

# CLEAR CREEK ESTATES SUBDIVISION NO. 4

In Sections 19 & 20, T. 5 N., R. 4 E., Boise Meridian  
BOISE COUNTY, IDAHO

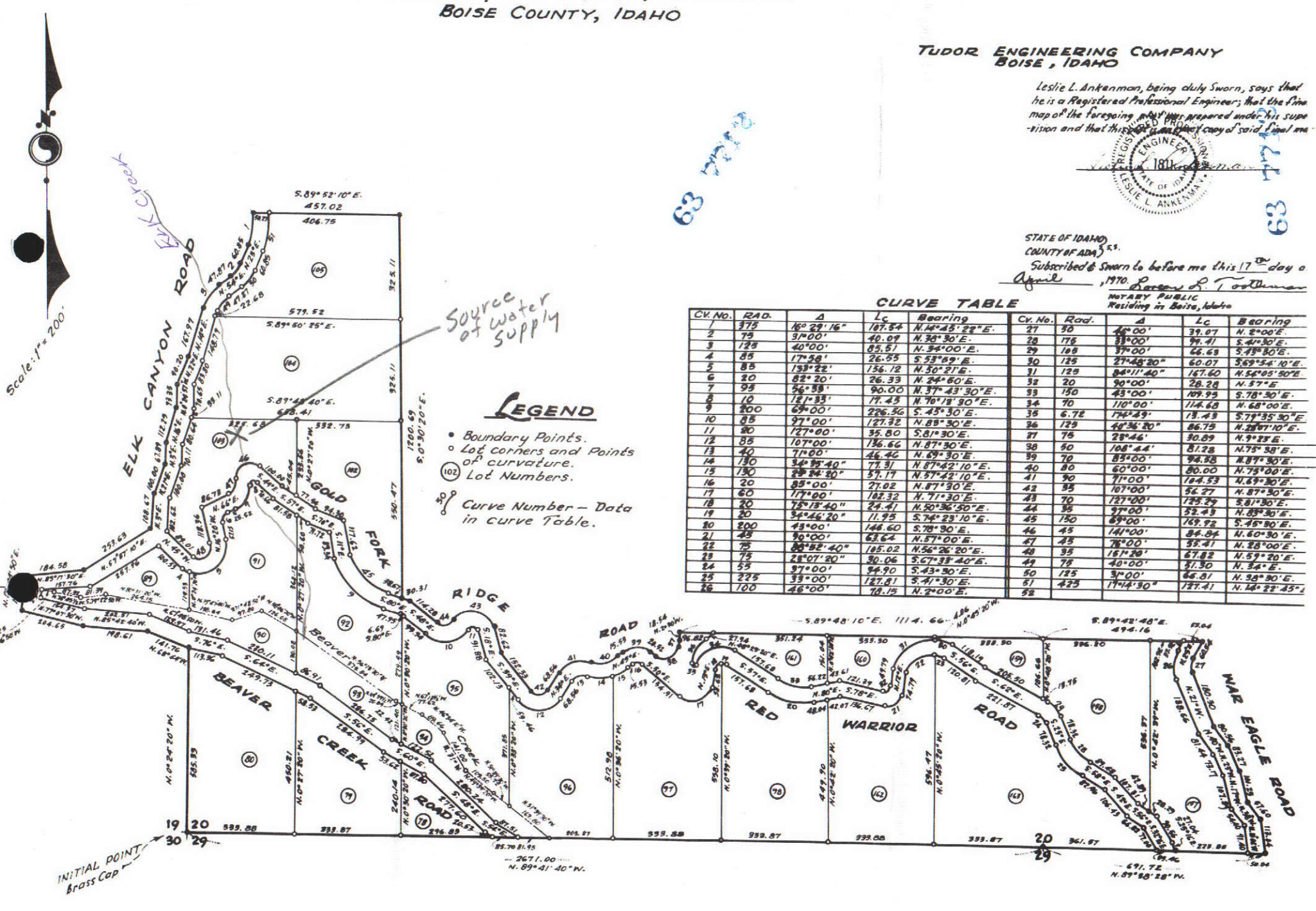
TUDOR ENGINEERING COMPANY  
BOISE, IDAHO

Leslie L. Ankenman, being duly Sworn, says that he is a Registered Professional Engineer; that the fine map of the foregoing was prepared under his supervision and that this is a true and correct copy of said final map.



STATE OF IDAHO  
COUNTY OF ADAMS  
Subscribed & Sworn to before me this 17<sup>th</sup> day of  
April, 1970. *Robert L. Toothman*  
NOTARY PUBLIC  
Residing in Boise, Idaho

Scale: 1" = 200'



## LEGEND

- Boundary Points.
- Lot corners and Points of curvature.
- ⑩ Lot Numbers.
- Curve Number - Data in curve Table.

