

09/10/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-74A

NAME AND ADDRESS: DAN L MASDEO
1396 W K ST
BENICIA CA 94510

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.011 CFS

The rights listed below are limited to a total combined diversion rate of 0.116 cfs. Combined Right Nos.: 67-73A, 67-74A, 67-372A, 67-373A, and 67-10136.

PRIORITY DATE: 05/01/1916

POINT OF
DIVERSION:

T17N R01W S4 NENE Lot 1 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	0.011 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T17N R01W S23	SWNE	0.50	T17N R01W S23	SENE	5.30
5.8 ACRES TOTAL					

The rights listed below are limited to the irrigation of a combined total of 5.8 acres in a single irrigation season. Combined Right Nos.: 67-73A, 67-74A, 67-372A, 67-373A, and 67-10136.

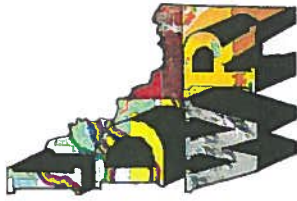
This right is limited to the irrigation of 0.8 acres within the place of use described above in a single irrigation season.

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 Robertson Sevey Ditch Co.



Idaho Department of Water Resources

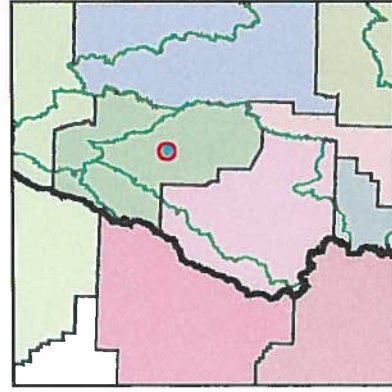
SRBA Recommendation:

67-74A

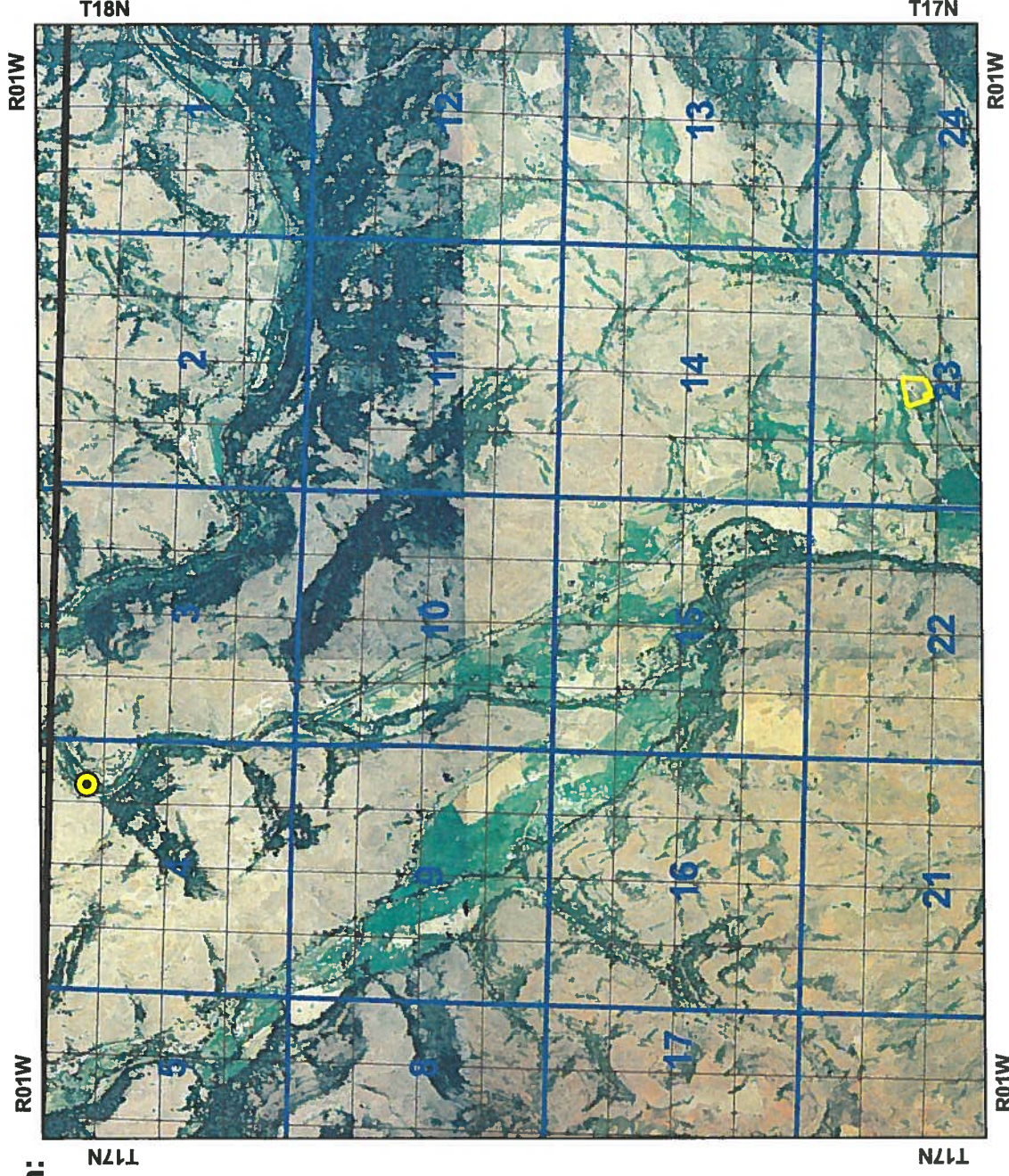
(Irrigation)

