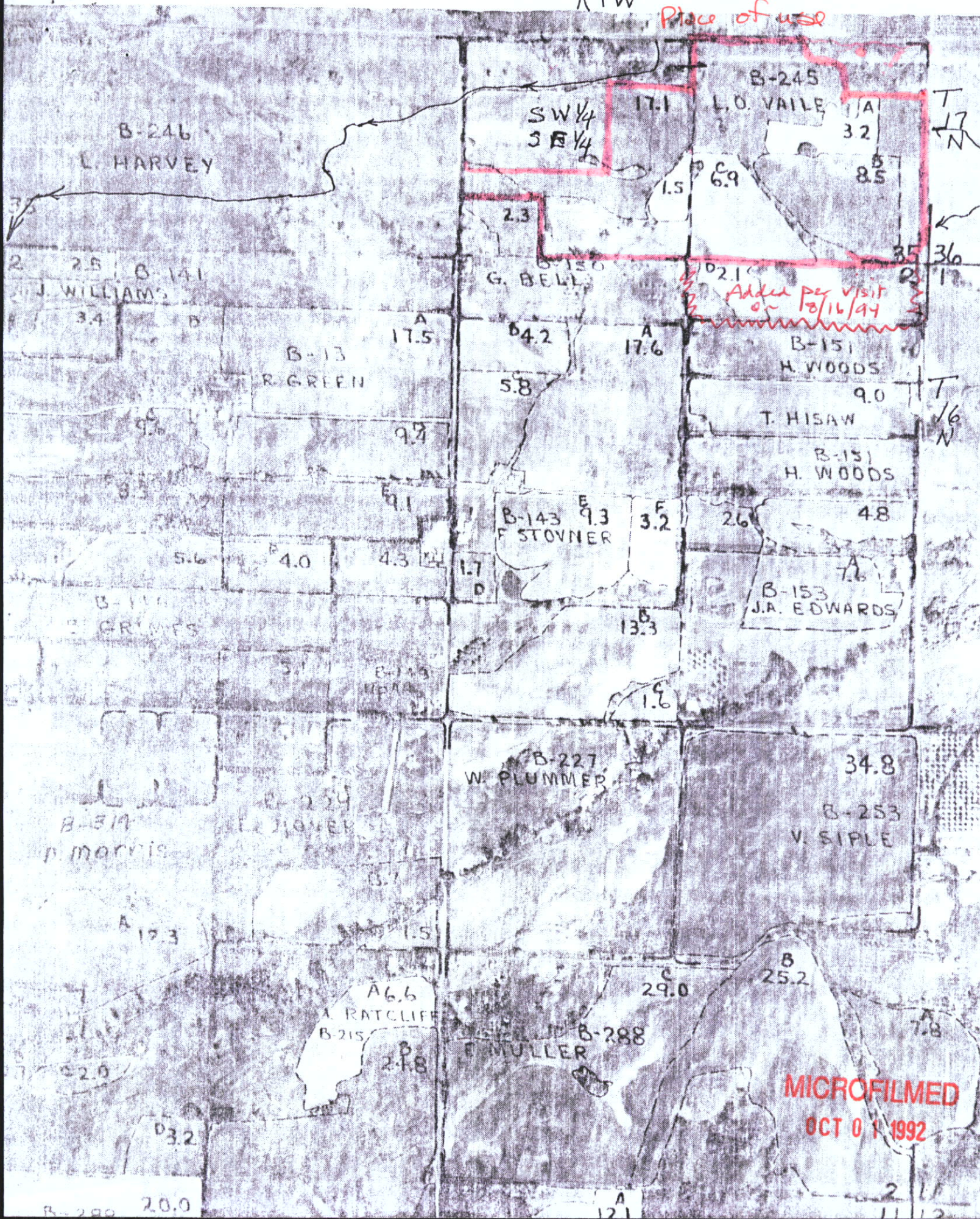


Place of use



RIW



MICROFILMED

OCT 01 1952

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: **A67-00348E**
Date Received: 10/10/1989
Receipt No: C012102/wd7928
Received By: Dm \$10

(10 add'l
acres)

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: L O VAILE 208-253-4434
Address: 2466 ORCHARD RD
COUNCIL ID 83612

2. Date of Priority: MAY 1, 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	SW	NE	SE		ADAMS

5. Description of diverting works:
HOOVER DITCH FROM MILL CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.920		

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

8. Total consumptive use is 165.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	2	NE	NE		IRR	10.0

Section Acres 10.0

17N	01W	35	SW	SE		IRR	18.0
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MICROFILMED

