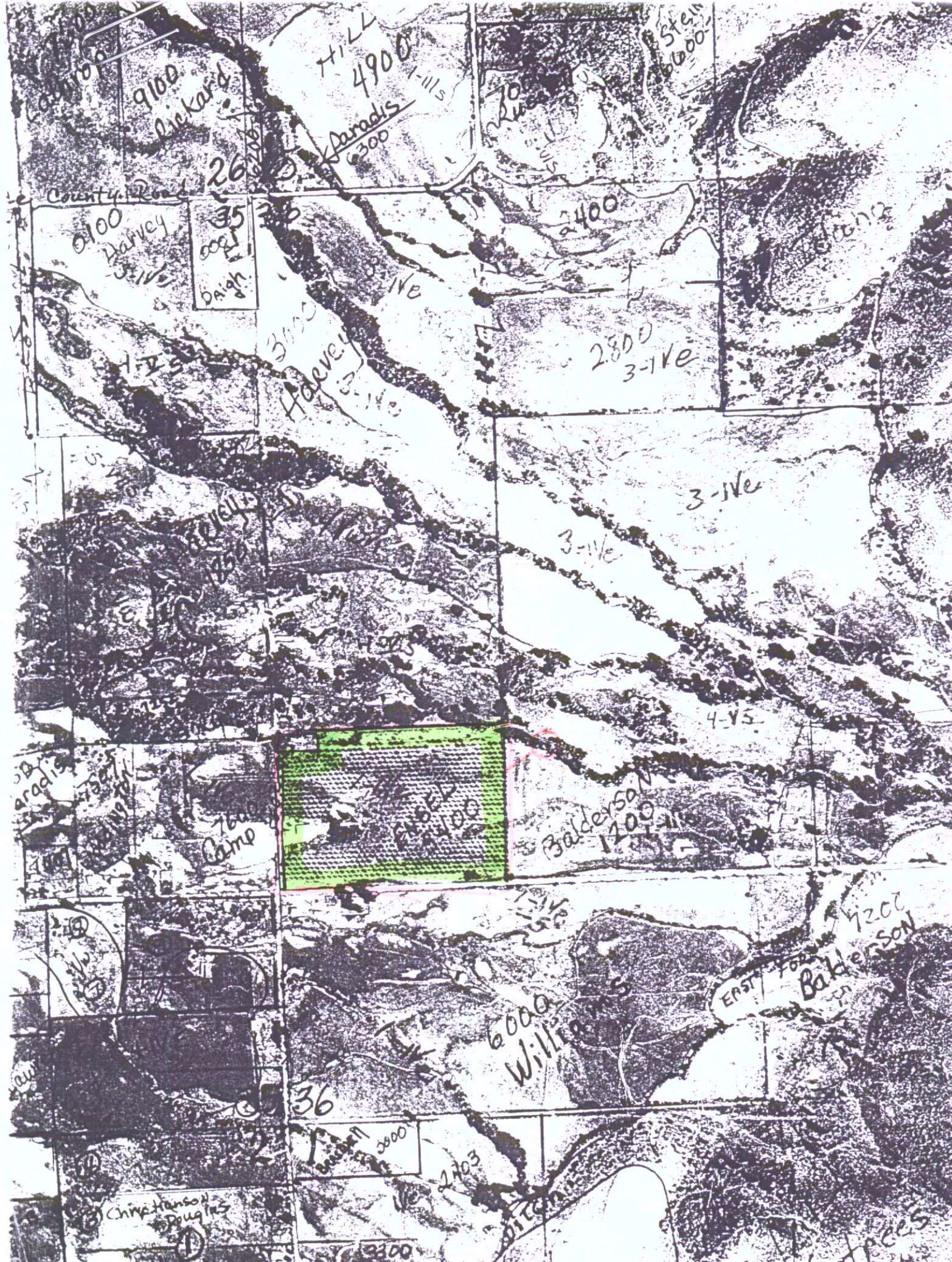




[40 chains]

Exemption to
T#1504
(undr)

88478
Martinez

Total .82 ac
in tax #1907

Rosabelle
Martinez
88478
8-15-95

apartments
T#1504

d = 16.5'

W

55217

54 rods (891')

