS OF APPROVAL

- EXP 4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion within reasonable proximity to the point of diversion on Porter Creek.
- EXP 5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65B, Porter Creek.
- CIB 6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- Com 7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- EXP 8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- SOB 9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
- POD 10. Rights 65-10746 and 65-22775 are also diverted through the point of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 22nd day of April, 2004

Gary Spackman
Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70465

This is to certify that: GEORGE W DOVEL
434 PIONEER RD
HORSESHOE BEND ID 83629
(208)793-2768

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
65-22327	AJC/Decreed	06/01/1908	0.12 cfs	N/A	N/A	3.0	PORTER CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
65-22327	YES	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
65-22327	65-22778	0.04 cfs	6.8 af	1.5	477.0	65-22777	0.08 cfs	N/A	N/A	1.5
COMBINED										
TOTALS		0.04 cfs	6.8 af	1.5	477.0		0.08 cfs	N/A	N/A	1.5

Detailed Water Right Description(s) attached

Dated this 22nd day of April, 2004



Chief, Water Allocation Bureau

(Internet)

Page 1 of 1

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 70465

RECEIVED

APR 29 2003

**WATER RESOURCES
WESTERN REGION**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Revised: LD Jan. 3, 2003

Reviewed LD April 28, 2003

Name of applicant GEORGE DOVEL

Phone 793-2768

Post Office address 434 Pioneer Rd., Horseshoe Bend, ID 83621

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 transfer 1.5 acres per attached stipulation.

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 |
|---|----------|-----------------------|------------------|---------------|
| 65-22327 | 6-1-1908 | .04 | Irrigation | 4-1 to 11-1 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
| 2. Total amount of water being transferred <u>.04</u> cubic feet per second and/or _____ acre-feet per annum. | | | | |
| 3. Source of water <u>Porter Creek</u> tributary to <u>Payette River</u> | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use: SEE Remarks, page 2

[illegible]

Total acres 1.5

PART 1

6. General Information:

a. Description of diversion system Dam with buried pipeline to place of use. Sprinkler irrigation.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X 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:

This land will be irrigated with #1 Porter Creek rights being transferred from DR&J investments under Right No. 65-3103 per signed stipulation.

d. Remarks:

The 1.5 ACRES proposed for use on page 1 of the application will be within a 477 ACRES permissible place of use described by numerous other rights. This transfer will replace 1.5 ACRES proposed to be removed from the PPOU in Transfer # 70464 for Right No. 65-3103.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

SCANNED

NOV 12 2003

SCANNED

MAR 13 2004

PART 2 A- Right as Recorded

12/05/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-22327 V1

WATER RIGHT NUMBER: 65-22327 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ELISABETH V WALLACE RT 1 BOX 61 HORSESHOE BEND, ID 83629 (208)793-2768
Original Owner	ANGEL MADARIETA
	, ID
Original Owner	ROSE I MADARIETA
	, ZZ
Original Owner	AMY R DOVEL RT 1 BOX 61 HORSESHOE BEND, ID 83629
Current Owner	GEORGE DOVEL 434 PIONEER RD HORSESHOE BEND, ID 83629

Priority Date: 06/01/1908

Basis: Decreed

Status: Active

Source

PORTER CREEK

Tributary

PAYETTE RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 11/01

Diversion Rate

0.090 CFS

Annual VolumeTotal Diversion:

0.090 CFS

Location of Point(s) of Diversion

PORTER CREEK	SW1/4NW1/4	Sec. 7, Twp 07N, Rge 03E, B.M.
BOISE County		
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
07N	02E	12			2.0		2.0
07N	02E	13		1.0			1.0

Total Acres: 3

SCANNED

NOV 12 2003

SCANNED

MAR 13 2005

Attachment 1

Page 2

12/05/2002

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 65-22327 V1

Conditions of Approval:

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

Remarks:

Comments:

1. dbuffing 1/31/2001 Ownership change
Comment: This right is the result of a split due to change in ownership for a portion of 65-10950.

