12/18/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-32D

NAME AND ADDRESS: JOY LARKIN
2950 COVE RD
CAMBRIDGE ID 83610

ALBERT LARKIN
2950 COVE RD
CAMBRIDGE ID 83610

SOURCE: WEISER RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 07/04/1886

POINT OF DIVERSION:

T15N R02W S16 SESW Within ADAMS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 10/31	0.400 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R02W S05 Lot 3 NENW 34.00 T14N R02W S05 Lot 4 NWNW 36.00

70 ACRES TOTAL

This right is limited to the irrigation of 30.0 acres within the place of use described above in a single irrigation season.

Right Nos. 67-32D and 67-4092A are limited to the irrigation of a combined total of 70 acres in a single irrigation season.

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 - Decreed

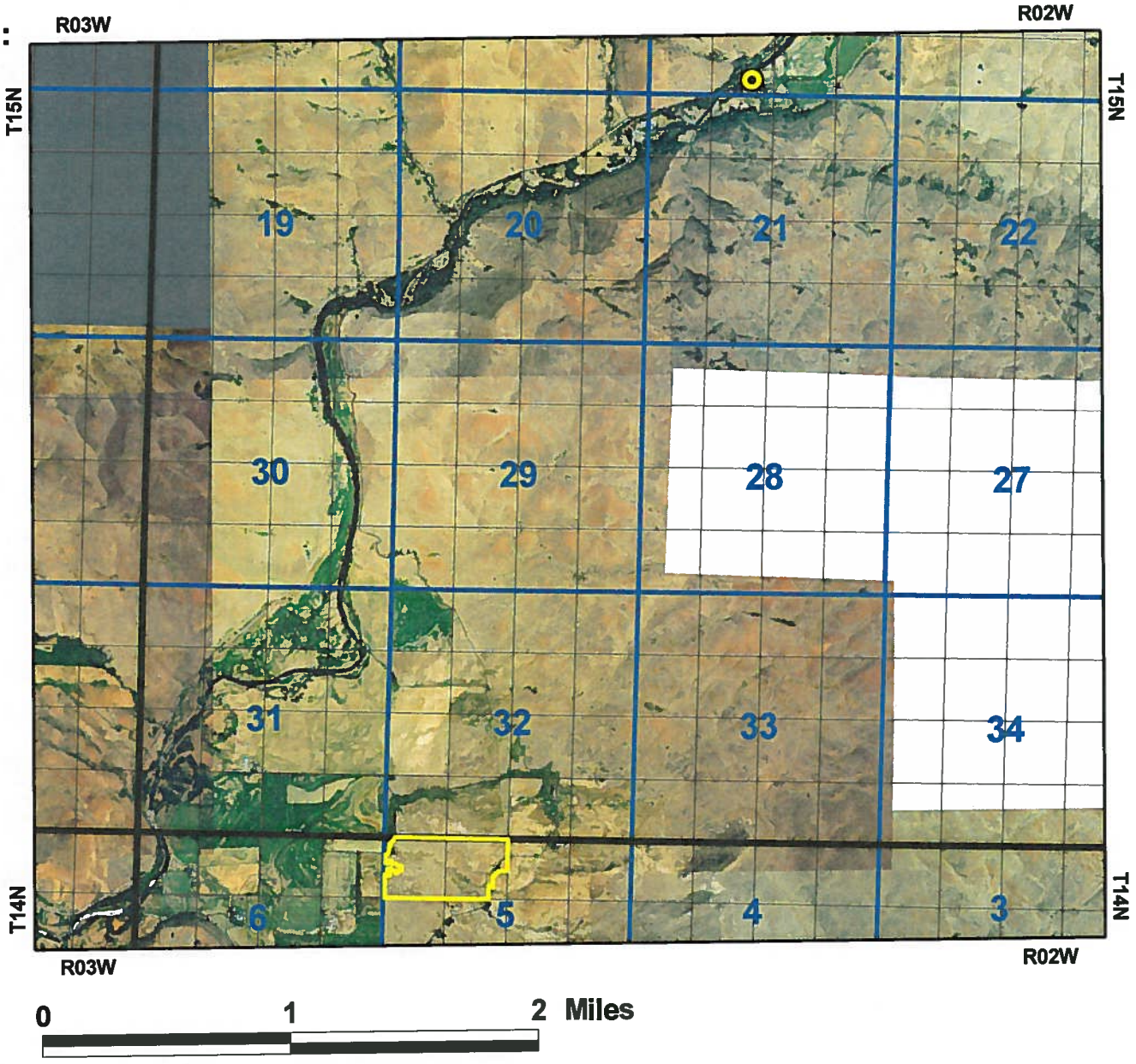
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Idaho Department of Water Resources

SRBA Recommendation:

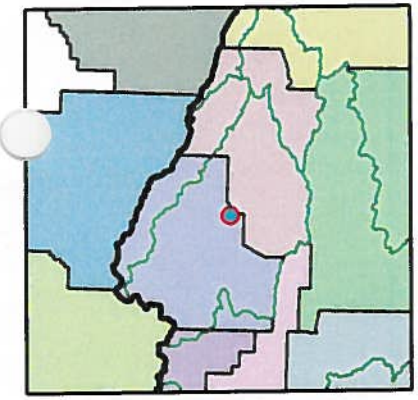
67-32D

(Irrigation)