5507

125'
180'
51 ac
1172441

Harey, Donald E
87310 1/23/95

8-13
144/229

27

feeding 6 birds

54100

92' 31" 191
91220

1 # 1504

E 80 rods 1320

892

1 rod = 5 1/2 yards

43.560

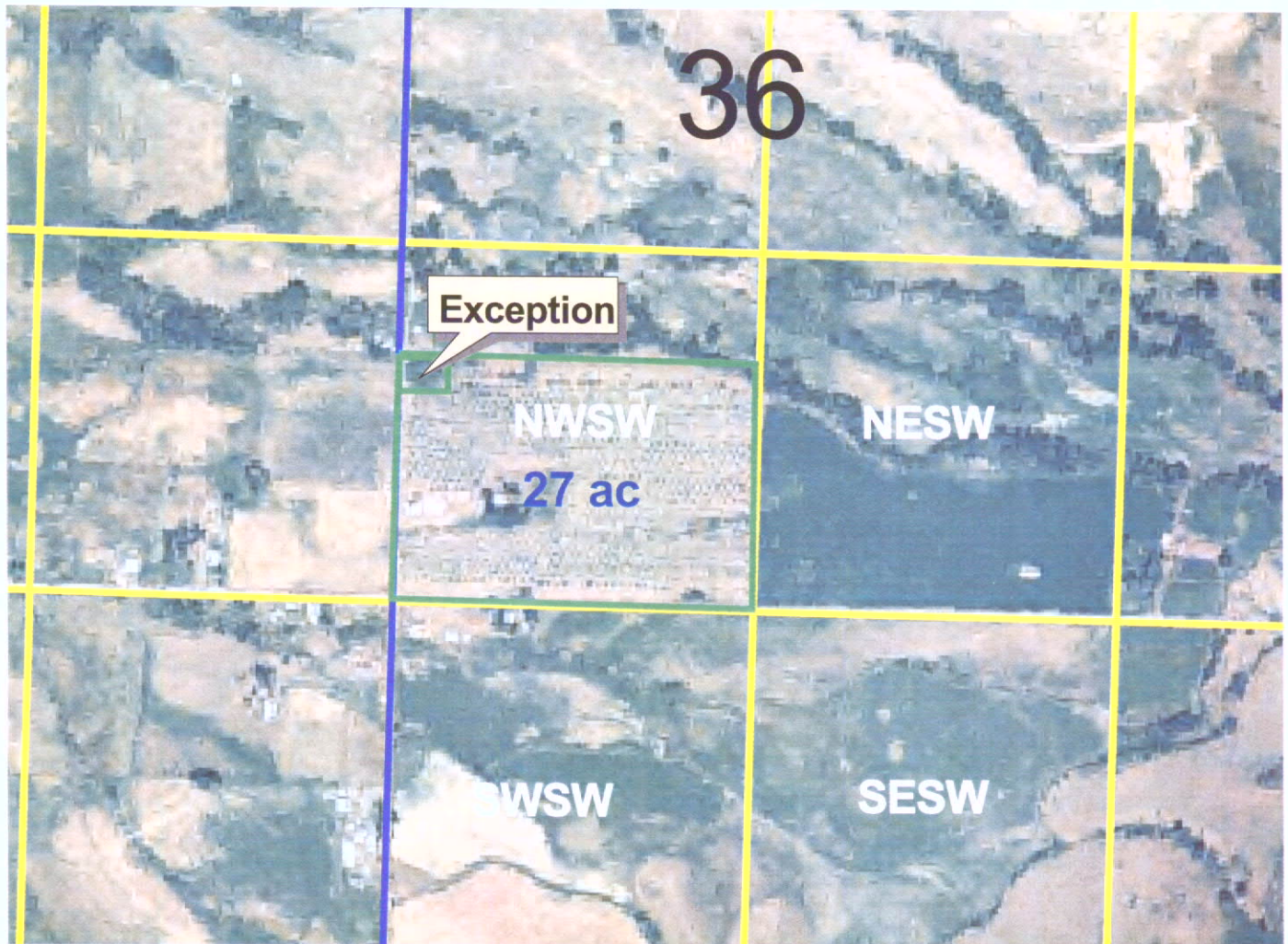
Donald E.

12

Smith

17N 1W

67-348D, 67-355D,
67-363F, 67-4158
and 67-11430



-  Property Lines w/ Exception
-  Section Line
-  QQ Lines



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 67-348D
Date Received: 1/4/1990
Receipt No: C013818
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KURT SMITH
11877 GOLDENROD AVE
BOISE ID USA 83713

Phone: (208) 377-9319

DIANE SMITH
11877 GOLDENROD AVE
BOISE ID USA 83713

Phone: (208) 377-9319

2. Date of Priority: 05/01/1878

3. Source: MILL CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
17N	01W	36	NW	NE	SW	ADAMS	

5. Description of diverting works:

PIPE, UNDERGROUND STANDPIPE SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.13	

7. Total Quantity Appropriated is:
0.13 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	01W	36	NW	SW	IRRIGATION	27
					Section Acres	27
					Total Acres	27

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DH 7/31/2003

15. Basis of Claim: Decreed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**JUL 25 2003****WATER RESOURCES
WESTERN REGION**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
67-363 F	67-363 F	___	_____	_____	___
67-00348 D	_____	___	_____	_____	___
A67-04158	_____	___	_____	_____	___
A67-00355 D	_____	___	_____	_____	___
A67-11430	_____	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