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:
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

SubCase:

SubCase Number: 65-22327
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim:
Date Filed: 1/18/2002 Objection Status: Active
Date Filed: 1/17/2002 Objection Status: Active

SCANNED

SCANNED

NOV 12 2003

MAR 13 2004

PART 2

Transfer No. _____

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

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount .04 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)

2. 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	

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	
7N	2E	12											1.3						1.3
		13						.2											.2

Total acres 1.5

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount .05 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)

2. 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	
		SW	NW	7	7N	3E	Boise	

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	
7N	2E	12											.7						.7
		13						.8											.8

SCANNED

NOV 12 2009

SCANNED

MAR 13 2013

Total acres 1.5

PART 3**B. CHANGES IN NATURE OF USE** NO CHANGE

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				_____ 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:
None

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.



Subscribed and sworn to before me this

10TH

day of

December10 2002

(Signature of Applicant)

Ian Shurte
(Notary Public)

My commission expires

9-14-2006**FOR DEPARTMENT USE ONLY**Transfer contains 4 pages and 4 attachmentsReceived by [Signature] Date 12-10-02

Protest filed by _____

Prelim. check by [Signature] Fee \$ 100Received by [Signature] Date 12-10-02RECEIPT # W029916

Published in _____

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

SCANNED

NOV 12 2003

SCANNED

MAR 13 2003

COPY

GARRICK L. BAXTER
 Idaho State Bar No.: 6301
 Deputy Attorney General
 Idaho Department of Water Resources
 P.O. Box 83720
 Boise, ID 83720-0098
 Telephone: (208) 327-7900
 Fax: (208) 327-5400

Attorneys for IDWR

DISTRICT COURT - SRBA
 TWIN FALLS CO., IDAHO
 FILED _____

2002 OCT 28 PM 2 45

RECEIVED

OCT 30 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

SUBCASE NO.: 65-3103

(uncontested overlaps: 65-02532A, 65-10749
 65-01151, 65-01317, 65-10748, 65-11393A
 65-02138, 65-10747, 65-02540, & 65-02869)

STIPULATION TO RESOLVE
 OBJECTION

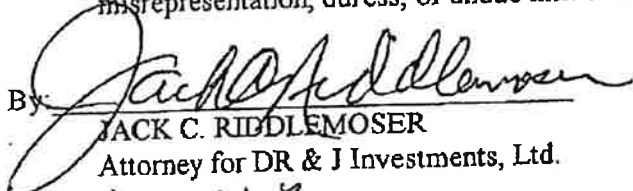
DESCRIPTIVE SUMMARY

This is a stipulation by and between, the parties herein, George Dovel, DR & J Investments Ltd., and the Idaho Department of Water Resources (IDWR), to the resolution of the objection filed by George Dovel and response filed by DR & J Investments Ltd. as follows:

STIPULATION

In order to resolve the dispute over the above-captioned water right, the Idaho Department of Water Resources (IDWR), DR & J Investments Ltd., (claimant) by its attorney of record, Jack C. Riddlemoser, and George Dovel (the objector), hereby stipulate and agree that:

- to George Dovel* *DR* *JB* *GP* *JCN*
1. DR & J Investments Ltd. will apply for a transfer of water in the amount of .04 cfs (2 inches of water) and reduce the total acres of the place of use by 1.5 acres for water right number: 65-3103.
 2. George Dovel will withdraw and dismiss, with prejudice, his objection and future objections, to subcase no. 65-3103. Further, DR & J Investments Ltd.'s response shall be dismissed.
 3. George Dovel will apply for a transfer to DR & J Investments Ltd. of .04 cfs and reduce the place of use for his water right number: 65-22327 by 1.5 acres.
 4. George Dovel will install a device to limit the flow of Porter Creek to .04 cfs at the point of diversion for water right number: 65-22327, which point of diversion is described as: Township 07 North, Range 03 East, Section 07, SWNW quarter-quarter.
 5. The parties agree that the above-referenced changes will be allowed so long as the change does not increase the total number of irrigated acres.
 6. This stipulation and agreement herein is contingent upon the approval by IDWR of the transfer application. By signing this agreement, IDWR does not represent that the transfer will be approved.
 7. This settlement and this stipulation have been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding, and that this agreement is not and shall not be used as precedent for any other claim to a water right.
 8. This settlement and this stipulation were entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

By 
JACK C. RIDDLEMOSER
Attorney for DR & J Investments, Ltd.