CURVE TABLE

| Cv. No. | Rad. | Δ           | Lc     | Bearing           | Cv. No. | Rad. | Δ           | Lc     | Bearing           |
|---------|------|-------------|--------|-------------------|---------|------|-------------|--------|-------------------|
| 1       | 375  | 16° 29' 16" | 187.84 | N. 44° 25' 28" E. | 27      | 50   | 46° 00'     | 39.07  | N. 2° 00' E.      |
| 2       | 75   | 9° 00'      | 40.09  | N. 36° 30' E.     | 28      | 178  | 33° 00'     | 99.41  | S. 41° 30' E.     |
| 3       | 125  | 40° 00'     | 85.81  | N. 34° 00' E.     | 29      | 108  | 37° 00'     | 68.63  | S. 43° 30' E.     |
| 4       | 85   | 17° 28'     | 26.55  | S. 53° 29' E.     | 30      | 125  | 27° 45' 20" | 60.07  | S. 69° 54' 10" E. |
| 5       | 85   | 13° 22'     | 156.12 | N. 50° 21' E.     | 31      | 125  | 34° 11' 40" | 167.60 | N. 54° 05' 30" E. |
| 6       | 20   | 82° 20'     | 26.33  | N. 24° 30' E.     | 32      | 20   | 90° 00'     | 26.28  | N. 57° E.         |
| 7       | 95   | 56° 58'     | 90.00  | N. 37° 43' 30" E. | 33      | 150  | 43° 00'     | 109.95 | S. 78° 30' E.     |
| 8       | 10   | 181° 35'    | 17.45  | N. 76° 18' 30" E. | 34      | 70   | 110° 00'    | 114.63 | N. 68° 00' E.     |
| 9       | 200  | 69° 00'     | 226.36 | S. 45° 30' E.     | 35      | 6.72 | 174° 25'    | 13.43  | S. 78° 35' 30" E. |
| 10      | 85   | 97° 00'     | 127.32 | N. 85° 30' E.     | 36      | 125  | 44° 36' 20" | 86.75  | N. 28° 07' 10" E. |
| 11      | 80   | 127° 00'    | 35.80  | S. 81° 30' E.     | 37      | 75   | 28° 44'     | 30.89  | N. 9° 25' E.      |
| 12      | 85   | 107° 00'    | 136.66 | N. 87° 30' E.     | 38      | 50   | 108° 44'    | 81.28  | N. 75° 38' E.     |
| 13      | 40   | 71° 00'     | 46.46  | N. 69° 30' E.     | 39      | 70   | 83° 00'     | 94.58  | N. 89° 30' E.     |
| 14      | 130  | 34° 35' 40" | 77.31  | N. 87° 42' 10" E. | 40      | 80   | 60° 00'     | 80.00  | N. 75° 00' E.     |
| 15      | 130  | 29° 24' 20" | 57.17  | N. 57° 42' 10" E. | 41      | 90   | 71° 00'     | 144.53 | N. 89° 30' E.     |
| 16      | 20   | 85° 00'     | 27.02  | N. 87° 30' E.     | 42      | 35   | 107° 00'    | 36.27  | N. 87° 30' E.     |
| 17      | 60   | 177° 00'    | 182.32 | N. 71° 30' E.     | 43      | 70   | 127° 00'    | 129.27 | S. 81° 30' E.     |
| 18      | 20   | 75° 13' 40" | 24.41  | N. 50° 36' 50" E. | 44      | 35   | 97° 00'     | 32.43  | N. 85° 30' E.     |
| 19      | 20   | 34° 46' 20" | 11.95  | S. 74° 23' 10" E. | 45      | 150  | 69° 00'     | 169.92 | S. 45° 30' E.     |
| 20      | 200  | 45° 00'     | 144.60 | S. 70° 30' E.     | 46      | 45   | 141° 00'    | 84.84  | N. 60° 30' E.     |
| 21      | 45   | 90° 00'     | 63.64  | N. 57° 00' E.     | 47      | 45   | 78° 00'     | 35.41  | N. 68° 00' E.     |
| 22      | 75   | 88° 52' 40" | 185.02 | N. 56° 26' 20" E. | 48      | 35   | 181° 20'    | 67.82  | N. 59° 20' E.     |
| 23      | 75   | 28° 07' 20" | 30.06  | S. 67° 33' 40" E. | 49      | 75   | 40° 00'     | 31.01  | N. 34° E.         |
| 24      | 55   | 37° 00'     | 94.90  | S. 43° 30' E.     | 50      | 125  | 3° 00'      | 64.81  | N. 58° 30' E.     |
| 25      | 225  | 33° 00'     | 127.81 | S. 41° 30' E.     | 51      | 425  | 17° 14' 30" | 127.41 | N. 44° 22' 45" E. |
| 26      | 100  | 46° 00'     | 70.15  | N. 2° 00' E.      |         |      |             |        |                   |

INITIAL POINT  
Brass Cap

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

The map is a 12x12 grid of squares. Handwritten red text is present: 'R 4 E' is written in the upper right quadrant, 'T 20 S' is written in the center, and a circled 'X' is located in the lower center. The grid is used to show the proposed point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Elaine R Phelps 63 7712  
(Applicant)

RECEIVED

FEB 1 1973

Department of Water Administration

AFFIDAVIT  
OF  
PUBLICATION

STATE OF IDAHO, } S.S.  
COUNTY OF BOISE

T. R. Adams, being  
duly sworn, deposes and says:  
that he is the manager and principal clerk of THE IDAHO WORLD a weekly news paper published at Idaho City, in the County of Boise and state of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper

once a week for two consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication, and was published in the newspaper proper and not in a supplement; that said paper has been established and regularly and continuously published for more than seventy-eight weeks past previous to the first publication of this notice. Such notice was published in the issue beginning

with Jan 18, 1973  
and ending with the issue of

Jan 25, 1973  
T. R. Adams

Subscribed and sworn to before

me this 31st day of January

1973  
Robert J. Triffled  
Clerk District Court

Deputy

NOTICE OF APPLICATION  
FOR WATER PERMIT

Notice is hereby given that LEE R. &/or ELAINE R. PHELPS, 1122 Dawn Dr. Boise, Ida. has on Jan. 10, 1973 submitted Application No. 63-7712 for a permit to appropriate 0.04 cubic feet per second of water from Elk Creek trib. to Beaver Creek by means of pipeline within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20, T. 5N., R. 4E. B.M., Boise County to be used from Jan. 1 to Dec. 31 for domestic purposes within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20, T. 5N., R. 4E. B.M.

If Issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before Feb. 5, 1973.

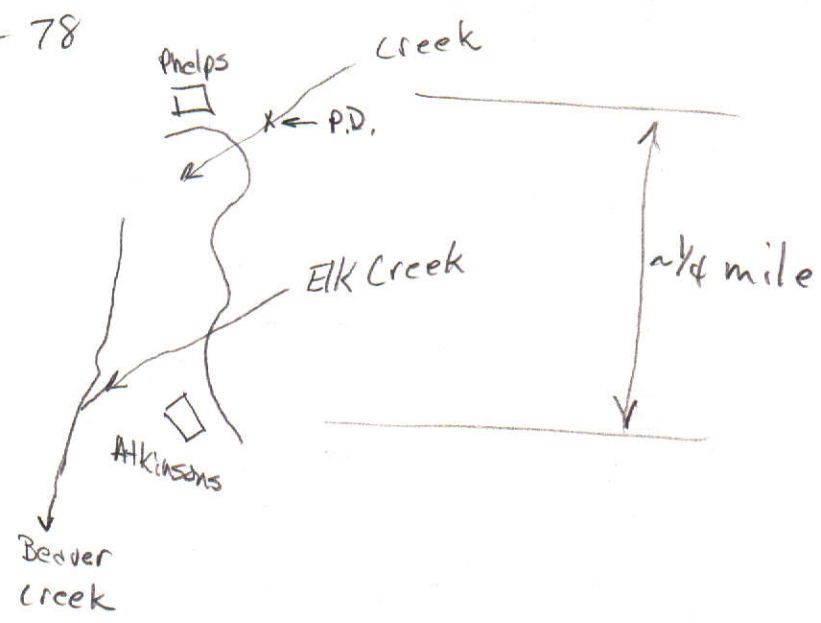
R. KEITH HIGGINSON  
Director

Published in the Idaho World Idaho City, Ida. on Jan. 18, 1973 and Jan. 25, 1973.

