

02/22/2006

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

RIGHT NUMBER: 67-61B

NAME AND ADDRESS: WILLIAM DOUGLAS MC ALVAIN
PO BOX 87
FRUITVALE ID 83620

SERENA E MC ALVAIN
PO BOX 87
FRUITVALE ID 83620

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.640 CFS

PRIORITY DATE: 04/01/1901

POINT OF DIVERSION:

T17N R01W S4 NENENE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.640 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S14 NWSW 36.00

36 ACRES TOTAL

Right Nos. 67-53 and 67-61B are limited to the irrigation of a combined total of 36 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



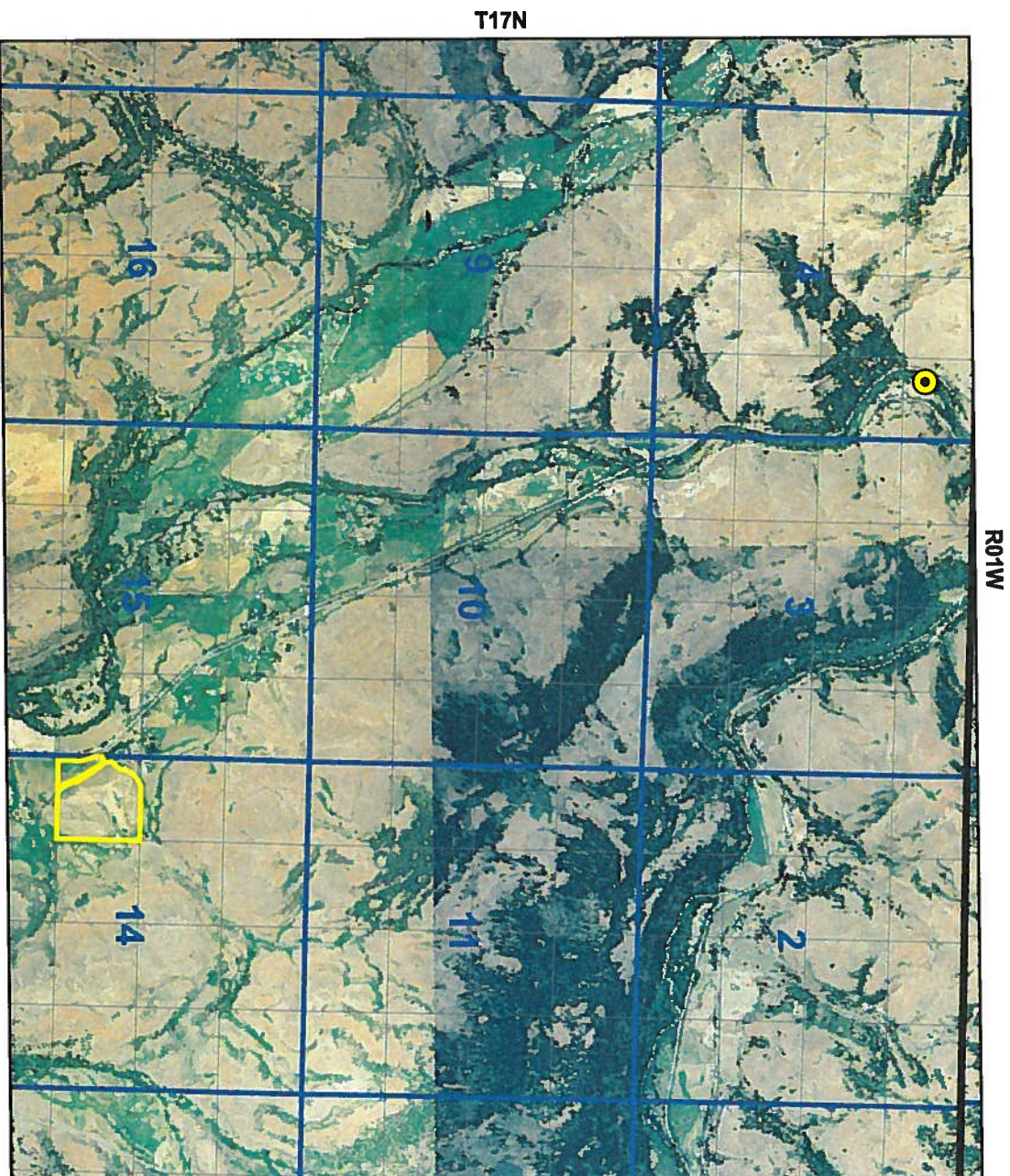
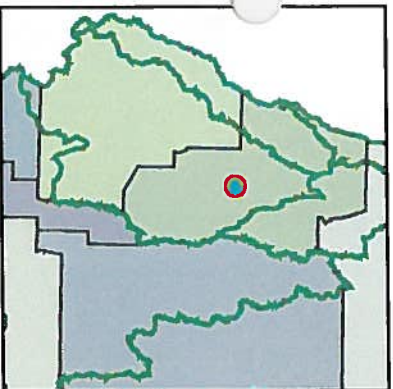
Idaho Department of Water Resources

