



State of Idaho

DEPARTMENT OF WATER RESOURCES

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PHILIP E. BATT
GOVERNOR

KARL J. DREHER
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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

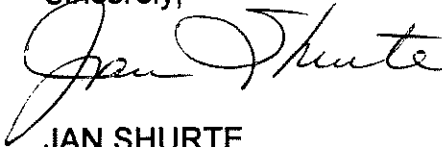
Powers - .40 cfs for 20 acres

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,

A handwritten signature in cursive script, appearing to read "Jan Shurte".

JAN SHURTE
Water Rights Supervisor
Adjudication Section
Western Regional Office

Enclosures

cc: Harold & Evea Powers
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Jack & Ava Rubelt
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