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DEPARTMENT OF
WATER RESOURCES

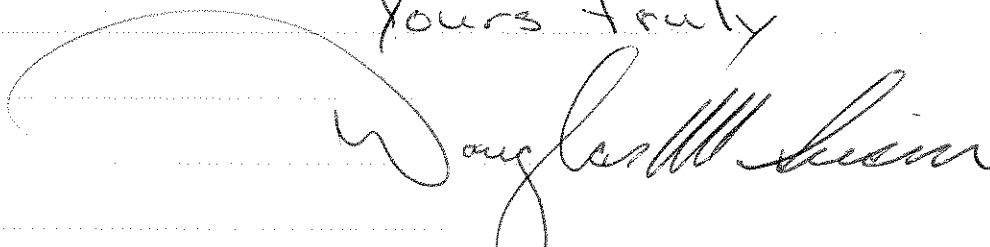
9-16-5

Dear Mike,

The yellow & black dot looks to be moonshine crk, a culvert is at this point. A black dot to the right of #10 should be Crooked River, diversion.

I've tried to reach Fred Glemser this morning, to check on progress of documents on Proof of water, can not reach him, but have left messages,

Yours truly

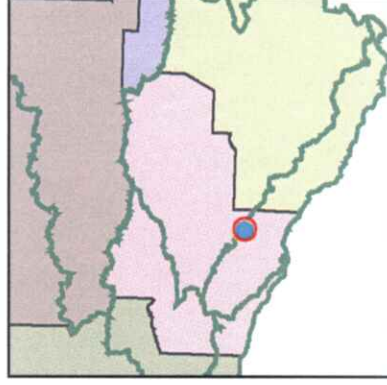


208-253-6023

Idaho Department of Water Resources

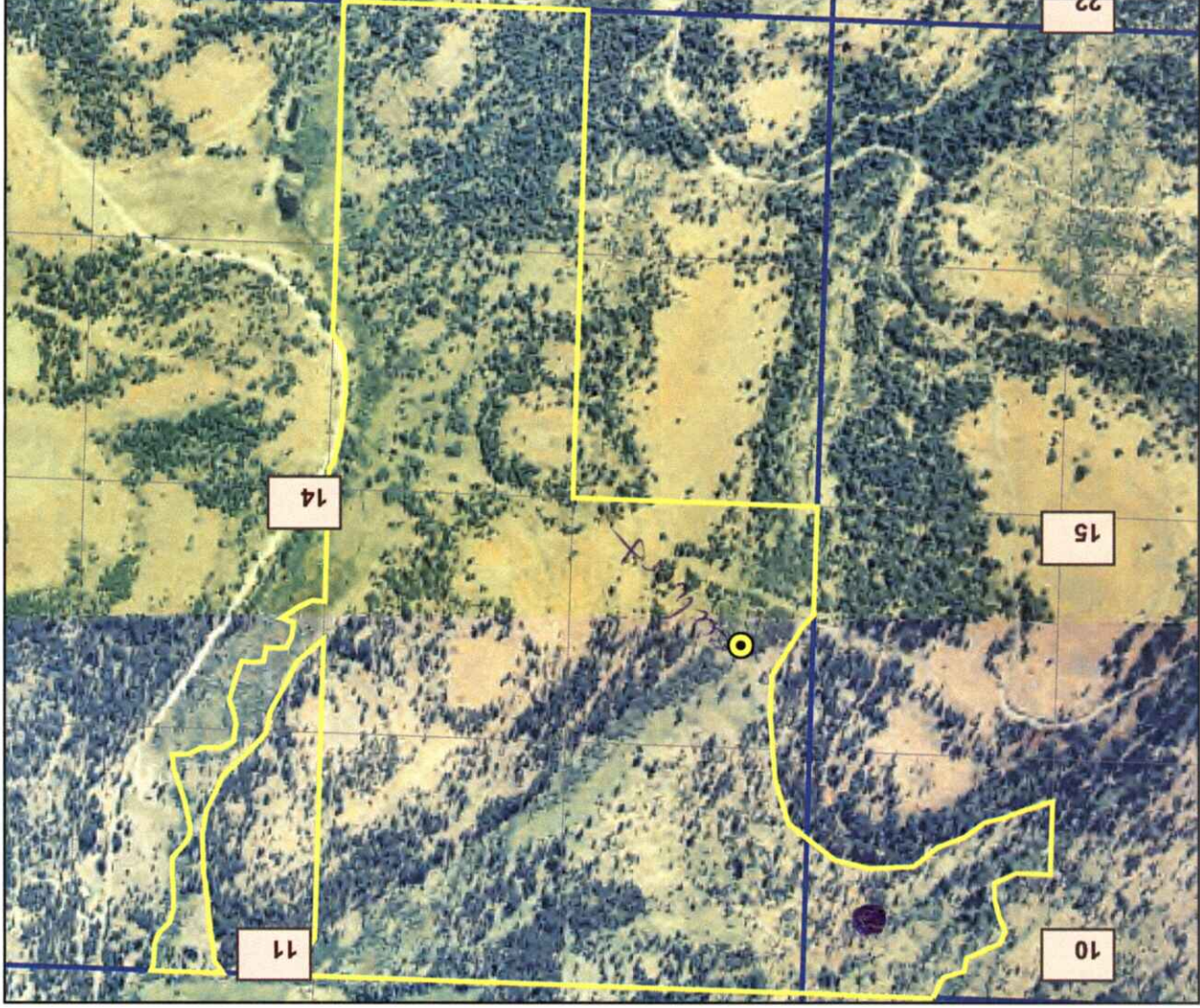
Adjudication Claim Number: **69-4103**

T18N R03W



Adams County
IDWR Basin 69

Prepared by M. Ciscell
On Monday, August 1, 2005
1987 Aerial Photography





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 1, 1998

Doug Scism
PO Box 99
Fruitvale, ID 83620

Dear Mr. Scism:

This letter is being written in response to your inquiry concerning the existing water rights and adjudication claims filed on Crooked River and Moonshine Creek. The original filings were filed in 1978, 1979 and 1983. The adjudication claims were filed on the original filings in 1988 as a part of the Snake River Basin Adjudication claims filing requirement. The following is a summary of these filings.

Crooked River Original Existing filings:

