



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

March 03, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

FRED LAWSON
8091 HWY 21
LOWMAN ID 83637

RE: Change of Ownership for Water Right 65-6625, 65-2431X, & 65-10477

Dear Mr. Lawson:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership received on 6/29/2006. The department has modified its records to reflect the change in ownership for Water Right 65-6625. A water right report showing the change is enclosed. However, additional information is required to process the ownership changes for 65-2431X and 65-10477. The information required is indicated below:

Regarding 65-10477, a discrepancy was found between the warranty deed you submitted and the legal description of the place of use for the water right. I have enclosed a copy of the water right and a map for your reference. The water right is for domestic use for 4 homes. Your deed appears to cover only one of these homes. If you do not own the entire place of use, you may request to have the right split. The fee to split a water right is \$100. Since we have already received a \$25 fee, only \$75 would be required to split the right.

Also, the warranty deed does not cover the place of use for 65-2431X, which was recently renumbered to 65-23248. If you do not have additional documentation showing an interest in this water right, the original \$25 fee can be applied towards splitting 65-10477.

The Department cannot process ownership changes without proper documentation. We will hold your application for 60 days pending receipt of the necessary information and/or fee. If we do not hear from you within that time, we will close the file and the ownership changes will remain unprocessed.

Please feel free to contact Dayna Ball at dayna.ball@idwr.idaho.gov or 208-287-4953 if you have any questions regarding this matter.

Sincerely,

for Emalee Rushing
Office Services Supervisor
Water Allocations Bureau

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-10477

WATER RIGHT NUMBER: 65-10477

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FENCE CREEK WATER USERS ASSN C/O FRED & MYRTLE CAREY 5721 SITES DR BOISE, ID 83705

Priority Date: 06/01/1950

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FENCE CREEK SPRING	SOUTH FORK PAYETTE RIVER SOUTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.160 CFS	5.00 AF
	<u>Total Diversion:</u>	0.160 CFS	5.00 AF

Location of Point(s) of Diversion

SPRING	L3 (SW1/4NW1/4)	Sec. 26, Twp 09N, Rge 08E, B.M.
BOISE County		
FENCE CREEK	L3 (SW1/4NW1/4)	Sec. 26, Twp 09N, Rge 08E, B.M.
BOISE County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	08E	26							X										
									L 3										

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-10477

Dates and Other Information:

Licensed Date:

Decreed Date: 11/3/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number: 65

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-23248

WATER RIGHT NUMBER: 65-23248

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARY L TUCKER 1231 SUNRISE RIM BOISE, ID 83705 (208)587-3922
Current Owner	ERNEST H TUCKER 1231 SUNRISE RIM BOISE, ID 83705 (208)344-3227
Current Owner	MERLE LEWIS PO BOX 2236 ST GEORGE, UT 84771 (801)628-9026

Priority Date: 08/13/1939

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FENCE CREEK SPRING	SOUTH FORK PAYETTE RIVER SOUTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.050 CFS	1.20 AF
IRRIGATION	04/15 to 10/15	0.320 CFS	
	<u>Total Diversion:</u>	0.370 CFS	1.20 AF

Location of Point(s) of Diversion

SPRING	SE1/4SE1/4NE1/4	Sec. 27, Twp 09N, Rge 08E, B.M.
BOISE County		
FENCE CREEK	L3 (SW1/4NW1/4)	Sec. 26, Twp 09N, Rge 08E, 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	
09N	08E	26							4.0				7.0						11.0
								L 3				L 3							
09N	08E	27				.3									4.5				4.8
														L 1					

Total Acres: 15.8

DOMESTIC same as IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-23248

Conditions of Approval:

1. 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.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE
DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER
RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED
13,000 GALLONS PER DAY.

Remarks:Dates and Other Information:

Licensed Date:
Decreed Date: 11/3/2000
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: Or
Water District Number: 65
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

IDWR - re. OC Fred Lawson