ED & SHIRLEY ENGEL

4. New Owner/Claimant(s)

HC 62 BOX 1310, COUNCIL, ID, 83612

~~COUNCIL ID 83612~~ KURT & DIANE SMITH

Name Connector (Check one): [] and, [] or, ☒ and/or

New Mailing Address

11877 GOLDENROD AVENUE

City, State and ZIP Code

BOISE ID 83713

New Telephone Number

(208) 377-9319

5. Date you acquired the property

5/19/03

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Kurt B. Smith
(include title if applicable) Diana E. Smith

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
 Received by DAW Date 7-25-03 Fee - 0 -
 Receipted by - 0 - Date - 0 - Receipt No. - 0 -
 Processed by _____ AJ Date _____ WR _____ Date _____

INSTRUMENT NO. **103767**
PAGE 1 OF 2

Instrument # 103767

COUNCIL, ADAMS, IDAHO

2003-05-19

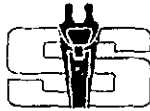
03:09:18 No. of Pages: 2

Recorded for : TIMBERLINE TITLE & ESCROW

MICHAEL FISK

Fee: \$00

Ex-Officio Recorder Deputy, *Sarah Wilken*
Index to DEED



WARRANTY DEED

For Value Received ED ENGEL, AN UNMARRIED MAN AND SHIRLEY ENGEL, AN UNMARRIED WOMAN, WHO ACQUIRED TITLE AS ED ENGEL AND SHIRLEY ENGEL, HUSBAND AND WIFE

the Grantor hereby grants, bargains, sells, conveys and warrants unto KURT B. SMITH & DIANE E. SMITH, husband and wife

the Grantee whose current address is: 11877 Goldenrod Ave., Boise, ID 83713

the following described premises, to-wit:

AS PER LEGAL DESCRIPTION ATTACHED HERETO

Parcel Number: RP17N01W365400A

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: May 14, 2003

ED ENGEL

SHIRLEY ENGEL

State of California

County of Tulare ss.

On this 15TH day of May, 2003, before me, the undersigned, a Notary Public, in and for said State, personally appeared

Shirley Engel

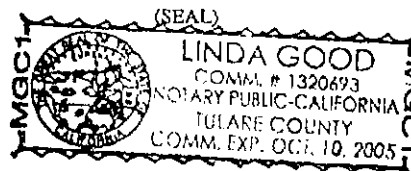
known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that she executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public

Residing at: Visalia, Ca

Commission Expires: 10/10/05



Cathy Springer

From: Angie Bumgarner [abumgarner@timberlinetitle.com]
Sent: Wednesday, April 16, 2003 9:11 AM
To: Cathy Springer
Subject: 03-282

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 36: A parcel of land situated in the NW1/4SW1/4 of said
section, Township and Range, more particularly described as follows:
Commencing at the Southwest corner of said NW1/4SW1/4 of said
Section, Township and Range;

Thence East on and along the South line of said NW1/4SW1/4 80^{1320'} rods to
the Southeast corner of said NW1/4SW1/4;

Thence North on and along the East line of said NW1/4SW1/4 a distance
of 54 rods; 891'

Thence West parallel to the South line of said NW1/4SW1/4 80^{1320'} rods to
a point on the West line of said NW1/4SW1/4;

891' Thence South on and along the West line of said NW1/4SW1/4 a distance
of 54 rods to the Real Point of Beginning;

EXCEPTING THEREFROM two tracts of land more particularly described as
follows:

Parcel 1: A strip of land 15 fee wide off of and along the entire
West end of the tract hereinbefore first described.

Parcel 2: Commencing at a point that is 54^{891'} rods North and 15 feet
East of the Southwest corner of said NW1/4SW1/4; said Section,
Township and Range; Thence East 177.44 feet; Thence South 125 feet;
Thence West 177.44 feet; Thence North 125 feet to the point of
beginning of this excepted tract.

SUBJECT TO the MILL CREEK COUNTY ROAD right of way as now
established.

1 rod =
16.5 ft.

4/16/2003

INSTRUMENT NO. 103766
PAGE 1 OF 2

Instrument # 103766

COUNCIL, ADAMS, IDAHO

2003-05-19

03:09:18 No. of Pages: 2

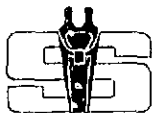
Recorded for: TIMBERLINE TITLE & ESCROW,

MICHAEL FISK

Ex-Officio Recorder Deputy

Index to: DEED

Sarah Wilson



WARRANTY DEED

For Value Received ED ENGEL, AN UNMARRIED MAN AND SHIRLEY ENGEL, AN UNMARRIED WOMAN, WHO ACQUIRED TITLE AS ED ENGEL AND SHIRLEY ENGEL, HUSBAND AND WIFE

Grantor hereby grants, bargains, sells, conveys and warrants unto KURT B. SMITH & DIANE E. SMITH, husband and wife

the Grantee whose current address is: 11877 Goldenrod Ave., Boise, ID 83713

the following described premises, to-wit:

AS PER LEGAL DESCRIPTION ATTACHED HERETO

Parcel Number: RP17N01W3E5400A

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: May 14, 2003

[Signature]
ED ENGEL

[Signature]
SHIRLEY ENGEL

State of Idaho

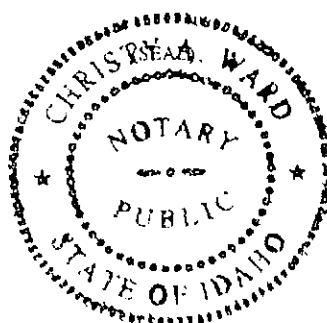
County of Adams^{SS.}

On this 16th day of May, 2003, before me, the undersigned, a Notary Public, in and for said State, personally appeared Ed Engel

Ed Engel, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that she he executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Christy A. Ward
Notary Public
Residing at: Indian Valley, ID
Commission Expires: 9-17-07



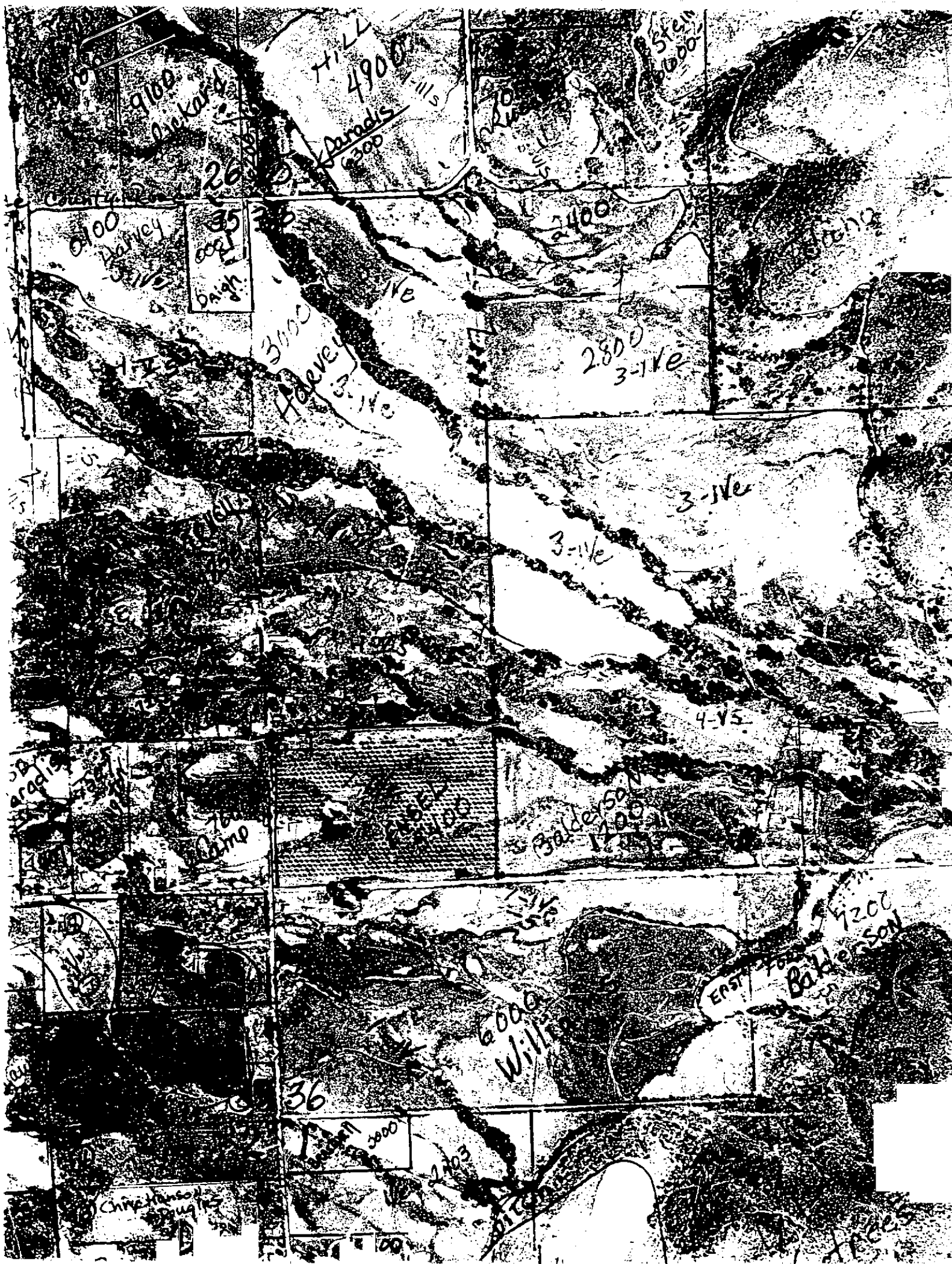
Cathy Springer

From: Angle Bumgarner [abumgarner@timberlinelittle.com]
Sent: Wednesday, April 16, 2003 9:11 AM
To: Cathy Springer
Subject: 03-282