Water Right No. 69-04103 – Filed by Clara Harrington with a priority date of 4-1-1888 for 200 acres and 3.38 cfs (169") from Crooked River. The place of use included 160 acres in Sec. 11, Twp. 18N, Rge. 3W and 40 acres in the NENW, Sec. 14, Twp. 18N, Rge. 3W. See enclosed water right profile report of this right.

Water Right No. 69-04015 – Filed by Clara Harrington with a priority date of 4-1-1888 for 231 acres and 4.62 cfs (231") from Crooked River floodwater. The place of use included 140 acres in Sec. 11, 71 acres in Sec. 14 and 20 acres in Sec. 15, all in Twp. 18N, Rge. 3W. See enclosed water right profile report of this right.

Water Right No. 69-04122 – Filed by Gary & Ellen Armacost with a priority date of 6-1-1910 for 160 acres and 3.2 cfs (160") from Crooked River. The place of use is for 160 acres in the SE1/4, Sec. 10, Twp. 18N, Rge. 3W. See enclosed water right profile report of this right.

Crooked River Adjudication Claims filed on Original filings:

Adjudication Claim No. A69-04103 – Filed by Doug Scism – this claim was filed on a combination of portions of several water rights (69-04103, 69-04104, 69-04015 & 69-04016). The portion from 69-04103, based on the place of use under the original claim, would be 40 acres in the NENW, S. 14 for .68 cfs (34") pro-rated from the original total

acres of 200 and 3.38 cfs with a 4-1-1888 priority date. The portion from 69-04016, based on place of use under the original claim, would be 91 acres and 1.82 cfs (91") pro-rated from the original total acres of 231 acres and 4.62 cfs. This claim was filed for 4-1-1888 per the original claim filing.

