

11/05/2006

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

RIGHT NUMBER: 67-42

NAME AND ADDRESS: NED HENDERSON
PO BOX 123
COUNCIL ID 83612

GLENN HENDERSON
PO BOX 123
COUNCIL ID 83612

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.640 CFS

PRIORITY DATE: 01/01/1900

POINT OF DIVERSION:

T17N R01W S10 NWSW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.640 CFS

PLACE OF USE:

IRRIGATION in ADAMS County

T16N R01W S03 Lot 4 NWNW	10.10	T16N R01W S04 Lot 1 NENE	17.00
T17N R01W S33 NESE	9.80	T17N R01W S33 SESE	9.30
T17N R01W S34 SWNW	19.00	T17N R01W S34 SENW	18.00
T17N R01W S34 NWSW	29.00	T17N R01W S34 SWSW	19.00

131.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 131.2 acres in a single irrigation season. Combined Right Nos.: 67-41, and 67-42

This right is limited to the irrigation of 51.2 acres within the place of use described above 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

Use of this right is combined with water from Farmers Canal Water Users Association.

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

Idaho Department of Water Resources

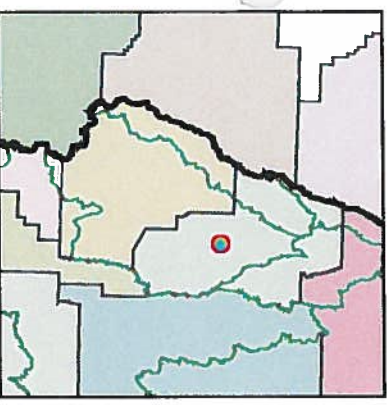


SRBA Recommendation:

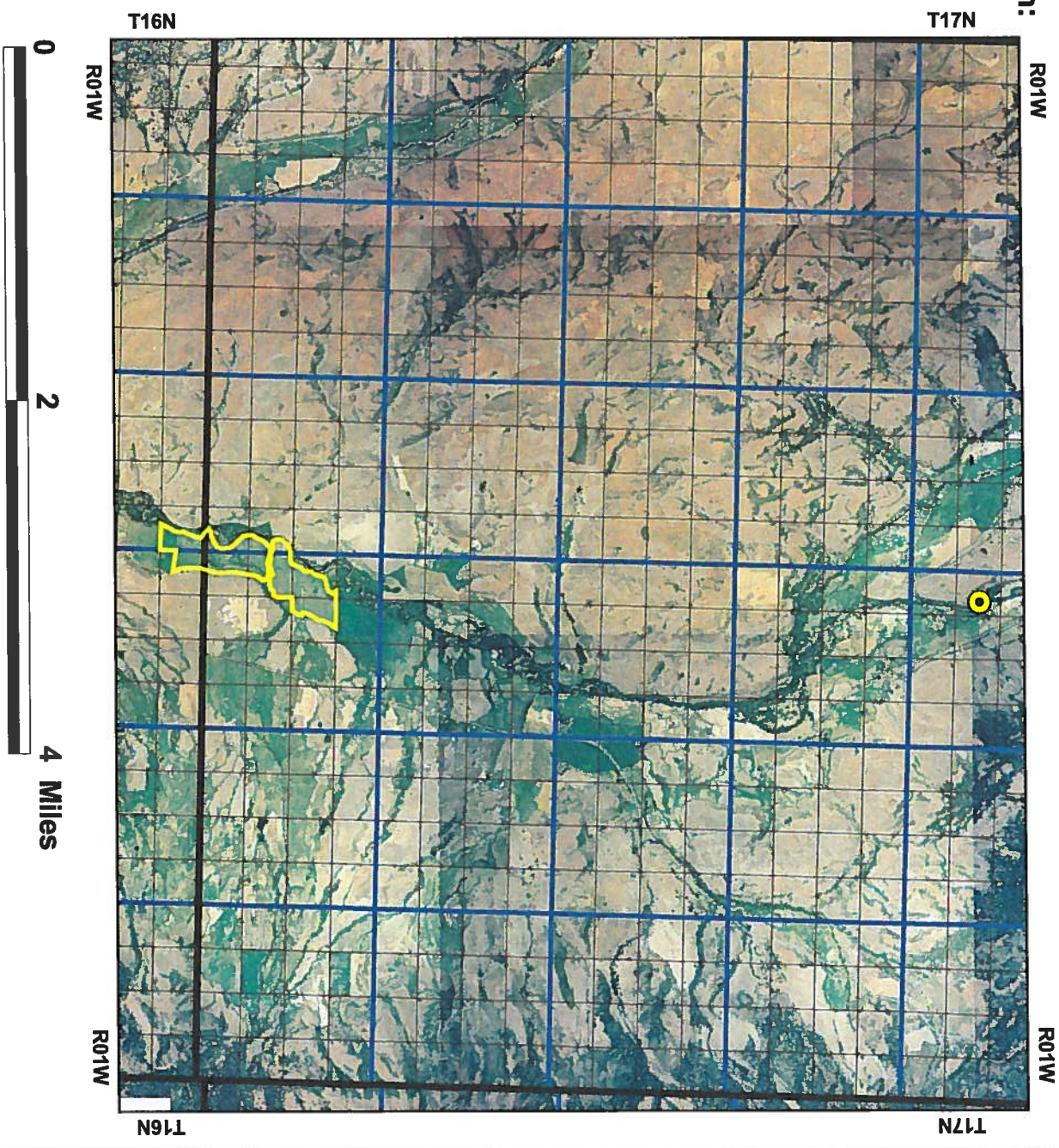
67-42
(Irrigation)