Legend

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



Adams County
IDWR Basin 67



4 Miles

2

0

Prepared by IDWR State Office
On Thursday, September 6, 2007
1987/88 Aerial Photography

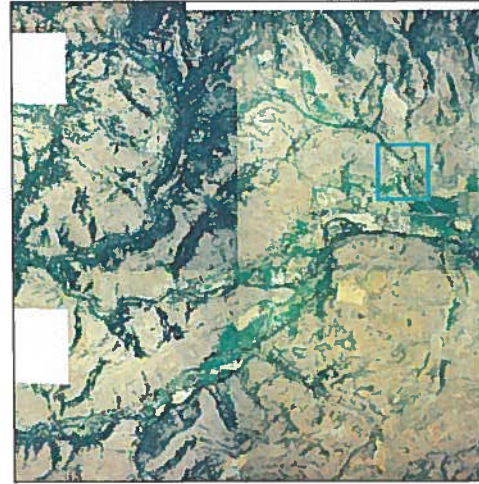
67-74A



SENW

SWNE

23



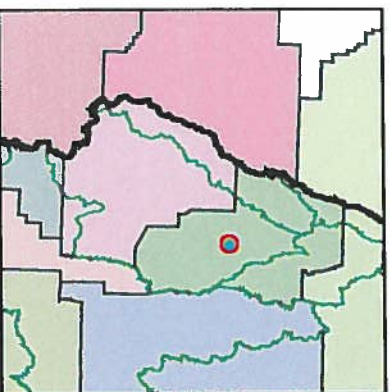
Idaho Department of Water Resources



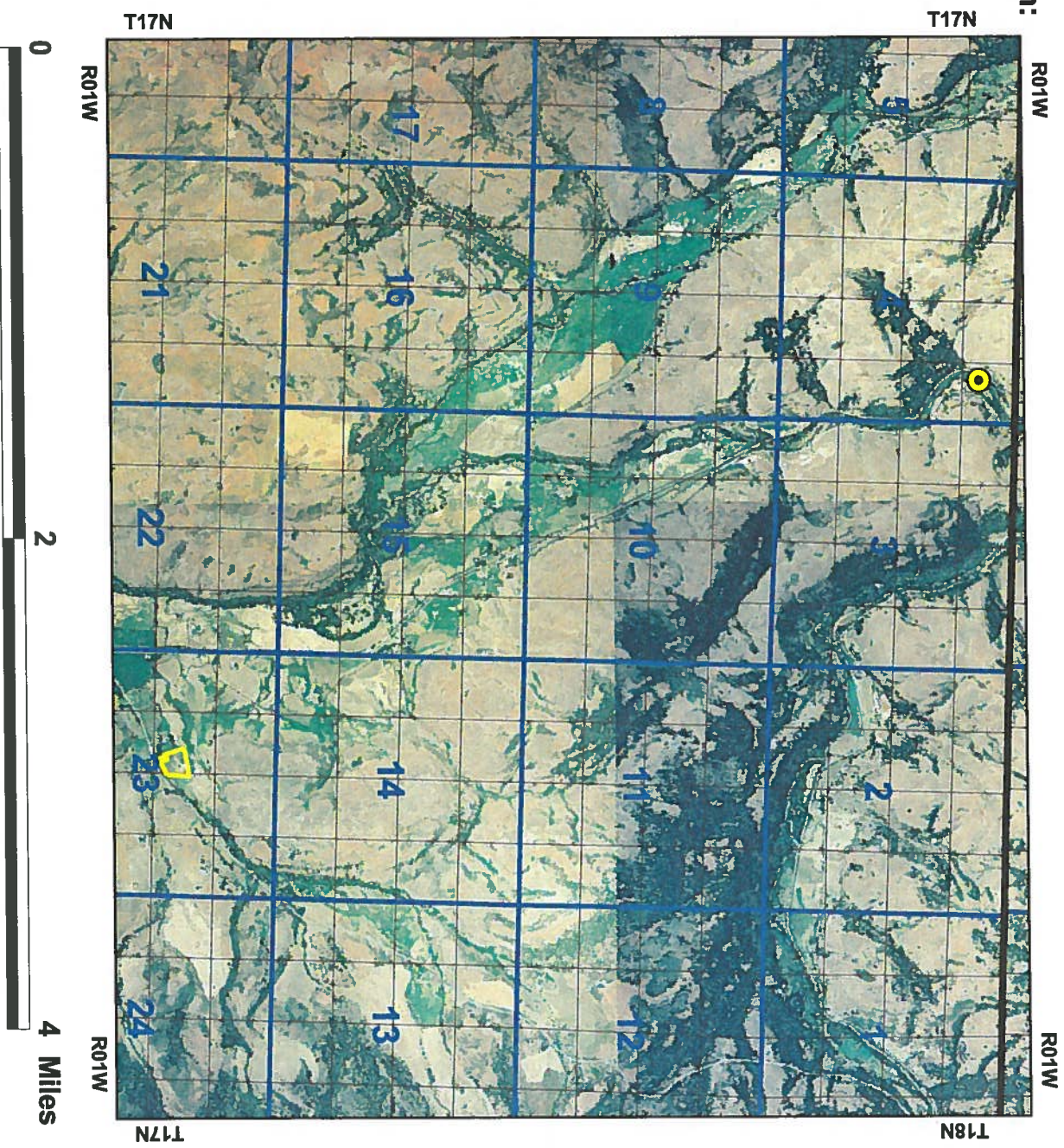
SRBA Recommendation:
67-74A
(Irrigation)

