

11/18/2008

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

RIGHT NUMBER: 78-7067B

NAME AND ADDRESS: DEBRA A NEVILL
521 HIGH MEADOW LN
NEW MEADOWS ID 83654

SOURCE: ELK CREEK

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.030 CFS
2.100 AFY

PRIORITY DATE: 02/10/1975

POINT OF DIVERSION:

T22N R01E S26 NENW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.030 CFS 2.10 AFY
Domestic use is for 1 home and up to one-half acre of lawn and garden irrigation.		

PLACE OF USE: DOMESTIC in IDAHO County

T22N R01E S26	NENE	T22N R01E S26	NWNW
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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 - License

Parcel No. RP22N01E262730A.

This right is renumbered from former right 78-7067.

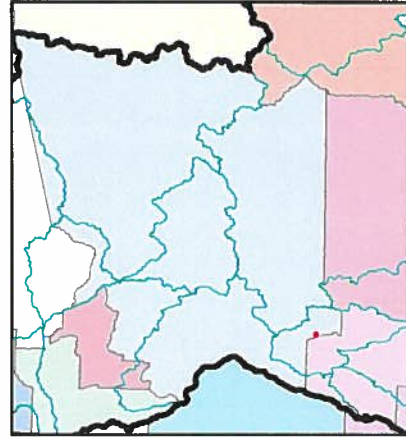


SRBA Recommendation
78-7067B
(DOMESTIC)

Idaho Department of Water Resources

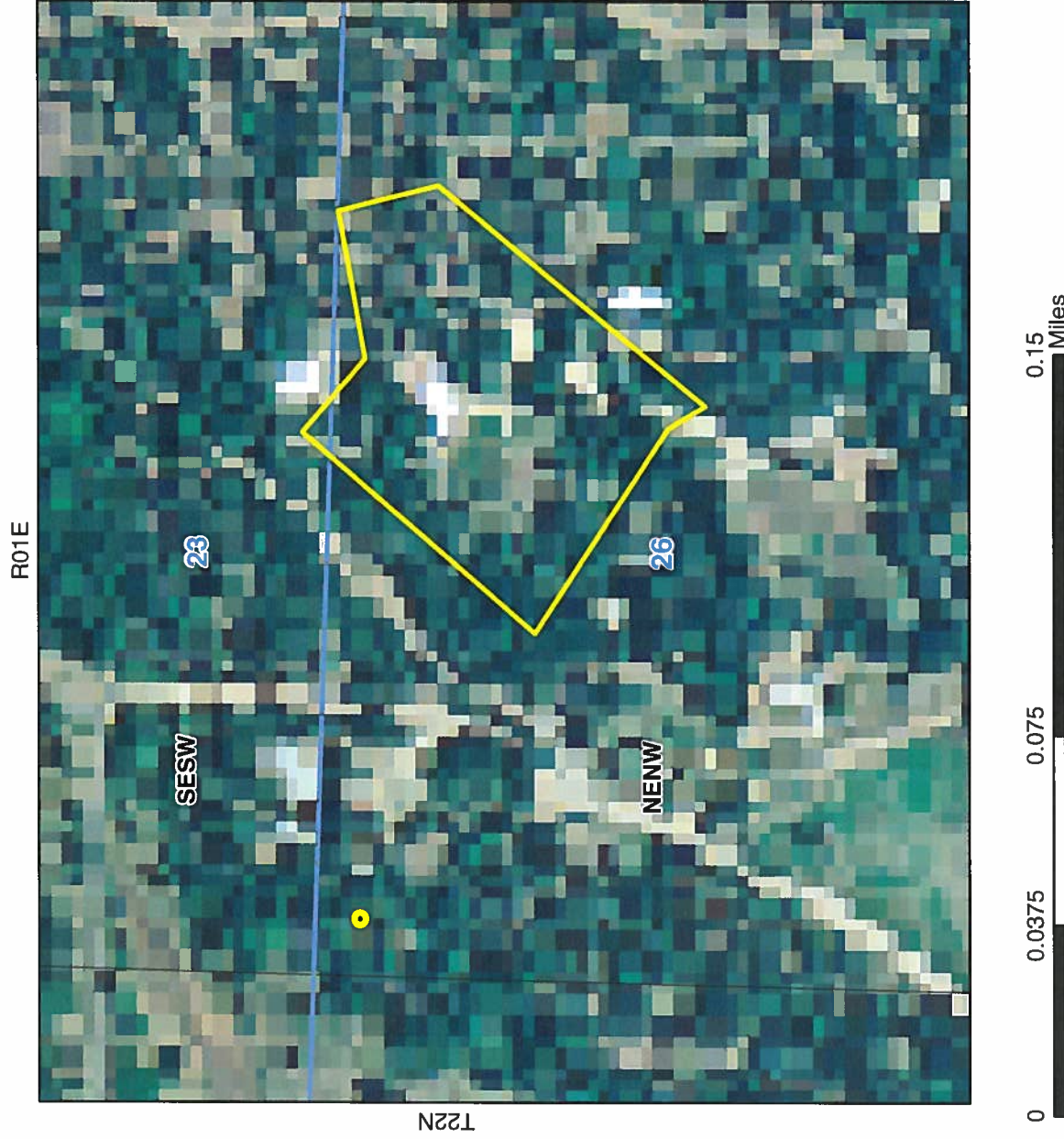
Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Idaho County
IDWR Basin 78