OK. df  
2-1-73

63 7712

3-22-78



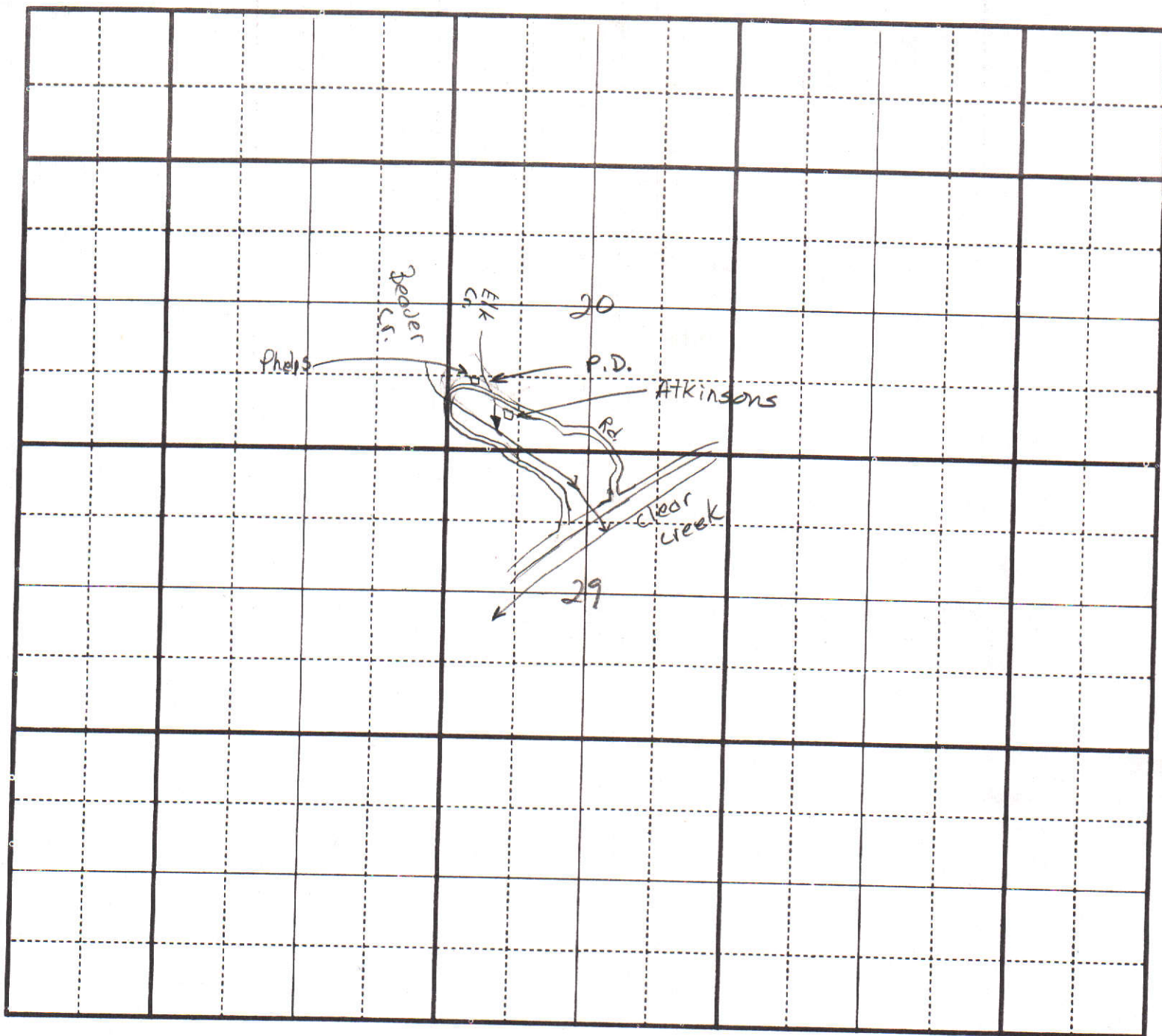


Diagram of System

State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7712 Priority January 10, 1973 Amount 0.04 cfs

THIS IS TO CERTIFY, that LEE R. &/or ELAINE R. PHELPS  
of Boise, Idaho, has complied with the terms and conditions of Permit  
No. 63-7712 issued pursuant to Application for Permit dated January 10, 1973,  
and has submitted proof to the Department of Water Resources on January 23, 1978,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 0.04 cfs of water from Elk Creek,  
tributary to Beaver Creek, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

| Beneficial Use | Period of Use                                                                           | Rate of Diversion | Annual Volume |
|----------------|-----------------------------------------------------------------------------------------|-------------------|---------------|
| Domestic       | from <u>January 1</u> to <u>December 31</u> at <u>0.04</u> cfs and <u>0.6</u> acre feet |                   |               |
|                | from _____ to _____ at _____ cfs and _____                                              |                   |               |
|                | from _____ to _____ at _____ cfs and _____                                              |                   |               |

(both dates inclusive)

Subject, however, to the condition that no more than 0.04 cfs of water be diverted at any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
0.6 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20, Twp. 5N,  
Rge. 4E, B. M. in the County of Boise

Description and location of place of use:

| Twp. | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 5N   | 4E    | 20   |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | X                |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated \_\_\_\_\_

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of  
March, 19 79.

Deputy Director

Identification No. \_\_\_\_\_

Application No. 63-7712

**STATE OF IDAHO**  
**DEPARTMENT OF WATER ADMINISTRATION**  
**APPLICATION FOR PERMIT**

**APPROVED**

**To Appropriate the Public Waters of the State of Idaho**  
(TYPE OR PRINT IN INK)

1. Name of applicant LEE R. &/or ELAINE R. PHELPS  
post office address 1122 Dawn Dr., Boise, Idaho 83702
2. Source of water supply Elk Creek which is a tributary of Beaver Creek
3. a. Location of point of diversion is SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 20 Township 5 N.  
Range 4 E. B.M. Boise County; additional points of diversion if any: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. If water is not consumed, it will be discharged into \_\_\_\_\_ at a point in \_\_\_\_\_  $\frac{1}{4}$   
of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M. \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 0.04 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:  
a. 0.04 cubic feet per second and/or  
b. \_\_\_\_\_ acre feet per annum.
6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. Concrete diversion into 2" diameter plastic pipe.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre feet; total reservoir capacity \_\_\_\_\_ acre feet, materials used in storage dam: \_\_\_\_\_  
Period of year during which storage will occur \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.  
b. Estimated construction cost is \$ 500.00.
8. Description of proposed uses:  
a. If water is **not** for irrigation:  
(1) Give the place of use of water: SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 20 Township 5 N.  
Range 4 E. B.M. \_\_\_\_\_  
(2) Amount of power to be generated: \_\_\_\_\_ hp under \_\_\_\_\_ feet of head.  
(3) List number of each kind of livestock to be watered \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(4) Name of municipality to be served \_\_\_\_\_, or number of families to be supplied with domestic water one.  
(5) If water is to be used for other purposes describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

63 7712

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

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

c. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

9. a. Who owns the property at the point of diversion Applicant
- b. Who owns the land to be irrigated or place of use Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing \_\_\_\_\_

10. Remarks \_\_\_\_\_

# CLEAR CREEK ESTATES SUBDIVISION NO. 4

In Sections 19 & 20, T. 5 N., R. 4 E., Boise Meridian  
BOISE COUNTY, IDAHO

TUDOR ENGINEERING COMPANY  
BOISE, IDAHO

Leslie L. Ankenman, being duly Sworn, says that he is a Registered Professional Engineer; that the plan map of the foregoing was prepared under his supervision and that this is a true and correct copy of said final map.