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 36: A parcel of land situated in the NW1/4SW1/4 of said
section, Township and Range, more particularly described as follows:
Commencing at the Southwest corner of said NW1/4SW1/4 of said
Section, Township and Range;
Thence East on and along the South line of said NW1/4SW1/4 80 rods to
the Southeast corner of said NW1/4SW1/4;
Thence North on and along the East line of said NW1/4SW1/4 a distance
of 54 rods;
Thence West parallel to the South line of said NW1/4SW1/4 80 rods to
a point on the West line of said NW1/4SW1/4;
Thence South on and along the West line of said NW1/4SW1/4 a distance
of 54 rods to the Real Point of Beginning;
EXCEPTING THEREFROM two tracts of land more particularly described as
follows:
Parcel 1: A strip of land 15 feet wide off of and along the entire
West end of the tract hereinbefore first described.
Parcel 2: Commencing at a point that is 54 rods North and 15 feet
East of the Southwest corner of said NW1/4SW1/4, said Section,
Township and Range; Thence East 177.44 feet; Thence South 125 feet;
Thence West 177.44 feet; Thence North 125 feet to the point of
beginning of this excepted tract.
SUBJECT TO the MILL CREEK COUNTY ROAD right of way as now
established.

INITIAL

4/16/2003



Hill
4900

Paradise
3300

9100
Oakland

26

0100
Harvey
3-1ve
Baigh

3100
Harvey
3-1ve

2800
3-1ve

3-1ve

3-1ve

4-15

76
Cairo

Balderson
1400

6000
Willie

36

4200

East

Balderson

Chapman
Douglas

3800

2403

100

[40 chains]

Exception to
T# 1504
(and)

88478
Martinez

Total .82 ac
in Tax # 1907

d = 16.5'

Rosabelle
Martinez
88478
8-15-95

Exception to
T# 1504

W

5507

54 rods (891')

5507

N 125°
170°
51.06
5.59
125°

Harvey, Donald E
87310 1/23/95

8-13
144/100

27

100' Mining Strip

54100

92' 31' 191
912'

E 90.00' 1320

N 54.32' 891'

891'

1 rod = 5 1/2 yards

S

43560

Donald E.