Legend

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

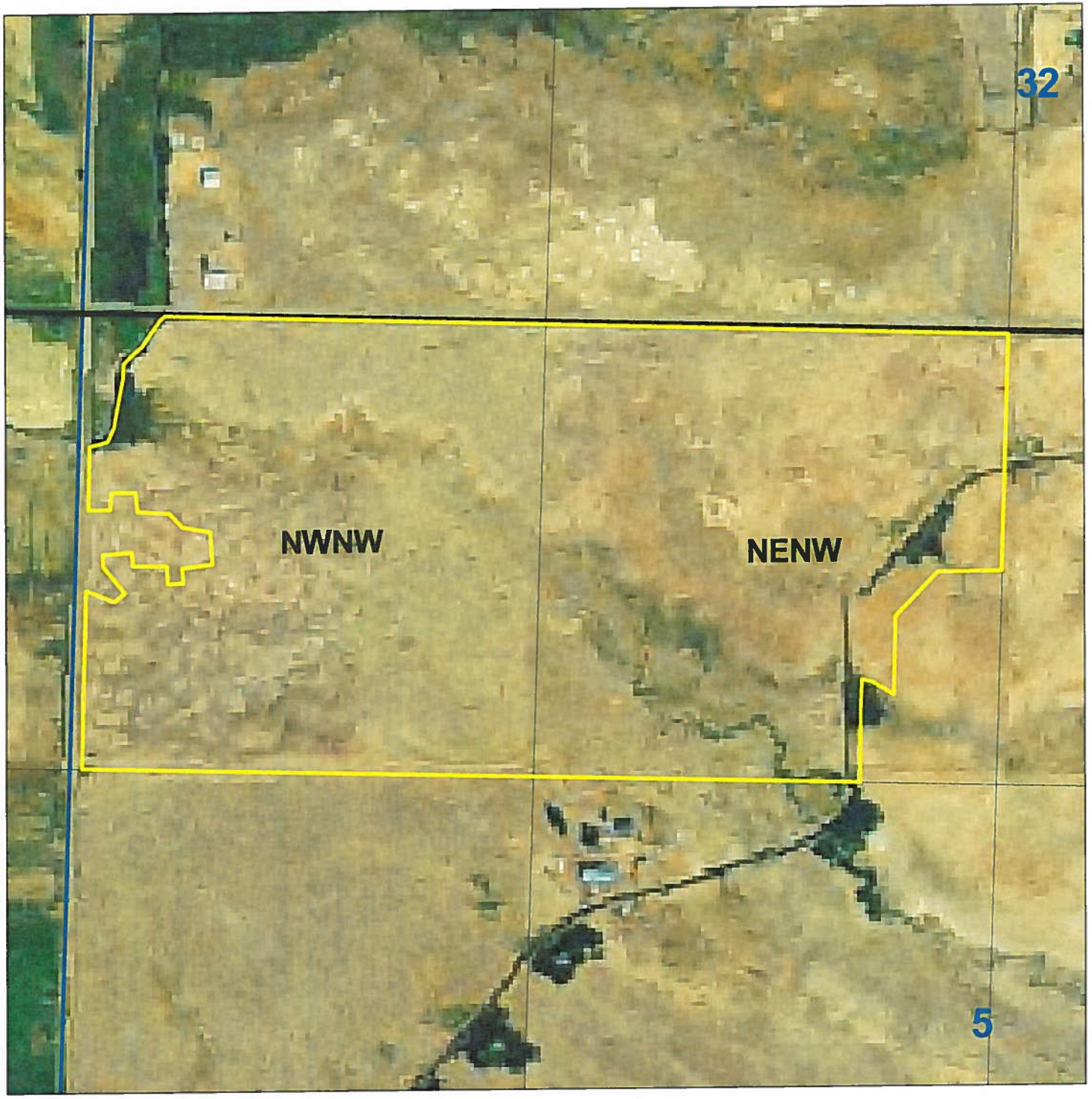


Adams, Washington Counties
IDWR Basin 67

N

Prepared by J. Dean
On Monday, December 18, 2006
1987/88 Aerial Photography

67-32D



December 4, 2006

To: Craig Saxton, Sr. Water Resource Agent
Adjudication Bureau
Department of Water Resources
FAX: 208-287-6700

From: Albert and Joy Larkin
2950 Cove Road
Cambridge, Idaho 83610
Phone: 208-257-3557

Re: Right Numbers 67-32D
67-4092A

We attended the Department of Water Resources meeting in Council on November 29th and talked with Vicky Music about the diversion point on the above right numbers. The preliminary recommendations show the diversion point as T15N R02W S31 NENE Washington County, the old Post-Weston Ditch.

We told Ms. Music our water is delivered through the Cambridge Ditch Company whose diversion point is T15N R02W S16 Adams County. She suggested we verify our relationship with the Cambridge Ditch Company before we request the diversion point change.

On November 30th, I talked with Jerry Jaeger, secretary of the Cambridge Ditch Company. He says the water rights are ours: the Cambridge Ditch Company carries our water. He also said that all of the old Post-Weston Ditch came into the Cambridge Ditch Company for delivery when the Cambridge Ditch Company was formed.

Hopefully the above information is sufficient to change the diversion point on Right Numbers 67-32Dand 67-4092A to Cambridge Ditch Company's diversion point.

On December 1st I left a message on your voice mail, but this fax is the information I wanted to give you. Thanks for your consideration of this matter.

11/14/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-32D

JOY LARKIN
2950 COVE RD
CAMBRIDGE ID 83610
Telephone Number: (208) 257-3557

ALBERT LARKIN
2950 COVE RD
CAMBRIDGE ID 83610
Telephone Number: (208) 257-3557

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X **I AGREE with this proposed recommendation: no changes need to be made.**

DATE: 11-29-2006 **SIGNATURE:** Albert Larkin Joy Larkin

Please print your name: Albert Larkin Joy Larkin

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

Also sent in letter (see attached). Reviewed change in POD and processed it. JD 12/18/06

11/05/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-32D

NAME AND ADDRESS: JOY LARKIN
2950 COVE RD
CAMBRIDGE ID 83610

ALBERT LARKIN
2950 COVE RD
CAMBRIDGE ID 83610

SOURCE: WEISER RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 07/04/1886

POINT OF DIVERSION:

T15N R02W S31 NENE Within WASHINGTON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 10/31	0.400 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R02W S05 Lot 3 NENW 34.00 T14N R02W S05 Lot 4 NWNW 36.00

70 ACRES TOTAL

This right is limited to the irrigation of 30.0 acres within the place of use described above in a single irrigation season.

Right Nos. 67-32D and 67-4092A are limited to the irrigation of a combined total of 70 acres in a single irrigation season.

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.