STATE OF IDAHO  
COUNTY OF ADA

Subscribed & Sworn to before me this 17<sup>th</sup> day of  
April, 1970. *Robert L. Tordella*

Notary Public  
Residing in Boise, Idaho

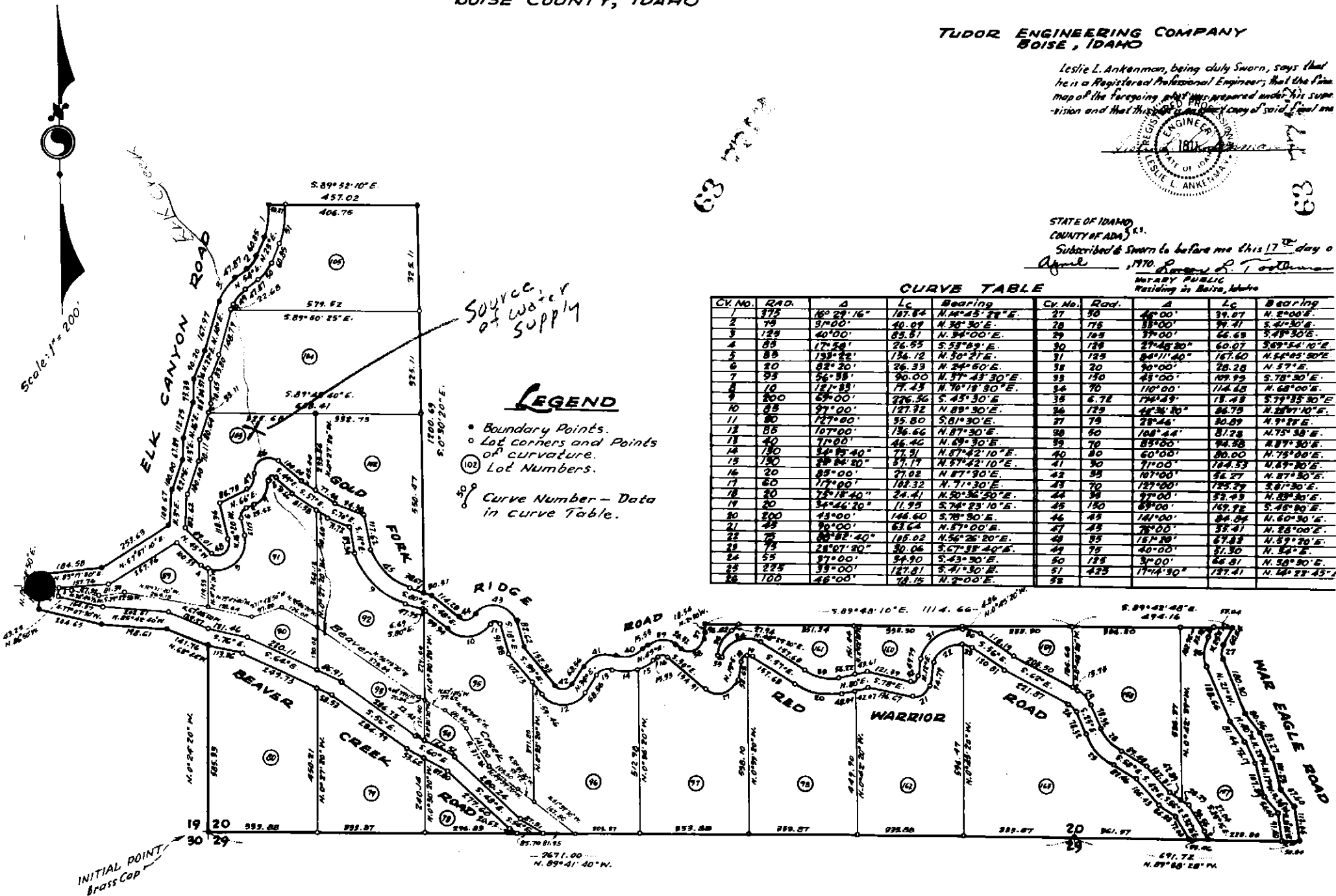
CURVE TABLE

| Cv. No. | Rad. | Δ           | Lc     | Bearing           | Cv. No. | Rad. | Δ           | Lc     | Bearing           |
|---------|------|-------------|--------|-------------------|---------|------|-------------|--------|-------------------|
| 1       | 375  | 16° 28' 16" | 187.84 | N. 44° 43' 28" E. | 27      | 30   | 46° 00'     | 31.47  | N. 8° 00' E.      |
| 2       | 75   | 9° 00'      | 42.09  | N. 38° 30' E.     | 28      | 75   | 33° 00'     | 74.41  | S. 4° 30' E.      |
| 3       | 125  | 40° 00'     | 85.81  | N. 34° 00' E.     | 29      | 125  | 39° 00'     | 66.69  | S. 28° 30' E.     |
| 4       | 85   | 17° 58'     | 54.55  | S. 58° 29' E.     | 30      | 125  | 27° 48' 30" | 60.07  | S. 69° 54' 0" E.  |
| 5       | 85   | 133° 22'    | 136.12 | N. 50° 27' E.     | 31      | 125  | 84° 11' 40" | 167.60 | N. 56° 05' 30" E. |
| 6       | 20   | 82° 30'     | 26.33  | N. 24° 30' E.     | 32      | 20   | 90° 00'     | 26.28  | N. 37° E.         |
| 7       | 95   | 56° 38'     | 90.00  | N. 34° 43' 30" E. | 33      | 130  | 43° 00'     | 69.99  | S. 78° 30' E.     |
| 8       | 10   | 181° 35'    | 17.43  | N. 70° 19' 30" E. | 34      | 70   | 110° 00'    | 114.45 | N. 68° 00' E.     |
| 9       | 200  | 69° 00'     | 226.36 | S. 43° 30' E.     | 35      | 6.72 | 744° 49'    | 18.43  | S. 79° 35' 30" E. |
| 10      | 85   | 97° 00'     | 127.32 | N. 89° 30' E.     | 36      | 125  | 42° 36' 30" | 66.79  | N. 28° 10' E.     |
| 11      | 85   | 127° 00'    | 95.80  | S. 81° 30' E.     | 37      | 75   | 28° 46'     | 30.89  | N. 9° 28' E.      |
| 12      | 85   | 107° 00'    | 136.66 | N. 87° 30' E.     | 38      | 50   | 108° 44'    | 81.28  | N. 75° 58' E.     |
