

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

RIGHT NUMBER: 63-31490A

NAME AND ADDRESS: ALICE ANN MORRIS CULVER
6100 PIERCE PARK LN
BOISE ID 83703

SOURCE: SPANISH FORK

TRIBUTARY: ELK CREEK

QUANTITY: 0.160 CFS

PRIORITY DATE: 05/25/1936

POINT OF DIVERSION:

T06N R05E S23 SWNE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
MINING	01/01 12/31	0.140 CFS

PLACE OF USE: STOCKWATER in BOISE County

T06N R05E S23 SWNE

MINING in BOISE County

T06N R05E S23 SWNE

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 63-31490.

Parcel No. RP06N05E231300.

Stockwater use is for 6 head horses.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

NO CHANGE IN
POU AS 63-2531
(OF WHICH THIS IS A
SPLIT) SHOWS ALL
OF S23 T6N
R5E AS ITS PL.
OF USE.



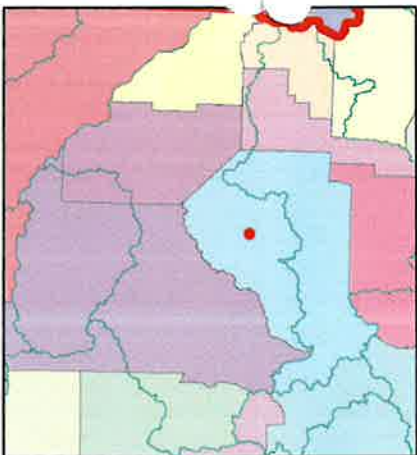
Idaho Department of Water Resources

Adjudication Recommendation

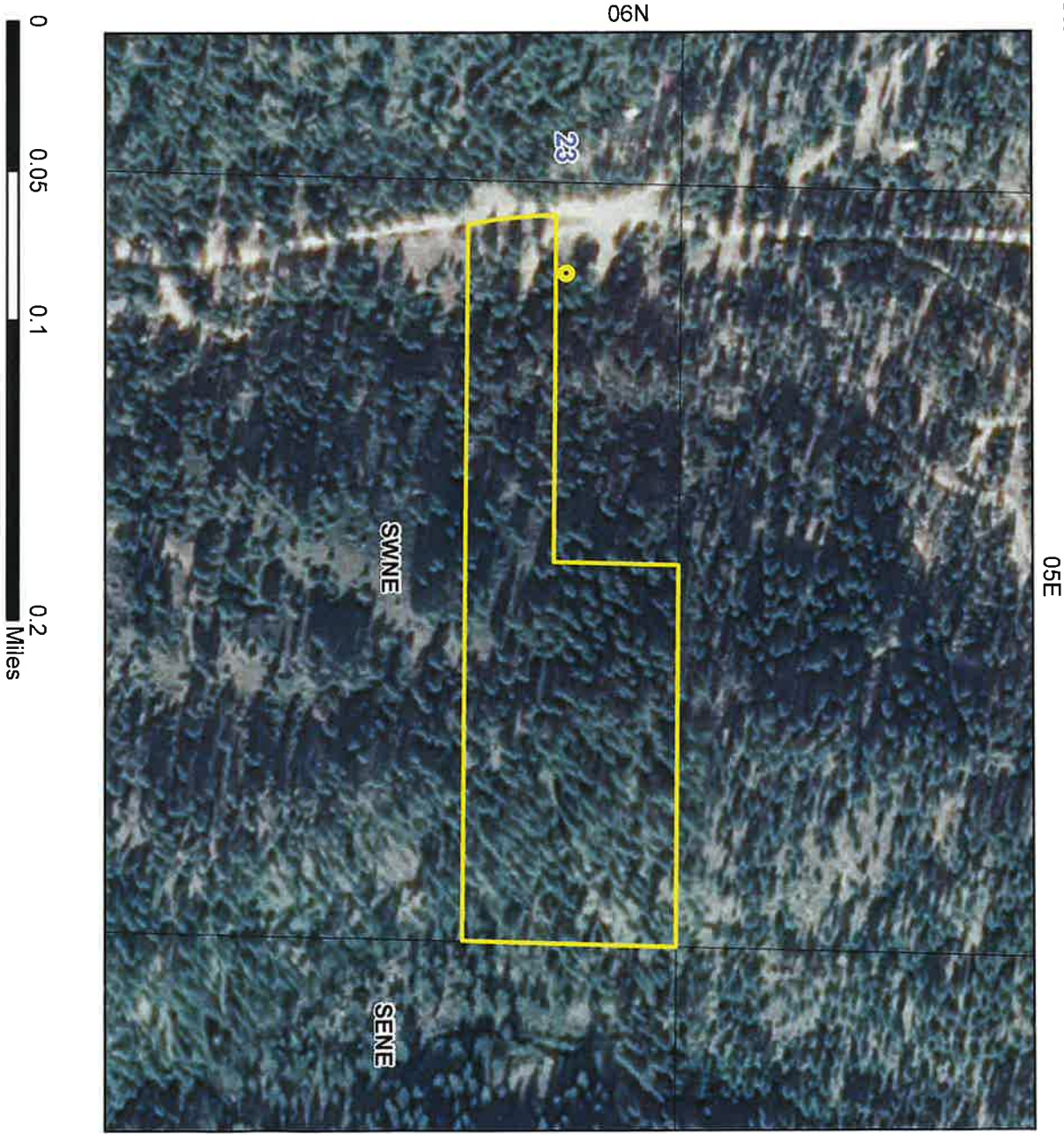
63-31490A

(STOCKWATER)

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Boise County
IDWR Basin 63



Prepared by Shurte, Jan
On June 26, 2013
2009 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31490A V1

WATER RIGHT NUMBER: 63-31490A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALICE ANN MORRIS CULVER 6100 PIERCE PARK LN BOISE, ID 83703 (208) 853-1222

Priority Date: 05/25/1936

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPANISH FORK	ELK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
MINING	01/01 to 12/31	0.140 CFS	
	<u>Total Diversion:</u>	0.160 CFS	

Location of Point(s) of Diversion

SPANISH FORK	SW1/4NE1/4	Sec. 23, Twp 06N, Rge 05E, B.M.
BOISE County		

Place of Use

STOCKWATER

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	05E	23			X														

MINING

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	05E	23			X														

Conditions of Approval:

1. P21 This right is a split from former right 63-31490.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31490A V1

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. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. X02 Stockwater use is for 6 head horses.
5. PIN Parcel No. RP06N05E231300.

Remarks:

Comments:

1. jshurte 6/26/2013 Recommendation

Comment: See memo in file concerning this recommendation. The A and B splits of 63-31490 are a result of the partial decree for 63-31490 being set aside and an objection filed by the right holder resulting in a field exam and settlement documents, SF5s, being completed. Field exam notes and memos explain sequence.

2. jshurte 7/1/2013 Domestic conditions

Comment: The 13,000 gpd limiters were not put on this right as it is derived from licensed water rights. See split memo in file.