Legend

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

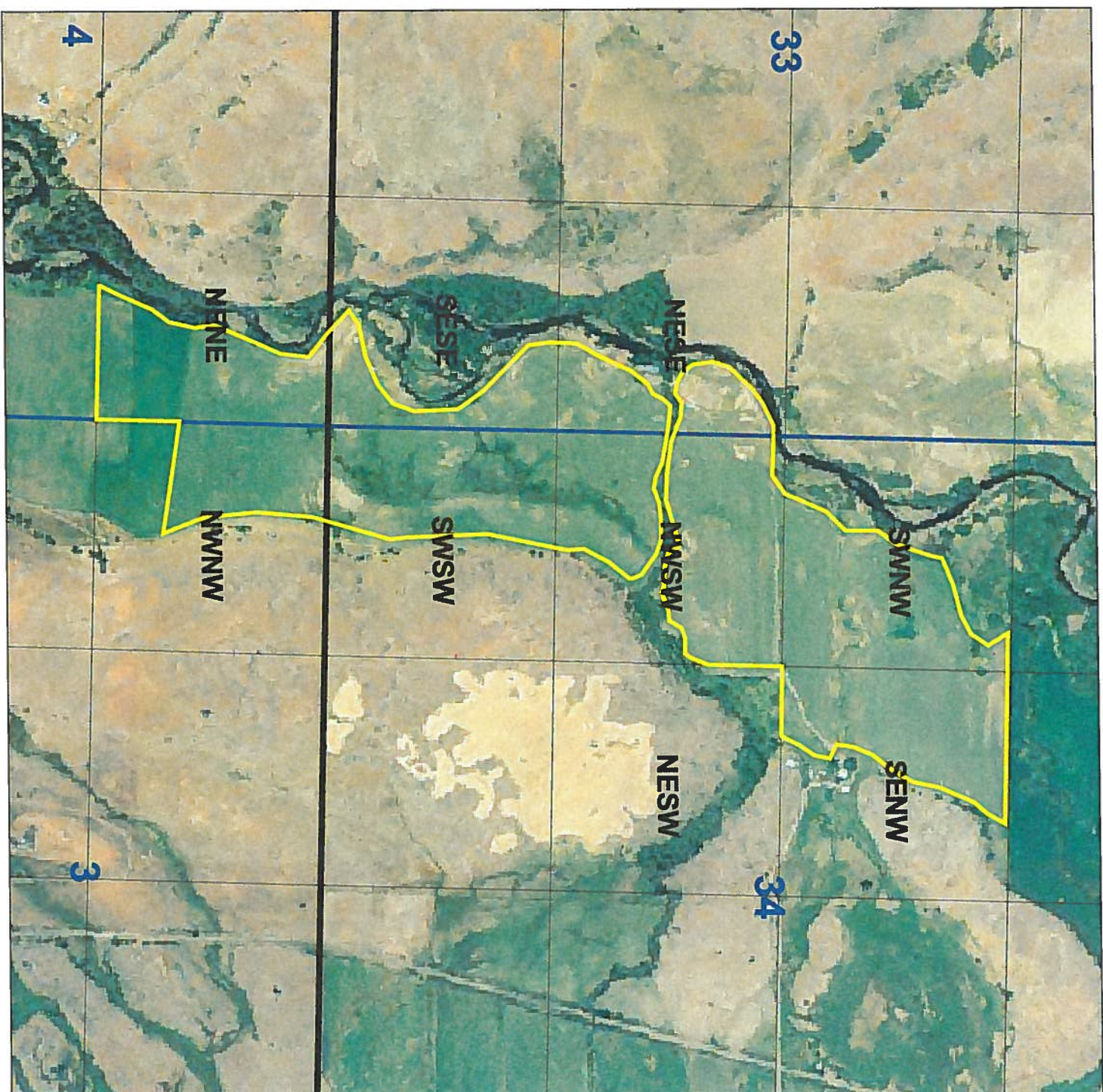
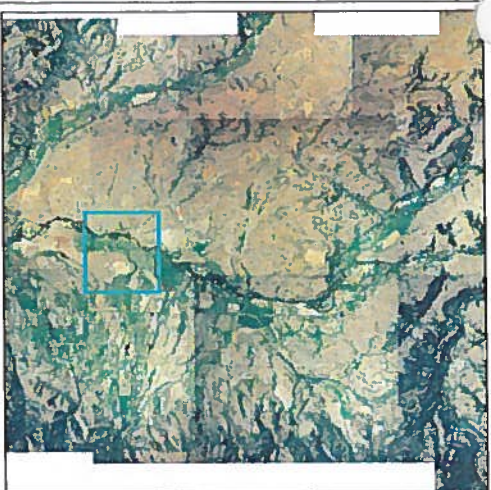