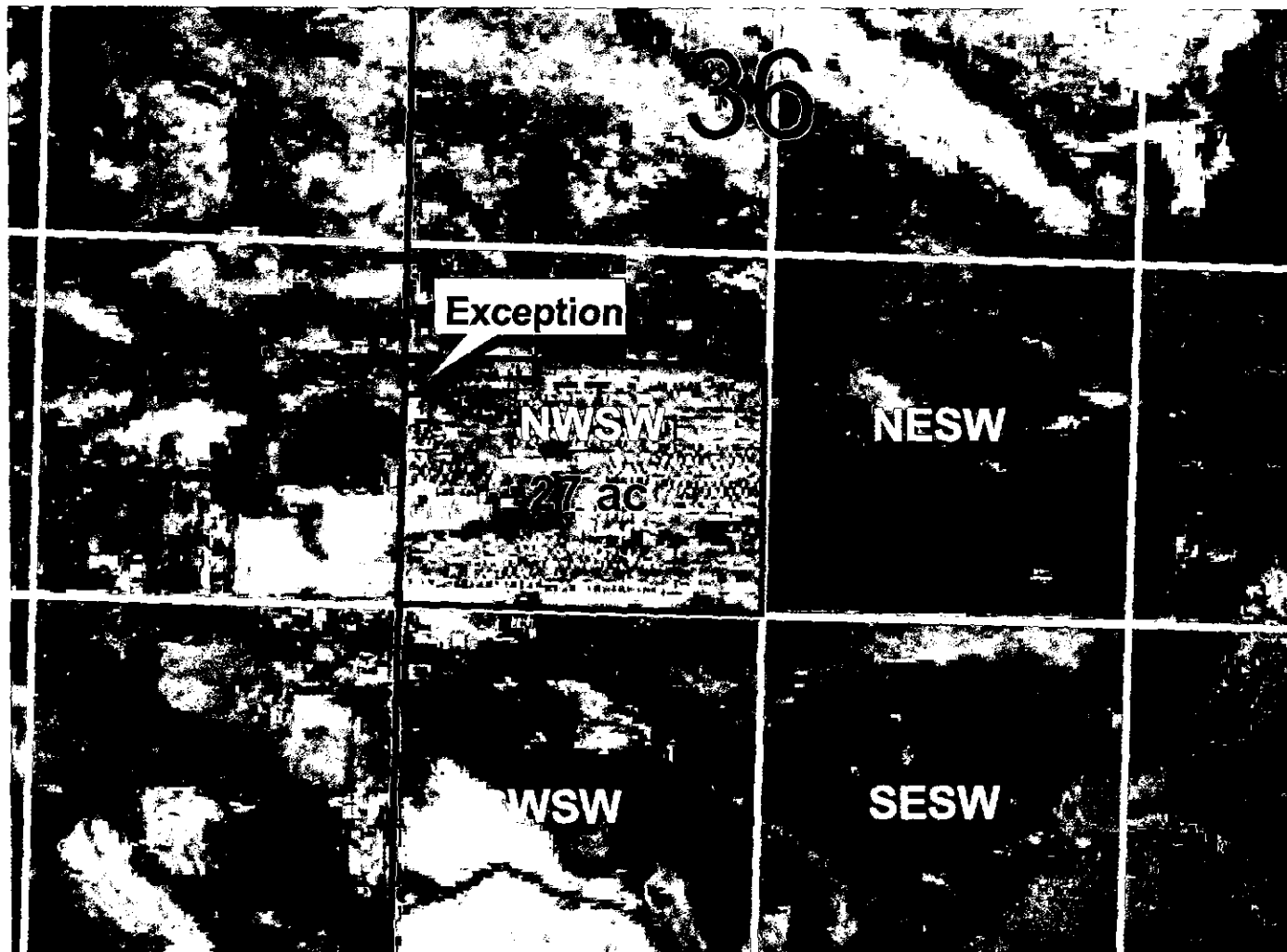
12

N

Smith

17N 1W

67-348D, 67-355D,
67-363F, 67-4158
and 67-11430

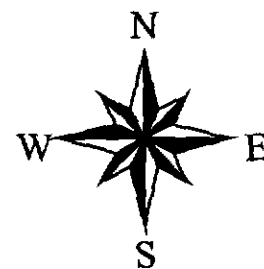


0.2 0 0.2 0.4 Miles

 Property Lines w/ Exception

 Section Line

QQ Lines



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: A67-00348D
Date Received: 1/04/1990
Receipt No: C013818
Received By: all

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ED E. ENGEL 208-253-4830
Address: HC 62, BOX 1310
COUNCIL, ID 83612

OR
Name: SHIRLEY A. ENGEL 208-253-4830
Address: HC 62, BOX 1310
COUNCIL, ID 83612

2. Date of Priority: MAY 01, 1878

3. Source: MILL CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	36	NW	NE	SW		ADAMS

5. Description of diverting works:
PIPE, UNDERGROUND STANDPIPE SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.130		

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

8. Total consumptive use is 81.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A67-00348D

Page 1

Date: 01/04/90

MICROFILMED

OCT 01 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	01W	36	NW SW		IRR	27.0
Section Acres						27.0
Total Acres						27.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

A67-00355D, COMBINED 67-00359 & 67-00363A.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): [Signature] Date: X 1-4-90
Date: _____

State of Idaho)
County of Ada) SS.

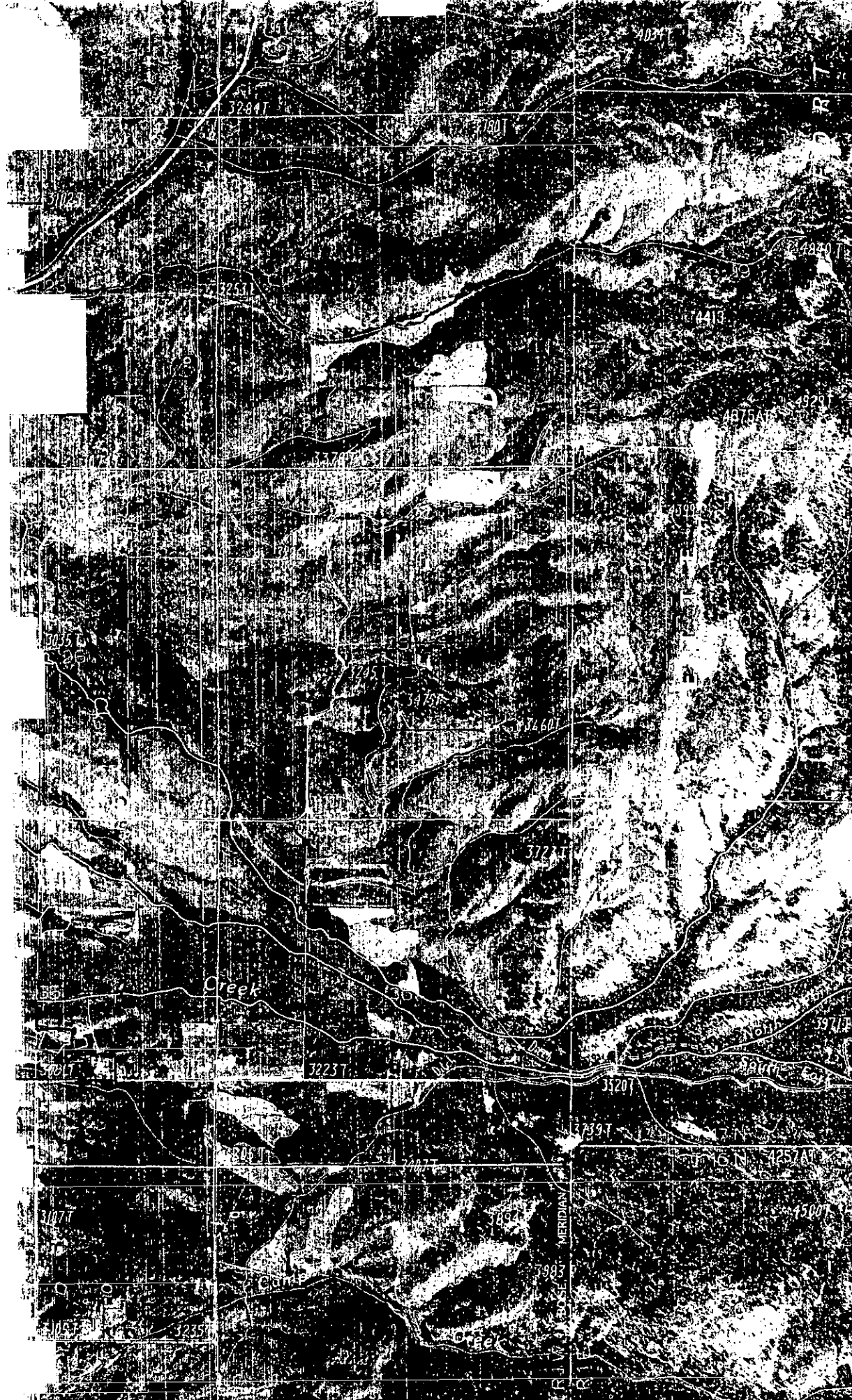
Subscribed and sworn (or affirmed) before me this 4th day