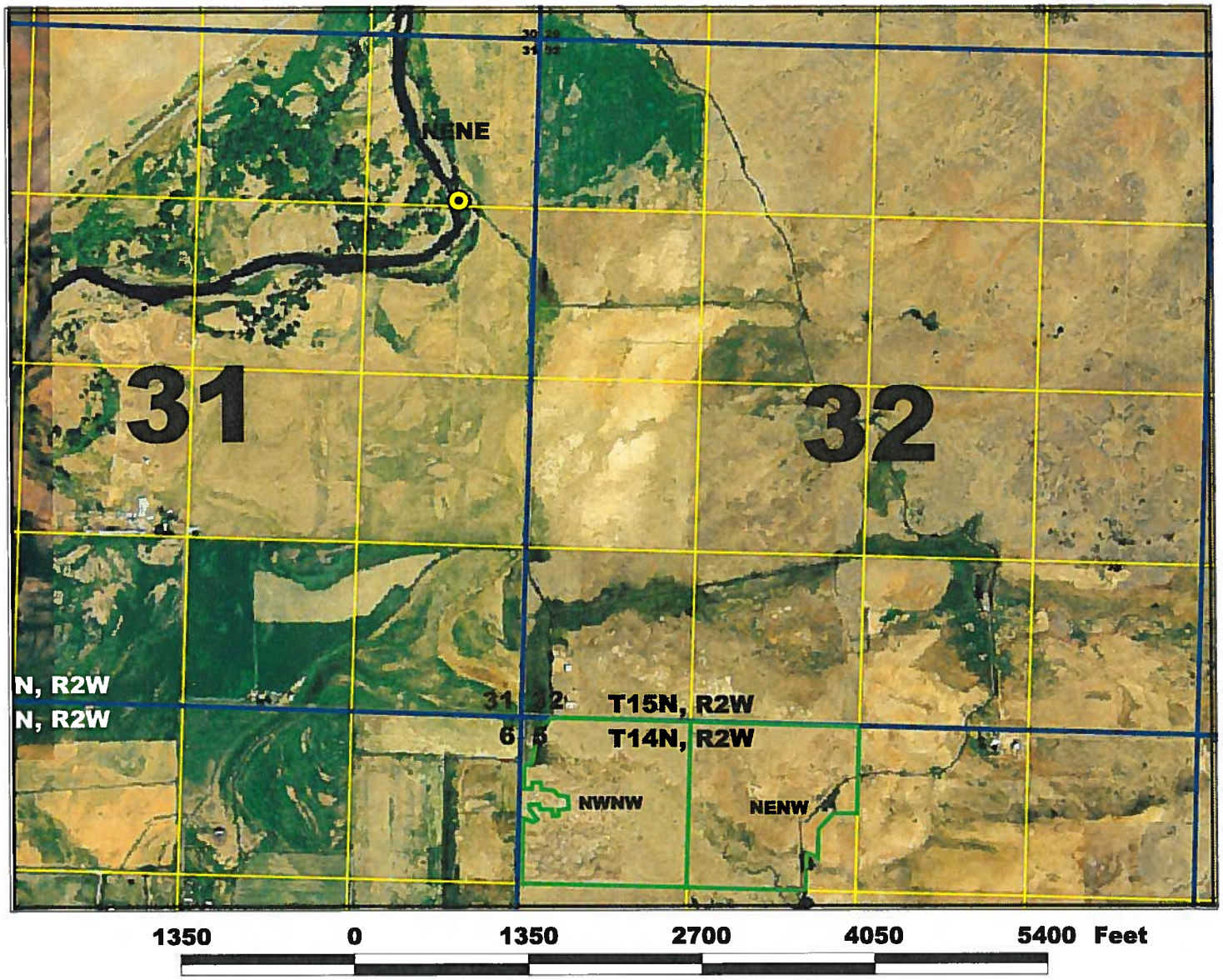
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

STATE OF IDAHO

Department of Water Resources

Water Right(s): 67-32D & 67-4092A



Point(s) of Diversion

Place of Use

Quarter Quarter Lines

Section Lines

N
W E
S

GIS Place of Use Illustration
1987/1988 NAPP Photoograp
Prepared by: C. Saxton
Date: August 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-32D V1

WATER RIGHT NUMBER: 67-32D V1

Owner Type	Name and Address
Original Owner	JANE FOX RT 1 CAMBRIDGE, ID 83610
Original Owner	VAUGHN NELSON 1407 CREEKMERE CANYON, TX 79015
Current Owner	JOY LARKIN 2950 COVE RD CAMBRIDGE, ID 83610 (208) 257-3557
Current Owner	ALBERT LARKIN 2950 COVE RD CAMBRIDGE, ID 83610 (208) 257-3557

Priority Date: 07/04/1886

Basis: Decreed

Status: Active

Source	Tributary
WEISER RIVER	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/15 to 10/31	0.400 CFS	
	Total Diversion:	0.400 CFS	

Location of Point(s) of Diversion

WEISER RIVER NE1/4NE1/4 Sec. 31, Twp 15N, Rge 02W, B.M.

WASHINGTON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	02W	5					34.0 L 3	36.0 L 4											70.0

Total Acres: 70

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. K06 This right is limited to the irrigation of 30.0 acres within the place of use described above in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-32D V1

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. E55 Right Nos. 67-32D and 67-4092A are limited to the irrigation of a combined total of 70 acres in a single irrigation season.

Remarks:

Comments:

1. csaxton 6/29/2004 Quantity
Comment: Per TR 1736

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: AND
Water District Number: 67
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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	6/29/2004 2:22:24 PM	awarntje			Active
Source	6/29/2004 2:22:36 PM	awarntje			Active
POU	6/29/2004 2:23:22 PM	awarntje			Active
Use	6/29/2004 2:23:31 PM	awarntje			Active
Season	6/29/2004 2:23:53 PM	awarntje			Active
Quantity	6/29/2004 2:24:19 PM	awarntje			Active
Contacts	8/31/2005 3:48:27 PM	csaxton			Active
POU	8/31/2005 3:52:16 PM	csaxton			Active
Summary			08/31/2005	csaxton	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-32D V1

Priority Date	6/29/2004 2:22:24 PM	awarntje	(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 ? (Yes) 15. Is the basis of claim coded correctly?
Use	6/29/2004 2:23:32 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a Purpose of Use? (No) 6. Is there evidence that there has been a change in the Purpose of Use?
Season	6/29/2004 2:23:54 PM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use?
Quantity	6/29/2004 2:24:19 PM	awarntje	(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? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
POU	3/29/2004 11:30:18 AM	awarntje	Edited shape boundary
Source	6/29/2004 2:22:37 PM	awarntje	(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?
POU	6/29/2004 2:23:23 PM	awarntje	(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?
POU	6/29/2004 2:24:03 PM	awarntje	Edited Season Of Use
POU	3/29/2004 11:32:22 AM	awarntje	Edited shape boundary
Contacts	8/31/2005 3:48:27 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review - claimant contact over phone and in writing.
POD	8/31/2005 3:49:51 PM	csaxton	Updated shape
POU	8/31/2005 3:50:20 PM	csaxton	Updated shape for Active POU
POU	8/31/2005 3:50:29 PM	csaxton	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-32D V1

POU	8/31/2005 3:52:16 PM	csaxton	(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? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 8 - Made into a PPU with 67-4092A prior to 1987. Description for Question 13 - Claimant contact.
Summary	8/31/2005 3:56:23 PM	csaxton	(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? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 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?