Adams County
IDWR Basin 67



Prepared by C. Saxton
On Sunday, November 5, 2006
1987/88 Aerial Photography

67-42



Adjudication Recommendation Report 67-42 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HENDERSON RANCHES C/O REED HENDERSON PO BOX 475 COUNCIL, ID 83612 (208)253-4559
Original Owner	E HINKLE , ID
Current Owner	NED HENDERSON PO BOX 123 COUNCIL, ID 83612 (208)253-6433
Current Owner	GLENNA HENDERSON PO BOX 123 COUNCIL, ID 83612 (208)253-6433

Status: Active

SNAKE RIVER

WEISER RIVER NW1/4SW1/4 Sec. 10, Twp 17N, Rge 01W, B.M.
ADAMS County

IRRIGATION

Twp	Rge	Sec	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
16N	01W	3						10.1 L 4											10.1
16N	01W	4	17.0 L 1																17.0
17N	01W	33													9.8			9.3	19.1
17N	01W	34						19.0	18.0		29.0	19.0							85.0

IDAHO DEPARTMENT OF WATER RESOURCES
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Total Acres: 131.2

Conditions of Approval:

1. 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.
2. W67 Use of this right is combined with water from Farmers Canal Water Users Association.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. E56 The rights listed below are limited to the irrigation of a combined total of 131.2 acres in a single irrigation season. Combined Right Nos.: 67-41, and 67-42
5. K06 This right is limited to the irrigation of 51.2 acres within the place of use described above in a single irrigation season.

Remarks:

Comments:

1. mcase 7/12/2004 POD
Comment: Correlated PODID 622458 from SpatialDataID 342206 to SpatialDataID 341602
2. csaxton 10/23/2006 POD
Comment: POD claimed in Section 34 is a point of diversion out of the canal and not the natural stream channel. IDWR will not record this as a POD for the water right.
3. csaxton 10/23/2006 POU
Comment: The POU under this claim is recommended as a PPU with Farmers Canal Co. water.
4. csaxton 11/5/2006 POU
Comment: Sum of decreed rights 67-41 and 67-42 is 131.2 acres despite that the irrigated ground appears to be 163.7 acres. Removed acreage claimed in POU that was not decreed under 67-41 and 67-42.

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: 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:

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Combined Water Rights: 67-41 , 67-42

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	6/24/2004 2:54:23 PM	mcase			Active
POD	6/24/2004 2:54:40 PM	mcase			Active
Source	6/24/2004 2:56:14 PM	mcase			Active
POU	6/24/2004 3:00:18 PM	mcase			Active
Use	6/24/2004 3:02:28 PM	mcase			Active
Season	6/24/2004 3:02:51 PM	mcase			Active
Quantity	6/24/2004 3:03:01 PM	mcase			Active
Quantity	6/28/2004 11:05:36 AM	mcase			Active
POU	10/23/2006 10:47:35 AM	csaxton			Active
Summary			10/23/2006	csaxton	Active

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	10/23/2006 10:29:09 AM	csaxton	Updated shape for Active POU
POU	10/23/2006 10:29:20 AM	csaxton	Updated PLS for Active POU
POU	10/23/2006 10:47:19 AM	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? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - Recommended POU in QQs that were not decreed. In addition, recommended as a PPU with company water. Description for Question 13 - In house review

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Summary	10/23/2006 10:52:01 AM	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? (No) 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?
Quantity	6/28/2004 11:05:36 AM	mcase	(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?
POU	11/5/2006 9:10:54 AM	csaxton	Updated PLS for Active POU
POU	11/5/2006 9:10:41 AM	csaxton	Updated shape for Active POU
POD	6/24/2004 2:54:41 PM	mcase	(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?
Source	6/24/2004 2:56:14 PM	mcase	(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	6/24/2004 3:00:19 PM	mcase	(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?

