

12/19/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-4130

NAME AND ADDRESS: LYNETTE WALTERS
PO BOX 397
NEW MEADOWS ID 83654

PHIL WALTERS
PO BOX 397
NEW MEADOWS ID 83654

SOURCE: SEAWELL CREEK TRIBUTARY: GOOSE CREEK
THREEMILE CREEK TRIBUTARY: GOOSE CREEK

Point of injection into and points of redirection from Threemile Creek.

QUANTITY: 3.680 CFS

PRIORITY DATE: 09/26/1922

POINT OF DIVERSION:

T19N R02E S9 NWNE Injection Within ADAMS County
T19N R02E S9 SENW Rediversion Within ADAMS County
T19N R02E S9 SENW Rediversion Within ADAMS County
T19N R02E S9 SENW Within ADAMS County
T19N R02E S9 SENW Within ADAMS County
T20N R02E S35 NWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.680 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T19N R02E S08	SENE	18.00	T19N R02E S08	NESW	32.00
T19N R02E S08	NESE	35.00	T19N R02E S08	NWSE	35.00
T19N R02E S08	SESE	37.00	T19N R02E S09 Lot 3	NWSW	20.00
T19N R02E S09 Lot 4	SWSW	7.00			

184 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season.
Combined Right Nos.: 78-250, 78-251, 78-252 and 78-4130

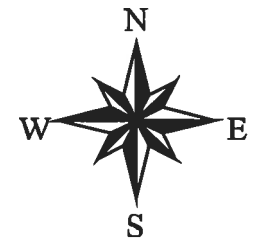
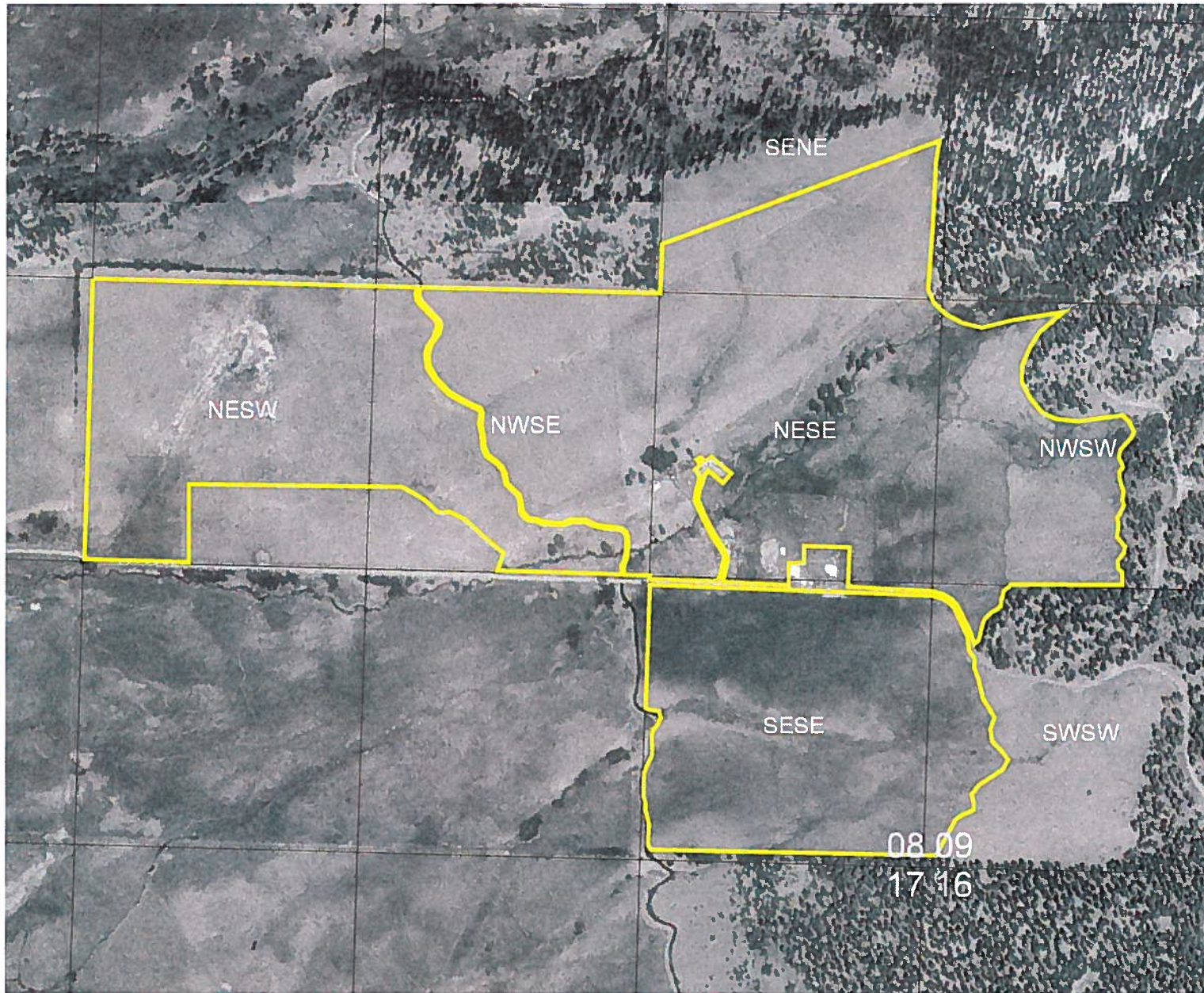
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