OCT 22 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	35	SE	SE		IRR	37.0
Section Acres							55.0
Total Acres							65.0

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:
EAST FORK DITCH COMPANY

14. Remarks:

THIS WATER RIGHT IS ALSO DESCRIBED IN STAT. CLAIM 67-04082.
HOWEVER, LEGAL DESCRIPTIONS ON ORIGINAL CLAIM WERE INCORRECT.
THIS CLAIM IS BASED ON THE ORIGINAL WINKLER WATER RIGHT (67-348)
AND IS USED ON LANDS LOCATED WITHIN LOTS 4-9, BLOCK 1,
COUNCIL VALLEY ORCHARDS.
THIS WATER IS DELIVERED BY THE WATERMASTER BY INSTRUMENT NO.
00360001004A, 46".

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

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: _____

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): Odell Vail Date: 8/16/94

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 16th day

of Aug 19 94

D. R. Tuttle
Notary Public

Seal

Residing at Boise Id

My Commission Expires 9/15/94

MICROFILMED
OCT 22 1994

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: A67-00348E
Date Received: 10/10/1989
Receipt No: col 2102
Received By: hlt

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: L. O. VAILE 208-253-4434
Address: BOX 543
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	SW	NE	SE		ADAMS

5. Description of diverting works:
HOOVER DITCH FROM MILL CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.920		

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

8. Total consumptive use is 165.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	35	SW	SE		IRR	18.0
			SE	SE		IRR	37.0
Section Acres							55.0

10. Place of Use: Continued

Total Acres 55.0

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:
EAST FORK DITCH COMPANY

14. Remarks:

THIS WATER RIGHT IS ALSO DESCRIBED IN STAT. CLAIM 67-04082.
HOWEVER, LEGAL DESCRIPTIONS ON ORIGINAL CLAIM WERE INCORRECT.
THIS CLAIM IS BASED ON THE ORIGINAL WINKLER WATER RIGHT (67-348)
AND IS USED ON LANDS LOCATED WITHIN LOTS 4-9, BLOCK 1,
COUNCIL VALLEY ORCHARDS.
THIS WATER IS DELIVERED BY THE WATERMASTER BY INSTRUMENT NO.
00360001004A, 46".

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

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: 2 maps

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: 10-10-89
_____ Date: _____

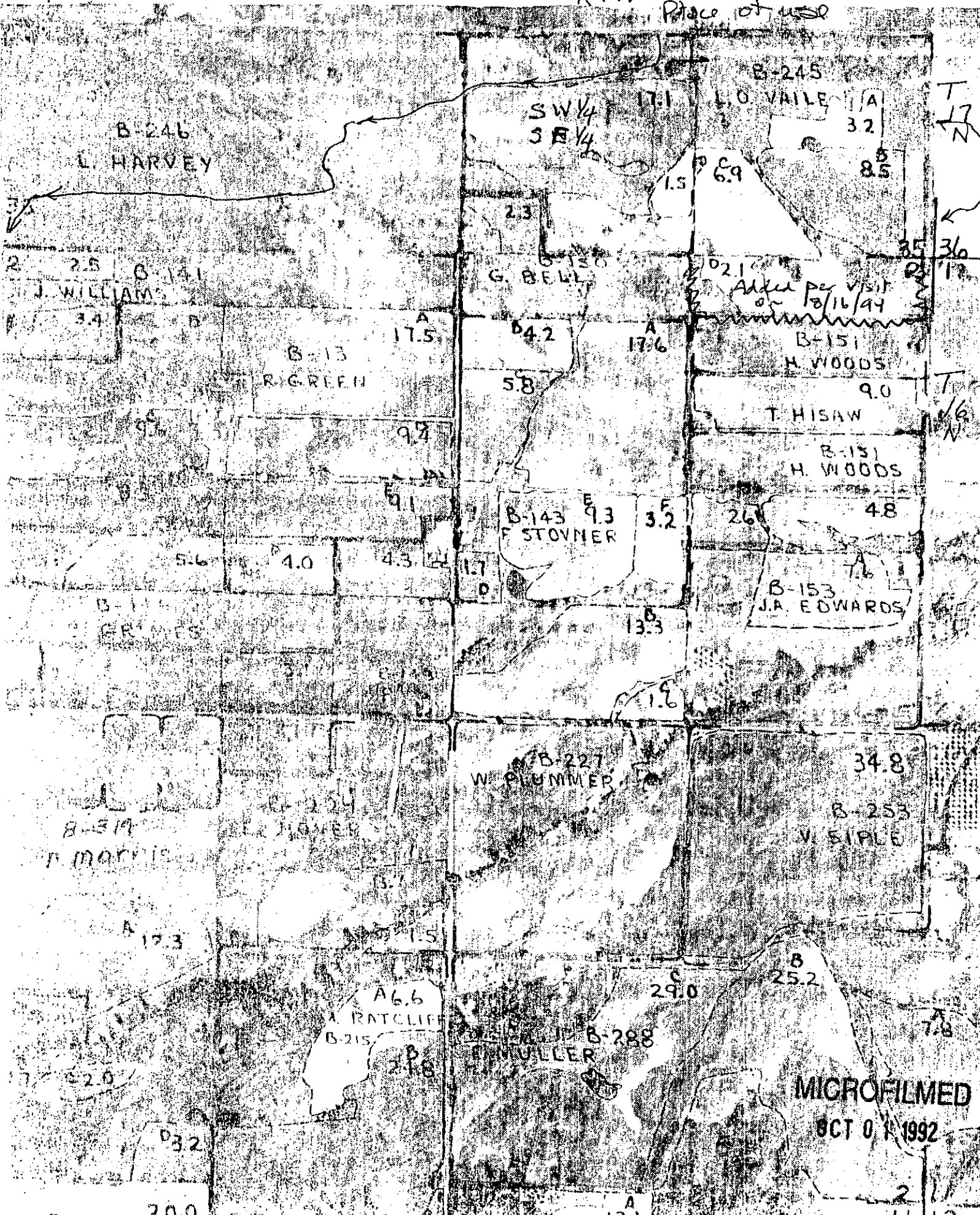
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 10th day
of October 1989 [Signature]
Notary Public