of January 19 90

[Signature]
Notary Public

Seal

Residing at Helen Harrington, Notary Public
My Commission Expires December 1, 1994



4061
4060
47' 30"
4059
4058
4057
4056 N

T17N
T16N

MICROFILMED
OCT U 1 1992

546 25' 547 548 549 116° 22' 30"



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 31, 2003

KURT SMITH
DIANE SMITH
11877 GOLDENROD AVE
BOISE ID 83713

Re: Notice of Claim to a Water Right No. 67-348D, 67-363F, 67-355D, 67-4158 & 67-11430

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Denise Hatfield
Office Specialist I
Adjudication Section
Western Region Office

DH: dh

Enclosure

67-348C
67-348D
67-348E
67-348F

MEMORANDUM

To: Adjudication claims file nos. 67-00348 (All parts); Water District 67 File
From: Gary Spackman *Gary*
Date: July 18, 2003

Re: Quantities for various splits of water right no. 67-00348

The watermaster asked about the quantities of water he should deliver to water users owning a portion of water right no. 67-00348. One of the water users produced a 1994 letter from Dave Tuthill about this issue. Dave Tuthill determined that a typographical error in Water District 67 record keeping lead users of water right no. 67-00348 to believe they were entitled to more water than recognized by the Muir v. Allison decree. He discusses the error in the letter, and determines deliveries of water to several individual owners.

After reading the letter, I told Bosco Bosler, watermaster for the Weiser River, to follow the findings and conclusions of the letter.

A copy of the letter is attached to this memo. The letter and this memo should be placed in the water district files and in each of the adjudication claims related to water right no. 67-00348.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 3, 1994

Bret &/or Doris Armacost (Former Owners)
P.O. Box 437
Council, ID 83612

Gary Armacost (New Owner)
HCR 59 Box 9
Oxbow, OR 97840

Ed E. &/or Shirley A. Engel
HC 62 Box 1310
Council, ID 83612

L.O. Vaile
Box 543
Council, ID 83612

RE: Water Right No. 67-00348, All Parts

Dear Wateruser:

In my letter dated October 23, 1992 to you in the above-referenced matter, I requested information regarding the rate of flow for water right no. 67-00348 to augment your claims to water rights. As I indicated, the Muir V. Allison decree limits this water right to 25 miner's inches (0.50 cubic feet per second), but your claims significantly exceed this amount.

The information received thus far in this matter appears to point to a typographical error that occurred in the records of Water District 67 many years ago. The watermaster delivery sheet (Attachment A) shows delivery of this water right in four portions, as follows:

O. Vaile	--	46"
W. Criss	--	6"
S. Schwilling	--	6.5"
G.W. Squires	--	6.5"

The Idaho Department of Water Resources transfer file summary (Attachment B) shows that this water right has been split into four portions, as follows:

A.G. Moore	--	6.25"	(.125 cfs)
J.W. Hoover	--	6"	(.12 cfs)
W.F. Winkler	--	6.5"	(.13 cfs)
W.H. Spahr	--	6.5"	(.13 cfs)

Page 2
Water Right No. 67-00348
August 3, 1994

Claims filed in the Snake River basin Adjudication are as follows:

O. Vaile	--	46"	(A67-00348E)
E. Engle	--	6.5"	(A67-00348D)
G. Armacost	--	25"	(A67-00348C)

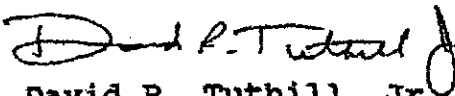
It appears that sometime in the past, the O.D. Vaile water right mistakenly had a "4" added before the "6", resulting in "46" rather than "6".