Adjudication Claim:

67-61B

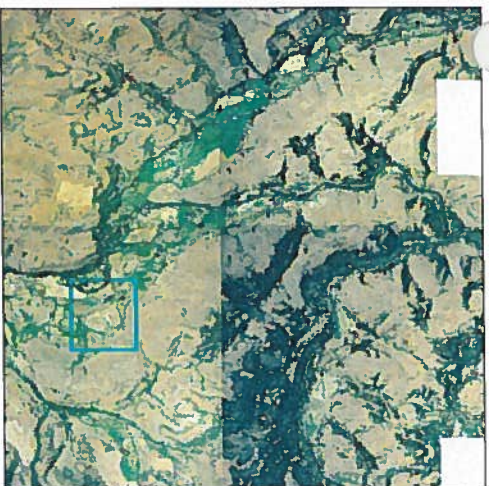
Legend

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



Prepared by M. Van Bussum
On Monday, March 6, 2006
1987/88 Aerial Photography

67-61B



Memorandum

Date: November 10, 2005

To: Files 67-61A, 67-61B, 67-11305, 67-11242

Subject: Recommendation of rights 67-61 and 67-62

Initial evaluation of claims based on decreed rights 67-61 and 67-62 show that this has been over-claimed.

Results of the analysis indicate that this water right will be recommended to 67-61B, which should be renumbered to a neutral number that doesn't represent just one decreed right. Since this is a combination of 67-61 and 67-62, it will be re-numbered.

Evidence supporting that McAlvain has the right is:

- McAlvain is the only person that claimed the water right within the decreed POU, from the decreed delivery ditch, and has property that appears irrigated from the aerial photography.
- WM records don't show delivery of this right to anyone that claimed it. They show delivery to Scott Carter who didn't file a claim and does not own land in the the decreed POU. In addition, Carter is on the West side of the Weiser river and can not be delivered the water through the Roberson Sevey Ditch which it is decreed from.
- Nicoles property that could be irrigated from the Robertson Sevey ditch doesn't look irrigated on the aerial photography and is not in the decreed POU.

Evidence at this time indicates that Robertson Sevey Ditch Company is only a delivery system and does not carry live flow that they owned.

Without further evidence supporting otherwise, recommend decreed rights 67-61 and 67-62 in the name of McAlvain.

Split history for Decreed Right 67-61

WR History

Claim History

Recommendation

67-61	McMahan	67-61	See Remarks	67-61A	Nichols	67-61A	Nichols
0.44	cfs	0.44		0.04		0.04	
35.2	ac	35.2		4		4	
0	af						
* calculated at 5/8 inches per acre				Remainder of 61			
				0.4			
				?			
				All of 67-61 and 67-62		67-61B	McAlvin
						0.64	
						37	
						67-11242	Robertson Sevey
						0.6	
						492	
67-62	McMahan	67-62	See Remarks	All of 67-62			
0.2	cfs	0.2					
16	ac	16					
0	af						
* calculated at 5/8 inches per acre				All of 67-61 and 67-62	67-11305	Scism	67-11305
					0.64		0.64
					134.8		134.8
Combine Decreed Totals							
0.64	CFS						
51.2	AC						

67-61A	Nichols
0	
0	
Not within decreed POU	

67-61B	McAlvin
0.64	
37	
Within the decreed POU	

67-11242	Robertson Sevey
0	
0	
Give decreed water to individual	

67-11305	Scism
0	
0	
No delivery, Not in decreed POU	
No evidence of accomplished transfer.	