Water Supply Bank:

Field exam for 63-31490B

JS 6-28-13

On 5-15-13, Craig Saxton and myself conducted a field exam of the above water right per an objection filed by the right holders after the partial decree had been set aside for 63-31490.

The results of that field exam are as follows:

8 hp pump 2' above Elk Creek in the SENE, S23, T6N, R5E, with a 2" intake discharging into a 2" pipeline up to a sluice box and digging area.

Theoretical Rate of Flow: $Q = \frac{(8.8) \times (H.P.) \times (Efficiency)}{(Lift\ ft) + (PSI \times 2.31)}$

So:

$$\frac{8.8 \times 8\ HP \times 70\% \text{ Eff}}{2' + (20\ psi \times 2.308)} = \frac{49.28}{48.20} = 1.02\ cfs$$

Note: 70% efficiency is from the field examiner's handbook and is the efficiency recommended when it is an unknown (most cases).

The lift is a 2' vertical lift from Elk Creek to the pump and motor. Water is then pumped up approximately 10 vertical feet to the flat area where the sluice box is located. This was taken from the topo map and GPS location of the pt of diversion and place of use.

20 psi is also from the field examiner's handbook as the psi for non-irrigation systems.

The domestic and stock water use under 63-31490B are from a 6.5 hp portable pump from Elk Creek in the NWSE, S23 which pumps water into a 30 gallon barrel which is transported to the place of use in the SWNE, S23. Water gravity flows and used for inside bathing and washing along with stock water use for 6 horses during the hunting season. This 6.5 hp pump is capable of diverting enough water for the in house domestic use and stock water.

Place of use and points of diversion were GPS'd and plotted for the map layout on this right.

The field exam for Spanish Fork is as described in 2002 for 63-31490 and scanned for that file. The Spanish Fork right is now numbered as **Water Right No. 63-31490A.**



See Memo for hearing dated 5-29-12.

Per that hearing the right holders indicated that they had been using Elk Creek along with the Spanish Fork continuously and did not show IDWR the pod from Elk Creek because Larry Morris had hurt his back and was unable to get to that point of diversion. The Department could not revert it's decision as there had not been any further evidence submitted to support the use of Elk Creek and only what we had previously was available and we had no basis to change our recommendation.

SM Booth advised the right holder's that an objection was needed to the recommendation that was no longer a partial decree. This objection was submitted on November 26, 2012, for 63-31490 and treated as a late objection. This late objection was granted by the SRBA Court.

A field exam was again conducted on May 15, 2013, by Jan Shurte and Craig Saxton (original field examiner in 2002). During that field exam we were shown the point of diversion from Spanish Fork which was the same as the original point of diversion in the 2002 field exam. Then we were shown the mining point of diversion from Elk Creek which is east of the Culver property and in the SENE, Sec. 23, T6N, R5E on BLM ground. Another point of diversion for the domestic in house use for Larry's home and stock water located at the bridge crossing for the road leading to their homes in the NWSE, S23 where a portable pump is placed and the water pumped into a barrel which is then hauled to the home's location and used gravity flow for domestic bathing and washing and stock water during hunting season. Fire protection would be from Elk Creek with the point of diversion more likely at the bridge for fire fighters to put in pumps or the right holder put in their portable pump for fire suppression. A separate memo explains the field exam.

The Spanish Fork source previously partially decreed is still used for mining and stock water during the time water is flowing. Water does not normally flow year round in Spanish Fork. This water is diverted by a portable pump as explained in the first exam that Craig Saxton completed in 2002. Copies of that exam are in the file for the Spanish Fork portion.

63-31490A – This will reflect the Spanish Fork portion of the water right as explained above.

63-31490B – This will reflect the Elk Creek portion of the water right as explained above.

SF5s are being prepared and will be sent to settle the Culver's objection to their set aside partial decree. Pre-trial set for hearing on 7/9/13.

6-26-13



Split Review of previous licenses and recommendations in connection with 63-31490A & B

Original licensed rights split for recommendation in the SRBA:

63-2520 - 8.0 cfs total - from Elk creek (4cfs) Rt Fk Spanish Gulch (2cfs) and Lt Fk Spanish Gulch (2cfs) all for mining.

63-2531 - 5.0 cfs total - from Elk Creek(2cfs for power & 1 cfs mining) and Wolf Creek(1 cfs mining)

Total Licensed 13 cfs

These two rights were split into 63-31488 thru 31492 for recommendation in the SRBA

Splits now existing as partial decrees along with new splits of 63-31490

63-31488 – Fire protection from Spanish Fork for 2.92 cfs

63-33554 – Split from 63-31488 for .33 cfs (still Spanish Fork)

63-31489 – Fire protection from Spanish Fork & Wet Gulch for 3.25 cfs

63-31490A – Mining & Stock water from Spanish Fork for .16 cfs

63-31490B - Mining, Stock, Domestic & Fire Protection from Elk Creek for 3.09 cfs

63-31491 – Disallowed

63-31492 – Fire Protection from Spanish Fork for 3.25 cfs

Total cfs = 13 cfs

As shown both sources recommended are the same as those licensed and the total cfs of all splits adds up to the total cfs licensed.

63-31490 – Motion to Set Aside Partial Decree – Notes for Hearing – 5-29-12

63-31490 is a combination of old water right nos. 63-2520 and 63-2531.

63-2520 – - 1936 - Orig. right licensed for 8 cfs for mining purpose from Elk Creek and the Right and Left Fork Spanish Gulch (Spanish Fork) with point of diversion from Elk Creek in the SWSW, S12 and point of diversion from Right and Left Fork Spanish Gulch in S15.

63-2531 – 1937 – Elk Creek and Wolf Creek – 5 cfs for mining (3), power (2). Field exam in 1949 shows the point of diversion from Elk Creek in the SWSW, S12 and the point of diversion from Wolf creek in Sec. 14.

System appeared to be a diversion from Elk Creek into open ditch with a flume across Wolf Creek apparently also picking up some Wolf Creek water and then a 1000' pipeline reducing in size and sloping downhill for pressure to be used for power at the saw mill and pressure for placer mining in Sec. 23. Appeared to discharge into the Spanish Fork Elk Creek in Sec. 23. Also points of diversion from the right and left forks of Spanish Fork Elk Creek in Sec. 15. The right fork being Spanish Fork and the left fork being Wentworth Gulch. Ditch from these points to place of use for mining in Sec 23?

Both rights combined and split into 4 claims for each sister – see Craig's memo. Per field exam conducted in 2002 small mining with portable sluice and pump taking place for .14 cfs.

Property owned by Alice Culver appears uphill from Elk Creek – point of diversion from Elk Creek is located in the? How is the water delivered to the place of use?

Mrs. Culver's son Larry accompanied Craig Saxton on the field exam in 2002 per multiple requested from Craig for some type of information concerning the mining portion of the claim.