| 13      | 40   | 71° 00'     | 46.46  | N. 69° 30' E.     | 39      | 70   | 83° 00'     | 94.38  | N. 87° 30' E.     |
| 14      | 130  | 54° 15' 40" | 71.31  | N. 87° 42' 10" E. | 40      | 80   | 60° 00'     | 80.00  | N. 75° 00' E.     |
| 15      | 130  | 28° 34' 30" | 57.17  | N. 87° 42' 10" E. | 41      | 30   | 71° 00'     | 184.53 | N. 85° 30' E.     |
| 16      | 20   | 85° 00'     | 21.02  | N. 87° 30' E.     | 42      | 95   | 107° 00'    | 56.27  | N. 87° 30' E.     |
| 17      | 60   | 177° 00'    | 182.32 | N. 71° 30' E.     | 43      | 70   | 127° 00'    | 125.29 | S. 81° 30' E.     |
| 18      | 20   | 75° 18' 40" | 24.41  | N. 50° 36' 50" E. | 44      | 95   | 97° 00'     | 55.43  | N. 85° 30' E.     |
| 19      | 20   | 54° 46' 20" | 11.95  | S. 74° 23' 10" E. | 45      | 130  | 89° 00'     | 169.22 | S. 45° 30' E.     |
| 20      | 200  | 43° 00'     | 144.60 | S. 70° 30' E.     | 46      | 45   | 161° 00'    | 84.34  | N. 60° 30' E.     |
| 21      | 45   | 90° 00'     | 63.64  | N. 87° 00' E.     | 47      | 45   | 76° 00'     | 57.41  | N. 83° 00' E.     |
| 22      | 75   | 88° 22' 40" | 115.02 | N. 56° 26' 20" E. | 48      | 95   | 151° 00'    | 67.88  | N. 59° 20' E.     |
| 23      | 95   | 28° 07' 30" | 30.06  | S. 67° 38' 40" E. | 49      | 75   | 40° 00'     | 51.30  | N. 54° E.         |
| 24      | 55   | 87° 00'     | 54.90  | S. 43° 30' E.     | 50      | 125  | 3° 00'      | 66.81  | N. 50° 30' E.     |
| 25      | 225  | 99° 00'     | 127.81 | S. 41° 30' E.     | 51      | 425  | 174° 30'    | 127.41 | N. 44° 28' 45" E. |
| 26      | 100  | 46° 00'     | 171.15 | N. 2° 00' E.      |         |      |             |        |                   |

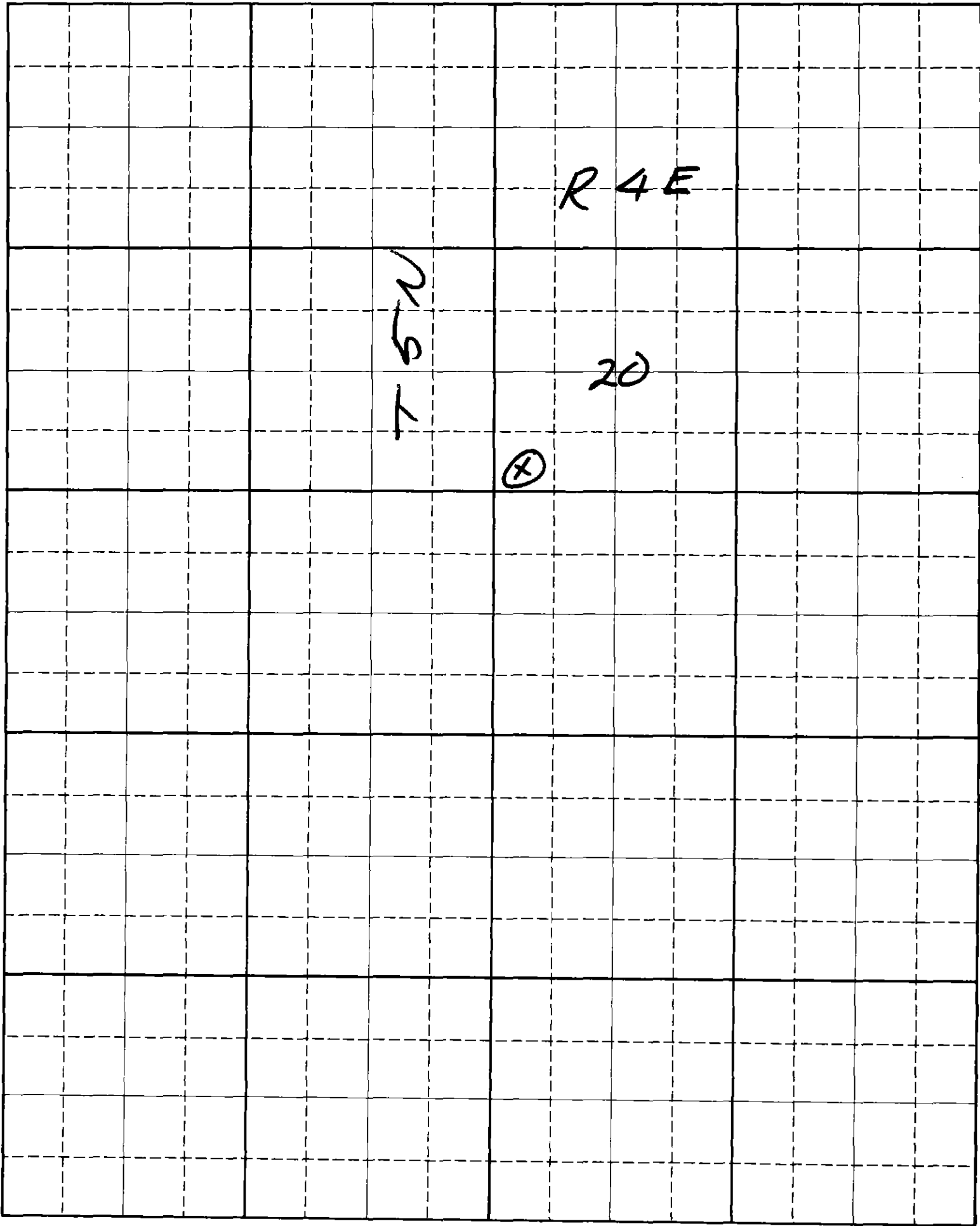
## LEGEND

- Boundary Points.
- Lot corners and Points of curvature.
- (102) Lot Numbers.
- Curve Number - Data in curve Table.