Water Supply Bank:

Claim

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Volume(af)	Source	Water Use(s)	Owner(s)	Source Table
67	32	D	Decreed	Active	1886-07-04	0.4		WEISER RIV	IRRIGATION	LARKIN, ALB	Claim
67	4092	A	Beneficial Us	Active	5/15/1962	1.6		WEISER RIV	IRRIGATION,	LARKIN, ALB	Claim

Recommendation

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Volume(af)	Source	Water Use(s)	Owner(s)	Source Table
67	32	D	Decreed	Active	1886-07-04	0.4	30	WEISER RIV	IRRIGATION	LARKIN, ALB	Recommendation
67	4092	A	Beneficial Us	Active	5/15/1962	1	70	WEISER RIV	IRRIGATION,	LARKIN, ALB	Recommendation
						1.4	70	= 1 inch per care when both rights are used			

Memorandum

Date: August 31, 2005

To: File

From: Craig L. Saxton

Subject: POU and POD for 67-32D and 67-4092A

POU: There has been question on what is actually irrigated in the 80 acres claimed. I spoke with Ms. Larkin today and I told her that based on the statement from the previous owner Mike Fox stating that he irrigated 80 acres and the maps provided by the Larkins, I could recommend 70 acres. She wanted to make it clear that there is not 70 acres currently irrigated.

Ms. Larkin then went to say that what she knows is that Mr. Fox irrigated all 80 till he sold to Vaughn, and to her knowledge Vaughn irrigated all 80 till he sold to Larkin in 1992 (according to her statement - deed dated 1998). Claims were filed in 1989 so I have no evidence to show forfeiture of an established water right. I cannot currently confirm that 80 acres has always irrigated outside of affidavits and claimant statements as a field exam would show that currently little is irrigated.

Since I do not have enough evidence to support disallowal, I will recommend the POU at 70 acres found.

POD:

TR 1763 places POD where it was subsequently claimed in 1989. However, we now from a statement from Mr. Larkin, that when they bought the property in 1992, the water was taken out of the ditch on the East side of the property. I do not have evidence that an accomplished change in POD took place prior to 1987. I have no choice to recommend the POD as defined by TR 1763 and as claimed.

Note, that this is how the claimant prefers it anyway according to our telephone conversation on 8-31-05.

IDWR Field Exam Form 08/31/2005

Contacts Data Entry Form

Claim Number: 67-32D

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	JANE FOX	RT 1	CAMBRIDGE	ID	83610	
Original Owner	VAUGHN NELSON	1407 CREEKMERE	CANYON	TX	79015	
Current Owner	JOY LARKIN	2950 COVE RD	CAMBRIDGE	ID	83610	
Current Owner	ALBERT LARKIN	2950 COVE RD	CAMBRIDGE	ID	83610	

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

Contact Info looks Good

Reviewer: _____ Date: 8-31-05

IDWR Field Exam Form 08/31/2005

Priority Date Data Entry Form

Claim Number 67-32D

Claimed Priority Date: 7/4/1886 Claimed Basis: Decreed

✓ **Use Claimed Priority Date and Basis as Recommended Priority Date and Basis**

Water Right Priority Date: Water Right Basis:

Recommended Priority Date ___ ___ _____ Recommended Basis _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

As Decreed

Reviewer: C. Sarton Date: 8-31-05

IDWR Field Exam Form 08/31/2005

Point of Diversion and Source Data Entry Form

Claim Number 67-32D

Claimed Point of Diversion and Source

T15N R02W S31 NENE Within WASHINGTON County Source: WEISER RIVER SNAKE RIVER

☒ **Use Claimed POD and Source as Recommended POD and Source**

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source	Tributary To

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? 67-4092A

Document how the POD and Source were verified:

Recommended Per TR 1763. However, claimant states water is taken from Cambridge Irr. Co Ditch System since they moved there in 1992. I Dont have evidence of Change Prior to 1987. Licensed as TR 1763

Reviewer: C. Saxton Date: 8-31-05

IDWR Field Exam Form 08/31/2005

Place Of Use Data Entry Form

Claim Number 67-32D

Claimed Place Of Use

T14N R02W S05 NENW 15.0 T14N R02W S05 NWNW 15.0

Total Acres 30

__ **Use Claimed POU as Recommended POU**

Water Right Place Of Use

Recommended Place of Use _____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
14N	2W	5	NWNW		WA	4	36	Irr
			NENW		WA	3	34	Irr

Total Acres 70

Document how the POU was verified:

Map Provided By Claimant + Statement from Previous Owner

- This Right Limited to 30 ac within POU
- This Right and 67-4092A Limited to 30 ac

Reviewer: _____ Date: 8-31-05

Purpose of Use Data Entry Form

Claim Number 67-32D

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

__ **Use Claimed Purpose of Use as Recommended Purpose of Use**

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irr			30	

Document how the Purpose of Use was verified:

Harmon Contract - Affidavit

Reviewer: _____ Date: 8-31-05

IDWR Field Exam Form 08/31/2005

Period of Use and Quantity Data Entry Form

Claim Number 67-32D

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.4	

Overall Diversion Rate 0.4 Overall Diversion Volume

__ **Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irr	3-15	10-31	0.4	N/A

Overall Diversion Rate _____ Overall Diversion Volume N/A

Document how the Period of Use and/or Diversion Rate were verified:

SOU = IDWR Standard for the area

Rate = Per TR 1763

* This Right and 67-4092A limited to 1.4 cfs.

Reviewer: _____ Date: 8-31-05

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 9, 2005

ALBERT LARKIN
JOANNE LARKIN
2950 COVE RD
CAMBRIDGE ID 83710

RE: Snake River Basin Adjudication (SRBA) claims 67-32D and 67-4092A

Dear Mr. and Ms. Larkin,

I spoke with Joanne on 8-8-09 regarding the letter I sent on July 26, 2005. Per our conversation, I am enclosing 4 maps. 3 are of the same picture but each map is set on a different back-drop or base photography. Please take a look at the maps and pick whichever one is easiest for you to read. The thick green boundary surrounds the 80 acres claimed under 67-4092A. Per our conversation, you stated that you do not actually irrigate the full 80. Please outline in pen the acres that you do irrigate. In addition draw in how the water reaches your place and is spread around to irrigate.

The 4th map shows a larger view of the ground and includes where the point of diversion should be. Please draw in the point of diversion and the ditch that conveys water to your property. Please include a detailed history of your irrigation practices to support the water has been put to beneficial use, even if it was sporadic. When completed, please return it to this office ASAP.

In addition to knowing the irrigated acres, we need evidence of priority. We spoke a little about your conversation with Mr. Yates that lead to a contact of Mr. Fox. We need some support that the ground you are claiming to be irrigated with water, in addition to the decreed water from 67-32D, since 1962. Probably the easiest way to do this is to get an affidavit from Mr. Fox or someone that knows the history of the area that references:

- The date the flood water was first put to beneficial use
- Where the water was used
- Source of water
- The extent of use (how many acres and/or inches of water)
- How the person writing the affidavit knows this information

Please get this information to me as soon as possible. My deadline to complete the recommendations for individual rights that flow through the Cambridge Ditch Company system is September 2, 2005.

