

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 65-23249
AFTER SPLIT

10/15/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARC WILLIAM SCHRIER REVOCABLE TRUST 7 LEWIS DR LOWMAN, ID 83637
Original Owner	MARY L TUCKER 1231 SUNRISE RIM BOISE, ID 83705 (208) 587-3922
Original Owner	ERNEST H TUCKER 1231 SUNRISE RIM BOISE, ID 83705 (208) 344-3227
Original Owner	MERLE LEWIS PO BOX 2236 ST GEORGE, UT 84771 (801) 628-9026
Previous Owner	MARC SCHRIER 7 LEWIS DR LOWMAN, ID 83637 (208) 259-3821
Previous Owner	MARC SCHRIER 19122 INNDALE DR LAKEVILLE, MN 55044 (208) 259-3821

Priority Date: 8/13/1939

Basis: Decreed

Status: Active

Source
 SPRING
 FENCE CREEK

Tributary
 SOUTH FORK PAYETTE RIVER
 SOUTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.070 CFS	
	<u>Total Diversion</u>		0.070 CFS	

Source and Point(s) of Diversion

SPRING	SESENE	Sec. 27, Twp 09N, Rge 08E,	BOISE County
FENCE CREEK	L3(SWNW)	Sec. 26, Twp 09N, Rge 08E,	BOISE County

Place Of Use

IRRIGATION within BOISE County

	NE	NW	SW	SE
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Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09N	08E	26							3.0										3.0
09N	08E	27				0.2									0.4 L1				0.6

POU Total Acres: 3.6

Conditions of Approval:

1. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-12335, 65-23248 & 65-23855 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
3. PLACE OF USE IS ALSO KNOWN AS AMENDED PLAT JOE LEWIS SUB.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE NORTHERN MOST POINT OF DIVERSION DESCRIBED ABOVE: 65-10559, 65-06625 AND 65-02431A.
4. 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.

Comments:

1. jhersley 2/7/2008 split right
This water right is the result of split from 65-2431X due to change in ownership
2. segbert 2/7/2008 POD
Updated shape
3. segbert 2/7/2008 POU
Updated Shape
4. jhersley 9/5/2008 address change
Send to ID address May-Oct, MN address Nov-- April.
5. slester 6/26/2013 Issues for Possible POD Changes
Fence Creek rights serve Joe Lewis Subd. & a few adjacent lots north of Lowman along Hwy 21 & South Fork Payette River. Rights for subd. lots are in individual names, not in an organization name. Right for Fence Creek Water Users Assoc. is for land next to the subd, not within the subd. A few rights also include a spring(s) located away from the creek. Distribution etc. problems were prevalent in early 2000s, see 8/14/2001 dept. letter to users for summary. All rights use 1 of 2 PODs from creek. This consists of 2 adjacent pipelines right next to west side of Hwy 21, POU is on east side of road. Diversions are on national forest land, which also surrounds the POU. Per Steve Spencer of USFS, Forest Service is working on updating special use permits for the diversions and hopes to issue 1 permit for both systems, although they think that might not work out so neatly. Forest Service concerned about possible creek POD change to move further upslope, also on national forest land. Possible change might be within same legal description as current PODs. Transfer Memo #24 notes even this type of change within same legal might be subject to transfer process. In this case if any POD changes are proposed,

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dept. should at least notify Forest Service for comments prior to determining if a transfer is required. The decision about whether transfer applies should be left to dept. managers/administration since it involves a policy issue beyond the scope of most staff.

6. jhersley 10/15/2019 POU
Updated Shape

7. jhersley 10/15/2019 Split Right
Split into 65-23249 & 65-23855.

Dates and Other Information

Decreed Date: 11/3/2000
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

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<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.140 CFS	
	<u>Total Diversion</u>		0.140 CFS	

Source and Point(s) of Diversion

SPRING	SESENE	Sec. 27, Twp 09N, Rge 08E,	BOISE County
FENCE CREEK	L3(SWNW)	Sec. 26, Twp 09N, Rge 08E,	BOISE County

Place Of Use

IRRIGATION within BOISE County

	NE	NW	SW	SE
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Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09N	08E	26							3.0										3.0
09N	08E	27				0.2									4.0				4.2
															L1				

POU Total Acres: 7.2

Conditions of Approval:

1. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-12335 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
3. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. PLACE OF USE IS ALSO KNOWN AS AMENDED PLAT JOE LEWIS SUB.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE NORTHERN MOST POINT OF DIVERSION DESCRIBED ABOVE: 65-10559, 65-06625 AND 65-02431A.
5. 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.

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6. jhersley 10/15/2019 Split Right
Split into 65-23855.

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State or Federal: S
Water District Number: 65
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
Water Right License
65-23249



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

0 0.05 0.1 0.2 Miles