Source of water supply



11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Edaine R. Phelps 63 7712  
(Applicant)

DEPARTMENT OF WATER ADMINISTRATION  
- STAFF ANALYSIS -

| Item | Initial | Date      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------|---------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)  | JEB     | 11 JAN 73 | Application No. <u>63-7712</u> Name <u>Phelps</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| (2)  | JEB     | 11 JAN 73 | Check:<br><input checked="" type="checkbox"/> Signature<br><input checked="" type="checkbox"/> Point of Diversion<br><input checked="" type="checkbox"/> Quantity of Water and Period of Use<br><input checked="" type="checkbox"/> Description of Diverting Works<br><input checked="" type="checkbox"/> Time required for C/W and application of water to B/U<br><input checked="" type="checkbox"/> Place of Use<br><input checked="" type="checkbox"/> Map<br><input checked="" type="checkbox"/> Fee |
| (3)  | JEB     | 11 JAN 73 | Send copies to:<br><input type="checkbox"/> Idaho State Health Department<br><input type="checkbox"/> Idaho Fish and Game Department<br><input type="checkbox"/> Bureau of Land Management                                                                                                                                                                                                                                                                                                                |
| (4)  | JEB     | 11 JAN 73 | <input type="checkbox"/> Request Special Use Permit from U.S.F.S.<br><input type="checkbox"/> Request Easement from B.L.M.                                                                                                                                                                                                                                                                                                                                                                                |
| (5)  | JEB     | 11 JAN 73 | In form for advertising <u>yes</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| (6)  | JEB     | 2-1-73    | Affidavit of Publication received <u>yes</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| (7)  | JEB     | 2/6/73    | Final date for protests <u>Feb 5, 1973</u><br>Protests received: yes <u>no</u>                                                                                                                                                                                                                                                                                                                                                                                                                            |
| (8)  | JEB     | 2/6/73    | Date and Place of hearing <u>N/A</u><br>Decision reached at hearing _____                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| (9)  | JEB     | 2/6/73    | Located within Water District No. <u>B-63</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| (10) | JEB     | 2/6/73    | Critical groundwater area: yes <u>no</u> ✓                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| (11) | JEB     | 2/6/73    | Groundwater levels:<br><input type="checkbox"/> Decline (comment) _____<br><input checked="" type="checkbox"/> Stable (comment) _____<br><input type="checkbox"/> Increasing (comment) _____                                                                                                                                                                                                                                                                                                              |
| (12) |         |           | Comments: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| (13) | JEB     | 2/6/73    | Action recommended:<br><input checked="" type="checkbox"/> Approve Priority <u>4/10/73</u><br><input type="checkbox"/> Deny Reason for Reduction _____<br>See attached sheet for conditions of approval                                                                                                                                                                                                                                                                                                   |
| (14) | KOF     | 2/9/73    | No conditions for approval<br>District <u>Western</u> By <u>Ken Foster</u><br>Date <u>2/9/73</u> Title <u>WDE</u>                                                                                                                                                                                                                                                                                                                                                                                         |

RECOMMENDED

CONDITIONS OF APPROVAL

- ☐ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
- ☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
- ☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.
- ☐ Maximum rate of diversion shall not exceed \_\_\_\_\_ c.f.s.
- ☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of \_\_\_\_\_ Creek will not be impaired for other beneficial uses.
- ☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.
- ☐ Use of water under this permit is subject to control by the watermaster of State Water District No. \_\_\_\_\_, \_\_\_\_\_ River.
- ☐ The proposed well shall not be drilled within \_\_\_\_\_ feet of another well.
- ☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.
- ☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.
- ☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.
- ☐ Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RECEIVED

FEB 7 1973

Department of Water Administration

AFFIDAVIT  
OF  
PUBLICATION

STATE OF IDAHO, }  
COUNTY OF BOISE } S.S.

T. R. Adams, being  
duly sworn, deposes and says:  
that he is the manager and prin-  
cipal clerk of THE IDAHO  
WORLD a weekly news paper  
published at Idaho City, in the  
County of Boise and state of  
Idaho; that said paper has been  
and is in general circulation  
in the county aforesaid, and in  
the vicinity of Idaho City; that  
the advertisement, a copy of  
which is hereto attached, was  
published in said newspaper  
once a week for two con-  
secutive weeks in the entire and  
regular issue of every number  
of said paper during the period  
and time of publication, and was  
published in the newspaper pro-  
per and not in a supplement;  
that said paper has been estab-  
lished and regularly and contin-  
uously published for more than  
seventy-eight weeks past pre-  
vious to the first publication of  
this notice. Such notice was pub-  
lished in the issue beginning

with Jan 18, 1973  
and ending with the issue of

Jan 25, 1973  
T. R. Adams

Subscribed and sworn to before

me this 31st day of January

1973  
Robert J. Triffel  
Clerk, District Court

Deputy

NOTICE OF APPLICATION  
FOR WATER PERMIT

Notice is hereby given that  
LEE R. &/or ELAINE R.  
PHELPS, 1122 Dawn Dr., Bo-  
ise, Ida. has on Jan. 16, 1973  
submitted Application No. 63-7712  
for a permit to appropriate  
0.04 cubic feet per second of  
water from Elk Creek trib. to  
Beaver Creek by means of pipe-  
line within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec.  
20, T. 5N., R. 4E. B.M., Boise  
County to be used from Jan. 1  
to Dec. 31 for domestic pur-  
poses within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
Sec. 20, T. 5N., R. 4E. B.M.

If issued, this permit will be  
subject to all prior water rights.  
Protests against the granting of  
the permit must be filed with  
the Idaho Department of Water  
Administration, Statehouse, Bo-  
ise, Idaho, 83707, on or before  
Feb. 5, 1973.

R. KEITH HIGGINSON  
Director

Published in the Idaho World  
Idaho City, Ida. on Jan. 18, 19-  
73 and Jan. 25, 1973.

OK df  
2-1-73

63 7712

WRD417

## WATER RIGHTS PROOF READING REPORT

04/12/88

PAGE 117

WATER RIGHT NUMBER 63-7712

OWNER LAST NAME - PHELPS FIRST NAME - LEE R. ORIG OWNER -  
OWNER LAST NAME - PHELPS FIRST NAME - ELAINE P. ORIG OWNER -  
ADDRESS LINE 1 - 1122 DAWN DRIVE ADDRESS LINE 2 -  
ADDRESS LINE 3 - CITY - POISE STATE - ID ZIP CODE - 83702  
SOURCE - BLK CREEK TRIBUTARY OF - BEAVER CREEK  
STAGE - LICENSE STATUS - PRIORITY - 01-10-1973 COUNTY - BOISE TOTAL DIV. RATE - .0400 CFS  
TOTAL DIV. VOLUME - .60 AFA TRFR/AMEND - WATER CLOT. - 63 DLE/CAREY ACT - RIGHT BASIS -  
DIVERSION POINT - SWSW 20 03N 04E LOT REG DIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0  
FROM - 01-01 TO - 12-31 USE - DOMESTIC USE DIV. RATE - .0400 CFS USE DIV. VOLUME - .60 AFA  
USE - DOMESTIC PLACE OF USE - TWN 03N RNG 04E SEC 20 TRACT SWSW LOT AC  
DECREE NAME - DATE - TOTAL ACRES 0  
REMARKS -  
NON IRRIG USE -  
OTHER RIGHTS FOR SAME USE -  
PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - OLD NO. -  
PROOF MADE - FLD EXAM - COND. OF APPROVAL -  
DIVERSION MEANS -