I appreciate your prompt attention to this issue. Please feel free to contact me if you have any questions.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

CONVERSATIONAL MEMORANDUM

Date: August 8, 2005

To: File

From: Craig L. Saxton

Re: Conversation with Joanne Larkin (67-32D and 67-4092A)

I spoke with Joanne on the phone about the letter I sent her on July 26, 2005. She said that out of the 80 acres defined in 67-32D and 67-4092A, 40 of them are now owned by her daughter. But she doesn't want to split the rights. I explained that the water right is applicable to the land and if her daughter owns the land, then it is her water right. I called back after speaking with Don and will explain how they can do that.

We spoke about evidence of priority for 67-4092A and Joanne said she could get something from Mr. Fox.

Then we spoke about how nothing looks irrigated. She was insistent that water has been put to b-use since they bought it in 1992, however she admits it has been sporadic and has not been used on the entire 80 acres claimed. I told her that I would send her maps of the area where she could draw in the irrigated POU and return it to us for review.

7-26-05: Appears a change of ownership is needed:

Turkin, Albert

22-139 100 sheets
CAMPAD

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 26, 2005

ALBERT LARKIN
2950 COVE RD
CAMBRIDGE ID 83710

RE: Snake River Basin Adjudication (SRBA) claims 67-32D and 67-4092A

Dear Mr. Larkin,

The Idaho Department of Water Resources is currently in the process of reviewing SRBA claims filed in basin 67. In my review, it appears that you now own property in Washington county that was previously owned by Vaughn Nelson. The legal description is as follows:

T14N R02W S05	NE1/4 NW1/4
	NW1/4 NW1/4

Two claims to a water right have been filed on that property (enclosed).

If you use the water claimed for beneficial use, you need to file a change of ownership form in order to allow IDWR to change the name on the claims and ensure that you receive future correspondence (form enclosed).

In my initial review, despite needing a change of ownership, I have come across several issues that need to be addressed regarding the water right claims.

1) Looking at 1987 and 1998 aerial photography, the ground does not appear to be irrigated. Has water been put to beneficial use? If so, to what extent and how long ago has it been used.

2) 67-32D claims 30 acres within what appeared to be 80 acres originally owned by Vaughn Nelson. What 30 acres are irrigated with water from 67-32D? Is it co-mingled with water from 67-4092A?

3) 67-4092A is a beneficial use claim for 80 acres of irrigation. 67-4092A claims a priority date of May 15, 1962. Evidence needs to be submitted supporting that water was put to beneficial use on that date to the extent used. For your convenience, I am enclosing a pamphlet titled Evidence Of Priority which describes what documents can be used to support the claimed priority date.

4) Because 67-4092A is claimed based on beneficial use, all elements of the water right need to be verified. If water is being put to beneficial use, IDWR personnel will need to conduct a field exam to verify the elements of the water right.

Without the requested information, the recommendation to the SRBA court for the two above mentioned claims could result in disallowed.

I realize that this is a lot of information all at once. Please feel free to contact me with any questions.

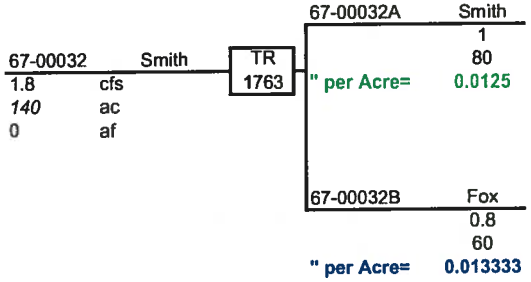
Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

Split history for Decreed Right 67-00032

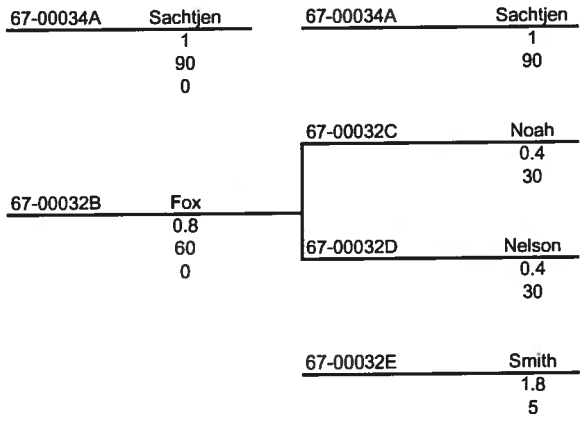
WR Record



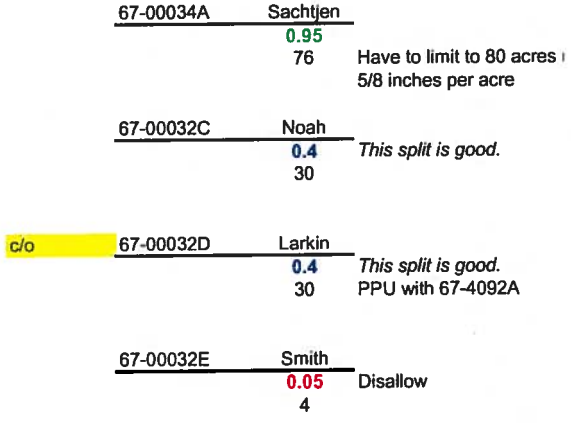
Acreage Defined in Decree

Inches per acre = 0.0125

SRBA Claim Record



Recommendation



*Last updated 8-31-05 (csaxton)

For digital copy of Excel spreadsheet file: See Craig L. Saxton

Sum CFS =	3.6
Sum Acre=	155
Sum AF =	n/a

Un-accounted CFS =	-1.8
Un-accounted Acre =	-15
Un-accounted AFA =	n/a

Sum CFS =	1.8
Sum Acre=	140
Sum AF =	n/a

Un-accounted CFS =	0
Un-accounted Acre =	0
Un-accounted AFA =	n/a

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-32B

WATER RIGHT NUMBER: 67-32B

Owner Type	Name and Address
Current Owner	MIKE E FOX 3045 MILL RD CAMBRIDGE, ID 83610 (208)257-3525
Current Owner	JANE FOX RT 1 CAMBRIDGE, ID 83610

Priority Date: 07/04/1886

Basis: Decreed

Status: Active

Source	Tributary
WEISER RIVER	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	3/15	11/15	0.800 CFS	
		Total Diversion:	0.800 CFS	

Location of Point(s) of Diversion

WEISER RIVER NE1/4NE1/4 Sec. 31, Twp 15N, Rge 02W, B.M.