Dated: 10/22/02

SCANNED
NOV 12 2003

SCANNED
MAR 11 2003

By: George Dovel
GEORGE DOVEL

Dated: Oct. 22, 2002

IDWR Concurrence:

By: Garrick L. Baxter
GARRICK L. BAXTER
Deputy Attorney General for
IDWR

Dated: 10/22/02

By: Ron Howerton Jan Shurte
~~RON HOWERTON~~ ~~JAN SHURTE~~
Senior Water Right Agent — WATER RIGHTS
SUPERVISOR

Dated: 10-22-02

CERTIFICATE OF MAILING

I certify that on October 23, 2002, I mailed the original and copies of this form, 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, Idaho 83303-2707

2. Copies to:

Jack C. Riddlemoser
712 East Fairview Avenue
Meridian, ID 83642

George Dovel
434 Pioneer Road
Horseshoe Bend, ID 83629

DR & J Investments, Ltd.
8973 W. State St.
Boise, ID 83703-1729

US Dept of Justice (courtesy copy)
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Cathy Howard
Signature of person or attorney mailing the form

SCANNED
NOV 12 2003

SCANNED
MAR 2 2003

IDAHO DEPARTMENT OF WATER RESOURCES

T7N, R2E
SEC. 12 & 13

1987 NAPP

Section Lines

1/41/4

Transfer 65-22327
George Dovel



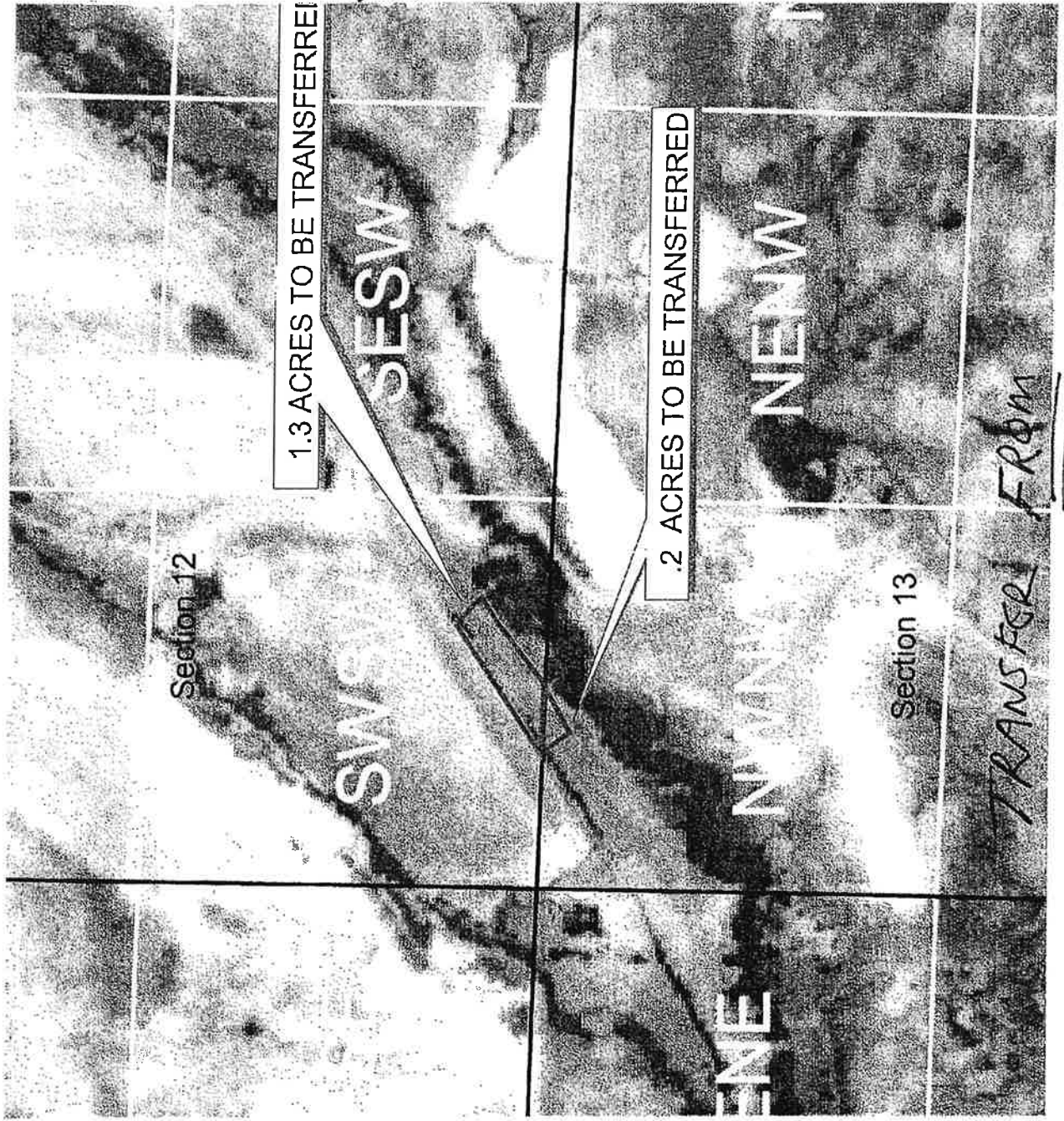
SCANNED

NOV 12 2003

SCANNED

MAR 13 2004

PART 3 A



0.5 Miles

0.25

0

IDAHO DEPARTMENT OF WATER RESOURCES

T7N R2E S26