Larry arrived with the pump, gold pan and sluice box in the back of his pickup truck. Some small tailings were shown to Craig as evidence of the mining operation at that time. Mining was recommended. No point of diversion from Elk Creek was spoken of or shown to Mr. Saxton.

One temporary permit issued for mining from Elk Creek in 2011 with the condition that storage water be rented in order to divert. Prior to this time no correspondence or memos in file indicating any contact with the Department, other than during the recommendation stage, by right holder to change point of diversion or source. No temp permit issued this year.

853-1222

RECEIVED

APR 09 2013

DEPARTMENT OF
WATER RESOURCES

ALICE ANN CULVER

6100 N. Pierce Park Lane

Boise, Idaho 83714

208-853-1222

April 2, 2013

To Whom It May Concern:

**I am writing in reference to our Water Rights Subcase 63-31490
Alice Ann Morris Culver**

I filed an objection to the partial water right decree that you issued to us in April, 2003 in which the water from Elk Creek was deleted from our property and we were left with only water from Spanish Fork, which dries up in June of each year.

We, a family of 2 adults and 4 children, lived and made our living off the 120 acres that encompasses the water rights that we own and that we used for every day use and mining and also running the sawmill on Water Power. We had cows, goats, rabbits, chickens and occasionally a horse or 2 for recreation. We had all the water that we needed and never ran out of water from Elk Creek, which at that time was furnished by a ditch that carried it thru a flume and around a mountain top in a ditch and finally down the mountain on to our home with a pipeline.. At that time the water from Elk Creek also flowed naturally out of Elk Creek, down Spanish Fork Creek clear thru our property and then flowed back into Elk Creek at the Bureau of Land Management property. Please see water right #18302 and 18478.

My father died in 1962 and we still used the water regularly , his health was failing and there were times, maybe a week or so at a time that he did not turn the water on but it was very unusual for it to be off for more than a week, except in the coldest part of the winter when it was froze up. We used snow melt for water in those times , or broke the ice in Spanish Fork Creek and used the water flow then.

SCANNED

APR 09 2013

As our family grew up we all had children and grandchildren and we never did not use the water for domestic purposes. Even when we had to carry the water by hand from the Elk Creek Bridge (which is on B.L.M. ground to our cabin.

Larry Morris, my youngest son is now 52 years old and after graduating from School he worked for the B.L.M. and the Foorest Service until he hurt his back, he had to have surgery and became disabled, he then moved up to Idaho City permanently and now mines for a living. He can work as long as he wants to and does not have to do any thing to strenuous. This is one of the reasons that it is so critical that we maintain our water rights out of Elk Creek.

Larry has mined for gold with a pick axe, shovel, running water and any other way that he thought he could get it out of the ground since he was 12 or 13 years old, he can tell you the name of most any rock up there and can tell you where to get your dirt for panning to get the most gold for a pan.

I am the 3rd Child in our family, I am 73 years old and my 2 older sisters have passed away, but as we aged we each got married and had children of our own, who loved our place at Idaho City and used it and the water as much as possible. Glen and Shannon Jones, got married and lived their for 2 or 3 years and had 2 of their children there in about 1967- 1970.

There are a total of 11 Grandchildren and each one of them has children of their own, who stay up there and use water out of Elk Creek simply because it is the only water available.

Over the years the State of Idaho or perhaps the Forest Service and or the Bureau of Land Management has taken out the natural flow of Elk Creek Tributary into our cabins and now it is not possible to use the water in a atural flow and it must be pumped over the Mountain top or

SCANNED

APR 09 2013

the creek flow be replaced, it would be very hard to do this now because of the new roads put in with he lack of culverts. This is the reason that we applied for a new point of diversion to get the water flow closer to where we were using it ,

I am the 3rd Child in our family, I am 73 years old and my 2 older sisters have passed away, but as we aged we each got married and had children of our own that loved our place at Idaho City and used it and the water as much as possible, Glen and Shannon Jones, lived there for 2 or 3 years and also born 2 of their children there, They lived there in about 1967 thru 1972.

There are a total of 11 grandchildren and each one of them has children of their own who stay up there and use water out of Elk Creek, simply because it is the only water available during the summer.

Over the years the State of Idaho or perhaps the Forest Service and or the Bureau of Land Management has taken out the natural flow of the Elk Creek into our cabins and now it is not possible to use the water in a natural flow and it must either be pumped over the Mountain top or the creek flow be replaced, it would be very difficult to do this now because of the new roads they have put in with the lack of culverts . This is the reason that we applied for a new point of diersion to get the water flow closer to where we were using it and to be able to pump it over the mountain to the place we were mining and where we could access it easier.

Alvin
Charles

SCANNED

APR 09 2013

RECEIVED

APR 09 2013

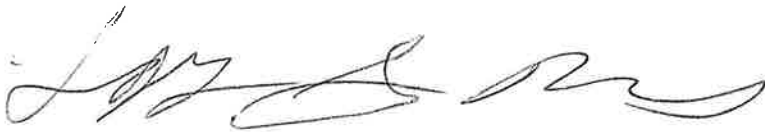
DEPARTMENT OF
WATER RESOURCES

To whom it may concern,

63-31420

This letter is for the water license# _____ on Elk creek drainage concerning Alice Ann Culver/Morris. The judication of Spanish fork and Elk Creek. The concerns of Elk Creek because combining the two deeded water licenses you gave of us Spanish Fork and took away Elk Creek. Elk Creek is our main supply. Spanish Fork is run off dries up in July. Elk is the only water that runs year round. In 1970 when Ruth Packer was alive she told her Grandson Larry Morris, and other Grandchildren to always use the Elk Creek water at least once a year so we would not lose the water rights. I have done this through out the years using it for mining, domestic use, Fire protection; live stock use during hunting season and irrigation for trees on Alice Culvers property. In the past few years I have had to buy a water license which I should not have to. The other property owners of the said property still think they have owner ship of Elk Creek water rights. I have used this for mining and live stock on this license. The Elk Creek water license needs to be separate for Spanish Fork. And then Elk Creek water should be judicated back to the deeded water license holder. It was an over sight to both parties when the judication on Spanish fork. I have provided pictures of the mining for the last two years.

Thank You,



Larry Morris

SCANNED

APR 09 2013

Alice Ann Culver
6100 N. Pierce Park Lane
Boise, Idaho 83714

November 21, 2012

Water Right Subcase: 63-31490

I wish to file an objection to the partial water right decree that was issued April 21, 2003 in which the water from Elk Creek was deleted from our property. We have in the past 90 plus years used water from Spanish Fork Creek as well as Elk Creek for our property.

We do use the water from Spanish Fork Creek, which is snow melt run off only and historically dries up in early June, we also use the water from Elk Creek, which runs thru a portion of our property and adjacent to it for a good distance for mining, domestic consumption, fire protection, and stockwater.