Total CFS =	1.92
Total AC =	667.8
Total Vol =	

Total CFS =	0.64
Total AC =	37
Total Vol =	

Extra CFS =	-1.28
Extra AC =	-616.6
Extra Vol =	

Extra CFS =	0
Extra AC =	14.2
Extra Vol =	

*Last updated 10-31-05 (csaxton)

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

Water Master records

Page	Parcel	Name	New Charge	ew Charge	Water in	File	Original Owner	Priority
#	Number		2005	2003	Inches	#		Date
25	RP17N01W 154970	CARTER, SCOTT	\$ 17.60	\$15.40	22	61	R MCMAHAN	4/1/01
25	RP17N01W 154970	CARTER, SCOTT	\$ 8.00	\$7.00	10	62	R MCMAHAN	4/1/01

This water cannot be delivered to Carter through the Roberson Sevey Ditch
Recommend to McAlvain as he is on the decreed POU.

* WATER RIGHTS IN DISTRICT NO. 41, STATE OF IDAHO, JANUARY 1, 1919

Priority No.	Name of User	Description of Land	Source of Supply	Priority Date	Priority Inches
1.	Welsner Irrigation District	SE 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 SW 1/4	Main Welsner	5 1 68	100.00
2.	Andrew M. Reed	Lot 3, Lot 4, SW 1/4 NW 1/4, NW 1/4 SW 1/4	Keithley Creek	5 16 71	6.25
3.	Andrew Hutchinson	1/4 NW 1/4 NW 1/4	Little Welsner	6 1 73	80.00
4.	Fred Anderson	SW 1/4 SW 1/4, SW 1/4 SW 1/4	Little Welsner	6 1 75	88.00
4.	American Land	NE 1/4 SW 1/4, NW 1/4 SW 1/4	Little Welsner	6 1 75	40.50
4.	Corra Hutchinson	NE 1/4 NW 1/4, SW 1/4 NW 1/4, NW 1/4 SW 1/4	Little Welsner	6 1 75	22.50
6.	Chloe Keithley	NE 1/4 NW 1/4, W 1/2 NW 1/4, NW 1/4 SW 1/4, NW 1/4 SW 1/4	Keithley Creek	6 15 77	27.50
6.	Arthur S. Keithley, Adm'r	SW 1/4 NW 1/4	Keithley Creek	6 15 77	200.00
6.	J. I. Linder	W 1/2 NW 1/4	Little Welsner	6 1 77	37.50
7.	Christian Larson Estate	SW 1/4 NW 1/4 (43 A), NW 1/4 NW 1/4 (1 A)	Rush Creek	5 1 78	32.00
7.	James L. & Karl Lewis	SW 1/4 NW 1/4, NW 1/4 SW 1/4	Rush Creek	5 1 78	38.00
7.	James L. Lewis	SW 1/4 NW 1/4	Rush Creek	5 1 78	7.575
7.	R. W. Wilson	NE 1/4 NW 1/4	Rush Creek	6 1 78	8.00
7.	Wm. Winkler et al	SW 1/4 NW 1/4 (7 1/2 A)	Mill Creek	5 1 78	35.00
8.	C. W. Handeman	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Keithley Creek	5 15 79	62.50
8.	Victor L. Hopper	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Keithley Creek	5 15 79	6.50
8.	Allen Reid	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Keithley Creek	5 15 79	2.00
8.	Angus R. McDonald	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Keithley Creek	5 15 79	47.00
10.	G. B. Steward	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Little Welsner	8 1 80	57.00
11.	Nels Rutil	SW 1/4 NW 1/4	Little Welsner	8 1 80	90.00
11.	Thos. J. Statesman Estate	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Little Welsner	8 1 80	57.00
12.	Welsner Mill Ditch	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Little Welsner	8 1 80	90.00
12.	S. N. York	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Little Welsner	8 1 80	90.00
13.	J. L. Skarr	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Little Welsner	8 1 80	90.00
13.	George Vorhees	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Little Welsner	8 1 80	90.00
13.	Emma H. Schroyer	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Little Welsner	8 1 80	90.00
13.	W. H. Thompson	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Little Welsner	8 1 80	90.00
13.	Frederick M. Waitis	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Little Welsner	8 1 80	90.00
14.	O. L. Dyors	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Little Welsner	8 1 80	90.00
14.	Mark C. Fuller	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Little Welsner	8 1 80	90.00
14.	Frank Richardson	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Little Welsner	8 1 80	90.00
14.	A. J. Duffus	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Little Welsner	8 1 80	90.00
14.	W. H. & Ed Shannon	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Little Welsner	8 1 80	90.00
15.	P. H. Schmitt & F. S. Galus	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Little Welsner	8 1 80	90.00
15.	G. T. Hemm	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Little Welsner	8 1 80	90.00
16.	Louis Hurd	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Little Welsner	8 1 80	90.00
16.	Charles T. Reavis	SW 1/4 NW 1/4, SW 1/4 NW 1/4, SW 1/4 NW 1/4	Little Welsner	8 1 80	90.00

