

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: A73-00049
Date Received: 5/15/1990
Receipt No: E014560
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name:	DAVID L FOLSOM	541-770-3131
Address:	1527 SATELLITE DR	
	MEDFORD OR	97504
AND/OR		
Name:	MELINDA W FOLSOM	541-770-3131
Address:	1527 SATELLITE DR	
	MEDFORD OR	97504
AND/OR		
Name:	ROBERT E FOLSOM	541-770-3131
Address:	1527 SATELLITE DR	
	MEDFORD OR	97504
AND/OR		
Name:	NANCY P FOLSOM	541-770-3131
Address:	1527 SATELLITE DR	
	MEDFORD OR	97504

2. Date of Priority: APR 1, 1882

3. Source: FALLS CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	22E	1	NW	SE	SE		LEMHI

5. Description of diverting works:
CONCRETE DITCH FORM STREAM TO GRAVITY PIPELINE/SPINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

7. Total Quantity Appropriated is:
3.200 C.F.S. (and/or)

A.F.A.

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NOV 15 1996

8. Total consumptive use is 577.5 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING FOR 240 HEAD.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	22E	15	SW	NW		IRR	36.0
			SE	NW		IRR	40.0
			NE	SW		IRR	38.0
						Section Acres	114.0
		16	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SE	NE		IRR	37.0
						Section Acres	117.0
						Total Acres	231.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
PORTION OF 73-00155

14. Remarks:
MEASURED ON THE SOUTH BANK OF CREEK ABOUT FOUR MILES NORTH
EASTERLY FROM EDWARD ONEAL RESIDENCE.
AMOUNT DECREED = 0.02 CFS/IRRI. AC.
CHANGED OWNERSHIP 3/11/96/JT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 4/ 7/1910

J.B. MORROW

Decree Plaintiff

JOSEPH WAGONER

vs Decree Defendant

MICROFILMED

NOV 15 1996

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: A73-00049
Date Received: 5/15/1990
Receipt No: E014560
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: GARY MADSEN 208-876-4487
Address: BOX 25
ELLIS ID 83235
AND
Name: KENNY MADSEN 208-876-4487
Address: BOX 25
ELLIS ID 83235

2. Date of Priority: APR 1, 1882

3. Source: FALLS CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	22E	1	NW	SE	SE		LEMHI

5. Description of diverting works:
CONCRETE DITCH FORM STREAM TO GRAVITY PIPELINE/SPINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

7. Total Quantity Appropriated is:
3.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 577.5 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING FOR 240 HEAD.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	22E	15	SW	NW		IRR	36.0
			SE	NW		IRR	40.0
			NE	SW		IRR	38.0
						Section Acres	114.0
		16	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SE	NE		IRR	37.0
						Section Acres	117.0
						Total Acres	231.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
PORTION OF 73-00155

14. Remarks:
MEASURED ON THE SOUTH BANK OF CREEK ABOUT FOUR MILES NORTH
EASTERLY FROM EDWARD ONEAL RESIDENCE.
AMOUNT DECREED = 0.02 CFS/IRRI. AC.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 4/ 7/1910

J.B. MORROW
Decree Plaintiff

JOSEPH WAGONER
vs Decree Defendant

\$ 281⁰⁰

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: A73-00049
Date Received: 2/06/1990
Receipt No: 6014560
Received By: ESV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GERALDINE J. WHEELER 208-684-4929
Address: 767 W. 100 N.
BLACKFOOT, ID 83221

2. Date of Priority: APR 01, 1882

3. Source: FALLS CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	22E	1	NW	SE	SE		LEMHI

5. Description of diverting works:
CONCRETE DITCH FORM STREAM TO GRAVITY PIPELINE/SPINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

7. Total Quantity Appropriated is:
3.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 577.5 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING FOR 240 HEAD.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	22E	15	SW	NW		IRR	36.0
			SE	NW		IRR	40.0
			NE	SW		IRF	38.0

Section Acres 114.0

A73-00049

Page 1

Date: 02/06/90

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DEC 14 1992

A7300049

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	22E	16	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SE	NE		IRR	37.0
						Section Acres	117.0
						Total Acres	231.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
PORTION OF 73-00155