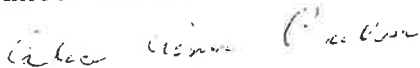
Your decree was for water only from Spanish Fork and we still need water from Elk Creek or our property is 100 Percent dry from early June, (most Year's) until early spring the next year.

We did receive the partial decree in April 2003, but not understanding water right language, legal language such as sections, range and townships and mostly that you had combined the old water right diversion points to Spanish fork and non-existent in Elk Creek we have been using the water without rights.

This letter is intended to be an objection to the change in the original water rights, except we no longer have the sawmill. And we do need the water rights out of Elk Creek.

Thank you

Alice Ann Culver



Larry Gene Morris



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 63-31490

NAME AND ADDRESS: ALICE ANN MORRIS CULVER
6100 PIERCE PARK LN
BOISE, ID 83703

SOURCE: SPANISH FORK TRIBUTARY: ELK CREEK

QUANTITY: 3.25 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 07/02/1937

POINT OF DIVERSION: T06N R05E S23 NWSWNE Within Boise County
NWSWNE
NWSWNW (Instream Beginning Point)
SWSWSW (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS
	Mining	01-01 TO 12-31	0.14 CFS
	Fire Protection	01-01 TO 12-31	3.25 CFS

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

PLACE OF USE:		
Stockwater		Within Boise County
T06N R05E S23	SWNE	
Mining		Within Boise County
T06N R05E S23	SWNE	
Fire Protection		Within Boise County
T06N R05E S23	SWNE	SEWN

THE USE OF WATER FOR FIRE PROTECTION UNDER THIS RIGHT IN THE
SEWN, SECTION 23, T6N, R5E IS LIMITED TO THE EAST HALF OF THE
SEWN, SECTION 23, T6N, R5E.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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).

SRRA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

4 pieces

1941 Permit No. 18302 Louie L. Packer
Elk Creek, 4 sec. ft.; Right Fork of Spanish Gulch,
2 sec ft.; Left Fork of Spanish Gulch, 2 sec ft.
Location of point of diversion 1. SW $\frac{1}{4}$ NW $\frac{1}{4}$ of 13
NW $\frac{1}{4}$ NE $\frac{1}{4}$ of 15 SW $\frac{1}{4}$, SE $\frac{1}{4}$ Sec 15

4 pieces
Mow#
63-02500

1949 Permit No. 18478 Louie L. Packer
Elk Creek and Wolf Creek, tributaries of Moss Creek.
Location of point of diversion SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12 and
NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14 T6N, R5E County of Bannock

7/5/84 $\frac{1}{4}$ in Idaho Water License No. 18478 to Alice Ann Moss Creek.
1985 $\frac{1}{2}$ interest Water License No. 18478 to Alice
2000 #18478 paid by Alice $\frac{1}{4}$ interest

7/27/89 Adjudication fee paid \$225.00 by Alice A. Caber.

18302 + 18478 =

Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 10302

This proof is for Completion of Works & Beneficial Use

In Water District No.

1. Name of applicant Louis L. Packer

2. Source of water supply Elk Creek, 4 sec. ft.; Right Fork of Spanish Gulch, 2 sec. ft.;
Left Fork of Spanish Gulch, 2 sec. ft.

3. Location of point of diversion: Is in the 1. SW 1/4 of 15 of Section
T. 6 N R. 5 E 2. NW 1/4 of 15; 3. SW 1/4, Sec 15
County of Boise

4. Describe works as they exist, giving dimensions and capacities of same: The Elk Creek diversion includes an earth and rock dam 35 ft. long X 4 ft. high diverting through Headgate 4 ft. wide X 3 ft. deep X 4 ft. long, to a ditch 3 ft. wide X 1 1/2 ft. deep. The Spanish Fork diversion has a rock and earth check 10 ft. long X 2 ft. high; Headgate 12" X 12" X 6 ft long, and a ditch of 2 ft. width X 1 ft. depth.

5. Water is used for: mining and milling

6. State whether or not water has been turned into works of diversion: Yes

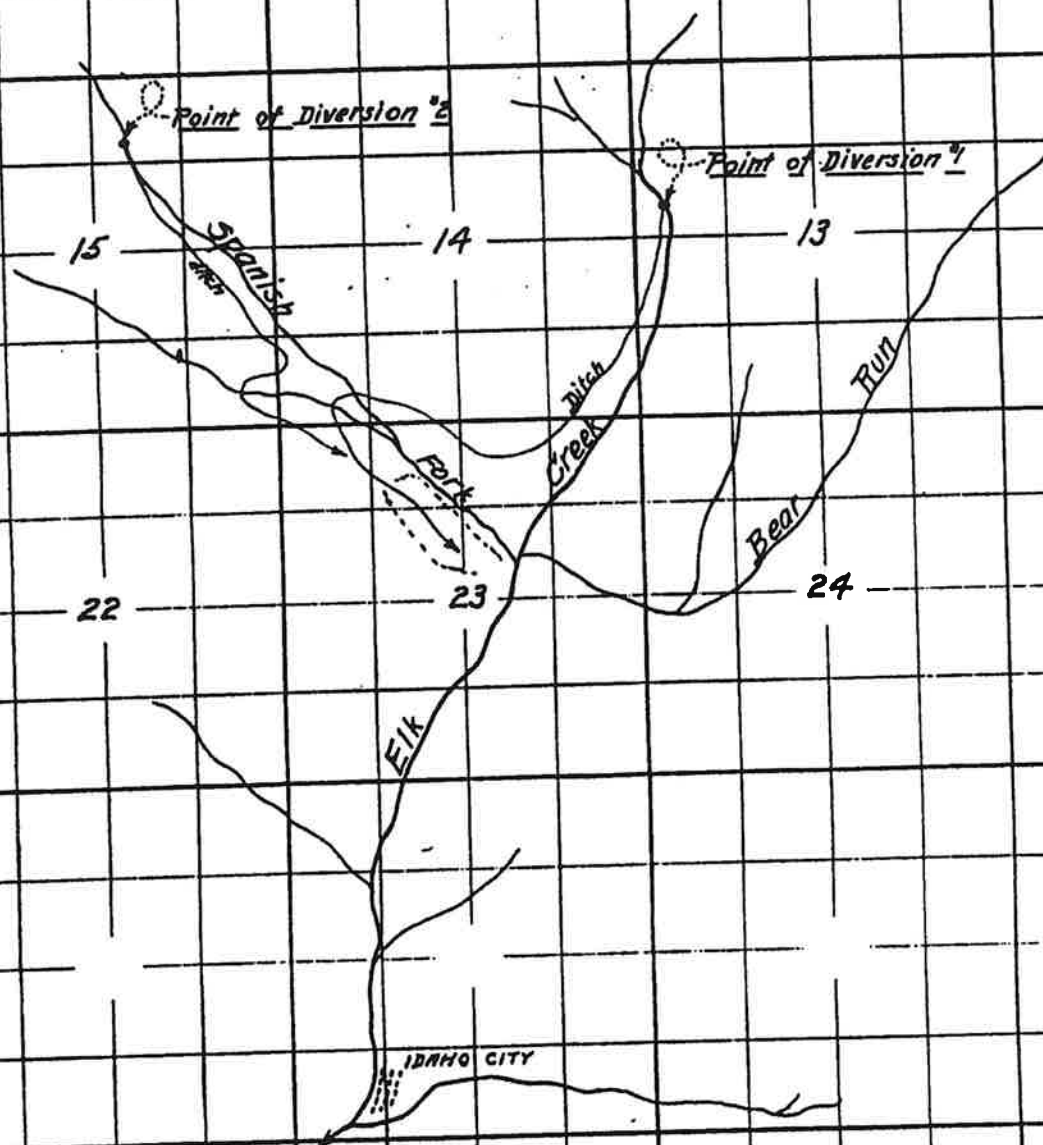
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

(Submit map on attached plat, showing location and details of above description.