78-250 78-251 78-252 & 78-4130

**T19N R02E
S08 & S09**



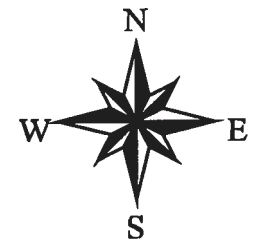
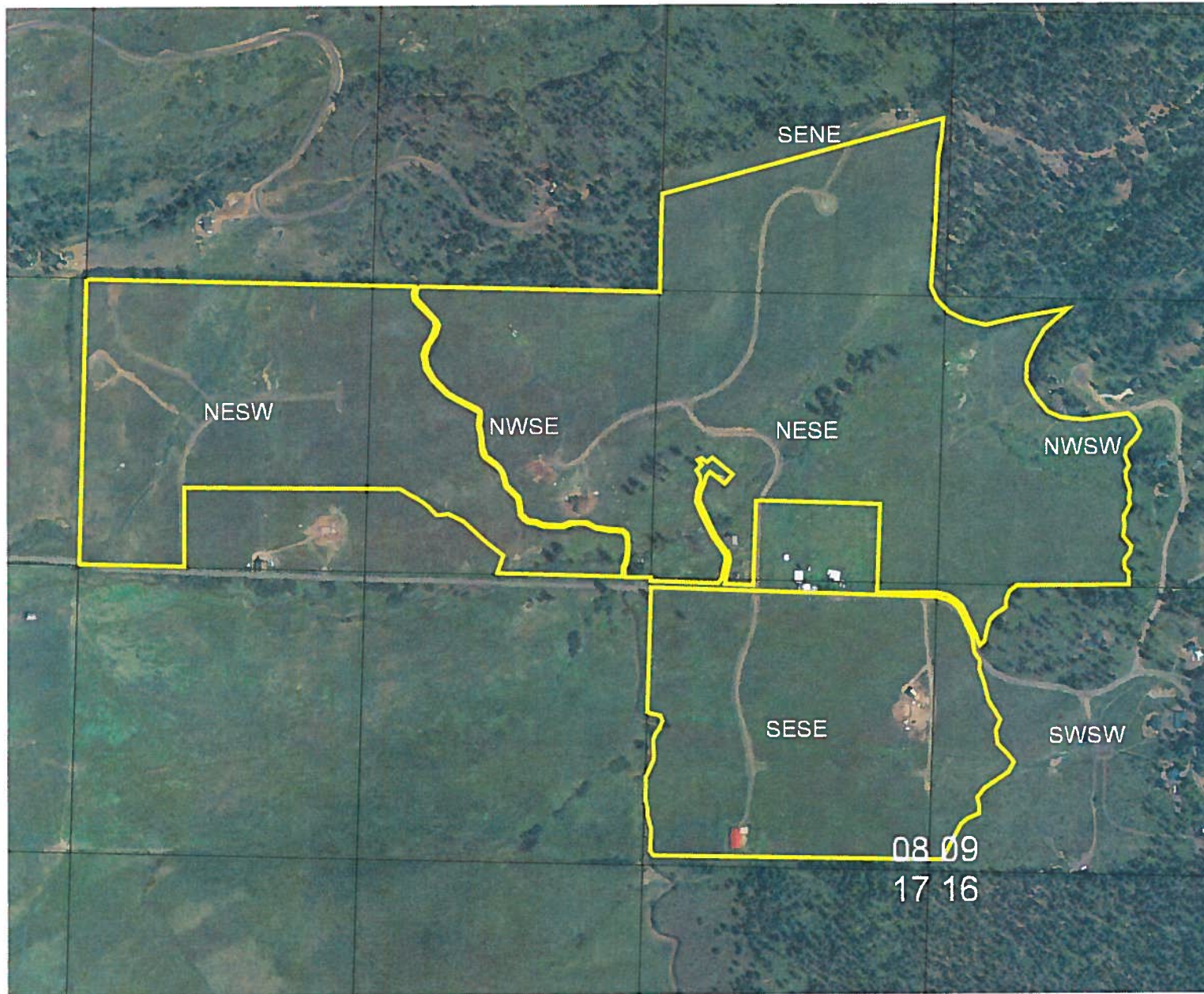
700 0 700 1400 2100 2800 Feet

A horizontal scale bar with alternating black and white segments. The segments are labeled with the numbers 700, 0, 700, 1400, 2100, and 2800, followed by the word 'Feet'.

Map prepared by: Carter Fritschle
Date prepared: 07/14/05
Digital Orthophotoquad - 1992 Photography
Idaho Department of Water Resources