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Priority Date	6/24/2004 2:54:23 PM	mcase	(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? (No) 16. Is a Priority Date remark and/or condition required?
Use	6/24/2004 3:02:29 PM	mcase	(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?
Season	6/24/2004 3:02:52 PM	mcase	(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? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?
Quantity	6/24/2004 3:03:01 PM	mcase	(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?

Water Supply Bank:

Saxton, Craig

From: Saxton, Craig
Sent: Thursday, October 19, 2006 2:24 PM
To: Favreau, Danielle
Cc: Van Bussum, Monica
Subject: RE: 67-48

Danielle,

67-48 does not overlap with Farmers canal so you don't need to worry about that.

67-41 and 67-42 do overlap directly with Farmers Canal but I still think you do want to take those acres into account and include them in the Farmers Canal POU. The reason being is that 67-41 and 67-42 are **decreed rights** and Farmers Canal company only delivers (or claims) **beneficial use** water. So Farmers Canal Co may be delivering flood water to the POU under 67-41 and 67-42.

Did that make sense?

Craig

-----Original Message-----

From: Favreau, Danielle
Sent: Thursday, October 19, 2006 1:38 PM
To: Saxton, Craig
Cc: Van Bussum, Monica
Subject: 67-48

Hi again,

I also need you to please look at 67-48, Roberta A. Shore.

In that same area are 67-361B & 67-11415, Roy Gould and 67-373A Mike Distler. These 2 have sources other than the Weiser River so I don't believe I can count them in the acreage count but they do seem to overlap the Farmers Canal WUA at least in the claim layer.

I am buried under 75 until Friday of next week so no rush.

Danielle

-----Original Message-----

From: Favreau, Danielle
Sent: Thursday, October 19, 2006 11:44 AM
To: Saxton, Craig
Cc: Van Bussum, Monica
Subject: 67-41 & 67-42

Hi Craig and Monica,

67-41 and 67-42 Henderson, Glenna
Has not had a recommendation completed. This claim is part of the Farmer's Canal POU. Is the shape in the recommendation accurate? I need this recommendation to complete Farmer's.

Thanks,

Danielle

Danielle Bruno-Favreau
GIS Analyst
Idaho Department of Water Resources
322 East Front St.
PO Box 83720

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Danielle Bruno-Favreau
GIS Analyst
Idaho Department of Water Resources
322 East Front St.
PO Box 83720

Middle Valley Ditch.

Middle Valley Irrigating Ditch Company

Allison Jewell Ditch.

Alexander Allison

Joseph Allison

Eugene Looney

Harry Coon

Smith-Janes-Martin Ditch

B. F. Janes

Marion Smith

Heirs of R H Martin

Post-Weston Ditch.

J Emmett Pfost

Grace Rverest

Goldie Abernathy

Fred Jewell

John A Pfost

Farmers Canal.

Mark Winkler

Carrie Winkler

E Hinkle

S A Moudy and E Hinkle

George Gould

Frank Hahn Ditch.

Frank Hahn

Glenn McMahon Ditch.

Isaac McMahon

For Power

Hollie A McMahon

Samuel E McMahon

William M Glenn

Lester I McMahon

1000/ July 7, 1886 67 0023
700/ Nov. 1, 1887 67 0024
500/ May 1, 1889 67 0025

68/ July 4, 1882 67 0026
54/ May 1, 1902 67 0027
100/ July 4, 1882 67 0028
100/ July 4, 1882 67 0029
165/ July 4, 1882 67 0030

10/ July 4, 1886 67 0031
90/ July 4, 1886 67 0032
90/ July 4, 1886 67 0033

125/ May 6, 1884 67 0034
25/ May 6, 1884 67 0035
50/ Aug. 27, 1910 67 0036
50/ Aug. 27, 1910 67 0037
41/ March 25, 1911 67 0038

60/ June 1, 1891 67 0039
19/ June 1, 1891 67 0040
50/ June 1, 1891 67 0041
32/ Jan 1, 1900 67 0042
19/ June 1, 1891 67 0043
82/ June 1, 1891 67 0044
7/ June 1, 1905 67 0045

33/ June 1, 1902 67 0046
38/ June 1, 1903 67 0047
36/ June 1, 1904 67 0048
83/ June 1, 1905 67 0049

10/ May 31, 1884 67 0050
9/ May 1, 1901 67 0051
400/ July 1, 1908 67 0052
4/ June 1, 1884 67 0053
22/ June 1, 1884 67 0054
45/ June 1, 1884 67 0055
4/ May 31, 1884 67 0056

FRED M JIMMELL: The Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter of Section 31, Township 15 North, Range 2 West Boise Meridian, containing 80 acres.