Legend

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

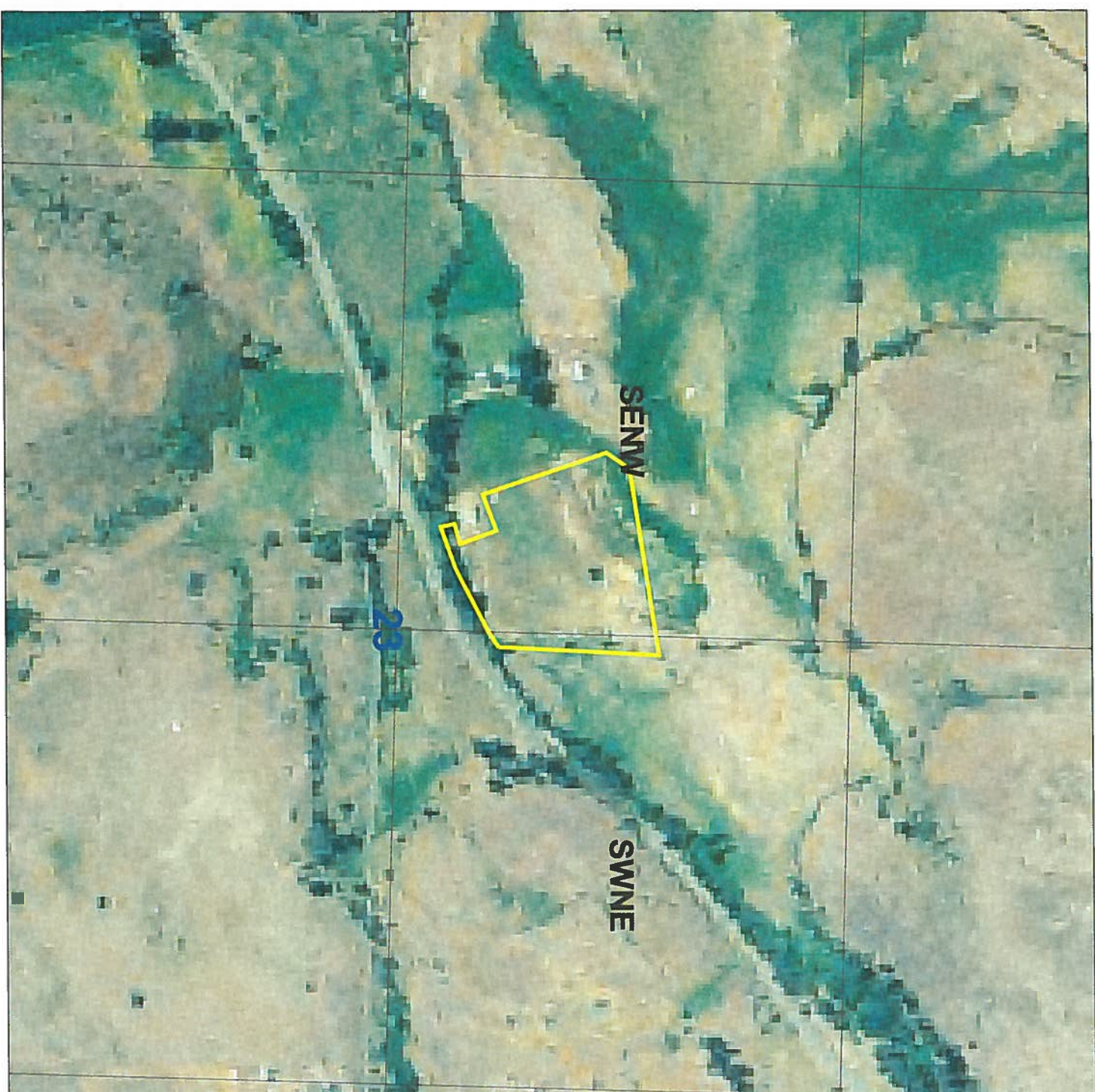
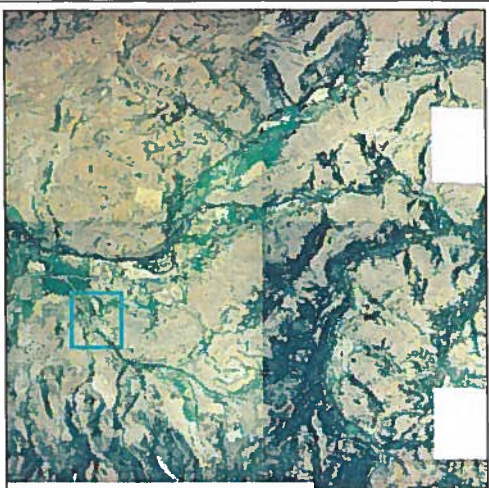


Adams County
IDWR Basin 67



Prepared by IDWR State Office
On Thursday, September 6, 2007
1987/88 Aerial Photography

67-74A



11/21/2005

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

RIGHT NUMBER: 67-74A

NAME AND ADDRESS: MICHAEL D DISTLER
591 MORNING GLORY DR
BENICIA CA 94510

REBA D DISTLER
591 MORNING GLORY DR
BENICIA CA 94510

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.011 CFS

The rights listed below are limited to a total combined diversion rate of 0.116 cfs. Combined Right Nos.: 67-73A, 67-74A, 67-372A, 67-373A, and 67-10136.

PRIORITY DATE: 05/01/1916

POINT OF DIVERSION:

T17N R01W S4 NENE Lot 1 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	0.011 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S23	SWNE	0.5	T17N R01W S23	SENE	5.3
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5.8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 5.8 acres in a single irrigation season. Combined Right Nos.: 67-73A, 67-74A, 67-372A, 67-373A, and 67-10136.