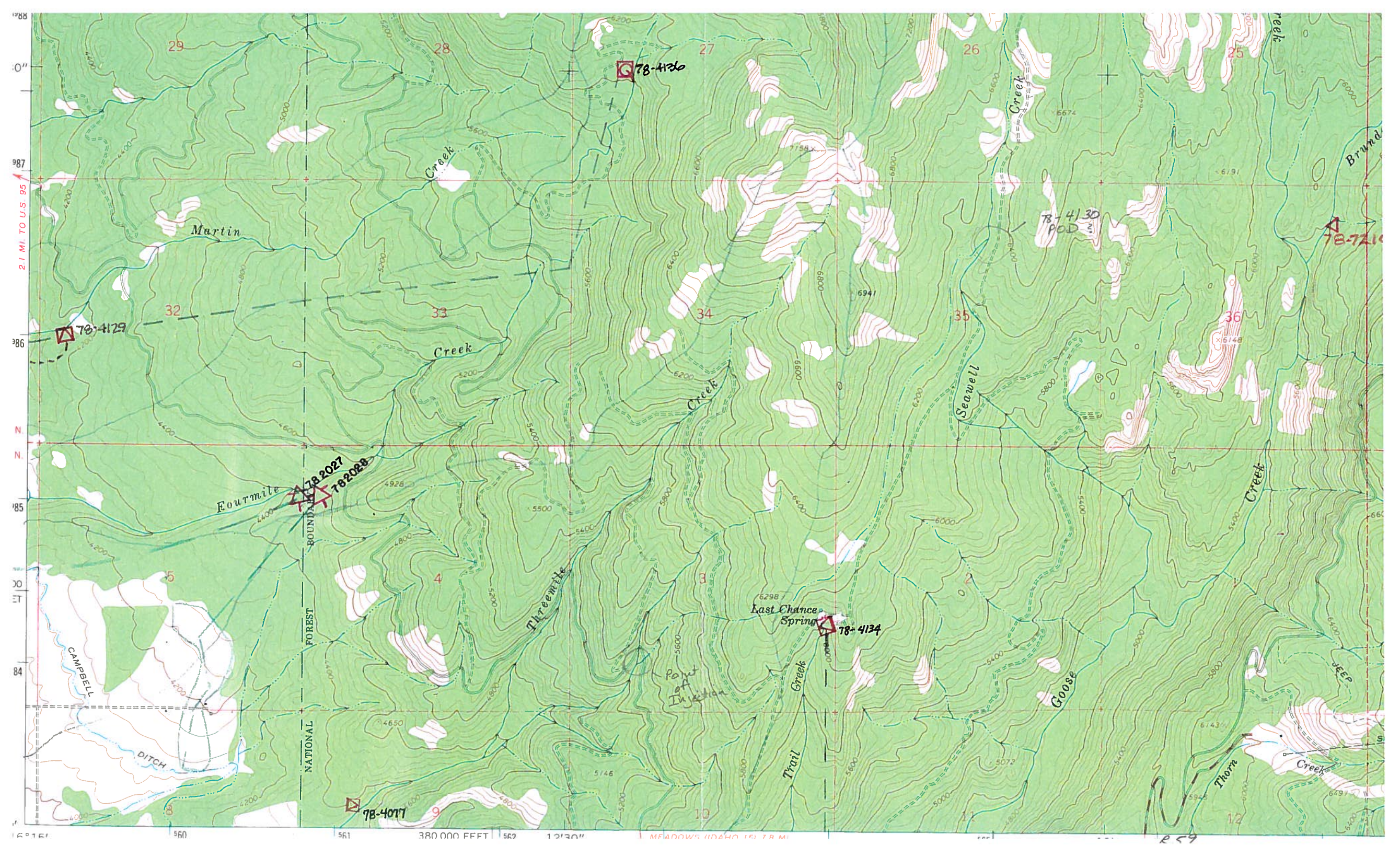
78-250 78-251 78-252 & 78-4130

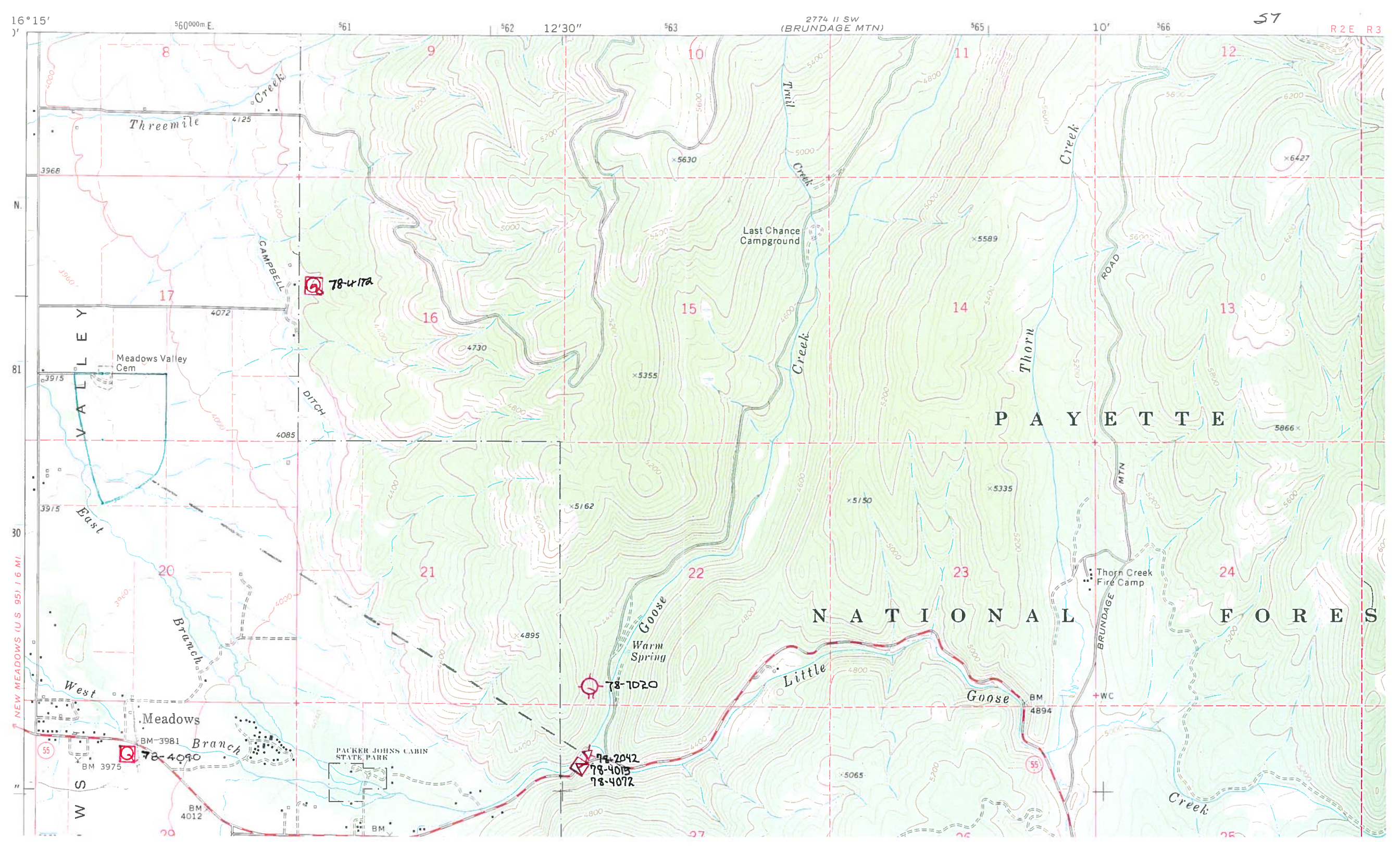
**T19N R02E
S08 & S09**



700 0 700 1400 2100 2800 Feet

Map prepared by: Carter Fritschle
Date prepared: 07/14/05 - revised 12/19/06
2004 NAIP Photography
Idaho Department of Water Resources





12/18/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-4130

NAME AND ADDRESS: LYNETTE WALTERS
PO BOX 397
NEW MEADOWS ID 83654

PHIL WALTERS
PO BOX 397
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SOURCE: SEAWELL CREEK TRIBUTARY: GOOSE CREEK
THREEMILE CREEK TRIBUTARY: GOOSE CREEK

Point of injection into and points of redirection from Threemile Creek.