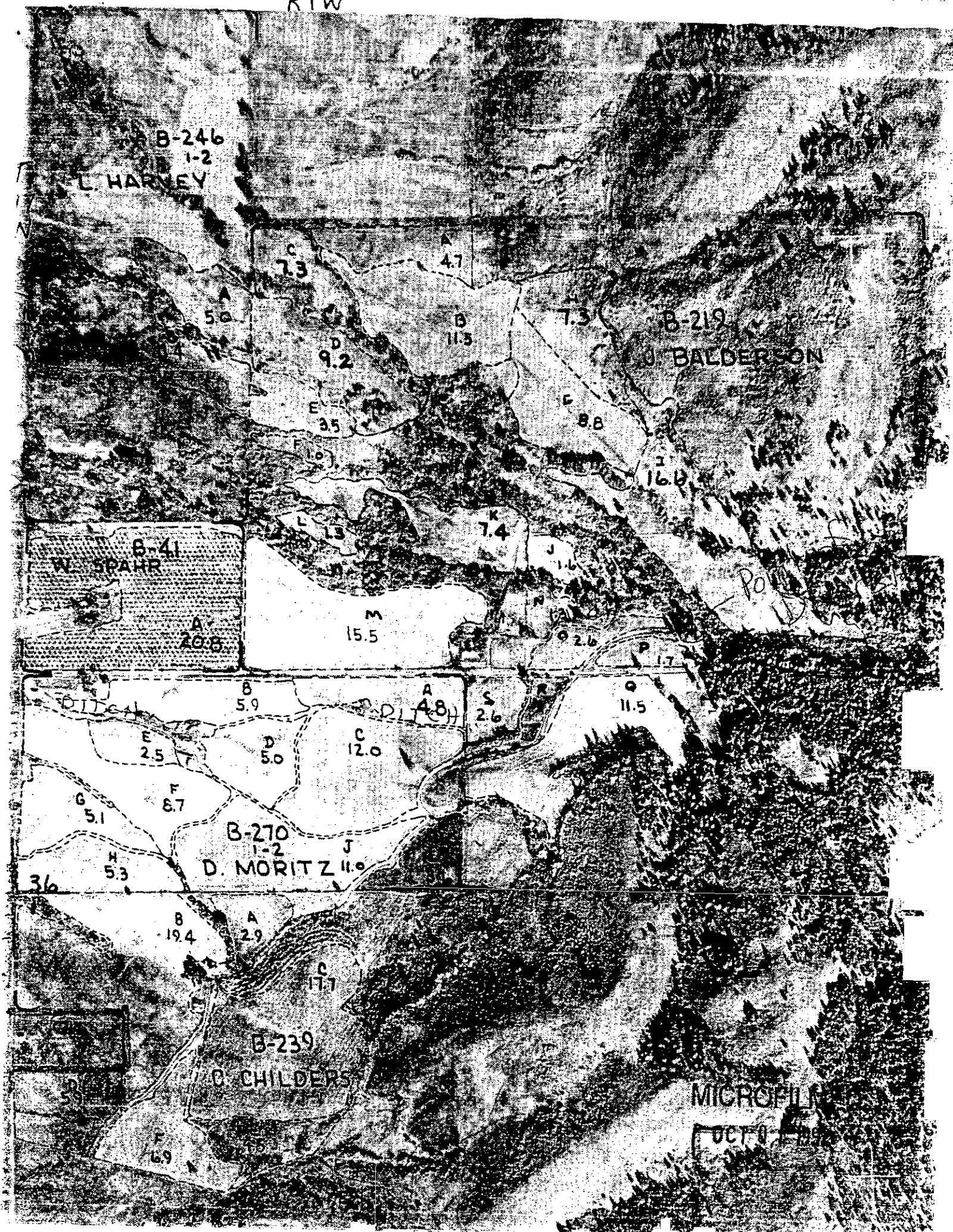
Seal

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

RIW Place of use



RIW



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)

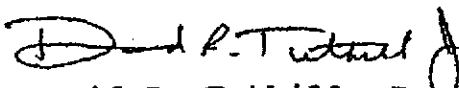
It appears that sometime in the past, the O.D. Vaile water right mistakenly had a "4" added before the "6", resulting in "46" rather than "6".

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 Daria
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 Vaile 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 Vaile 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 Daria



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

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P.O. Box 437
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Box 543
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G.W. Squires	--	6.5"

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OCT 22 1996

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

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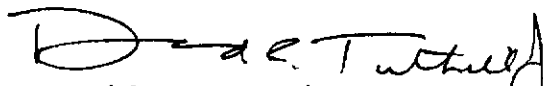
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If any party has additional information in this matter, I would welcome such information for further review.

Sincerely,



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

Enclosures

cc: Jerry Myers, Watermaster

ENCLOSURE
OCT 22 1996

CONVERSATION MEMORANDUM

DATE 9-10-93FILE A67-00348ENAME OF PARTY O'Dell Vaile (L.O.)EMPLOYEE Linda Wernen

RE: Claimant called & told me that the Watermaster on Mill on cut his water delivery back because of a protest by Larry Davis.

File A67-00348E contains information regarding this. It appears that water has been delivered incorrectly at 58.5" when the decree only allotted 25". Consequently, he was cut back in the 1993 water year.

There is a stat. claim numbered 67-4082, unclaimed in SRBA & in Vaile's name. P.O.U. different than that claimed in A67-348E. Sent claimant a copy of this, copy of claims he did file & map. Advised him to review this info. & if he determines that water has been used on appropriate lands to file a claim.

Claimant also told me he has an address change to: 2466 Orchard Rd.

