

Baxter, Garrick

From: Travis Thompson [tlt@idahowaters.com]
Sent: Thursday, June 25, 2009 11:21 AM
To: Baxter, Garrick
Subject: Carmen Creek 706 Report
Attachments: 062209 Shaw Memo.pdf; 062509 Thompson Memo.pdf; PODS and SENWNW S2 T22N R22E.pdf

Garrick,

Here are two additional memos and a map (IDFG pod map provided by IDFG in response to my 2/18/09 letter) for your and Gregory's review. Let me know if you have any questions or trouble with the attachments.

Thanks,

Travis

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7/24/2009



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June 22, 2009

To: Travis Thompson
From: David Shaw
Re: Carmen Creek Water Right(s) for Lots 18 & 19, Ajax Peak Subdivision

This is a follow-up to my May 26, 2009 memo regarding the water rights for Lots 18 & 19, Ajax Peak Subdivision. In that memo I indicated there were two items needing additional research, whether only exchange water was being delivered late in the 1947 irrigation season and whether Mr. Foland owned property only on the north side of Carmen Creek in 1982.

Attached are excerpts from the 1947 Carmen Creek Watermaster reports. These records show Mr. Parmenter was receiving 45" of water throughout the months of August, September and into October. As indicated in my earlier memo, 45" is considered one share of the early exchange water. The total delivery being made by the watermaster in late 1947 was 1,495" of water. Beginning with the earliest Carmen Creek water rights, 1,495" includes all rights through the 1885 rights if you recall the exchange water was originally decreed to be 620" but has been delivered as 14 shares of 45" each for a total of 630" apparently since the 1902 decree. This analysis shows neither of Mr. Parmenter's homestead rights of 1888 nor 1892 were being delivered and the 45" he was receiving was a portion of the exchange water.

The chain of title information included with the submission by Mr. Hyrum Erickson shows Mr. Foland did not own any land on the south side of Carmen Creek in 1982. The water 45" of water being received by Mr. Foland in 1982 had to be delivered to his land on the north side of Carmen Creek which included Lots 18 & 19 of Ajax Peak Subdivision.

Once again, we have first hand knowledge of two affiants describing the use of exchange water on Gov. Lt. 2 and a third affiant whose first hand knowledge implies the use of exchange water of Gov. Lt. 2. We have photography showing what appears to be well watered vegetation on Gov. Lt. 2 at a time when only exchange water was available and 1982 Watermaster records showing a successor in interest to Thomas Palmer receiving exchange water on the north side of Carmen Creek including Gov. Lt. 2.

PROPERTY OF THE STATE OF IDAHO

FORM NO. 20-17

WATER MASTER'S DAILY RECORD

Stream Carmen Creek

Water District E.N.

Month of August, 1947

Water Master A.E. Daniels

P. O. Address Carmen

—(2004)—

Ten days after the close of the irrigating season the Water Master must forward this book to:

COMMISSIONER OF RECLAMATION
BOISE, IDAHO

State Reclamation Engineer

If this book is lost, the finder will please return it to the Water Master of the district, as it contains valuable records.

Month of August 1947

Name of Donor or Owner Address

Name of
House or
Apartment
No. or Box

Quantity

Amount Due

Payable

NOTE: Payment is to be made in cash
and not by check or money order
or Federal Reserve Note. (This money
is given at water right, not land.)

DATE OF MONTH

McFarland B. 1
Arch. McFarland 2
F. R. Rammert 4
F. R. Rammert Estate 5
M. L. Rammert 6
F. R. Rammert 7
M. L. Rammert 9
M. L. Rammert 8
W. R. Rammert Estate 10
W. R. Rammert 11
W. R. Rammert 12
J. R. Rammert 15
J. R. Rammert 14
J. R. Rammert 16
J. R. Rammert 13

(15)

2	25	2	25	2	25	2	25	2	25
1	08	1	08	1	08	1	08	1	08
45	45	45	45	45	45	45	45	45	45
1	65	1	65	1	65	1	65	1	65
75	75	75	75	75	75	75	75	75	75
1	85	1	85	1	85	1	85	1	85
45	45	45	45	45	45	45	45	45	45
45	45	45	45	45	45	45	45	45	45
1	20	1	20	1	20	1	20	1	20
2	15	2	15	2	15	2	15	2	15
30	30	30	30	30	30	30	30	30	30
1	15	1	15	1	15	1	15	1	15
25	25	25	25	25	25	25	25	25	25
35	35	35	35	35	35	35	35	35	35
62	62	62	62	62	62	62	62	62	62

See Top Box

Notes on the Authors

DAY OF WOMEN[illegible]

Month of August 1947

NOTE-- Figures to be given in cubic feet per second for 24-hour periods, or 24-hour average flow. Give name of owner of water right, not tenant.

DAYS OF MONTH

[illegible]

PROPERTY OF THE STATE OF IDAHO

FORM NO. 100-1

WATER MASTER'S DAILY RECORD

Stream Carmen Creek

Water District 3 N.

Month of September, 1942

Water Master A. E. Daniels

P. O. Address Carmen, Idaho

---END---

Ten days after the close of the irrigating season the Water Master must forward this book to

COMMISSIONER OF RECLAMATION
BOISE, IDAHO

State Reclamation Engineer

If this book is lost, the finder will please return it to the Water Master of the district, as it contains valuable records.