QUANTITY: 3.680 CFS

PRIORITY DATE: 09/26/1922

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T19N R02E S9 NWNE Injection Within ADAMS County
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T19N R02E S9 SENW Within ADAMS County
T19N R02E S9 SENW Within ADAMS County
T20N R02E S35 NWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.680 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T19N R02E S08	SENE	14.00	T19N R02E S08	NESW	32.00
T19N R02E S08	NESE	39.00	T19N R02E S08	NWSE	35.00
T19N R02E S08	SESE	37.00	T19N R02E S09 Lot 3	NWSW	20.00
T19N R02E S09 Lot 4	SWSW	7.00			

184 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season.
Combined Right Nos.: 78-250, 78-251, 78-252 and 78-4130

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

AJ5809NP
No. A78-04130

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/10/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PHIL WALTERS	05/01/1899	IRRIGATION	04-15 10-15	4.000 CFS	
C	LYNETTE WALTERS					
TOTAL DIVERSION:					4.000 CFS	
CONSUMPTIVE USE:						368.00 AFA

Water Source: SEAWELL CREEK
THREEMILE CREEK

Tributary to: GOOSE CREEK
GOOSE CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion:	T19N R02E S09	NWSENW	ADAMS County
	T20N R02E S35	NWSWNE	ADAMS County
Point(s) of Injection:	T20N R02E S34	SWNESE	ADAMS County
Point(s) of Re-diversion:	T19N R02E S09	NWSENW	ADAMS County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
19N	02E	8	:				12	:				34				37	34		32	149.0
19N	02E	9	:					:					30	05						35.0
TOTAL ACRES																			184.0	

POU County: ADAMS

Non-Irrigation Uses: NONE

Other Rights: 78-0249, 78-0250, 78-0251, 78-0252

Remarks: GEN WATER IS INJECTED INTO THREEMILE CREEK IN T 20N, R 2E, SEC. 34, SW NE SE. THERE ARE 2 POINTS OF REDIVERSION FROM THREEMILE CREEK IN T 19N, R 2E, SEC. 9, NW SE NW. THIS IS A FLOOD WATER RIGHT.

***** MEMO TO FILE *****
THE LEGAL DESCRIPTION OF THE P/D FROM SEAWELL CREEK MAY BE IN ERROR. A DITCH APPEARS ON THE ORTHOPHOTOQUAD (R 59) WITH A P/D IN THE SW NW NE OF SEC. 35. THIS DITCH HAS A POINT OF INJECTION INTO AN UNNAMED STREAM ON THE LINE BETWEEN THE NE SW SW AND THE NW SE SW OF SEC. 3, T 19N, R 2E. MR. WALTERS DID NOT THINK THAT THIS WAS HIS SYSTEM, HOWEVER THERE IS NO EVIDENCE OF HIS SYSTEM ON THE ORTHOPHOTOQUAD. THE MAP INDICATES THAT THE POINT OF INJECTION IS IN THE SW NW SE OF SEC. 34 AND THE REMARKS STATE THE POINT OF INJECTION AS BEING IN THE SW NE SE OF SEC. 34. BOTH OF THESE LEGALS MAY BE IN ERROR, AND THE SYSTEM SHOULD BE FIELD INSPECTED TO VERIFY THE LEGAL DESCRIPTIONS.

CLF 1-17-89

*8-10-2000 Recall from Lynette Walters
This right could be abandoned.
The current owner and claimant
may not be the same people
and the current owner doesn't
want the water right. Need
to investigate when the final
recommendation is prepared.
The USFS wants the P/D's
removed from their land.
MTS.*

AJ5809NP
No. A78-04130

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/10/00
PAGE: 2

=====

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	
Audit:	05/25/88 NOYES	07/06/88 FRITSCHL	01/17/89 FRITSCHL 03/30/95 POST-STD

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: A78-04130
Date Received: 5/02/1988
Receipt No: C000573
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PHIL WALTERS 208-347-2482
Address: P.O. BOX 397
NEW MEADOWS, ID 83654

AND/OR

Name: LYNETTE WALTERS 208-347-2482
Address: P.O. BOX 397
NEW MEADOWS, ID 83654

2. Date of Priority: MAY 01, 1899

3. Source: SEAWELL CREEK Trib. to: GOOSE CREEK
THREEMILE CREEK GOOSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
19N	02E	9	NW	SE	NW		ADAMS
			NW	SE	NW	R	ADAMS
20N	02E	34	SW	NE	SE	I	ADAMS
		35	NW	SW	NE		ADAMS

5. Description of diverting works:
CONCRETE STRUCTURE WITH HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	4.000		

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

8. Total consumptive use is 368.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A78-04130

Page 1

Date: 01/17/89

MICROFILMED
OCT 06 1992

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
19N	02E	8	SE	NE		IRR	12.0
			NE	SW		IRR	34.0
			NE	SE		IRR	37.0
			NW	SE		IRR	34.0
			SE	SE		IRR	32.0
Section Acres							149.0
		9	NW	SW		IRR	30.0
			SW	SW		IRR	5.0
Section Acres							35.0
Total Acres							184.0

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:
78-0249, 78-0250, 78-0251, 78-0252

14. Remarks:

WATER IS INJECTED INTO THREEMILE CREEK IN T 20N, R 2E, SEC. 34, SW NE SE. THERE ARE 2 POINTS OF REDIVERSION FROM THREEMILE CREEK IN T 19N, R 2E, SEC. 9, NW SE NW. THIS IS A FLOOD WATER RIGHT.