Council ID 83612 MICROFILMED

Wife - Betty

AUG 05 1994

Chg address on A67-11527, 04287, 10699,

10702 & 00348E

9-15-93

Sent claimant copy of letter dated 10-23-92 from D. Tutthill, 9-24-93 signed by Herald Myers & portion of decree. Per daughter request



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

September 10, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

O'DELL VAILE
2466 ORCHARD RD
COUNCIL ID 83612

Dear Mr. Vaile;

Enclosed you will find information relating to the Notice of Claims to a Water Right you filed in the Snake River Basin Adjudication. (SRBA) The sources on these claims are wells, springs and Mill creek irrigation. They are numbered A67-00348E, 67-04082, A67-04287, A67-10699, A67-10702, A67-11528. The claims pertaining to Mill creek usage are A67-00348E and 67-04082. I have enclosed the other reports to give you a comprehensive record of what you have filed.

Claim number A67-00348E is for irrigation from Mill creek in T17N, R1W, Section 35, S1/2SE1/4. This is based on the early decreed right from the Weiser river adjudication of 1920. Statutory claim number 67-04082 is for irrigation from Mill creek in T16N, R1W, Section 2, N1/2NE1/4. This claim is based on beneficial use and **was not** filed in the SRBA.

I have also enclosed a map outlining both of the above areas. Please review this information to determine where your water usage exists. If you are, in fact, using water on your land based on the above statutory claim, and the land listed on this claim is no longer irrigated from that source, then you may file a claim asserting your usage from this source in the SRBA.

I am enclosing a Notice of Claim form with instructions. The filing fee will be \$50.00 plus a variable fee of \$1.00 per acre based on the number of acres irrigated. If these acres are the same as those claimed on A67-00348E then the fee is \$50.00 because you are only required to pay for irrigated acreage one time.

If you find you still have questions after reviewing this information, feel free to contact me.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures

MICROFILMED

AUG 05 1994