At this point there is still some sorting out to do to determine which portions of the original water right should be attributed to the claimants. This sorting out is a function of the adjudication process, which is scheduled to be arriving to Adams County in a few years. In the meantime, the waterusers will need to contact the Watermaster, Mr. Myers, to indicate what portions of the original water right they are using. To aid in this effort, I am enclosing with this letter copies of the four water right transfers that split and moved the original water right.

Accordingly, the Watermaster is directed to immediately limit the diversion under water right no. 67-00348, to be diverted from Mill Creek with priority date of May 1, 1878, to a total of 25" (0.50 cfs) for all parts. The waterusers are further advised that lockable controlling works and accurate measuring devices are required in order to receive water from the watermaster under these water rights.

If any party has additional information in this matter, I would welcome such information for further review.

Sincerely,



David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

Enclosures

cc: Jerry Myers, Watermaster

Larry Darie
2205 Jackson Cr. Rd.
Council, Idaho 83612
Sept. 2, 1992

Mr. Dave Tuthill
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Dear Mr. Tuthill:

I am writing concerning a water right on Mill Creek in Adams County Idaho.

The Muir Allison Decree, decreed a total of 25 inches of water for an 1878 water right on Mill Creek. The Watermaster's sheet shows he is delivering 65 inches on this 25 inch decreed right. After Rob Whitney and Jan researched the water right in October of 1991, they found the following: The 25 inch 1878 water right 67-0348 was split four ways.

67-0348A

67-0348B (COPY INCLUDED)

67-0348C

67-0348D

The Watermaster's sheet shows Odell Valle receiving 46 inches on right 67-0348A. The transfer sheet shows .125 CFS on 67-0348a. The research done by Rob and Jan could not find any justification for the extra 40 inches delivered to Odell Valle on an 1878 water right on Mill Creek.

I believe the error should be corrected so that the other water rights on Mill Creek can be more fairly honored.

Sincerely,

Larry Darie



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 3, 1994

Bret &/or Doris Armacost (Former Owners)
P.O. Box 437
Council, ID 83612

Gary Armacost (New Owner)
HCR 59 Box 9
Oxbow, OR 97840

Ed E. &/or Shirley A. Engel
HC 62 Box 1310
Council, ID 83612

L.O. Vaile
Box 543
Council, ID 83612

RE: Water Right No. 67-00348, All Parts

Dear Wateruser:

In my letter dated October 23, 1992 to you in the above-referenced matter, I requested information regarding the rate of flow for water right no. 67-00348 to augment your claims to water rights. As I indicated, the Muir V. Allison decree limits this water right to 25 miner's inches (0.50 cubic feet per second), but your claims significantly exceed this amount.

The information received thus far in this matter appears to point to a typographical error that occurred in the records of Water District 67 many years ago. The watermaster delivery sheet (Attachment A) shows delivery of this water right in four portions, as follows:

O. Vaile	--	46"
W. Criss	--	6"
S. Schwilling	--	6.5"
G.W. Squires	--	6.5"

The Idaho Department of Water Resources transfer file summary (Attachment B) shows that this water right has been split into four portions, as follows:

A.G. Moore	--	6.25"	(.125 cfs)
J.W. Hoover	--	6"	(.12 cfs)
W.F. Winkler	--	6.5"	(.13 cfs)
W.H. Spahr	--	6.5"	(.13 cfs)

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Water Right No. 67-00348
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Claims filed in the Snake River basin Adjudication are as follows:

O. Vaile	--	46"	(A67-00348E)
E. Engle	--	6.5"	(A67-00348D)
G. Armacost	--	25"	(A67-00348C)

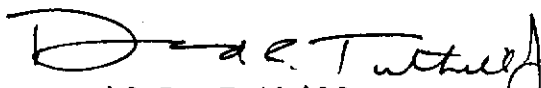
It appears that sometime in the past, the O.D. Vaile water right mistakenly had a "4" added before the "6", resulting in "46" rather than "6".

At this point there is still some sorting out to do to determine which portions of the original water right should be attributed to the claimants. This sorting out is a function of the adjudication process, which is scheduled to be arriving to Adams County in a few years. In the meantime, the waterusers will need to contact the Watermaster, Mr. Myers, to indicate what portions of the original water right they are using. To aid in this effort, I am enclosing with this letter copies of the four water right transfers that split and moved the original water right.

Accordingly, the Watermaster is directed to immediately limit the diversion under water right no. 67-00348, to be diverted from Mill Creek with priority date of May 1, 1878, to a total of 25" (0.50 cfs) for all parts. The waterusers are further advised that lockable controlling works and accurate measuring devices are required in order to receive water from the watermaster under these water rights.

If any party has additional information in this matter, I would welcome such information for further review.

Sincerely,



David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

Enclosures

cc: Jerry Myers, Watermaster

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