14. Remarks:
MEASURED ON THE SOUTH BANK OF CREEK ABOUT FOUR MILES NORTH
EASTERLY FROM EDWARD ONEAL RESIDENCE.
AMOUNT DECREED = 0.02 CFS/IRRI. AC.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 4/07/1910

J.B. MORROW

Decree Plaintiff

vs

JOSEPH WAGONER

Decree Defendant

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): Shirley J. Walker Date: 15 May 1990

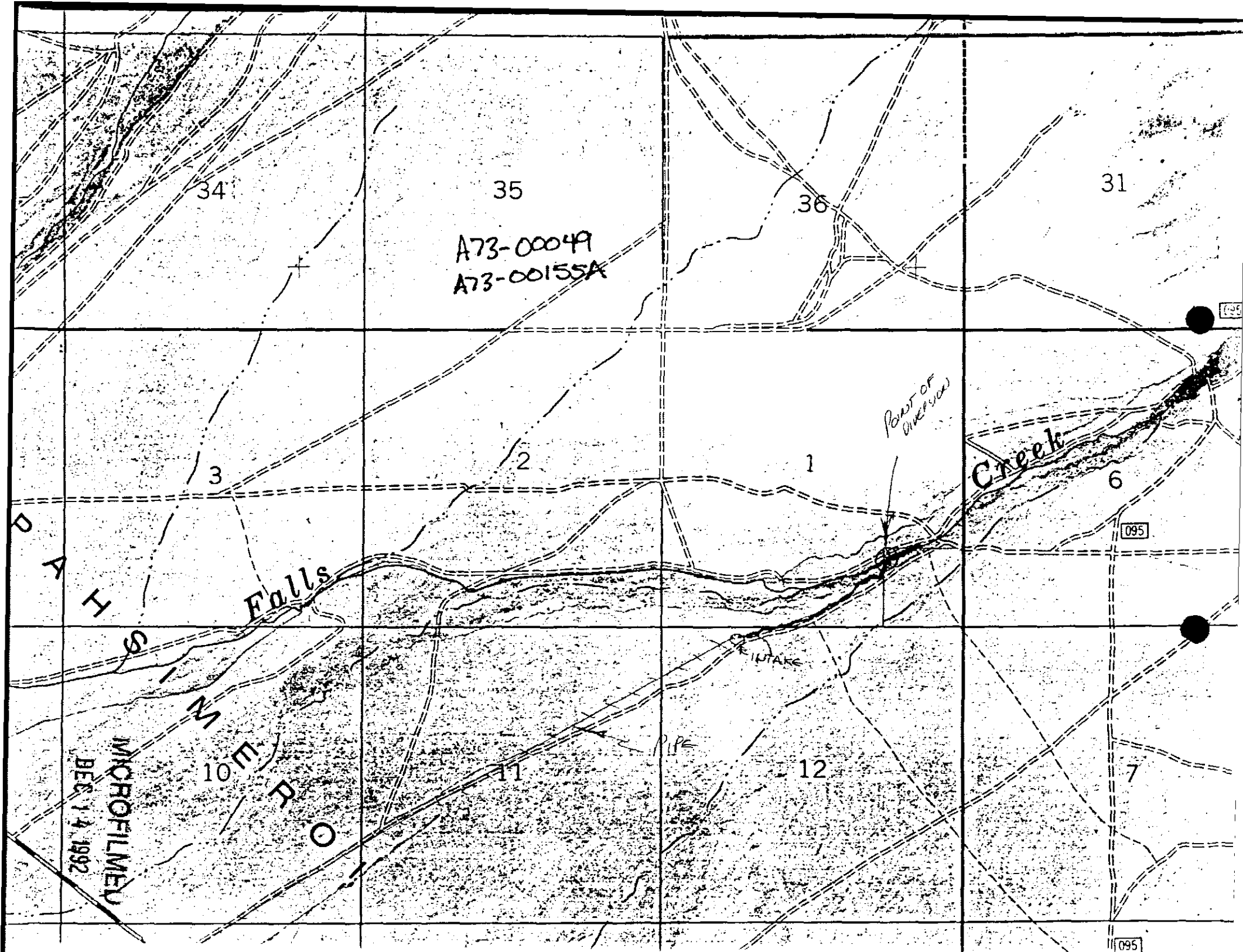
Date: _____

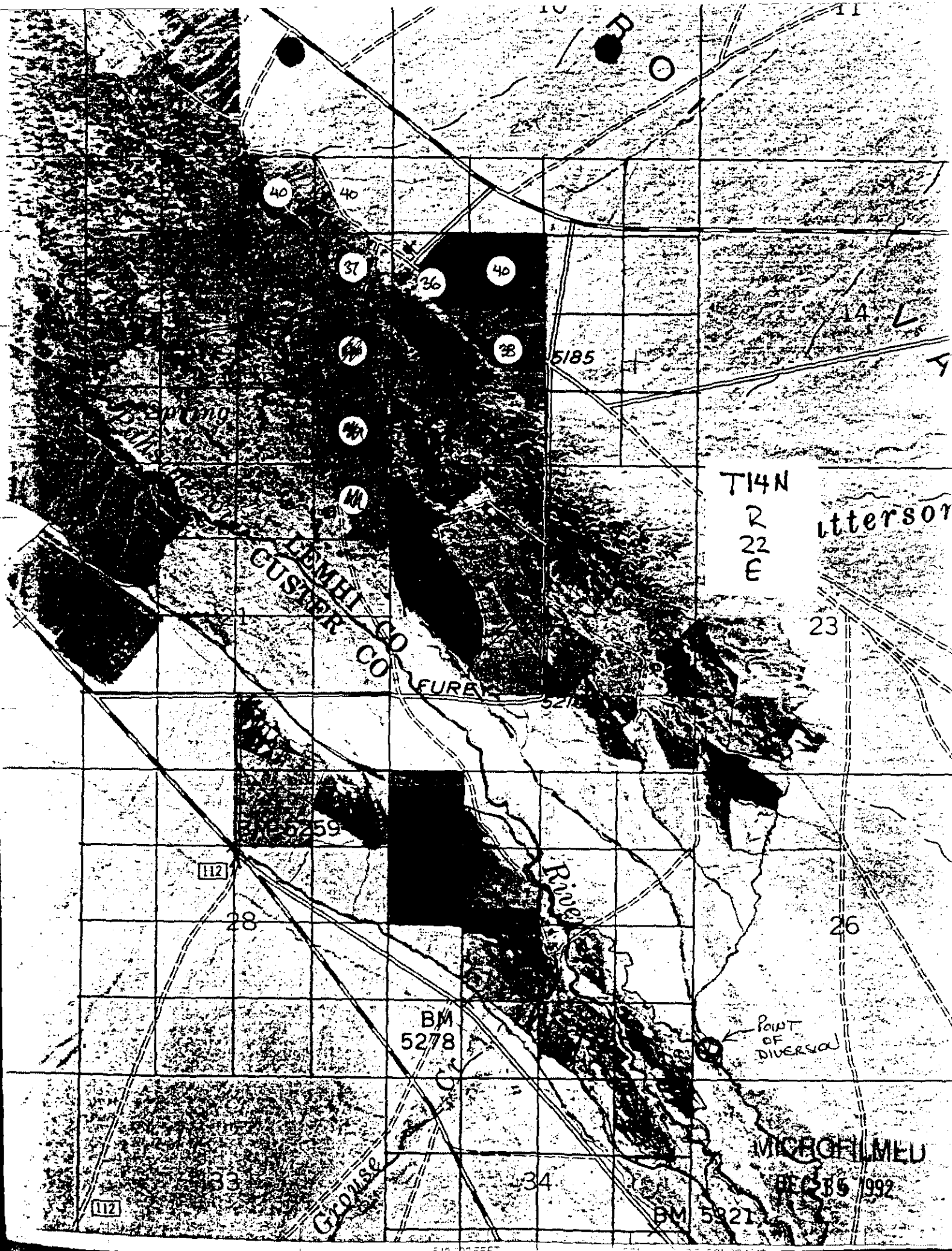
State of Idaho)
County of Bingham) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of May 19 90
Seal

Marilyn Brootsen
Notary Public

Residing at Blackfoot, Idaho
My Commission Expires 3-30-94





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CUSTER CO

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POINT
OF
DIVERSION

MICROFILMED
DEC 85 1992

BM 5921

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GROUSE

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State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