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Map of User	Description of Land	Source of Supply	Priority Date, Priority Inches
26. Village of Cambridge	NE 1/4 NW 1/4 10 14 SW Rush Creek	8 23 83	2.875
26. Leroy T. Braden	NE 1/4 SW 1/4 8 14 SW	8 23 83	2.875
26. Fred M. & Grace Butler	NE 1/4 NW 1/4 9 14 SW Rush Creek	8 23 83	2.50
26. C. E. Schmitt	NE 1/4 NW 1/4 9 14 SW Rush Creek	8 23 83	12.50
26. John T. Bradley	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	4.875
26. John Norton	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	13.25
26. G. W. Tuttle	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	2.375
26. George A. J. Peterson	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	4.75
26. Mrs. William D. Gladhart	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	2.875
26. Deseret Sheep Company	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	1500.00
26. Frederick M. Walter	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	2.125
26. C. M. Gilmer & Frank Peck	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	121.00
26. Dale Donnelly	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	41.67
26. C. E. Schmitt	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	13.50
26. J. D. Mapp	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	37.50
26. R. E. Wilson	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	50.00
26. William Wiegman	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	5.00
26. Frank Towell	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	135.00
26. Forrest & Clifford Burns	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	26.00
26. Edward M. Wiegman	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	2.50
26. Isaac McManahan	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	18.75
26. Lester M. McManahan	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	7.50
26. Rolfe A. McManahan	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	50.00
26. Samuel D. McManahan	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	10.00
26. William M. Glanville	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	4.00
26. George Robertson	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	4.00
26. Nels Ruhl	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	30.00
26. R. F. Coups	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	84.00
26. William Phillips	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	60.00
26. James E. Phillips	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	17.50
26. P. W. Higgins	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	20.00
26. Edgar Moser	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	22.50
26. Connel Valley Orchards	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	10.75
26. S. M. & Florence C. Dare	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	16.00
26. John Zenther	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	8.50
26. Victor J. Hopper	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	11.00
26. I. D. Dancy	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	15.00
26. Leander Landau	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	17.00
26. E. H. Richardson	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	29.00
26. Anna Hutchinson	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	8.00
26. Edward Manning	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	12.50
26. D. K. Landau	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	46.00
26. George Ludwig	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	87.00
26. Richard Johnson	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	7.00
26. R. M. Holt	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	62.50
26. W. E. Thompson	NE 1/4 NW 1/4 8 14 SW Rush Creek	8 23 83	1.00

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FAX MEMO FROM DOUG Mc ALVAIN

FAX: (208) 253-4344 PHONE (208) 253-4340

DATE: October 12, 2007

TO: Monica
Idaho Department of Water Resources
Fax: 208-287-6700

RE: Water Rights in District 41, State of Idaho, January 1, 1919

YOU ARE BEING SENT THREE PAGES, INCLUDING THIS COVER SHEET.

COMMENTS:

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