8. What large stream would the water here appropriated finally reach? Boise River

Remarks:

The operation plant includes 1200 feet of steel slip joint pipe, and one hydraulic giant.



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 18478

This proof is for Beneficial use In Water District No. _____

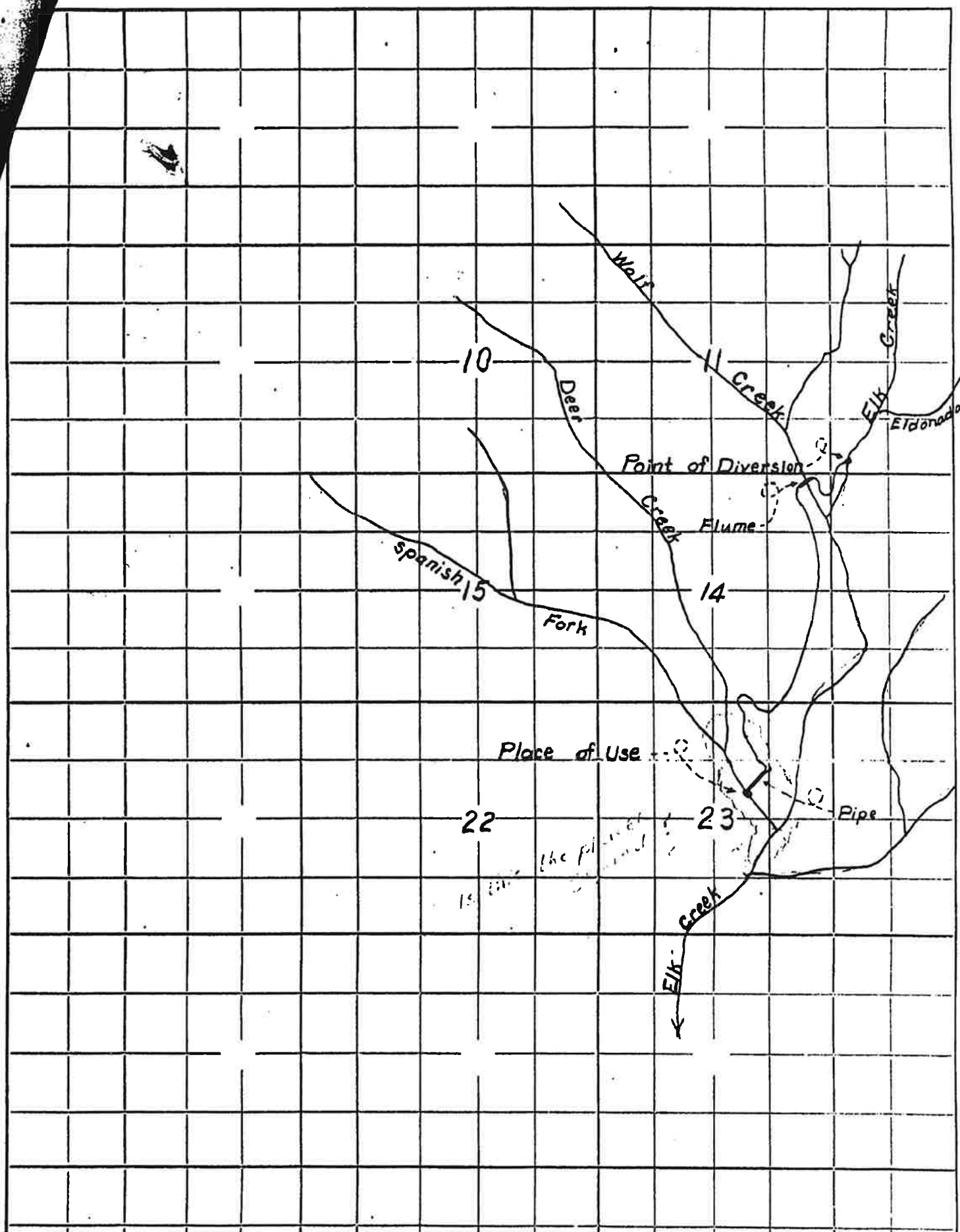
1. Name of applicant Louie L. Packer, Route 3, Boise, Idaho
2. Source of water supply: Elk Creek and Wolf Creek, tributaries of More's Creek
3. Location of point of diversion: Is in the SW¹/₄ Section 12, and NE¹/₄ of Section 14
T. 6 N. R. 5 E. County of Boise
4. Describe works as they exist, giving dimensions and capacities of same: _____
Control Headgate 8' wide x 8' long x 3' deep, Headgate of ditch 3' wide x
7' long x 2' high. Ditch 3' wide and 1 1/2' deep. Flume crosses below junction
of Wolf Creek and Dear Cr., 230' long, 2' wide, 2' deep, and has a Max. bent 30'. High
Pipe line, 1000' of steel pipe from 24" to 9" at Pelton wheel, 200' of head.
Pelton wheel 68" diameter, weight 2000 lbs., speed 280 R.P.M.
5. Water is used for: Saw mill and mining (Power for saw mill)
6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Place of use is in Sections 14, 15 and 23, Twp. 6 North, Range 5 East, b. m.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Boise, River
- Remarks: Placer ground 500' wide and 4500' long, under #1 giant nozzle.



LATE OBJ. APPROVED BY SM 150014
ON 11/27/12 - TRIAL SET. ANCE WILL
BE CARRYING: FRED PRICE WILL FILE A
RESPONSE.

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 26 2012	
By _____	Clerk
	Deputy Clerk

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

In Re SRBA

Case No. 39576

A.