MARCH 12, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID FOLSOM
1527 SATELLITE DR
MEDFORD OR 97504

RE: CHANGE IN OWNERSHIP FOR A73-00049, A73-00155A,
& A73-10061

Dear Mr. Folsom:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are copies of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notices of Claim

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NOV 15 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

MAR 08 1996

Department of Water Resources
Eastern District Office

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s)
Assigned by IDWR: A7300049: A73-00155A: A73-10061
- [] Name and Address of Former Owner/Claimant(s)(Seller): Kenneth Madsen, Judy Madsen, Gary L. Madsen
Box 25 Ellis, Idaho 83235
- [] New Owner/Claimant (Purchaser): David L. Folsom, Melinda W. Folsom, Robert E. Folsom, Nancy P. Folsom
- [] New Mailing Address: David Folsom
1527 Satellite dr.
Medford OR 97504
- [] New Telephone Number: (541) 770 - 3131

- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Bonville Title sent a check for 25.00 to file
the c/o. I sent the check back after calling
Lanore to see if it was not required. Mailed
3-11-96 - Jo
- [] Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New Owner/Claimant(s) Robert E. Folsom Date 2-29-96
Melinda W. Folsom Nancy P. Folsom Date 2-29-96
- [] Signature of Former Owner/Claimant(s): Kenneth Madsen Date _____
Judy Madsen Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____
Further Action Needed:

Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

OK Gt.
By: 3-11-96

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NOV 15 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

66817

WARRANTY DEED

KENNETH MADSEN and JUDY MADSEN, husband and wife; and GARY L. MADSEN, an unmarried person

, as GRANTOR

for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto

ROBERT E. FOLSOM and NANCY P. FOLSOM, husband and wife; and DAVID L. FOLSOM and MELINDA W. FOLSOM, husband and wife

2954 Syskivou Blv Medford, Or 97504, as GRANTEE,

and Grantee's successors and assigns, all of the following described real estate situated in the State of Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

SUBJECT TO the 1996 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

SUBJECT TO that certain Mortgage in favor of Geraldine J. Wheeler, a widow, recorded as Instrument No. 206335 in the original amount of \$200,000.00, which the Grantees herein do not agree to assume.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

IN WITNESS WHEREOF, the Grantor hereunto has set his hand and seal hereto on March 1, 1996

Kenneth Madsen
Kenneth Madsen

Judy Madsen
Judy Madsen

Gary L. Madsen
Gary L. Madsen

STATE OF IDAHO

COUNTY OF Bonneville

On March 1, 1996 before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth Madsen and Judy Madsen, and Gary L. Madsen

known to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public for the State of Idaho
Commission Expiration Date: 1/28/97

NOTARY PUBLIC
LENORE J. KATRI
STATE OF IDAHO
Residing in Idaho Falls, Idaho
My Commission Expires Jan. 28, 1997

RECORDING DATA

State of Idaho)
County of Lemhi) 55160 **229286**
This instrument was filed for record at the request of William J. Hill
at 10:20 o'clock Am 3-7 19 96
and duly filed and indexed in the records of LEMHI

County
Alberta Wiederrick
Ex-Officio Recorder
By [Signature] Deputy
Fee 9.00
Return to

Bonneville Land & Title Co.

497 N. Capital Ave • P.O. Box 51690 • Idaho Falls, ID 83403-1690 • (208) 524-6600

STATE OF IDAHO

County of *Custer*

} ss

On this *th* day of March, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared JUDY MADSEN, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

Doreen D. K. Kirtland
Notary Public for Idaho
Residing at: *Challis, Idaho*
My Commission Expires:

7-20-1996

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NOV 15 1996

NAME OF APPLICANT.....

Form No. 0

R 22 E T 14 N									
Water rights Found									
A73-00049 -00155A -10061					JUST SEND THE LEGAL YOU SENT ME AND WE WILL AT THAT TIME BE SORT OF FALSE ARE CORRECT. LOOKS LIKE I AGREE IN THE SWORN IS NOT INCLUDED. RETURN C/O FORM WITH SIGNATURES & WARRANTY DEED. To				
MICROFILMED									

SCALE: 2 inches Equal 1 Mile. Draw Plan In Ink.