State of Idaho

# DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Storehouse

Boise, Idaho 83720

(208) 384-2215

March 28, 1979

RE: Permit No. 63-7712

Mr. & Mrs. Lee R. Phelps  
1122 Dawn Drive  
Boise, ID 83702

Dear Mr. & Mrs. Phelps:

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JAN GROVER  
Water Rights Supervisor

JG/kw  
Enclosure

**MICROFILMED**

128

3. Water will be used for the following purposes:

Other uses:

4. Total amount to be appropriated:

Max Rate of Diversion 0.04 cubic feet per second and annual volume \_\_\_\_\_ AF/Annum.

5. Location of Point(s) of Diversion:

Township 5N N/S, Range 4E E/W, B.M., Section 20, Subdivision See  $\frac{1}{4}$  See  $\frac{1}{4}$ , Boone County

Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$ , \_\_\_\_\_ County

Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$ , \_\_\_\_\_ County

**Other Points of Diversions:**

Description of diverting works: 3' x 10' sheet plastic in bottom of ditch covered with gravel  
3" pipe going to small pumping tank, gas pump to pump to higher level

Measuring device required: yes ☐ no ☐

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

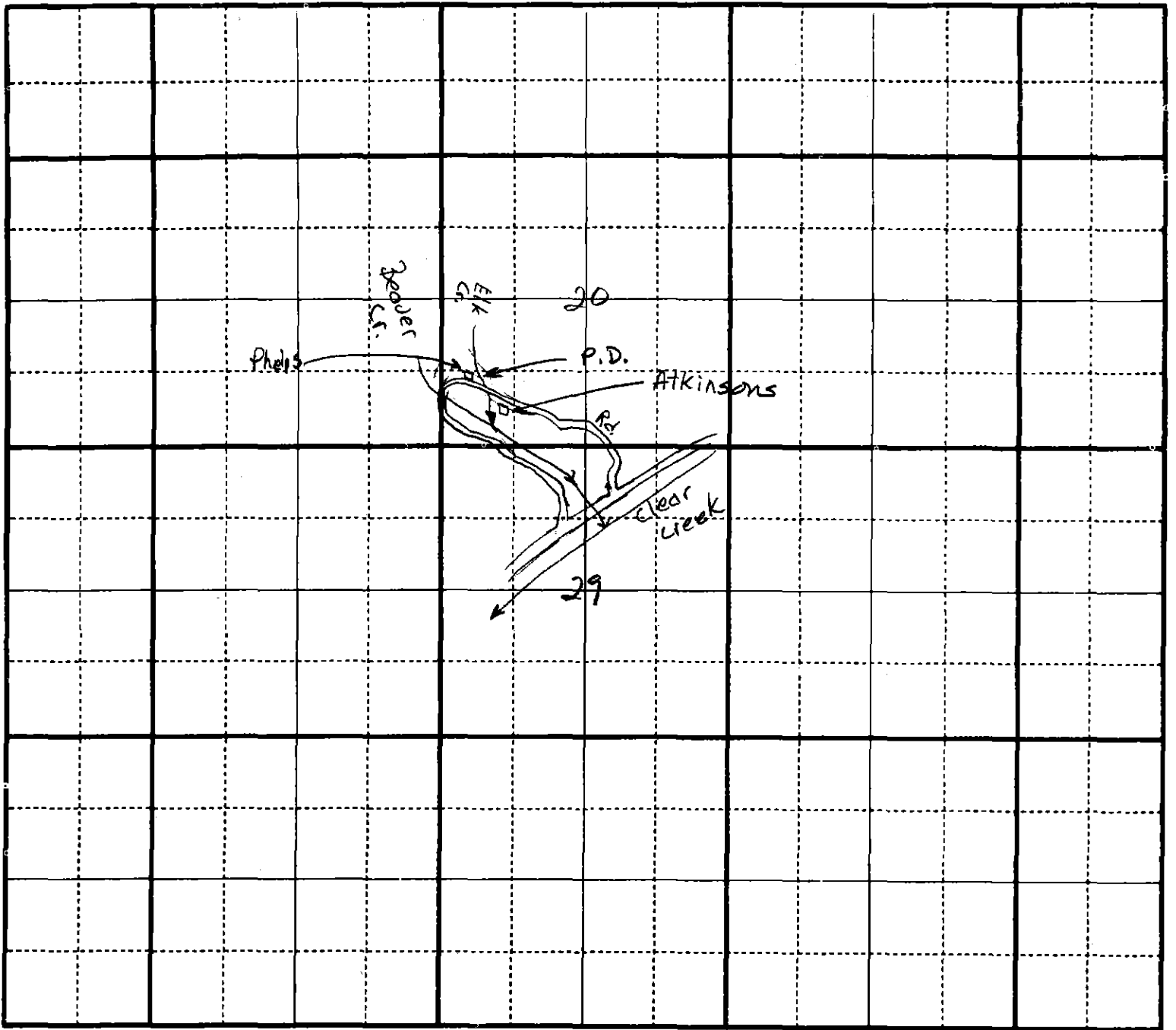


Diagram of System

DATE OF EXAM 3-22-78

ACREAGE

Found \_\_\_\_\_  
Recommended \_\_\_\_\_

Irrigation Requirement \_\_\_\_\_ Ac Ft/Ac

USE

Irrigation Q = \_\_\_\_\_ c.f.s. V = \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_  
Domestic Q = 0.04 c.f.s. V = 0.6 AF/Ann. from Jan. 1 to Dec. 31  
Livestock Q = \_\_\_\_\_ c.f.s. V = \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_

Is water co-mingled? yes \_\_\_\_\_ no ☒

Name source: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Exchange? yes \_\_\_\_\_ no ☒

Name source exchanged with: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Point of injection: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Point of exchange: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Total Q measured 0.04 cfs Method of measurement estimate

Total Q recommended 0.04 cfs Meter No. \_\_\_\_\_ Type \_\_\_\_\_ Condition \_\_\_\_\_

Total V recommended 0.6 AF/year

Recommended Amendments:

P.D. \_\_\_\_\_  
Place of Use \_\_\_\_\_  
Other \_\_\_\_\_  
None ☒

MEASUREMENT CALCULATION:

$Q_{estimate} = 0.04 \text{ cfs}$   
 $V = 0.6 \text{ AF/year}$  for household use only.