Subcase

63-31490

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Alice Ann Carter

Address:

6100 N. Pierce Park Lane
Boon, Idaho 83714

Daytime Phone:

208-853-1222

Name & Address of Attorney, if any:

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

Name:

Alice Ann Morris Carter

Address:

6100 N. Pierce Park Lane
Boon, Idaho 83714

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

1. ☒ **Name and Address**
Should be: Alvin Dan Morris Palmer
2. ☒ **Source**
Should be: Elk Creek Tributary of Mono Creek
Spanish Fork Tributary of Elk Creek
3. ☒ **Quantity**
Should be: 6 Sec Ft
4. ☒ **Priority Date**
Should be: 1937 + 1949
5. ☒ **Point of Diversion**
Should be: T6N R5E + T6N R5E Sec 33 - Sec 15-14
Elk Creek + Spanish Fork
6. ☒ **Instream Flow Beginning and Ending Point**
Should be: 1830s same as Original License
and 18478
7. ☒ **Purpose(s) of Use**
Should be: Mining + Domestic Stock - Feed Protection
8. ☐ **Period of Year**
Should be: All year 1-1 thru 12-31
9. ☐ **Place of Use**
Should be: Within Bow County
10. ☐ **I object because:**
☐ This water right Should not exist.

☒ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** See Attached

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Ada)

Alan R. Cullen

(Name of person filing objection)

, duly sworn, upon oath, deposes and says:

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

Alan R. Morris Cullen

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

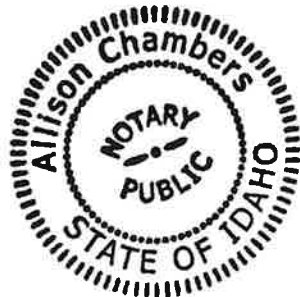
November 21, 2012

Alan R. Cullen

Notary Public for State of Idaho

Residing at: Ada County

My Commission Expires: 06/14/2018



INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on 11-23, 20012, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Alicia Ann Cahen
Address: 6100 N PIERCE PARK LANE
BOISE, ID 83714

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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

Signature of objector or attorney
mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2520D V1

7. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

Comments:

1. csaxton 5/21/2002 Priority Date
Comment: This claim is a combination of rights 63-02520 and 63-02531. Claimant claimed the most senior priority date. Since rights are combined into one claim, recommendation reflects the most Junior priority date of the two original licenses.
2. csaxton 5/21/2002 POD
Comment: No specific POD for Fire Protection. POD placed on stream in middle of claimants property. Stock is in-stream.
3. csaxton 5/21/2002 Source
Comment: Licensing exam indicates that the source has not changed. But USGS quad defines sources as Spanish Fork tib to Elk Creek.
4. lharris 5/28/2002 Renumbered
Comment: This claim has been renumbered to 63-31490

Water Supply Bank:

RECOMMENDED: 2/14
(PRIOR TO THIS - NO MINING REC
UNABLE TO CONTACT CLAIMANTS
SON - CONTACTED, FX T MINING REC)
06/05/2002

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

RIGHT NUMBER: 63-31490
NAME AND ADDRESS: ALICE ANN MORRIS CULVER
6100 PIERCE PARK LN
BOISE ID 83703
SOURCE: SPANISH FORK TRIBUTARY: ELK CREEK
QUANTITY: 3.25 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.
PRIORITY DATE: 07/02/1937
POINT OF DIVERSION:

T06N R05E S23 NWSWNE Within BOISE County
T06N R05E S23 NWSWNE Within BOISE County
T06N R05E S23 NWSWNW Begin of Stream Flow Within BOISE County
T06N R05E S23 SWSWSW End of Stream Flow Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
MINING	01/01 12/31	0.140 CFS
STOCKWATER	01/01 12/31	0.020 CFS
FIRE PROTECTION	01/01 12/31	3.250 CFS

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

PLACE OF USE:

MINING Within BOISE County
T06N R05E S23 SWNE
STOCKWATER Within BOISE County
T06N R05E S23 SWNE
FIRE PROTECTION Within BOISE County
T06N R05E S23 SWNE T06N R05E S23 SENW

THE USE OF WATER FOR FIRE PROTECTION UNDER THIS RIGHT IN THE SENW,
SECTION 23, T6N, R5E IS LIMITED TO THE EAST HALF OF THE SENW, SECTION 23,
T6N, R5E.

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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: License

06/05/2002

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

STOCKWATER: 8 HEAD
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-2520 &
63-2531.

63-31490

05/22/2002

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

RIGHT NUMBER: 63-2520D

NAME AND ADDRESS: ALICE ANN MORRIS CULVER
6100 PIERCE PARK LANE
BOISE ID 83703

SOURCE: SPANISH FORK

TRIBUTARY: ELK CREEK

QUANTITY: 3.25 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 07/02/1937

POINT OF DIVERSION:

T06N R05E S23 NWSWNE Within BOISE County

T06N R05E S23 NWSNW Begin of Stream Flow Within BOISE County

T06N R05E S23 SWSWSW End of Stream Flow Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.020 CFS
FIRE PROTECTION	01/01 12/31	3.230 CFS

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

PLACE OF USE:

STOCKWATER Within BOISE County

T06N R05E S23 SWNE

FIRE PROTECTION Within BOISE County

T06N R05E S23 SWNE

T06N R05E S23 SENW

THE USE OF WATER FOR FIRE PROTECTION UNDER THIS RIGHT IN THE SENW, SECTION 23, T6N, R5E IS LIMITED TO THE EAST HALF OF THE SENW, SECTION 23, T6N, R5E.

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: License

STOCKWATER: 8 HEAD

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2520D V1

WATER RIGHT NUMBER: 63-2520D V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LOUIE E PACKER
Current Owner	IDAHO CITY, ID ALICE ANN MORRIS CULVER 6100 PIERCE PARK LANE BOISE, ID 83703 (208)853-1222

Priority Date: 07/02/1937

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPANISH FORK	ELK CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01	to 12/31	0.020 CFS	
FIRE PROTECTION	01/01	to 12/31	3.230 CFS	
	<u>Total Diversion:</u>		3.250 CFS	

Location of Point(s) of Diversion

SPANISH FORK	NW1/4SW1/4NE1/4	Sec. 23, Twp 06N, Rge 05E, B.M.
BOISE County		
SPANISH FORK	SW1/4SW1/4SW1/4	Sec. 23, Twp 06N, Rge 05E, B.M.
BOISE County	(Ending of Reach)	
SPANISH FORK	NW1/4SW1/4NW1/4	Sec. 23, Twp 06N, Rge 05E, B.M.
BOISE County	(Beginning of Reach)	

Place of UseSTOCKWATER Within BOISE County

T06N R05E S23 SWNE

FIRE PROTECTION Within BOISE County

T06N R05E S23 SWNE T06N R05E S23 SENW

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2520D V1

3. 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.
4. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
5. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

1. Explanatory STOCKWATER: 8 HEAD
2. Place of Use THE USE OF WATER FOR FIRE PROTECTION UNDER THIS RIGHT IN THE SENW, SECTION 23, T6N, R5E IS LIMITED TO THE EAST HALF OF THE SENW, SECTION 23, T6N, R5E.

Comments:

1. csaxton 5/21/2002 Priority Date

Comment: This claim is a combination of rights 63-02520 and 63-02531. Claimant claimed the most senior priority date. Since rights are combined into one claim, recommendation reflects the most Junior priority date of the two original licenses.