NOV 15 1996

TRACT I: THE SOUTH HALF OF THE NORTHWEST QUARTER (S1/2NW1/4):
EXCEPTING THEREFROM: COMMENCING AT THE NORTHWEST CORNER OF
THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15,
TOWNSHIP 14 N., RANGE 22 EBM. THENCE RUNNING EAST 183 FEET TO
THE POINT OF BEGINNING; THENCE RUNNING SOUTH 208.7 FEET;
THENCE EAST 208.7 FEET; THENCE NORTH 208.7 FEET; THENCE WEST
208.7 FEET TO THE POINT OF BEGINNING.

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE1/4SW1/4) OF
SECTION FIFTEEN (15): THE NORTHWEST QUARTER OF THE NORTHEAST
QUARTER (NW1/4NE1/4); THE SOUTH HALF OF THE NORTHEAST QUARTER
(S1/2NE1/4), THE NORTH HALF OF THE SOUTHEAST QUARTER
(N1/2SE1/4), THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER
(SE1/4NW1/4) THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER
(NE1/4SW1/4) AND THE SOUTHEAST QUARTER OF THE SOUTHEAST
QUARTER (SE1/4SE1/4) OF SECTION SIXTEEN (16); AND THE
NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4NE1/4) OF
SECTION TWENTY-ONE (21); ALL IN TOWNSHIP FOURTEEN (14) NORTH,
RANGE TWENTY-TWO (22), EAST OF THE BOISE MERIDIAN, IN LEMHI
COUNTY, IDAHO.

TRACT II: THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER
(NE1/4NE1/4) OF SECTION SIXTEEN (16), TOWNSHIP FOURTEEN (14)
NORTH, RANGE 22, EAST, B.M., LEMHI COUNTY, IDAHO.

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NOV 15 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

FEBRUARY 23, 1994

GARY AND KENNY MADSEN
BOX 25
ELLIS ID 83235

RE: CHANGE IN OWNERSHIP FOR A73-00049, -00155A, -10061,
AND -04099

Dear CLaimants:

The request for Change in Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Secretary, Adjudications

Enclosure: Notice(s) of Claim

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APR 18 1994



NEW PROPERTY OWNER. NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

FEB 18 1994

Department of Water Resources
Eastern District Office

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 13 Range 22 E.D.M.
Section 18, ~~NE~~ 1/4 of NE 1/4 of NW 1/4, Govt. Lot 1, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A73-00049, A73-00155A, A73-10061, A73-04099 ST

☐ Name and Address of Former Owner/Claimant(s)(Seller): GERALDINE J WHEELER

☐ New Owner/Claimant (Purchaser): GARY MADSEN AND KENNY MADSEN

☐ New Mailing Address: Box 5
ELLIS - IDA 83235

☐ New Telephone Number: (208) 876-4487

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) Gary Madsen Date 2/15/94

☐ Signature of Former Owner/Claimant(s) Kenny Madsen Date 2/15/94

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

APR 18 1994

WARRANTY DEED

POOR ORIGINAL

For Value Received GERALDINE J. WHEELER, a widow, of 767 West 100 North, Blackfoot, Idaho 83221,

the grantor , does hereby grant, bargain, sell and convey unto GARY L. MADSEN, a single man, one-half interest; and KENNETH MADSEN and JUDY MADSEN, husband and wife, one-half interest,

the grantee s , whose current address is, P.O. Box 25, Ellis, Idaho 83235 the following described premises, to-wit:

TRACT I: The South Half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$); EXCEPTING THEREFROM: Commencing at the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 15, Township 14 N., Range 22 EBM. Thence running East 183 feet to the point of beginning; thence running South 208.7 feet; thence East 208.7 feet; thence North 208.7 feet; thence West 208.7 feet to the point of beginning.

The Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$) of Section Fifteen (15); the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}NE\frac{1}{4}$); the South Half of the Northeast Quarter ($S\frac{1}{2}NE\frac{1}{4}$), the North Half of the Southeast Quarter ($N\frac{1}{2}SE\frac{1}{4}$), the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$) the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$) and the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section Sixteen (16); and the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}NE\frac{1}{4}$) of Section twenty-one (21); all in Township Fourteen (14) North, Range Twenty-two (22), East of the Boise Meridian, in Lemhi County, Idaho.