WASHINGTON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	02W	5					15.0	15.0											30.0
14N	02W	6	15.0			15.0													30.0

Total Acres: 60

Conditions of Approval:

1. THIS WATER CARRIED IN THE COVE DITCH AKA SMITH-JANE-MARTIN DITCH.

Remarks:

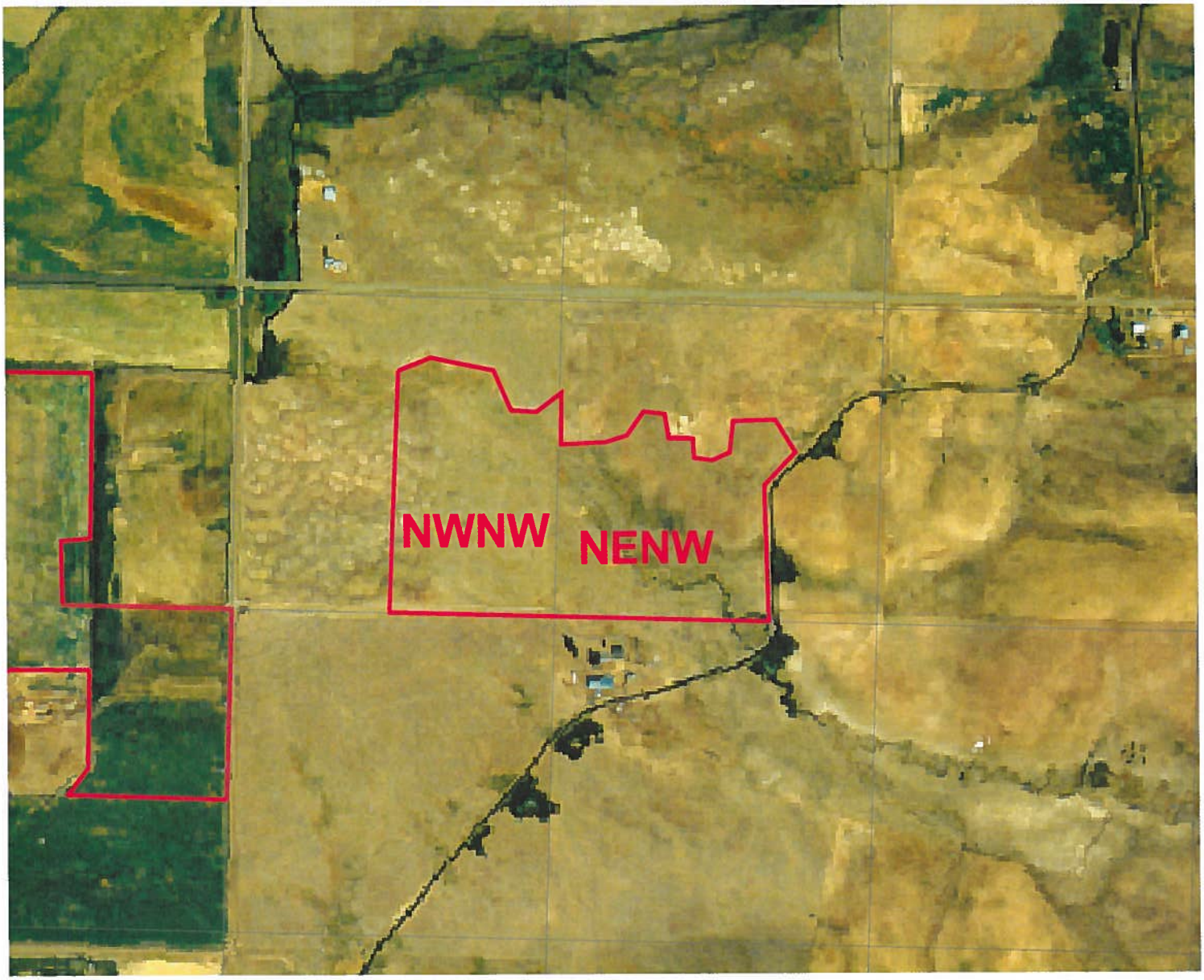
Comments:

Dates and Other Information:

Decreed Date: 6/20/1921
Water District Number: 67
Decree Defendant: William Allison, et al
Decree Plaintiff: John T Muir, et al
Judicial District: Seventh District
Mitigation Plan: False

Idaho Department of Water Resources

67-32D



1000 0 1000 2000 3000 Feet

T14N, R02W, S5

N
W E
S

Prepared by Anita L. Warntjes
March 29, 2004
1993/94 True Color Photo

2/16/90

RECEIVED
FEB 20 1990
Department of Water Resources
Western Regional Office

Linda Werner

Per our Telephone conversation, and your letter of Jan 29, 1990, a copy of claim ~~W00622~~ A67-0032D is enclosed along with Xerox copy of the first form sent in October.

Sincerely

Joseph Nelson

MICROFILMED
OCT 01 1992

January 29, 1990

Vaughn Nelson
1407 Creekmere
Canyon, TX 79015

Dear Mr. Nelson;

I am writing in regard to the Notice of Claim to a Water Right, A67-00032D. Two copies are enclosed.

Our records don't contain a signed and notarized copy of this adjudicated claim. Receipt number W006272 does indicate, however, that we have received payment for this claim, in the amount of $50.00 with check number 863.

If you will review this claim for accuracy and return to me signed and notarized, I can complete this file. Keep the second copy for your records. Please return to my attention within 30 days of the date of this letter.

Feel free to call me if you have questions.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures

MICROFILMED
OCT 0 1 1992

W006272

10/16/89
14:18:37

NELSON, VAUGHN

ADJUDICATION CLAIM FEE	0410162 9337 6490	$50.00
		$50.00

CHECK 863

Werner

WR/NO: A67-00032D

Idaho Department of Water Resources

Region: WESTERN Signature: _____

MICROFILMED
OCT 0 1 1992

Identification No. 67-0032

Transfer No. 1763

APPROVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Mike Fox &/or Jane Fox

   Post office address Route #1 Cambridge, Idaho

2. Right obtained by:

   a. Decree to Marion Smith (Name) et al. in Case of John T. Muir et al.
   vs. William Allison, Dated June 20, 1921 in 7th Judical District (Name of Court)
   Court. County of Washington.

   b. License No. _____ issued by the State of Idaho, Department of Reclamation.