2. csaxton 5/21/2002 POD

Comment: No specific POD for Fire Protection. POD placed on stream in middle of claimants property. Stock is in-stream.

3. csaxton 5/21/2002 Source

Comment: Licensing exam indicates that the source has not changed. But USGS quad defines sources as Spanish Fork tib to Elk Creek.

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:
 Owner Name Connector: 0
 Water District Number: 63
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust: False
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	5/21/2002 9:07:00 AM	csaxton			Active
POD	5/21/2002 9:37:23 AM	csaxton			Active
Source	5/21/2002 9:50:33 AM	csaxton			Active
Use	5/21/2002 9:58:06 AM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2520D V1

Season	5/21/2002 9:59:05 AM	csaxton	Active
Quantity	5/21/2002 10:00:43 AM	csaxton	Active
Summary		05/21/2002 csaxton	Active
POU	5/21/2002 10:44:50 AM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	5/21/2002 10:08:59 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
POU	5/21/2002 10:44:50 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License?
POU	5/22/2002 11:46:16 AM	csaxton	Edited shape boundary
POU	5/22/2002 11:48:26 AM	csaxton	Edited shape boundary
Contacts	5/21/2002 9:06:11 AM	csaxton	(No) 1. Do you want to schedule an appointment?
Priority Date	5/21/2002 9:07:00 AM	csaxton	Comment for 1: Spoke with Claimant on 5/13/02 (No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2520D V1

POD	5/21/2002 9:37:23 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (Yes) 10. Is a POD remark and/or condition required? Description for Question 6 - System changed in the Mid 50s according to Daughter of original licensee Irene Victory.
POD	5/21/2002 9:49:50 AM	csaxton	Edited point location
Use	5/21/2002 9:58:06 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (No) 5. Can the claimed Purpose of Use be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 7 - System changed in the Mid 50s according to Daughter of original licensee Irene Victory. Description for Question 10,11,12 - Claimant contact 5/13/02
Season	5/21/2002 9:59:05 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2520D V1

POD	5/21/2002 10:00:43 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
POD	5/21/2002 9:49:24 AM	csaxton	Edited point location
POU	5/21/2002 10:59:43 AM	csaxton	Edited shape boundary
POD	5/21/2002 9:48:57 AM	csaxton	Edited point location
Source	5/21/2002 9:50:33 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NUMBER: 63-2520D

Original Owner LOUIE E PACKER

Current Owner ALICE ANN MORRIS CULVER
6100 PIERCE PARK LANE
BOISE, ID 83703
(208)853-1222

7/2/37

Status: Active ✓

Tributary

~~MOORES CREEK~~
~~MORES CREEK~~ Elk Creek

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31		~~0.020 CFS~~ ^{0.02} OK	
FIRE PROTECTION	1/01 to 12/31		~~13.000 CFS~~ ^{7.22} OK	
MINING	1/01 to 12/31		~~1.000 CFS~~	
IRRIGATION	4/15 to 10/15		~~0.600 CFS~~	
DOMESTIC	1/01 to 12/31		~~0.010 CFS~~ ^{0.01} OK	

Total Diversion: ~~13.000~~ CFS
3.25

NW SW NE

~~NW 1/4 NE 1/4~~

Sec. ²³~~15~~, Twp 06N, Rge 05E, B.M.

NW SW NE

Sec. ²³12, Twp 06N, Rge 05E, B.M. *Beginning*

~~SW1/4SW1/4~~

6.6.15

23
Sec. 13, Twp 06N, Rge 05E, B.M. *End*

SW1/4NW1/4

BOISE County

STOCKWATER 19 JK

[illegible]

OK

[illegible]

no

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N 05E 23			X					X									

20

			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>		<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>		<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>		<u>Totals</u>
06N	05E	23			15.0					15.0								30.0

012

015

[illegible]

63-31490

POU

FIELD EXAM 6/4/02



Looking South West. This picture show where the claimants son Larry Morris indicated he has been actively mining (csaxton 6/5/02).

63-31490

POU

FIELD EXAM 6/4/02



Looking West – Picture show worked mining ground just West of Spanish Fk POD (csaxton 6/5/02).

63-31490

POD

FIELD EXAM 6/4/02



Picture shows claimants sons portable pump that he stated is used to divert water from Spanish Fork for mining purposes (csaxton 6/5/02).