Adjudication Claim No. A69-04103A – Filed by Harold & Evea Powers – filed for 160 acres and 3.38 cfs from the original claim. However, the actual pro-rated amount from the original claim for 160 acres in Sec. 11 is 2.7 cfs (135") with a 4-1-1888 priority date. See enclosed adjudication claim profile report.

Adjudication Claim No. A69-04015A – filed by Harold & Evea Powers for 140 acres and 4.62 cfs (231") from the original claim. However, the pro-rated amount for 140 acres from the original claim would be 2.8 cfs (140") with a 4-1-1888 priority date. See enclosed adjudication claim profile report.

Adjudication Claim No. A69-04122 – filed by Jack & Eva Rubelt for 160 acres in the SE1/4, Sec. 10, Twp. 18N, Rge. 3W, for 3.2 cfs (160") with a 4-1-1888 priority date. Note: Original claim was filed for 6-1-1910 priority date. Proof will be required at the time this claim is recommended to the Court as to the 1888 priority date. This will also be required on all of the other claims, whether the priority was claimed differently or not. See enclosed adjudication claim profile report.

Moonshine Creek Original Existing filings:

69-04104 – Filed by Clara Harrington with a priority date of 4-1-1888 for 40 acres and 1.25 cfs (62.5") from Moonshine Creek. The place of use filed was in the SENW, Sec. 14, Twp. 18N, Rge. 3W. See enclosed water rights profile report.

69-04016 – Filed by Clara Harrington with a priority date of 4-1-1888 for 173 acres and 3.46 cfs (173") from Moonshine Creek floodwater. The place of use included 173 acres within the SWSE, S. 11 for 20 acres and 153 acres in Sec. 14, Twp. 18N, Rge. 3W. See enclosed water right profile report.

Moonshine Creek Adjudication Claims filed on Original filings:

Adjudication Claim No. A69-04103 – Filed by Doug Scism – this claim was filed on a combination of several rights as listed above. The pro-rated portion from the original right 69-04104, based on the original acres filed, would be 40 acres in the SENW, S. 14, Twp. 18N, Rge. 3W for 1.25 cfs (62.5"). This reflects the entire original right as filed by Clara Harrington. The pro-rated portion from the original right for 69-04016 would be 153 acres for 3.06 cfs (153") located in Sec. 14, Twp. 18N, Rge. 3W. See enclosed adjudication claim profile report.

Adjudication Claim No. A69-04104A – Filed by Harold & Evea Powers for 20 acres and 1.25 cfs (62.5") from Moonshine Creek. The 20 acres claimed were within the SWSE, S. 11, Twp. 18N, Rge. 3W. These acres were not filed on the original claim filed by Clara Harrington, therefore, there is no pro-rated amount from the original filing. At the time of review for recommendation to the Court, the Powers will be required to have evidence showing that the irrigation of the 20 acres from Moonshine Creek as claimed under this right dates back to 1888 since Clara Harrington did not originally file on these 20 acres under the original right.

Adjudication Claim No. A69-04016A – Filed by Harold & Evea Powers for 20 acres and 3.46 cfs (173") from Moonshine Creek. The pro-rated portion from the original filing for 20 acres would be .40 cfs (20"). See enclosed adjudication claim profile report.

If you just look at the original filings and pro-rate those based on the acres claimed by each of you, the pro-rated portions are as follows:

Crooked River

69-04103 - 4-1-1888
Scism - .68 cfs for 40 acres
Powers - 2.7 cfs for 160 acres
Total - 3.38 cfs for 200 acres

Crooked River Floodwater

69-04015 - 4-1-1888
Scism - 1.82 cfs for 91 acres
Powers - 2.8 cfs for 140 acres
Total - 4.62 cfs for 231 acres

Crooked River

69-04122 - 6-1-1910
Rubelt - 3.2 cfs for 160 acres
Total - 3.2 cfs for 160 acres

Moonshine Creek

69-04104 - 4-1-1888
Scism - 1.25 cfs for 40 acres
Total - 1.25 cfs for 40 acres

Moonshine Creek Floodwater

69-04016 – 4-1-1888

Scism - 3.06 cfs for 153 acres

Powers - .40 cfs for 20 acres

Total - 3.46 cfs for 173 acres

Since this area has not been adjudicated, the Department cannot regulate water delivery in this area. The information provided in this letter is based on what has been claimed with the Department as of this date. When the Department makes recommendations to the Snake River Basin Adjudication Court, the recommendations will be verified by a field examination and based on historical beneficial use with proof provided by the claimants via affidavits from neighbors, historical records, etc.

If you have any questions concerning the information contained in this letter, please feel free to contact this office.

Sincerely,



JAN SHURTE
Water Rights Supervisor
Adjudication Section
Western Regional Office

Enclosures

cc: Harold & Evea Powers
2685 Cherry Circle
Emmett, ID 83617

Jack & Ava Rubelt
HC 67 Box 2300
Council, ID 83612

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 69-4103

WATER RIGHT NUMBER: 69-4103

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	RICHARD V HARRINGTON HC 62 BOX 378 COUNCIL, ID 83612
1st Original Owner	CLARA HARRINGTON HORNET CREEK STAR RT COUNCIL, ID 83612 (208)253-4896
Current Owner	CHARLETA A SCISM PO BOX 44 COUNCIL, ID 83612 (208)253-6023
Current Owner	DOUGLAS M SCISM PO BOX 44 COUNCIL, ID 83612 (208)253-6023
Original Owner	MELBA J HARRINGTON HC 62 BOX 378 COUNCIL, ID 83612

4-1-1888

Priority Date: 04/01/1888

Basis: Statutory Claim

Status: Active

SourceTributary

CROOKED RIVER

WILDHORSE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/01	6.810 CFS	
	<u>Total Diversion:</u>	6.810 CFS	

Location of Point(s) of Diversion

CROOKED RIVER	NE1/4SW1/4SE1/4	Sec. 10, Twp 18N, Rge 03W
ADAMS County		
CROOKED RIVER	SW1/4NE1/4NE1/4	Sec. 15, Twp 18N, Rge 03W
ADAMS County		

Place of UseIRRIGATION Within ADAMS County

T18N R03W S14	NWNE	10.0	T18N R03W S14	SWNE	3.0
T18N R03W S14	NENW	40.0	T18N R03W S14	NWNW	39.0
T18N R03W S14	SWNW	35.0	T18N R03W S14	SENE	40.0
T18N R03W S14	NESW	30.0	T18N R03W S14	SESW	40.0
T18N R03W S15	NENE	20.0			

Total Acres: 257

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 69-4103

Conditions of Approval:

1. CLAIMANTS OWN SIGNIFICANT PORTIONS OF LAND COVERED BY 69-04103, 04104, 04015, 04016. THIS ADJ. CLAIM INCORPORATES THE OTHER THREE RIGHTS AND THUS IS NOT AN EXPANSION OF 04103 BUT A CONSOLIDATION OF CLAIMANTS' PART OF RIGHTS. ALL FOUR RIGHTS HAVE THE SAME PRIORITY.
SUMMARY OF PORTIONS OF OTHER RIGHTS CLAIMED UNDER THIS CLAIM: 69-04103 - .68 CFS FOR 40 ACRES 69-04104 - 1.25 CFS FOR 40 ACRES 69-04015 - 1.82 CFS FOR 91 ACRES 69-04016 - 3.06 CFS FOR 153 ACRES TOTAL - 6.81 CFS FOR 257 TOTAL ACRES IRRIGATED.