

IDAHO DEPARTMENT OF WATER RESOURCES

7/3/2025

Water Right 65-23248

Before Split

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

Priority Date: 8/13/1939**Basis:** Decreed**Status:** Active**Source**SPRING
FENCE CREEK**Tributary**SOUTH FORK PAYETTE RIVER
SOUTH FORK PAYETTE RIVER**Beneficial Use**IRRIGATION
DOMESTIC**From**

04/15

To

10/15

Diversion Rate

0.320 CFS

Volume

01/01

12/31

0.050 CFS

1.2 AF

Total Diversion

0.370 CFS

1.2 AF

Source and Point(s) of Diversion:

SPRING

SESENE

Sec. 27, Twp 09N, Rge 08E, BOISE County

FENCE CREEK

L3(SWNW)

Sec. 26, Twp 09N, Rge 08E, BOISE County

Place Of Use:

IRRIGATION within BOISE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	08E	26							4.0				7.0						11.0
09N	08E	27				0.3									4.5				4.8

POU Total Acres: 15.8

DOMESTIC Same as IRRIGATION

Conditions of Approval:

- PLACE OF USE IS ALSO KNOWN AS AMENDED PLAT JOE LEWIS SUB. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE NORTHERN MOST POINT OF DIVERSION DESCRIBED ABOVE: 65-10559, 65-06625 AND 65-02431A.

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7/3/2025

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

Comments:

1 jhersley 2/7/2008 split right
This water right is a result of split from 65-2431X due to change in ownership

2 segbert 2/7/2008 POD
Updated shape

3 segbert 2/7/2008 POU
Updated Shape

4 slester 6/26/2013 Issues for Possible POD Changes
Fence Creek rights serve Joe Lewis Subd. & a few adjacent lots north of Lowman along Hwy 21 & South Fork Payette River. Rights for subd. lots are in individual names, not in an organization name. Right for Fence Creek Water Users Assoc. is for land next to the subd, not within the subd. A few rights also include a spring(s) located away from the creek. Distribution etc. problems were prevalent in early 2000s, see 8/14/2001 dept. letter to users for summary. All rights use 1 of 2 PODs from creek. This consists of 2 adjacent pipelines right next to west side of Hwy 21, POU is on east side of road. Diversions are on national forest land, which also surrounds the POU. Per Steve Spencer of USFS, Forest Service is working on updating special use permits for the diversions and hopes to issue 1 permit for both systems, although they think that might not work out so neatly. Forest Service concerned about possible creek POD change to move further upslope, also on national forest land. Possible change might be within same legal description as current PODs. Transfer Memo #24 notes even this type of change within same legal might be subject to transfer process. In this case if any POD changes are proposed, dept. should at least notify Forest Service for comments prior to determining if a transfer is required. The decision about whether transfer applies should be left to dept. managers/administration since it involves a policy issue beyond the scope of most staff.

Dates and Other Information:

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

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
Attachment to Water Right

65-23248

Before Split

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.05 0.1 0.2 Miles



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7/7/2025

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After Split

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 1231 SUNRISE RIM
 BOISE, ID 83705
 (208) 587-3922

Current Owner ERNEST H TUCKER
 1231 SUNRISE RIM
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Priority Date: 8/13/1939**Basis:** Decreed**Status:** Active

Source
 SPRING
 FENCE CREEK

Tributary
 SOUTH FORK PAYETTE RIVER
 SOUTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.310 CFS	
DOMESTIC	01/01	12/31	0.050 CFS	1.2 AF
	<u>Total Diversion</u>		0.360 CFS	1.2 AF

Source and Point(s) of Diversion:

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

Place Of Use:

DOMESTIC Same as IRRIGATION

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			NE				NW				SW				SE				Totals
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09N	08E	26							4.0			6.7							10.7
09N	08E	27				0.1									4.5				4.6

POU Total Acres: 15.3

Conditions of Approval:

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| 1 | jhersley | 2/7/2008 | split right |
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| Updated shape | | | |
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| 4 | slester | 6/26/2013 | Issues for Possible POD Changes |
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| 5 | shobson | 7/7/2025 | Split Right |
| Split into 65-23248 (parent) & 65-24379 (child) due to ownership change from Hourani. | | | |
| 6 | shobson | 7/7/2025 | POU |
| Updated Shape for WaterUseCode 01 | | | |

Dates and Other Information:

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Water District Number: 65
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State of Idaho
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Water Right

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