3. Source of water Weiser River (Name of stream or source) tributary to Snake River

4. Date of Priority July 4, 1886

5. Amount of water a. 1.8 c.f.s. and/or ~~part~~ .80 c/s

   b. _____ acre feet/annum

6. Water is used for Irrigation from March 15 (Month, Day) to November 15 (Month, Day)

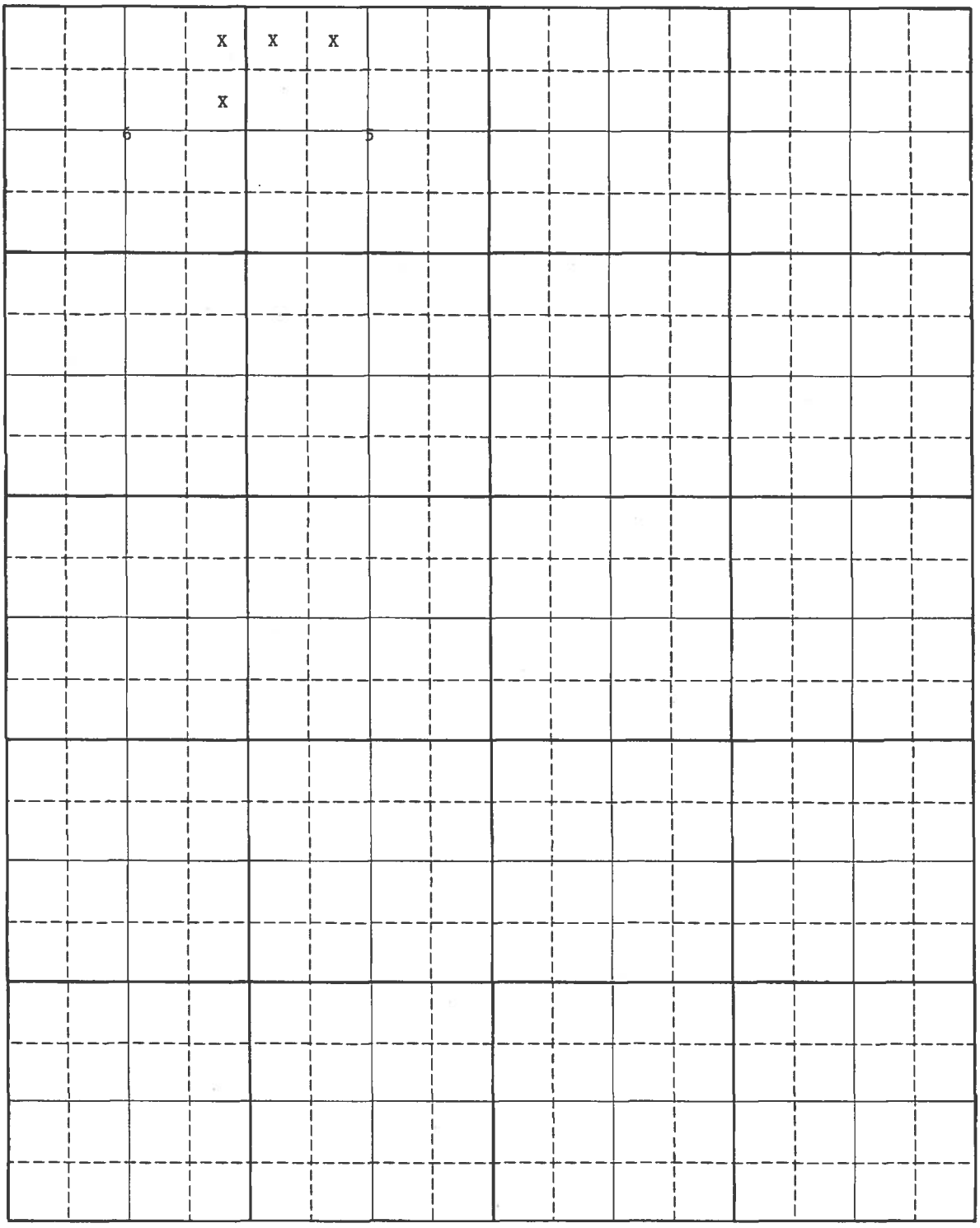
7. Original location of point of diversion is SE ¼ NE ¼ of Section 1,
   Township 14N, Range 3W, B.M., in Washington County;
   Additional points of diversion, if any Also known as Smith Jane Martin Ditch which has been used in the Cove Ditch for the last 7 years

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14N	3W	13					30			30									60

APPROVED AMENDED

Total number of acres presently irrigated 60



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not the original holder of this right explain how it was acquired: by purchase in 1964. See attached copy of deed.

10. CHANGE IN POINT OF DIVERSION

a. Quantity to be diverted at new point: .80 c.f.s. and/or _____ acre feet

b. New point of diversion: NE ¼ NE ¼, Section 31, Township 15N, Range 2W, B.M. Cove Ditch

c. Description of method of diversion and conveyance from new points of diversion: existing cove ditch

d. Is water to be conveyed to the lands previously irrigated? Yes Not Known No _____.

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:
Purchased water right in 1964, We had problems in transfering the right on paper then, so we made a constitutional transfer and have been using water this way for seven years and we wish to correct the record.

f. Do you intend to make the transfer permanent? Yes

g. Do you intend to abandon completely the old point of diversion? Yes

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14N	2W	5					15	15											30
		6	15			15													30

Total number of acres to be irrigated 60

b. Do you intend to make the transfer permanent? Yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

Yes

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: Just use right with water priority

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Mike E. Fox Janet M Fox
(signature of applicant)

Subscribed and sworn to before me this 2 day of 10, 1972

(notary public)

My commission expires 2-18-1974.

ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 67-0032, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons:

Witness my hand this 6 day of December, 19 72.

Director ~~State Reclamation Engineer~~
Dept. of Water Administration

FOR DEPARTMENT USE ONLY

Receipt # 8895

Received by DEMC Date 10-2-1972

Prelim. check by D Date 10-2-1972

Fee received by CJ Date 10/2/72 Fee $30.00

Approved for publication by D

Published in Upper County News Reporter at Cambridge, Idaho Dates 11-2 & 11-9, 1972