JOHN A FOST: The East half of the Southeast Quarter, of Section 1, Township 14 North, Range 3 West Boise Meridian.

MARK WINKLER: The South half of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter of Section 27, Township 17 North, Range 1 West Boise Meridian.

CARRIE WINKLER: The Northeast Quarter of the Southeast Quarter of Section 27, Township 17 North, Range 1 West Boise Meridian,

E HINKLE: The South half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$) of Section 34, and the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$) and the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) of Section 33 in Township 17 North, Range 1 West Boise Meridian, containing 160 acres, also the West half of the Southwest Quarter ($W\frac{1}{2}SW\frac{1}{4}$) of Section 34, the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section 33, Township 17 North, Range 1 West; Lot one of Section 4, Township 16 North, Range 1 West Boise Meridian.

B A MOUDY AND E HINKLE: The South half of the Northeast Quarter of Section 34, Township 17 North, Range 1 West Boise Meridian.

GEORGE GOULD: The Southeast quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$) of Section 27, and the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) and the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}NE\frac{1}{4}$) of Section 34, and that part of the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}NE\frac{1}{4}$) of Section 34 and the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section 27 lying west of the right-of-way of the P & I N Railroad track, all situated in Township 17 North, Range 1 West Boise Meridian.

FRANK HAHN: The West half of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of Section 22; the Northwest Quarter of the Northeast Quarter and the East half of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter, and the West half of the Southwest Quarter all in Section 27; the Southeast Quarter of the Northeast Quarter, and the East half of the Southeast Quarter of Section 28; the Northeast Quarter of the Northeast Quarter of Section 33; and the Northwest Quarter of the Northwest Quarter of Section 34, all in Township 17 north, Range 1 West Boise Meridian.

ISRAO MCMAHAN: The North half of the Southwest Quarter the West half of the Southeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 15, and the Southwest Quarter of the Northwest Quarter of Section 14, Township 17 North, Range 1 West Boise Meridian.

ROLLIE A MCMAHAN: The Northwest Quarter of the Southwest Quarter of Section 14, Township 17 North, Range 1 West Boise Meridian.

SAMUEL E MCMAHAN: The Southwest Quarter of the Northeast Quarter of Section 15 Township 17 North, Range 1 West Boise Meridian.

WILLIAM K GLENN: The Southwest Quarter of the Southwest Quarter of Section 14 and the Southeast Quarter of the Southeast Quarter of Section 15, and the East half of the Northeast Quarter of Section 22, Township 17 North, Range 1 West Boise Meridian.

POST WESTON DITCH

J. Emmett Pfost	125	May 6, 1884
John A. Pfost	41	March 25, 1911
Goldie Abernathy	50	Aug 27, 1910
Fred Jewell	50	" " "
Grace Everest	25	May 6, 1884

MIDDLE FORK AND LOST CREEK

Orchards Water Company Middle Fork	3500	Sept. 11, 1909
Lost Creek Reservoir	6250	May 27, 1910
A. L. Freshafer	360 A ft.	" " "
J. A. Carr	300 A ft.	" " "

MIDDLE FORK

W. M. Bassus	14	May 1, 1891
Catherine Austin	24	" " "
	24	" " 1901
Ben Wooden	30	" " 1894
Henry Heimsoth	13	" " 1900
George Shaw	21	" " "
William B. Shaw	44	" " 1903
Dave Duree	5	" " 1905
C. E. Roper	7½	" " 1911
John Sweringen	6	" " 1903

FARMERS' CANAL

Mark Winkler	60	June 1, 1891
Carrie Winkler	19	" " "
E. Hinkle	{ 50	" " "
	{ 32-	Jan. 1, 1900
	19	June 1, 1891
B. A. Moudy and E. Hinkle	82	" " "
George Gould	7	" " 1905

FRANK HAHN DITCH

FRANK HAHN

353	June 1, 1902
33	" " 1903
38	" " 1904
36	" " 1905
60	

JUL 2 4 1996