63-31490

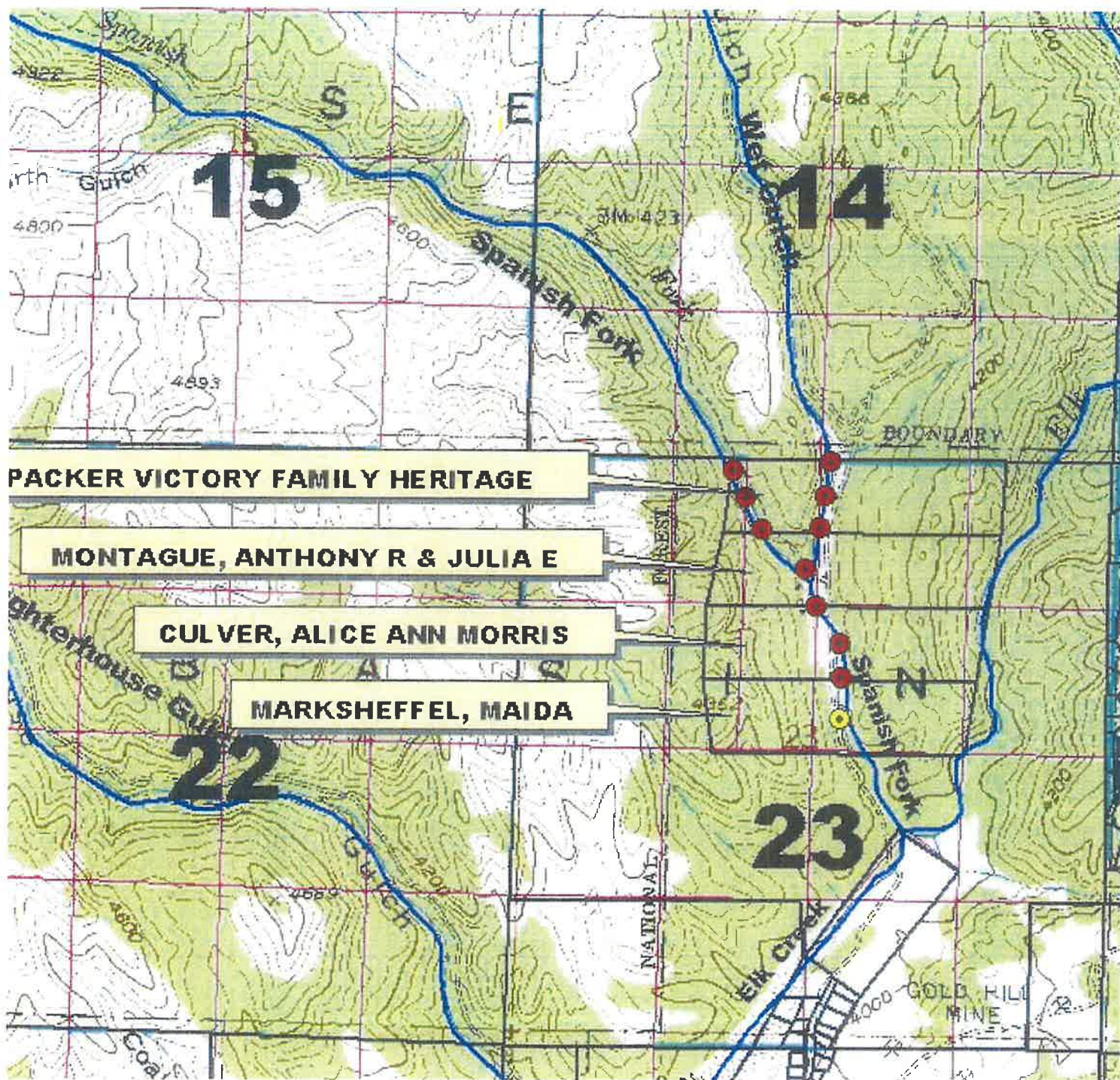
POD

FIELD EXAM 6/4/02



Sluice box for mining gold from Spanish Fork (csaxton 6/5/02).





Split history for Decreed Right 63-02520

Claimed

Claimed

Recommend

63-02520	8
7 40's	
Mining	
63-02531	5
S. 14, 15, 23	
Mine/Power	

63-02520A - Watson
13
7 40'w

63-02520B	Montague	31488
Mine/Fire		
63-02520C	Packer Victory Farm	31489
Mine/Fire/lr		
63-02520D	CUVER, Alice	31490
Mine/Fire/D/S/lr		
63-02520E	Watson, Lynn	015
Mine/Fire		
63-02520F	Darfany, Malda	65-31492
Mine/Fire		

7/2/1937	3.25	Fire
7/2/1937	3.25	Fire
7/2/1937	3.25	Fire/Stock
Disallow		
7/2/1937	3.25	Fire

Sum of claimed CFS =
Sum of claimed Acreage =

52.05
N/A

Sum CFS=
Sum Acre=
Un-accounted for CFS=
Un-accounted for Acres=

13

63-2520

State of Idaho
License and Certificate of Water Right

Water License No. 18478

Amount 5 second feet

Water District No. _____

Priority July 2, 1937

THIS IS TO CERTIFY that **LOUIE L. PACKER**

of Route 3, Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 2, 1937; that Permit No. 18478 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 5 (five) second feet, was issued thereunder on June 25, 1942, showing that said works were completed on the 10th day of June, 1942; and that on the 28th day of June, 1948,

LOUIE L. PACKER

of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Elk Creek & Wolf Creek, a tributary of Mora's Creek, for the purpose of power (2 second feet from Elk Creek) & mining (2 second feet from Elk Creek and 1 second foot from Wolf Creek), under Use Permit No. 18478 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4575, on the 25th day of April, 1950;

The right hereby confirmed dates from July 2, 1937;

The Point of Diversion is located in the SW 1/4 SW 1/4 Section 12, and the NE 1/4 NE 1/4 Section 14, 1/4 Sec. 12, 1/4 Sec. 14, T. 6 N., R. 5 E., B. M. Boise County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed five (5) cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
Place of use is in Sections 14, 15 and 23, Township 6 North, Range 5 East, B.M.					
<i>FROM THIS LICENSE EXAM MAP INCLUDES THE REC. POU IN THE SWNE, S. 23 TEN R5E. J.</i>					

NO ACC. XFER REMARK

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 25th day of April, 1950.

MARK R. KULP

State Reclamation Engineer

(SEAL)

63-2531

State of Idaho
License and Certificate of Water Right

Permit
Water Meters No. 18302
Water District No.

Amount 8.0 c. f. s.
Priority May 25, 1936

THIS IS TO CERTIFY that LOUIE L. PACER
of Idaho City, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 25, 1936 19 ; that Permit No. 18302
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.0 second feet, was issued thereunder on February 25, 1942 19 , at which time said works
were completed on the 24th day of July, 19 41 ; and that on the 24th
day of July, 19 41 .

LOUIE L. PACHER

LOUIE L. PACKER

of Idaho City , State of Idaho , made proof to the satisfaction of the
of Spanish Gulch of Idaho, of the right to use the waters of Elk Creek, and Right
Fork and Left Fork/tributary of Moore's Creek , for the purpose of Mining
, under Use Permit No. 18302 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 4099 , on the 25th day of February , 19 42;

The right hereby confirmed dates from May 25, 1936 . 19

The Point of Diversion is located No. 1, Sec. 13; No. 2, W. 1/4, Sec. 15; No. 3, in the 1/4, 1/4, Sec. 15, Twp. 6 N., R. 5 E., B. M. Boise County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 8.0 cubic feet per second, (4 c.f.s. from Elk Creek; 2 c.f.s. from Right fork Spanish Gulch; and 2 c.f. s. from Left fork Spanish Gulch

Description and location of use: SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 15; S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 14; N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 23; T. 6 n., R. 5 E B M

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 25th day of February, 1942

E. V. BERG.

Commissioner of Reclamation

(SEAL)

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 63-31490A
Date Received: 6/21/2013
Receipt No:
Received By:

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

1. Name of Claimant(s)

ALICE ANN MORRIS CULVER Phone: (208) 853-1222

6100 PIERCE PARK LN
BOISE ID USA 83703

2. Date of Priority: 05/25/1936

3. Source: ELK CREEK Trib. to: MORES CREEK
SPANISH GULCH CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	05E	12	SW SW	BOISE	
06N	05E	15	NW NE	BOISE	
06N	05E	13	SW NW	BOISE	

5. Description of diverting works: Ditches and pump.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.6	
STOCKWATER	01/01	12/31	0.02	
MINING	01/01	12/31	1	
DOMESTIC	01/01	12/31	0.02	
FIRE PROTECTION		01/01 12/31	13	

7. Total Quantity Appropriated is:
13 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
06N	05E	23	SW	NE	IRRIGATION	15
			SE	NW	IRRIGATION	15
			SW	NE	STOCKWATER	
			SE	NW	STOCKWATER	
			SE	NW	DOMESTIC	
			SW	NE	DOMESTIC	
			SW	NE	MINING	
			SE	NW	MINING	
			SE	NW	FIRE PROTECTION	
			SW	NE	FIRE PROTECTION	
					Section Acres	30
					Total Acres	30

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

This claim is a split of Right No. 63-31490 which was a split of licensed water right nos. 63-2520 and 63-2531. This split is a result of a partial decree being set aside and re-recommended in two parts for two separate sources. See also 63-31490B.

15. Basis of Claim: License

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

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____