Month of *September 1947*

Name of Person or Owner

Address

Name of
Person or
Business
in Charge

Priority Rate

Amount Due

Total Due

NOTE: Figures to be given in table
are per second for system installed
on 8-1-47 based on 100% of water
at source of water right, not treated.

DATE 09-30-1947

		1	2	3	4	5
Mr. Farland Bros.	1	2 35	2 35	2 35	2 35	2 35
Archie McFarland	2	1 08	1 08	1 08	1 08	1 08
Frank Permenter	10	45	45	45	45	45
Frank Rose Estate	1	1 65	1 65	1 65	1 65	1 65
William Shain	1	25	25	25	25	25
Wad Bros.	1	1 35	1 35	1 35	1 35	1 35
Maude Neal	1	45	45	45	45	45
Stanley Daniels	1	45	45	45	45	45
William L. Latta	1	1 20	1 20	1 20	1 20	1 20
Edward L. Latta	11	2 15	2 15	2 15	2 15	2 15
Mr. One Crackin	11	30	30	30	30	30
George J. Jewett	11	1 15	1 15	1 15	1 15	1 15
George Howell	11	25	25	25	25	25
Frank Ellis	11	35	35	35	35	35
Lea Allison	3	62	62	62	62	62
Shirley	12					

Sec. Top. Men.

[illegible]

[illegible]

NOTE - Payment to be given in full
but not exceed the balance payable
or balance carried Sept. One month
in advance of water 1920, not later.

DATE OF MONTH

Month of *September*

Name of Person Owed	25	27	28	29	30	31	Total in School Sec. Post	Remarks	Sec.	Typ.	Age
<i>McFarland</i>	2 25	2 25	2 25	2 25	2 25	2 25	13 50				
<i>Archie Miller</i>	1 08	1 08	1 08	1 08	1 08	1 08	6 48				
<i>Frank R.</i>	45	45	45	45	45	45	2 25				
<i>Frank R.</i>	1 65	1 65	1 65	1 65	1 65	1 65	8 25				
<i>Miller</i>	75	75	75	75	75	75	3 75				
<i>McFarland</i>	1 85	1 85	1 85	1 85	1 85	1 85	9 25				
<i>McFarland</i>	45	45	45	45	45	45	2 25				
<i>McFarland</i>	45	45	45	45	45	45	2 25				
<i>W. W. Miller</i>	1 20	1 20	1 20	1 20	1 20	1 20	6 00				
<i>W. W. Miller</i>	2 15	2 15	2 15	2 15	2 15	2 15	10 75				
<i>W. W. Miller</i>	30	30	30	30	30	30	1 30				
<i>W. W. Miller</i>	1 15	1 15	1 15	1 15	1 15	1 15	5 75				
<i>W. W. Miller</i>	25	25	25	25	25	25	1 25				
<i>W. W. Miller</i>	35	35	35	35	35	35	1 75				
<i>W. W. Miller</i>	62	62	62	62	62	62	2 50				

PROPERTY OF THE STATE OF IDAHO

FORM NO. 100-1

WATER MASTER'S DAILY RECORD

Stream Carmen Creek

Water District J.N.

Month of October, 1947

Water Master Chas. Amick

P. O. Address Carmen, Idaho

---SIGNED---

Ten days after the close of the irrigating season, the Water Master must forward this book to

COMMISSIONER OF RECLAMATION
BOISE, IDAHO

State Reclamation Engineer

If this book is lost, the finder will please return it to the Water Master of the district, as it contains valuable records.

Month of *October 1947*

Name of Person Owner Address

McFarland Ring
Archib. McFarland
Frank Parnett
and Rose Estate
William Slavin
Charles W. Warr
Maude Neal
Charles Daniels
William in Estate
John A. Adams
McCracken
Engelwitt
George Howell
Elizabeth Ellen
Edith Mason
Shimpy

1
2
4
5
6
7
7
8
10
11
12
15
14
16
2
3

NOTE - Payment to be given in cash
 not less than 10% of value of
 or 10% of value of property, not less
 of 10% of value of property, not less

2 25 2 25 2 25 2 25 2 25
 1 08 1 08 1 08 1 08 1 08
 45 45 45 45 45
 1 65 1 65 1 65 1 65 1 65
 75 75 75 75 75
 1 85 1 85 1 85 1 85 1 85
 45 45 45 45 45
 45 45 45 45 45
 1 20 1 20 1 20 1 20 1 20
 2 15 2 15 2 15 2 15 2 15
 30 30 30 30 30
 1 15 1 15 1 15 1 15 1 15
 25 25 25 25 25
 35 35 35 35 35
 62 62 62 62 62

Ass. Prop. Res.

Month of October, 1945**DAYS OF MONTH**

North & Western Coasts

[illegible]

Month of October 19

NAME OF PERSON McKenzie

DATE OF BIRTH 10/10/19

DATE OF DEATH 10/10/19

DATE OF MONTH

DATE	TIME	PLACE	REMARKS
10/10	2375		
10/11	1620		
10/12	625		
10/13	2475		
10/14	1125		
10/15	2775		
10/16	625		
10/17	675		
10/18	1800		
10/19	3225		
10/20	450		
10/21	1725		
10/22	375		
10/23	825		
10/24	930		