***** MEMO TO FILE *****
THE LEGAL DESCRIPTION OF THE P/D FROM SEAWELL CREEK MAY BE IN ERROR. A DITCH APPEARS ON THE ORTHOPHOTOQUAD (R 59) WITH A P/D IN THE SW NW NE OF SEC. 35. THIS DITCH HAS A POINT OF INJECTION INTO AN UNNAMED STREAM ON THE LINE BETWEEN THE NE SW SW AND THE NW SE SW OF SEC. 3, T 19N, R 2E. MR. WALTERS DID NOT THINK THAT THIS WAS HIS SYSTEM, HOWEVER THERE IS NO EVIDENCE OF HIS SYSTEM ON THE ORTHOPHOTOQUAD. THE MAP INDICATES THAT THE POINT OF INJECTION IS IN THE SW NW SE OF SEC. 34 AND THE REMARKS STATE THE POINT OF INJECTION AS BEING IN THE SW NE SE OF SEC. 34. BOTH OF THESE LEGALS MAY BE IN ERROR, AND THE SYSTEM SHOULD BE FIELD INSPECTED TO VERIFY THE LEGAL DESCRIPTIONS.

CLF 1-17-89

15. Basis of Claim: STATUTORY CLAIM

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 _____ 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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A78-04130
Date Received: 5/25/1988
Receipt No: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PHIL WALTERS 208-347-2482
Address: BOX 397
NEW MEADOWS, ID 83654

AND/OR
Name: LYNETTE WALTERS 208-347-2482
Address: BOX 397
NEW MEADOWS, ID 83654

2. Date of Priority: MAY 01, 1899

3. Source: SEAWELL CREEK Trib. to: GOOSE CREEK
THREE MILE CREEK GOOSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
20N	02E	35	NW	SW	NE		ADAMS

5. Description of diverting works:
CONC. STR. WITH HEAD GATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	4.000		

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

8. Total consumptive use is 368.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A78-04130

Page 1

Date: 05/26/88

VERIFIED MICROFILMED
5/26/88 OCT 06 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
19N	02E	8	SE		NE		IRR	12.0
			NE		SW		IRR	34.0
			NE		SE		IRR	37.0
			NW		SE		IRR	34.0
			SE		SE		IRR	32.0
							Section Acres	149.0
		9	NW		SW		IRR	30.0
			SW		SW		IRR	5.0
							Section Acres	35.0
							Total Acres	184.0

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:
78-0249, 78-0250, 78-0251, 78-0252

14. Remarks:
WATER IS INJECTED INTO THREE MILE CREEK IN T20N R02E SEC. 34 SWNESE. THERE ARE 2 POINTS OF REDIVERSION FROM THREE MILE CREEK IN T19N R02E SEC. 9 NWSNW. THIS A FLOOD WATER RIGHT.

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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 _____ 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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

5/25/88 FRN
enteredIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMCIVIL CASE NUMBER: 39356
Ident. Number A 78 - 04130
Date Received 5-2-88
Receipt Number 48601

C 573

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Phil and/or Lynette Walters Phone (208) 347-2482
Mailing Address P.O. Box 397 New Meadows ID Zip 83654
2. Date of Priority (Only one (1) per claim) May 1, 1899
3. Source of water supply (a) Seawell Creek and Threemile Creek
which is tributary to (b) Goose Creek
4. a. Location of existing point of diversion is: Township 20N Range 2E Section 35,
NW 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Adams
Additional points of diversion if any: 2 points from 3 mile Creek in T19N R2E
Sec 9 NW SE NW
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Concrete structure with
headgate.

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OCT 06 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-15 to 10-15 amount 4.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 368 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
19N	2E	8				12					34				37	34		32	149
		9										30	5						35

Total number of acres irrigated 184

11. In which county (ies) are lands listed above as place of use located? Adams

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
78-0249 78-0250 78-0251 78-0252 or None ()

14. Remarks: Water is injected into Threemile Creek in
T20N R2E Sec 34 SWNESE. There are
2 points of redirection from Threemile Creek
in T19N R2E Sec 9 NWSE NW
This claim is for Floodwater