SYSTEM DESCRIPTION:

Small gasoline powered pump supplies water for ~~2nd~~ second-home type cabin. No lawn irrigation.

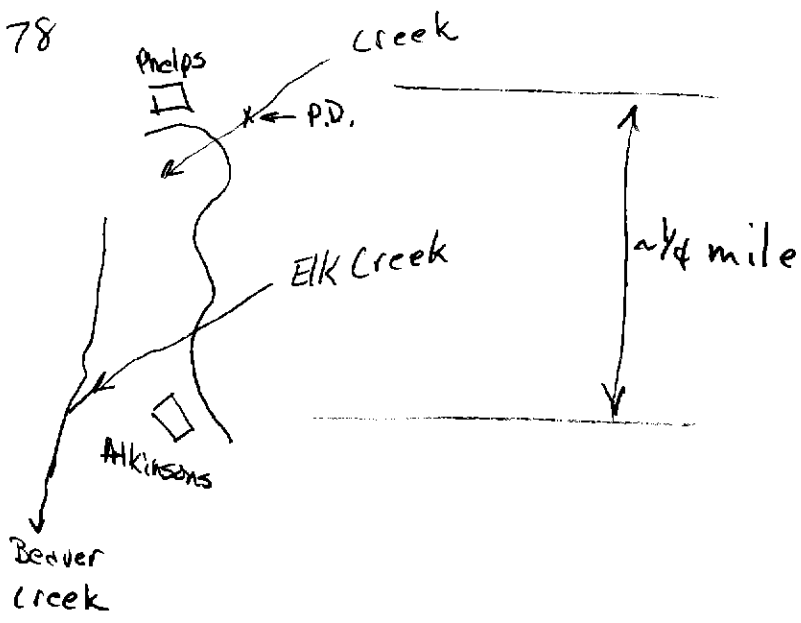
REMARKS:

Examiner's Signature William H. MacAllister III Date 3-24-78

Checked by DBS Date 3-27-78

Approved by \_\_\_\_\_ Date \_\_\_\_\_

3-22-78



January 25, 1978

Re: Permit No. 63-7712

Lee R. &/or Elaine R. Phelps  
1122 Dawn Dr.  
Boise, Idaho 83702

Dear Mr. & Mrs. Phelps:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Boise.

Sincerely,

JANICE RENK  
Water Rights



Identification No. \_\_\_\_\_

Permit No. 63-7712

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

RECEIVED

JAN 23 1973

off

1. a) Name of Permit Holder LEE R. &/or ELAINE R. PHELPS  
b) Post Office Address 1122 DAWN Dr.; Boise; Idaho 83702

2. Permit Number XXXXXXXXXX 637712

3. Date of Priority that you are prepared to establish 1/10/73

4. a) Source from which water was appropriated Elk Creek

b) Location of the point of diversion: SW 1/4 SW 1/4, Section 20

Township 5 n., Range 4e. Boise Meridian, Other points of diversion: \_\_\_\_\_

5. a) The amount of water and use to which the water has been applied:

Amount 0.04 for Domestic purposes from Jan. 1 to Dec. 31 incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated 0.04 cfs and/or acre-feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: \_\_\_\_\_

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: \_\_\_\_\_

b) Describe the agreement or understanding by which you take water from the works: Concrete diversion  
into 2" diameter plastic pipe

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure-and/or canal or ditch) 3'x10' sheet plastic in bottom of ditch

covered with gravel, 3" pipe going to small pumping tank,  
gas pump to pump to higher level.

b) Describe the type and size of measuring device which you have installed at your point of diversion: \_\_\_\_\_

c) Give well driller's name and address and the date the well was completed: \_\_\_\_\_

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: \_\_\_\_\_

Exam typed 1/25/78 by J



February 13, 1973

Re. Permit NO.: 63-7712

Lee R. and/or Elaine R. Phelps  
1122 Dawn Dr.,  
Boise, Idaho 83702

Dear Mr. and Mrs. Phelps:

Enclosed is a copy of your approved Application for Permit No. 63-7712 . We  
direct your attention to the conditions of approval as listed on the fourth page.

Very truly yours,

BOBBY D. FLEENOR  
Assistant Director

BDF: cd

Enclosures

63 7712

November 30, 1977

CERTIFIED MAIL

138211

Re: Permit No. 63-7712

Lee R. &/or Elaine R. Phelps  
1122 Dawn Dr.  
Boise, Idaho 83702

Dear Mr. & Mrs. Phelps:

One of the conditions of approval of your water Permit No. 63-7712 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before February 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



---

C. STEPHEN ALLRED  
Director

CSA:jfr

Enc: Proof affidavit

138211

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that LEE R. &/or ELAINE R. PHELPS,  
1122 Dawn Dr., Boise, Ida.  
has on Jan. 10, 1973 submitted Application No. 63-7712  
for a permit to appropriate 0.04 cubic feet per second ~~XXXXXX~~  
~~per annum~~ of water from Elk Creek, trib. to Beaver Creek  
by means of pipeline  
within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20, T. 5 N., R. 4 E., B.M., Boise County  
  
  
to be used from Jan. 1 to Dec. 31  
for domestic purposes  
  
within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20, T. 5 N., R. 4 E., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before Feb. 5, 1973.

R. KEITH HIGGINSON

63 7712

Director

Published in the Idaho World, Idaho City, Ida.  
on Jan. 18, 1973 and Jan. 25, 1973

**NOTICE OF APPLICATION  
FOR WATER PERMIT**

Notice is hereby given that LEE R. &/or ELAINE R. PHELPS, 1122 Dawn Dr. Boise, Ida., has on Jan. 10, 1973 submitted Application No. 63-7712 for a permit to appropriate 0.04 cubic feet per second of water from Elk Creek trib. to Beaver Creek by means of pipeline within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20, T. 5N., R. 4E. B.M., Boise County to be used from Jan. 1 to Dec. 31 for domestic purposes within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20, T. 5N., R. 4E. B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before Feb. 5, 1973.

**R. KEITH HIGGINSON**

Director

Published in the Idaho World Idaho City, Ida. on Jan. 12, 1973 and Jan. 22, 1973.

2522 89

**STATE OF IDAHO**  
**DEPARTMENT OF WATER ADMINISTRATION**

Cecil D. Andrus  
Governor  
R. Keith Higginson  
Director

Statehouse - Annex 2  
Boise, Idaho 83707  
(208) 384-2215  
Western District Office



Water Rights Administration  
Water Resource Investigation  
Dam and Reservoir Safety  
Water Well Drilling  
Waste Disposal Wells  
Stream Channel Protection

**January 12, 1973**

**Re: Application for Permit No. 63-7712 Lee R. &/or Elaine R. Phelps**

**Idaho World**  
**P. O. Box 144**  
**Idaho City, Idaho 83631**

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

-----  
(signature of claimant)

Sincerely,

**63 7712**