1987 NAPP

Section Lines

1/41/4

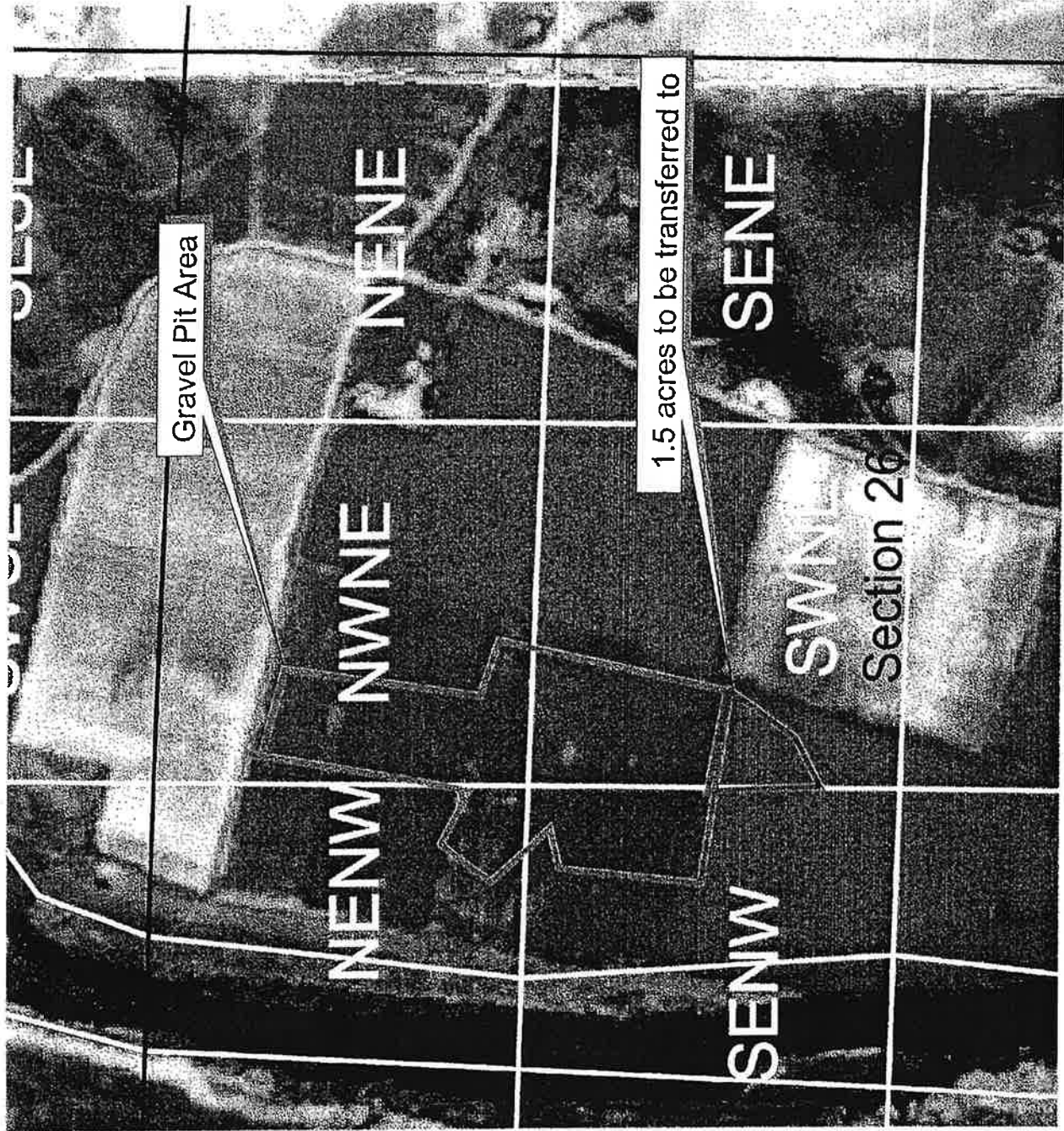
Transfer 65-22327
George Dovel
Location of New POU



SCANNED
NOV 12 2009

SCANNED
MAR 12 2010

ATTACHMENT 3



PART 3 A CONTINUED

TRANSFER TO (in 477 acres permissible place of use)

0.25

0

0.5

0

UPDATED AT RECOMMENDATION 65-22327

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

PARTIAL DECREE PURSUANT TO

I.R.C.P. 54(b) FOR

Water Right 65-22327

NAME AND ADDRESS:

GEORGE DOVEL
434 PIONEER RD
HORSESHOE BEND, ID 83629

SOURCE:

PORTER CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY:

0.12 CFS

PRIORITY DATE:

06/01/1908

POINT OF DIVERSION:

T07N R02E S12
R03E S07

NWS3
SWNW

Within Boise County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 11-01

QUANTITY
0.12 CFS

PLACE OF USE:

Irrigation
T07N R02E S12
S13
3.0 Acres Total

SWSW 2.0
NWNW 1.0

Within Boise County

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 Section 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).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

APR 13 2004

[Signature]
SPECIAL MASTER

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

T. 70465
ATTACHMENT 5

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 65-22327 File Number: 00799

PAGE 1

Apr-06-2004

SRBA objection process → modified 65-22327 to correct
previous error of splitting 65-10950 to 65-22327 (DOVEL) + 65-22328 (CHOFFEN)
- FC 4/16/04

65-10950 was split into

65-22327 + 65-22328
where DOVEL kept higher
rate for his acres.

now corrected (was .09)

T. 70465 therefore
Revised by definition:

65-22777

DOVEL .08 cfs

65-22778

PRIT .04 cfs

.12 cfs
total

Amended Director's Report No. 65-22327

02/17/2004

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

RIGHT NUMBER: 65-22327

NAME AND ADDRESS: GEORGE W DOVEL
434 PIONEER RD
HORSESHOE BEND ID 83629

SOURCE: PORTER CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: ~~0-09~~ 0.120 CFS

PRIORITY DATE: 06/01/1908

POINT OF DIVERSION:

T07N R02E S12 NWSE Within BOISE County
T07N R03E S7 SWNW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	~~0-09~~ 0.120 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T07N R02E S12	SWSW	2.0	T07N R02E S13	NWNW	1.0
---------------	------	-----	---------------	------	-----

3 ACRES TOTAL

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

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

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.