Hearing held

Watermaster Recommendation sent

Protest filed by:	Date

Middle Valley Ditch.			
Middle Valley Irrigating Ditch Company	1000	July 7, 1885	67 0023
	700	Nov. 1, 1887	67 0024
	500	May 1, 1889	67 0025
Allison Jewell Ditch.			
Alexander Allison	68	July 4, 1882	67 0026
	54	May 1, 1902	67 0027
Joseph Allison	100	July 4, 1882	67 0028
Eugene Looney	100	July 4, 1882	67 0029
Harry Coon	165	July 4, 1882	67 0030
Smith-Jones-Martin Ditch			
B. F. Jones	10	July 4, 1886	67 0031
Marion Smith	90	July 4, 1886	67 0032
Heirs of R H Martin	90	July 4, 1886	67 0033
Post-Weston Ditch.			
J Emmett Pfost	125	May 6, 1884	67 0034
Grace Everest	25	May 6, 1884	67 0035
Goldie Abernathy	50	Aug. 27, 1910	67 0036
Fred Jewell	50	Aug. 27, 1910	67 0037
John A Pfost	41	March 25, 1911	67 0038
Farmers Canal.			
Mark Winkler	60	June 1, 1891	67 0039
Carrie Winkler	19	June 1, 1891	67 0040
E Hinkle	50	June 1, 1891	67 0041
	32	Jan 1, 1900	67 0042
S A Moudy and E Hinkle	19	June 1, 1891	67 0043
George Gould	82	June 1, 1891	67 0044
	7	June 1, 1905	67 0045
Frank Hahn Ditch.			
Frank Hahn	33	June 1, 1902	67 0046
	38	June 1, 1903	67 0047
	36	June 1, 1904	67 0048
	83	June 1, 1905	67 0049
Glenn McMahan Ditch.			
Isaac McMahan	10	May 31, 1884	67 0050
	9	May 1, 1901	67 0051
For Power	400	July 1, 1908	67 0052
Rollie A McMahan	4	June 1, 1884	67 0053
Samuel E McMahan	22	June 1, 1884	67 0054
William M Glenn	45	June 1, 1884	67 0055
Lester I McMahan	4	May 31, 1884	67 0056

T-2526
T-2528
T-1763
T-5342
67-0039

JUN 24 1926

WEISER RIVER PRIORITY SUIT.

WATER ALLOTMENTS AND DATES OF PRIORITY.

NAMES	AMOUNTS IN INCHES.	DATES.
SUNNYSIDE DITCH.		
John T. Muir and William H. Muir	112½	June 1, 1887
George F. Smith, John L. Smith and Minnie B. Smith	62½	" " "
Sunny Side Ditch Company	100	May 1, 1899
	436	" " 1900
KELLEY ANDERSON DITCH		
Anna Galloway Dickerson, Frances A. Galloway, Guy Galloway, Catherine Galloway, J. W. Galloway and Thomas C. Galloway Jr.	70	June 1, 1889
J. Newton and Bessie Wingfield	15	" " "
Weiser Mill Ditch	450	Sept 1 1880
WEISER IRRIGATION DISTRICT	100	May 1, 1868
	1500	Aug 29, 1883
	250	May 1, 1887
	250	" " 1888
	300	" " 1889
	200	" " 1890
	200	" " 1891
	150	" " 1892
	200	" " 1893
	150	" " 1894
	150	" " 1895
	150	" " 1896
	150	" " 1897
	250	" " 1898
	2000	" " 1904
MIDDLE VALLEY DITCH COMPANY	1000	July 7, 1883
	700	Nov. 1, 1887
	500	May 1, 1889
ALLISON JEWELL DITCH		
Alexander allison	68	July 4, 1882
	54	May 1, 1902
Joseph Allison	100	July 4, 1882
Eugene Looney	100	" " "
Harry Coon	165	" " "
SMITH-JANES-MARTIN DITCH		
B. F. Janes	10	July 4, 1886
Marion Smith	90	" " "
Heirs of R. H. Martin	90	" " "

JUL 2 4 1996

in the following Sections in Township 13 North, Range 3 West Boise Meridian, east and south of the Weiser River, to wit: Sections 3, 4, 5, 8, 9, 10, 16, 17, 18, 19, 20, 21, 29 and 30, all in Washington County, State of Idaho, and containing a total of 3,300 acres more or less, the same being all the lands in said sections lying between the canal and the river.

ALEXANDER ALLISON. The east half of the southwest quarter (E½ SW¼) Northwest quarter of the Southwest Quarter (NW¼ SW¼) of Section 11 and all that portion of the Northeast Quarter (NE¼) and the South half of the Northwest Quarter (S½ NW¼) of Sec. 11, lying east and south of the center line of the Weiser River, all in Township 14 North, Range 3 West Boise Meridian, containing an area of 223 apres.

JOSEPH C ALLISON: All of the Southeast Quarter (SE¼) of Section 11, Township 14 North, Range 3 West Boise Meridian, containing an area of 160 acres.

EUGENE LOONEY: The Northeast Quarter (NE¼) of Section 14 in Township 14 North, Range 3 West Boise Meridian, containing 160 acres.

HARRY. M. COON: The Southwest Quarter of the Southwest Quarter (SW¼ SW¼) of Section 11; Northeast Quarter of the Southeast Quarter (NE¼ SE¼) Section 15, the North half of the Northwest Quarter (N½ NW¼) the Southeast Quarter of the Northwest Quarter (SE¼ NW¼), and the Northeast Quarter (NE¼) and the Northeast Quarter of the Southeast (NE¼ SE¼) of Section 15, and the Northwest Quarter (NW¼) and the Southwest Quarter of Section 14 all in Township 14 North, Range 3 West containing 720 acres.

B F JANES: The following described lands lying in the Southwest Quarter of the Southwest Quarter (SW¼ SW¼) of Section 12, Township 14 North, Range 3 West Boise Meridian to-wit:

Commencing at a point 280' North from the Southwest corner of the Southwest Quarter of Section 12, Township 14 North, Range 3 West and running thence East 180' thence South 100' thence East 227'; thence North 100' thence East 167' thence South 50' thence East 210'; thence North 150' thence East 317' thence south 150' thence East 149'; thence South 240'; thence East 110' more or less, to the southeast corner of the Southwest Quarter of the Southwest Quarter of Section 12, Township 14 North, Range 3 West Boise Meridian; thence due North 490' thence West 506'; thence North 168' thence West 814', more or less, to the section line, thence due South along the section line 378' more or less, to the place of beginning, containing an area of 15 acres.

MARION SMITH: The East half (E½) of the Northwest Quarter (NW¼) and sixty acres out of the West Half (W½) of said Northwest Quarter of Section 13, Township 14 North Range 3 West Boise Meridian, containing 140 acres.

HEIRS OF R H MARTIN: The Southwest Quarter of Section 12, Township 14 North, Range 3 West Boise Meridian; excepting therefrom fifteen (15) acres above described as the property of B F Janes.

J EMMETT PFOST: The Southeast Quarter of the Southwest Quarter of Section 31, Township 15 North, Range 2 West Boise Meridian and the West half of the Northeast Quarter, the East half of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter Section 5 Township 14 North, Range 2 West Boise Meridian.

end -49

GRACE EVERETT: Lots 3 and 4 Section 31, Township 15 North, Range 2 West Boise Meridian, containing 119.74 acres.

GOLDIE ABERNATHY: The South half of the Southeast Quarter of Section 31, Town-

JUL 2 4 1996