MICROFILMED
OCT 06 1992

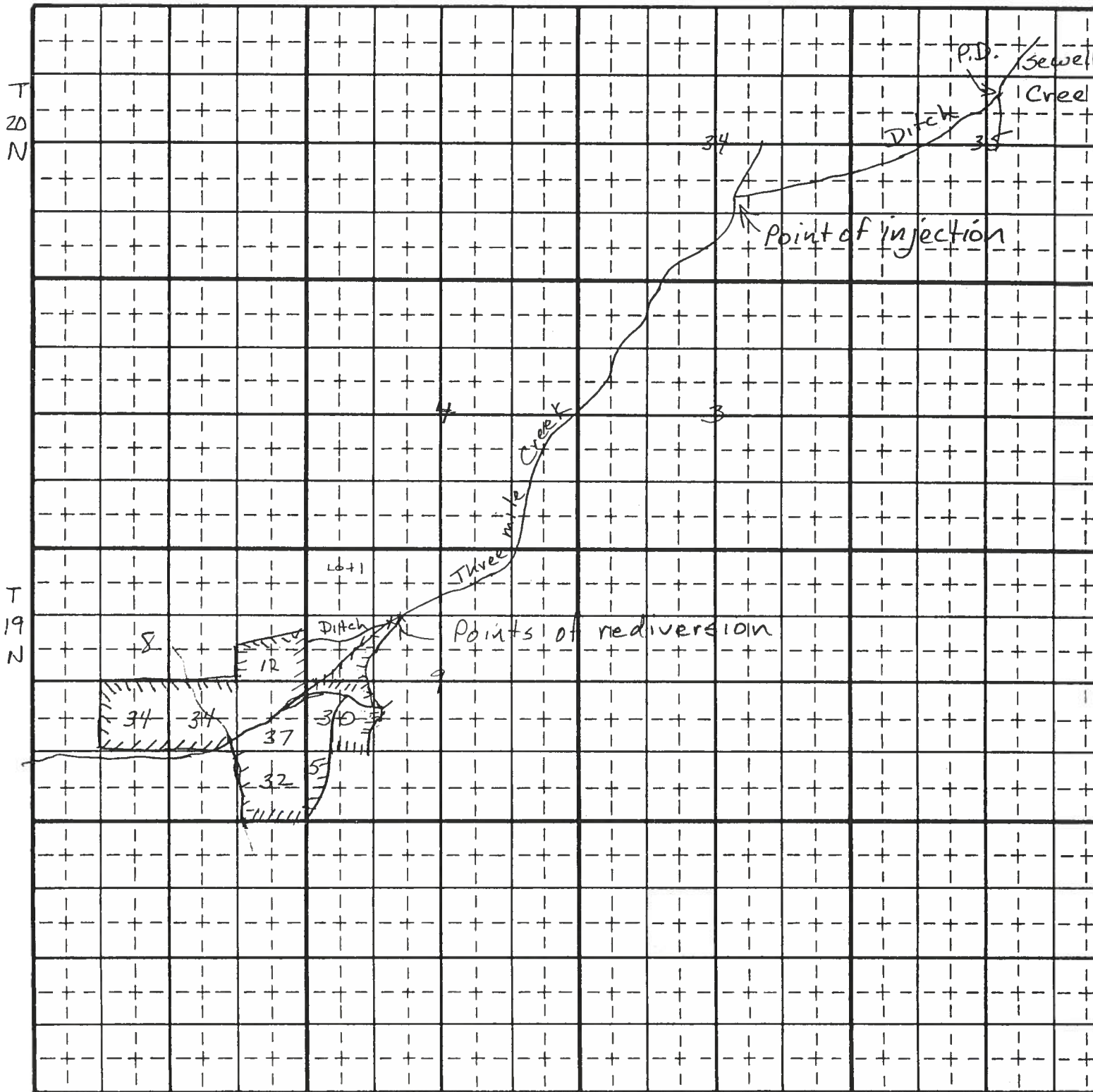
Last Name Walters Ident No. A78-04130

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

R 2 E



Last Name Walters

Ident No. A 78-~~5555~~

Copies: White-State, Yellow-Claimant

MICROFILMED

OCT 06 1992

04130

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 78-4130
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) x Phillip A Walters Date 5/2/88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 2nd day of May 19 88

SEAL

Notary Public Carter Fritschle

Residing at Eagle, Id

My Commission Expires 3-21-94

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED
OCT 06 1992

Last Name Walters Ident. Number A78-04130

Copies White-State, Yellow-Claimant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Bruce Walters & Sons

(Name of Claimant)

628-3433

P. O. Box 31, Riggins, ID 83549

(Mailing Address)

(Zip Code)

Telephone No. 628-3803

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1940, JULY 15

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Three-Mile Creek tributary to Little Salmon River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates Inclusive) (Mo., Day) (Mo., Day)	
Quantity	<u>4.0 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4/15</u>	To <u>10/15</u> JKN
Quantity	<u>.04 cfs</u>	Use <u>Stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 4.04 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW 1/4 NW 1/4, Sec. 9 Twp. 19N Rge. 2E B.M., County of Adams

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Check dams and headgates with pipeline for sprinkler irrigation and ditches for flood irrigation.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
19N	2E	8				20					40				40	40		40	180
19N	2E	9									15	30							45

No. of acres 225

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

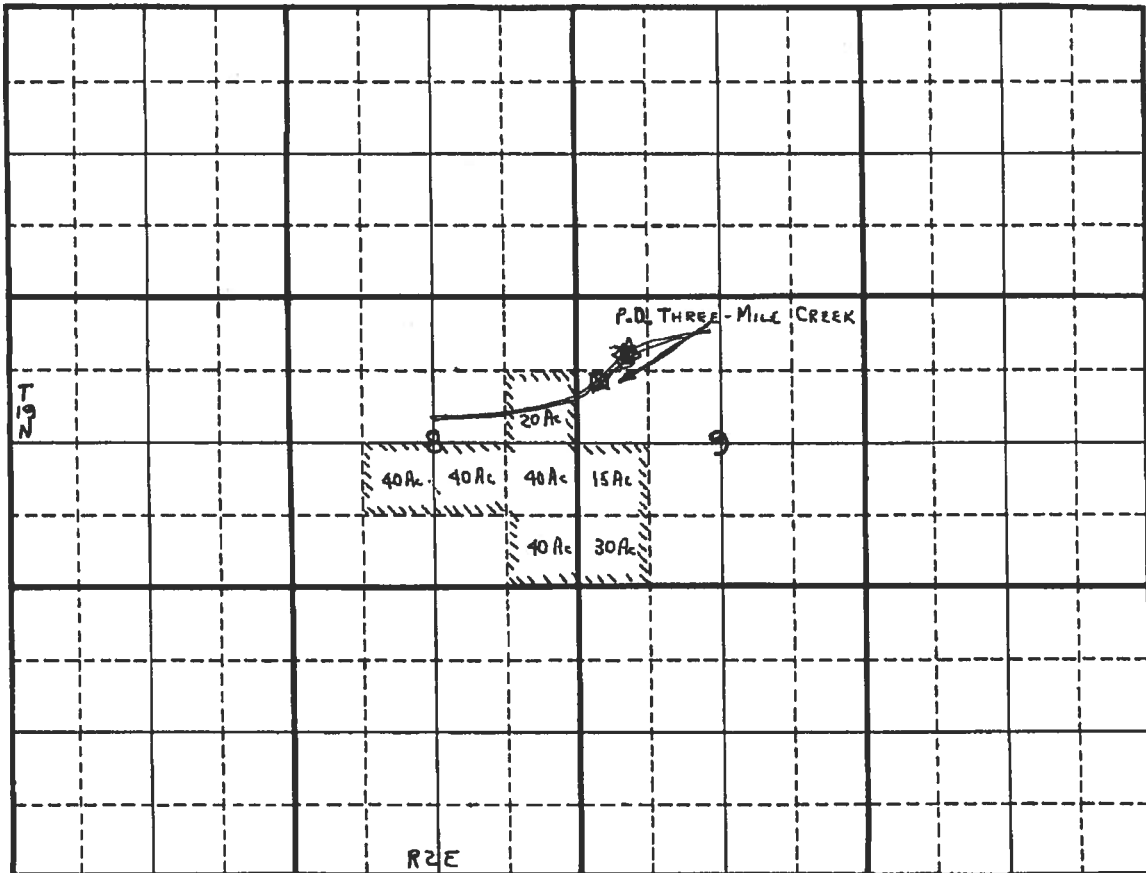
Stockwater for 1000 head of sheep.