Prepared by Monica Van Bussum
On November 18, 2008
1987/88 Aerial Photography



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 78-7067B V1

WATER RIGHT NUMBER: 78-7067B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DEBRA A NEVILL 521 HIGH MEADOW LN NEW MEADOWS, ID 83654

Priority Date: 02/10/1975

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
ELK CREEK	LITTLE SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.030 CFS	2.10 AF
	<u>Total Diversion:</u>	0.030 CFS	2.10 AF

Location of Point(s) of Diversion

ELK CREEK	NE1/4NW1/4	Sec. 26, Twp 22N, Rge 01E, B.M.
IDAHO County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
22N	01E	26	X					X											

Conditions of Approval:

1. Parcel No. RP22N01E262730A.
2. X01 Domestic use is for 1 home and up to one-half acre of lawn and garden irrigation.
3. C18 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.
4. This right is renumbered from former right 78-7067.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 78-7067B V1

Comments:

1. mvanbussum 11/18/2008 78-7067

Comment: 78-7067 was licensed for 6 homes and 3 acres of irrigation, or one half acre of irrigation per home. See memo from Craig Saxton in file regarding breakdown and history of water use under license. Recommending for 1 home and up to one half acre of irrigation.

2. mvanbussum 11/18/2008 Source

Comment: 78-7067 was licensed with source of Little Elk Creek. 78-7067A was recommended and partially decreed with source of Little Elk Creek. Per review of USGS topo and source of other recommended PODs on this stream reach, source is actually Elk Creek. Recommending source as Elk Creek tributary to Little Salmon River.

3. mvanbussum 11/18/2008 Quantity

Comment: I am recommending the quantity for part B slightly different than how A was recommended. I am splitting the license into sixths. Since the domestic right will now cover one-half acre of irrigation, I will recommend one-sixth of the total diversion rate and one-sixth of the total volume. One-sixth of licensed flow rate is 0.03 cfs. One-sixth of licensed annual diversion volume is 12.6 divided by 6, which equals 2.1 af.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	11/18/2008 2:33:51 PM	mvanbussum			Active
Priority Date	11/18/2008 2:34:07 PM	mvanbussum			Active
POD	11/18/2008 2:34:22 PM	mvanbussum			Active
Source	11/18/2008 2:35:27 PM	mvanbussum			Active
POU	11/18/2008 2:43:08 PM	mvanbussum			Active
Use	11/18/2008 2:47:39 PM	mvanbussum			Active
Season	11/18/2008 2:48:53 PM	mvanbussum			Active
Quantity	11/18/2008 2:49:14 PM	mvanbussum			Active
Quantity	11/18/2008 3:13:01 PM	mvanbussum			Active
Summary			11/18/2008	mvanbussum	Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 78-7067B V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Quantity	11/18/2008 3:13:02 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - One-sixth of licensed flow rate is 0.03 cfs. One-sixth of licensed annual diversion volume is 12.6 divided by 6, which equals 2.1 af.
Contacts	11/18/2008 2:33:52 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
General	11/18/2008 2:34:07 PM	mvanbussum	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	11/18/2008 2:34:22 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	11/18/2008 2:35:27 PM	mvanbussum	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Use	11/18/2008 2:47:40 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

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Adjudication Recommendation Report 78-7067B V1

Season	11/18/2008 2:48:54 PM	mvanbussum	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	11/18/2008 2:49:15 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	11/18/2008 3:19:48 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	11/18/2008 2:43:08 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	11/18/2008 2:47:21 PM	mvanbussum	Updated Shape
POD	11/18/2008 2:35:08 PM	mvanbussum	Updated Shape

Water Supply Bank: