

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-4174

WATER RIGHT NUMBER: 37-4174

attn: Steve Clelland - (2)

RECEIVED

JUN 16 2005

Department of Water Resources

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CRICHTON CREEK LTD PARTNERSHIP RT 1 BOX 1210 FAIRFIELD, ID 83327
Original Owner	ROSELYN PECK RT 1 BOX 1205 FAIRFIELD, ID 83327 (208)764-2565
Original Owner	KENNETH PECK RT 1 BOX 1205 FAIRFIELD, ID 83327 (208)764-2565
Current Owner	WILLIAM M DAVIS RT 1 BOX 1210 FAIRFIELD, ID 83327 (208)764-2386
Current Owner	OPAL DAVIS RT 1 BOX 1210 FAIRFIELD, ID 83327 (208)764-2386

Priority Date: 07/12/1887

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
ELK CREEK	CAMAS CREEK
MINNEHAHA CREEK	FRICKE CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	6.400 CFS	
	<u>Total Diversion:</u>	6.400 CFS	

Location of Point(s) of Diversion

MINNEHAHA CREEK CAMAS County	NE1/4NE1/4NE1/4	Sec. 26, Twp 01N, Rge 15E, B.M.
ELK CREEK CAMAS County	SW1/4SW1/4SE1/4	Sec. 23, Twp 01N, Rge 15E, B.M.

Place of UseIRRIGATION Within CAMAS County

T01N R15E S25	SWNW	5.0	T01N R15E S25	NWSW	40.0
T01N R15E S25	SWSW	40.0	T01N R15E S25	SESW	40.0
T01N R15E S25	SWSE	40.0	T01N R15E S36	NENW	40.0
T01N R15E S36	NWNW	40.0	T01N R15E S36	SWNW	40.0
T01N R15E S36	SENW	40.0			

Total Acres: 325

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Conditions of Approval:

Remarks:

1. General ORIGINAL STATUTORY CLAIM INCORRECTLY DESCRIBED THE DIVERSION WORKS. THE WATER FROM ELK CREEK IS DIVERTED VIA DIVERSION DAM AND DITCH TO MINNEHAHA CREEK. THE WATER IS NOT REDIVERTED INTO MINNEHAHA CREEK; RATHER, A DIVERSION DAM IN MINNEHAHA CREEK MIXES THE WATERS OF BOTH CREEKS AT THE POINT ELK CREEK DITCH CROSSES MINNEHAHA CREEK. A DITCH DIVERTS THE WATERS FROM THE POND DIRECTLY TO THE PLACE OF USE. WATER FROM ELK CREEK DOESN'T "FLOW" DOWN MINNEHAHA CREEK.

Comments:

Priority Date
1987

Water right

No. 37-4194

William and Opal

Davis

in and for Alameda Idaho Territory

Edwin C Smith

Plaintiff

vs

Wile Ferris

Defendant

The above entitled cause is settled and compromised by mutual consent and agreement of the plaintiff and defendant upon the following agreed terms and conditions to which both plaintiff and defendant hereby mutually agree and consent, and we agree and consent that the terms and conditions of this agreement as herein provided shall be entered as a final judgment in said case in said District Court and we hereby both plaintiff and defendant order and direct our respective attys to draw an order and decree of said Court in accordance with the terms of this agreed settlement and we agree respectively that said decree and judgment shall be entered of record in said District Court and become a final judgment therein that said judgment and decree shall be entered in said case in said District Court as follows.

FLB 2

The said plaintiff Edwin C Smith shall be allowed and decreed to be the undivided one half owner of and entitled to the exclusive use of one half of all the waters flowing in Elk Creek

described in his Complaint and allowed and
decreed to be the undivided three quarter
owner of and entitled to the exclusive use
three quarters of all the waters flowing in
Minchaha Creek described in his Complaint.

And the said defendant Milo Ferris shall be
allowed and decreed to be the undivided or
half owner of and entitled to the exclusive
of one half of all the waters flowing in El
Creek described in plaintiffs Complaint
and allowed and decreed to be the undivided
one quarter owner and entitled to the exclusive
of one quarter of all the waters flowing in Min-
chaha Creek described in plaintiffs Complaint

And that each party pay their own cost
therein

Witness our hands this day of July A.D. 1887.

Edwin C. Smith
Milo Ferris

Witness G. L. Waters
Fred W. Hartings

Angel and Sullivan
Attys for Plff.

G. L. Waters &
W. M. Ruick
Attys for Def.

Priority Note
1887

Waterright No

37-4174

William + Opal
Davis

In the manner of
District in and for Alturas County and Territory
of Idaho

Edwin C Smith
Plaintiff

vs

Milo Ferris
Defendant

In open Court May Term Decr. 1887

This case being regularly called by the Court and
both plaintiff and defendant by their respective
Counsel being present, it was stipulated and agreed
in open Court by respective Counsel that a judgment
and decree in said case be entered by the Court
in accordance with the stipulations on file
herein,

Therefore in accordance with said stipulation
and in pursuance thereof.

It is ordered adjudged and decreed by the
Court that the Plaintiff Edwin C Smith
be allowed and decreed to be the undivided
one half owner of, and entitled to the exclusive
use of one half of all the waters flowing in
Eck Creek described in his Complaint, and
allowed and decreed to be the undivided three
quarters owner of and entitled to the exclusive
use of three quarters of all the waters flowing in

Munchaha Creek described in his Complaint
And it is further ordered, adjudged and
decreed by the Court that the defendant
Milo Ferris be allowed and decreed to be the
undivided one half owner of and entitled
to the exclusive use of one half all the waters
flowing in Elk Creek described in plaintiffs
Complaint and that the said defendant Milo
Ferris be allowed and decreed to be the
undivided one quarter owner and entitled
to the exclusive use of one quarter of all the
waters flowing in Munchaha Creek described
in plaintiffs Complaint
And that each party pay their own costs
herein

Case Broderick
District Judge.

July 12-1887