EXPLANATORY MATERIAL: Decreed

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

SPLIT INTO 22327 & 22328

Ident. Number: A65-10950

Date Received: 5/19/1989

Receipt No: C006935

Received By: DEAN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GEORGE DOVEL
Address: RT. 1 BOX 61
HORSESHOE BEND, ID 83629-0000

Name: ELISABETH V. WALLACE
Address: RT. 1 BOX 61
HORSESHOE BEND, ID 83629-0000

2. Date of Priority: APR 01, 1878

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
	03E	7	SW	NW			BOISE

5. Description of diverting works:
HEADGATE, DITCH W/PUMP & SPRINKLERS. CULVERT TO COLLECTION BOXES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.610		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	02E	12	NE		SW		IRR	31.0
			SW		SW		IRR	19.0
			SE		SW		IRR	6.0
							Section Acres	56.0
		13	NW		NW		IRR	1.0
							Section Acres	1.0
							Total Acres	57.0

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:
NONE

14. Remarks:
THIS CLAIM IS BASED ON DECREED RIGHTS WITH CORRECTION (SEE ATTACHMENTS).

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ 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 _____

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

COPY
FOR YOUR FILES

IDENT. NUMBER: 65-10950
DATE RECEIVED: 5-19-89
RECEIPT NO: 006935
RECEIVED BY: RLT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: GEORGE DOVEL
ADDRESS: RT. 1 BOX 61
HORSESHOE BEND, ID

83629-0000

NAME: ~~ANYXRXDXDX~~
ADDRESS: ~~RXXIXXBXDX~~
~~HORSESHOE BEND, ID~~

~~83629-0000~~

NAME: ELISABETH V. WALLACE
ADDRESS: RT. 1 BOX 61
HORSESHOE BEND, ID

83629-0000

2. DATE OF PRIORITY: ~~1881~~ April 1, 1878

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
	03E	7	SW	NW			BOISE

5. DESCRIPTION OF DIVERTING WORKS:

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ Dam, headgate & ditch
Dam, culvert to concrete collection boxes & PVC gravity head mainline

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	04/01	11/01	1.610		
Stockwater	01/01	12/31	.03	20	

7. TOTAL QUANTITY APPROPRIATED IS:
1.610 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES: Stockwater for 100 head cattle

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4	OF	1/4	LOT	USE	ACRES
07N	02E	12	NE		SW		IRR	31.0
			SW		SW		IRR	19.0
			SE		SW		IRR	6.0
							SECTION ACRES	56.0
		13	NW		NW		IRR	1.0
							SECTION ACRES	1.0
							TOTAL ACRES	57.0

11. PLACE OF USE IN COUNTIES: BOISE, BOISE

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED: None

14. REMARKS: This claim is based on decreed rights with correction (see attach. 28)

15. BASIS OF CLAIM: ~~DECREED~~ Beneficial use ~~as~~

CASE NUMBER:

COURT :

DECREE DATE: 1/21/1986

STATE OF IDAHO

DECREE PLAINTIFF

A & C CORP., ET AL.
VS
DECREE DEFENDANT

Beneficial Use

18. 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: Five 4 up

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): X George W. Davel DATE: May 16, 1989

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF

TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF

TITLE
_____ AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)
COUNTY OF Ada) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 19th DAY

OF May 19 89

SEAL

Helen Harrington

NOTARY PUBLIC

Helen Harrington, Notary Public

Residing at Boise, Idaho

RESIDING AT My Commission Expires December 1, 1994

MY COMMISSION EXPIRES _____