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

MICROFILMED

(8) Remarks This claim is for early spring run-off on Three-Mile Creek.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Ernest Walker & Son
By: Ernest Walker
(Claimant)

Sworn to before me this 22 day of February, 1980.

Harold Knacht
Notary Public
Residing at Boise, Id.

My commission expires life

FOR DEPARTMENT USE ONLY

Received by KK Date 2/22/80 Exception filed by: _____ Date _____
Prelim. check by _____ Date _____
\$20.00 fee received by 20.00 Date 2/22/80 # 15359
Published in Adams County Ledger
Dates 3/15 & 3/20/80

To Whom Ever it may concern:

I do hereby acknowledge that
said water from 3 mile creek has been
used as long as I can remember, and
I was July 15, 1940

Leonard M. Waller

JUL 23 1940

RECEIVED
JUL 23 1940

RECEIVED
JUL 23 1940

March 26, 1980
P.O. Box 209
New Meadows, ID 83654

Mr. C. Stephen Allred, Director
Idaho Department of Water Resources
92 S. Cole Rd.
Boise, ID 83709

Re: Exception to Claim of Water Right No. 78-4130
by Bruce Walters & Sons

Dear Mr. Allred:

Notice has been published by the Idaho Department of Water Resources that Bruce Walters & Sons, P.O. Box 31, Riggins, Idaho 83549, has filed with the Idaho Department of Water Resources a claim to water right bearing No. 78-4130, for water from Three-Mile Creek, a tributary to the Little Salmon River, which claim to water right asserts a priority date of July 15, 1940.

Please be advised that Osborn Ranch, Inc., an Idaho corporation, claims prior right to the entire volume of water in Three-Mile Creek, as decreed to the predecessor in interest of Osborn Ranch, Inc., on November 29, 1919, in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Adams. Said Judgment and Decree was recorded in Book 1 of Judgments at pages 593-94, Records of Adams County, Idaho, and is of record in the office of the Idaho Department of Water Resources under Decree Numbers 78-0263, 78-0264, 78-0265 and 78-0266.

Said Judgment and Decree was entered on behalf of E. I. Osborn, Plaintiff, from whom the real property and water right referred to in said Judgment and Decree passed to Warren Osborn and from Warren Osborn to Osborn Ranch, Inc., on whose behalf this exception is made.

The claim to water right filed by Bruce Walters & Sons should be denied by the Idaho Department of Water Resources, because the claim is directly in conflict with the water rights decreed pursuant to said Judgment and Decree, which

RECEIVED
MARCH 27 1980

Department of Water Resources
Water Right No. 78-4130

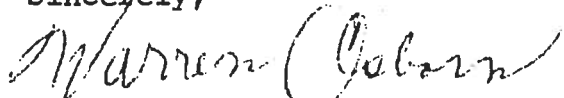
Mr. C. Stephen Allred
March 26, 1980
Page 2

water rights pre-date the water right asserted by Bruce Walters & Sons.

It may be of some guidance to your office to know that the claimant (Bruce Walters & Sons) has for several years obtained water from a different creek, Sewell Creek, which is a tributary of another one known as Goose Creek. To aid Bruce Walters & Sons in obtaining water from Sewell Creek, the claimant or the claimant's predecessor installed a ditch from Sewell Creek to take water from Sewell Creek and cause it to flow into Three-Mile Creek for removal by Bruce Walters & Sons downstream, but the only water that has been removed by Bruce Walters & Sons from Three-Mile Creek has been the water that Bruce Walters & Sons has put into Three-Mile Creek from Sewell Creek. It is my understanding that the right, if any, of Bruce Walters & Sons to the waters of Sewell Creek is subject to that of some other users and that when the flow in Goose Creek gets too low, water is no longer sent through the ditch from Sewell Creek to Three-Mile Creek, and the claimant thereupon loses that supply. That may account for the claimant's claim as to the waters of Three-Mile Creek, but those waters, as already pointed out, have been decreed to the predecessor in interest of Osborn Ranch, Inc.

In the event that the Idaho Department of Water Resources intends to take any action which might grant, approve or affirm the claimant's claim, or in the event that the claimant continues to assert the claim and requests any action by the Idaho Department of Water Resources thereon, please be advised that Osborn Ranch, Inc., requests an opportunity to present evidence in support of the facts stated in this letter.

Sincerely,

A handwritten signature in cursive script that reads "Warren Osborn".

OSBORN RANCH, INC.
Warren Osborn, President

UDELL and ELAM

ATTORNEYS AND COUNSELORS AT LAW
300 LENORA STREET
P.O. BOX 1300A McALL, IDAHO 83638
PHONE (208) 634-2108 or (208) 634-2100

March 17, 1980

C. Stephen Allred, Director
Of The Idaho Department of Water
Resources
92 S. Cole Road
Boise, Idaho 83709

Re: Notice of Claims to Water Rights
78-4130

Dear Mr. Allred:

I represent Charles Wallace and Sons, Inc., and wish to advise you that they have in 1977 filed two claims of water right for the properties now being filed on by Bruce Walters and Sons.

I enclose herein the face sheets to the two claims heretofore submitted by Charles Wallace and Sons.

Charles Wallace and Sons have asked that I take exception to the water right being filed by Bruce Walters and Sons in the following respect.

Bruce Walters and Sons are contract purchasers of the real property and the Sellers obviously are Charles Wallace and Sons, Inc., an Idaho Corporation.

There is still a significant amount to be paid on that contract and obviously Charles Wallace and Sons, Inc. are the fee simple owners of the land at this point in time.

Therefore if any water right is granted, that water right should be granted in the names of Bruce Walters and Sons and Charles Wallace and Sons, Inc.