TRACT II: The Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}NE\frac{1}{4}$) of Section Sixteen (16), Township Fourteen (14) North, Range 22, East, B.M., Lemhi County, Idaho. (519 acres)

✓ Government Lot 1, $NE\frac{1}{4}$ of $NW\frac{1}{4}$, Section 18, Township 13 North, Range 22, E.B.M., located in Custer County, Idaho. (76.52 acres)

MICROFILMED

APR 18 1994
J 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 30, 1992

Dear Wateruser:

This letter summarizes the meeting which took place on June 24, 1992 at Falls Creek in the Pahsimaroi River Valley. At issue were measuring devices and installation of headgates.

Present were: Members of the Oneal, Madsen, White and Zeigler families.

Howard Cutler for the Spring Creek Grazing Association.

Rose Johnson, Watermaster for Water District 73.

Dennis Dunn, IDWR Eastern Regional Office.

George Austiguy, IDWR State Office.

Points of diversions and measuring sites were visited. Improvements and modifications of measuring devices were discussed at each of the measuring sites visited.

It was decided and agreed to by all parties present that due to the difficulty and expense of installing an adequate control structure, the stability of the Falls Creek flows after high water, and the lack of a conflict over control of the flows that a permanent, lockable control structure would not be necessary.

Of particular concern was the location of the measuring sites for the senior water rights on Falls Creek, 73-00048 and 73-00049. The decree for Falls Creek explicitly identifies measuring sites for these rights.

73-00048: "Woods Livestock Company, a corporation from Falls Creek 160 inches or 3 1/5 cfs to be measured at the headgate near the junction of the old Sherman Ditch and the New Woods-Oneal Ditch on the north side of Falls Creek..."

73-00049: Edward Oneal from Falls Creek 160 inches or 3 1/5 cfs to be measured on the south bank of Falls Creek about four miles in a northeasterly direction from the residence of Edward Oneal..."

Water right 73-00049 is currently owned by the Madsen family, the existing measuring site is approximately 3.5 miles from the Edward Oneal residence. Remnants of an old control structure

MICROFILMED

DEC 14 1992

and measuring device were found near the present location. The current measuring site for this water right is in compliance with the measuring location identified in the decree.

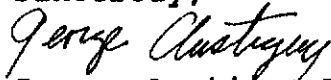
Water right 73-00048 is currently owned by the Oneal family. The government plat of Township 14N Range 22E surveyed in 1892 shows a Sherman Ditch and an Oneal Ditch junction in the SE 1/4 of section 1. An old submersible orifice structure built around 1921 exists at this location indicating that water was diverted at the location. The existing measuring site for 73-00048 is in close proximity to the location identified in the Decree, and therefore is in compliance with said decree.

Many old submersible orifice structures exist in the Falls Creek drainage and in other parts of the Pahsimeroi River valley. Based on old records I estimate they were installed in 1921. Some of the structures are located in ditches which are in use today, others are in ditches which appear to have seen no use for many years. Their locations correspond to the points of diversions in the Decree. An old engineering report (1919) on the Pahsimeroi River valley estimates bed losses of 47% in the Falls Creek channel. The current Oneal/Madsen ditch parallels the creek channel for much of the distance between the present point of diversion and the old points of diversion. The evidence suggests that due to high bed losses the natural channel was abandon in favor of the current Oneal/Madsen ditch. This change in the point of diversion has benefitted all of the water users on Falls Creek by reducing the quantity of water lost between the mouth of the canyon and the original diversion points for the Oneal/Madsen water rights.

In summary, the senior water rights on Falls creek will continue to be measured at their present location which are close to those identified in the Decree. Accurate measuring devices will be installed at the identified measuring sites. No lockable control gates will presently be required on diversions from Falls Creek.

If you still have questions about this decision please feel free to contact me.

Sincerely,



George Austiguy EIT
Water Management Division

cc: Adjudication Files: A73-00048, A73-00049
Water District 73 File

MICROFILMED

DEC 14 1992