MAR 19 1980
Department of Water Resources
Western Regional Office

UDELL and ELAM
ATTORNEYS AND COUNSELORS AT LAW

C. Stephen Allred
March 17, 1980, page 2.
Re: Notice of Claims to Water Rights
78-4130

That way Charles Wallace and Sons, Inc. would retain an equitable interest in the water right and obviously be able to repossess that water right in the event that the Walters default under the contract of sale.

It seems most unreasonable that if a default should occur, that the Walters should be permitted to maintain the water right.

It is for that reason, that if the claim is perfected, that perfected claim should show joint ownership of the water right in Bruce Walters and Sons and Charles Wallace and Sons, Inc.

I believe it is also beneficial for your offices to have the enclosed claims which were filed in 1977 so as to prevent a duplicity of filings or claims beyond the statutory use.

Thank you for your cooperation.

Yours very truly,



RICHARD S. UDELL

RSU/nkc

Enclosures

cc: Charles Wallace
Box 31
New Meadows, Idaho 83654

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Charles Wallace & Sons, Inc.
(name of claimant)

of Box 31, New Meadows, Id. 83654, claims a right to the diversion and beneficial use of
(mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Three Mile Creek/Flood waters in spring, tributary to, Little Salmon River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount <u>3 cfs</u>	Use <u>Irrigation</u>	Period of Use: From <u>20 April</u> To <u>Varies</u>	(See #8, Remarks)
Amount _____	Use _____	Period of Use: From _____ To _____	
Amount _____	Use _____	Period of Use: From _____ To _____	
(cfs, gpm or a/f)	(dom., irri., stock, etc.)	(both dates inclusive)	

- (3) Total quantity of water claimed: 3 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) May 1, 1898

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)

SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9 Twp. 19N Rge. 2E B. M. County of Adams

Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. 2 ditches approximately 1/4 mile to land served, then by pipe ranging from 7" down to 3" upon irrigated

lands - all gravity flow

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

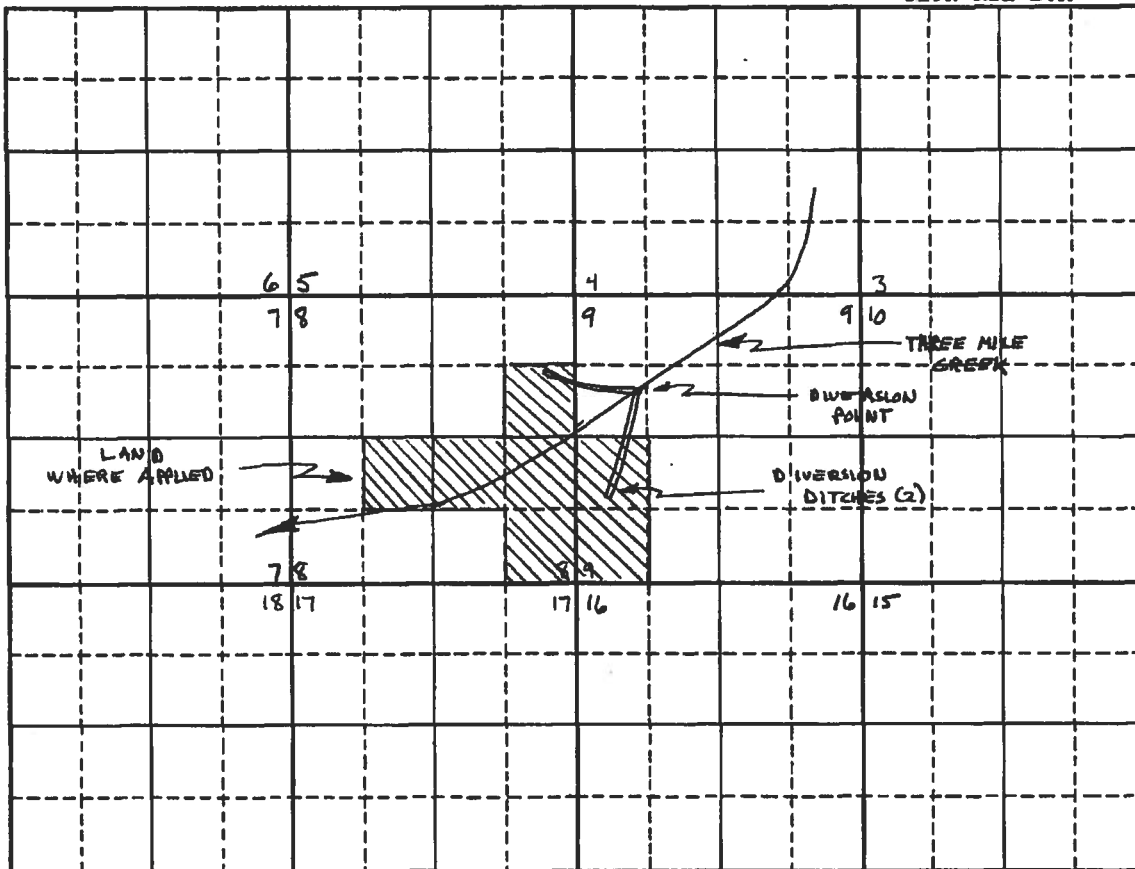
Total No. of acres 280

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:**

- (7) If you are claiming water as a member of an organization, list name of organization: As President of Charles Wallace & Sons, Inc.

- (8) Remarks Use originated with predecessor in interest, Ellis D. Wallace. Actual period of use varies depending on when Sewell Creek waters open up for diversion via E.D. Wallace Creek to Three Mile Creek - ranges from one to two months.

T19N R2E B.M



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Valley)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Charles Wallace
(Claimant)

Sworn to before me this 25th day of January, 19 77.

James Palmer
Notary Public
Residing at McCall, Idaho

My commission expires _____

For Department Use Only

Received by <u>if</u>	Date <u>1-27-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>GLS</u>	Date <u>1-27-77</u>		claimant by:	
\$10.00 fee received by <u>if</u>	Date <u>1-27-77</u>	<u>#16194</u>		
Approved for publication by <u>if</u>				
Published in <u>Adams County Record</u>				
Dates <u>February 10-17</u>				