This right is limited to the irrigation of 0.8 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

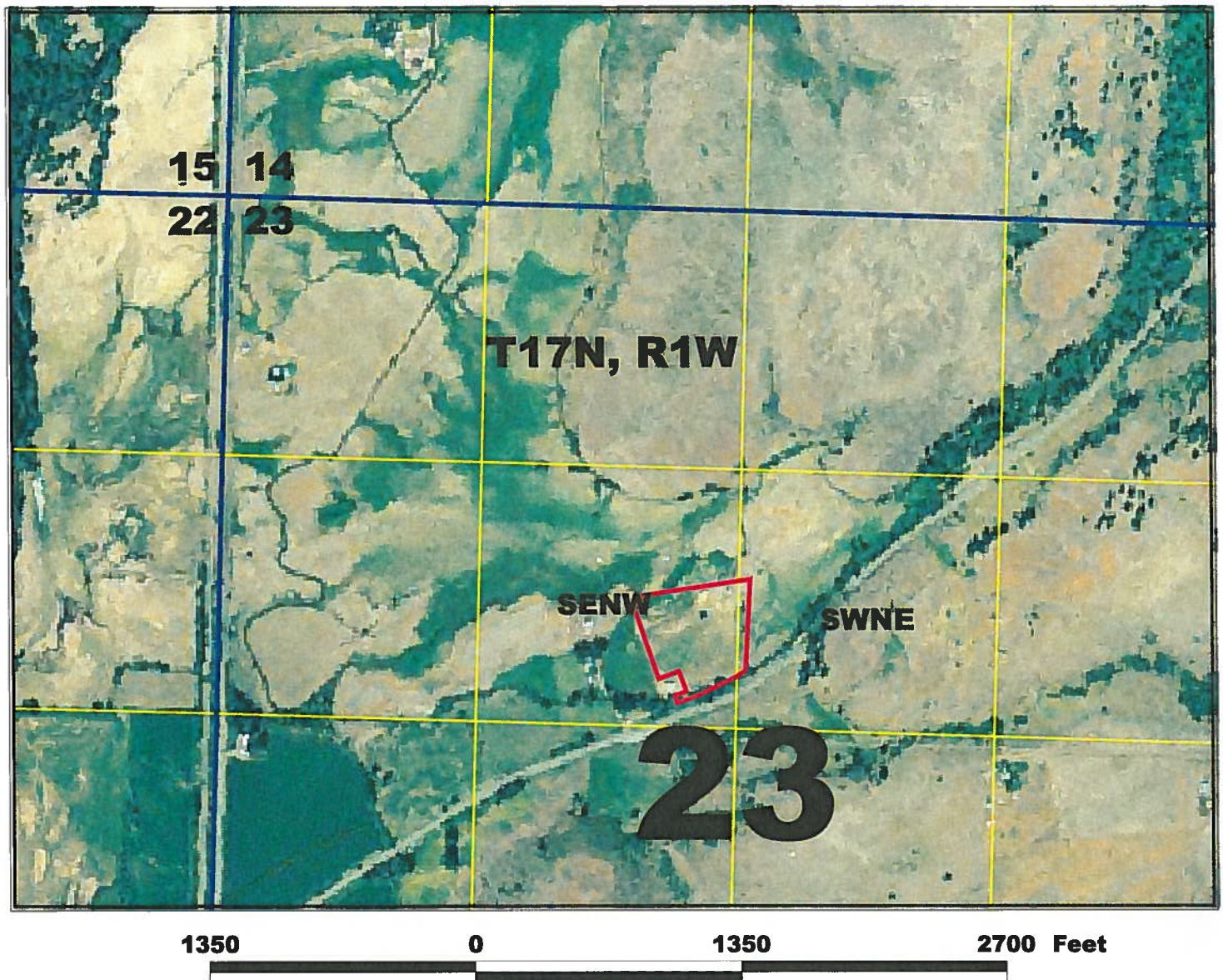


STATE OF IDAHO

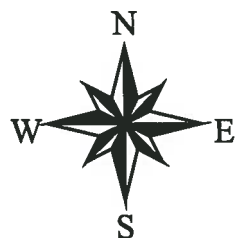
Department of Water Resources

Place of Use

Water Right(s): 67-73A and 67-74A



-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



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

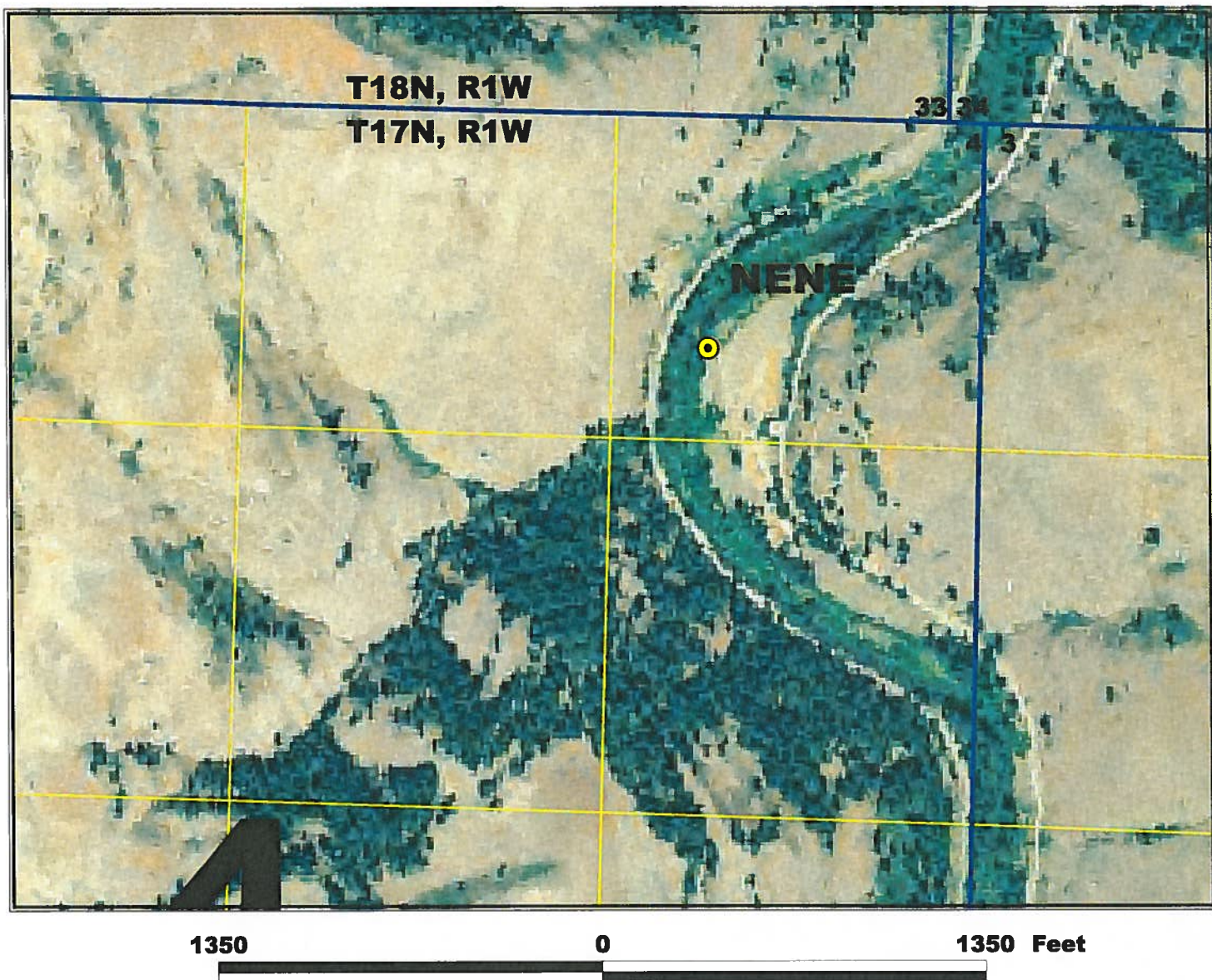


STATE OF IDAHO

Department of Water Resources

Point of Diversion

Water Right(s): 67-73A and 67-74A

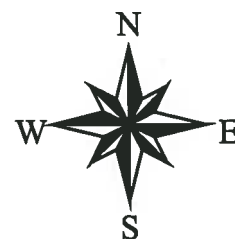


● Point(s) of Diversion

□ Place of Use

□ Quarter Quarter Lines

□ Section Lines



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

MEMORANDUM

Date: November 18, 2005

To: File 67-73B, 67-73C, 67-74B, and 67-74C

From: Craig L. Saxton

Re: Diversion rate and acreage distribution

Both 67-73 and 67-74 are decreed for the same 80 acre POU. The assumption was made that the intent of the two decreed rights were to irrigate 48 acres rather than stacking them on top of each other and only irrigating 40 acres. This was made due to how the other decreed rights in Muir Vs. Allison are described and that 48 acres could reasonably be irrigated within the 80 acre parcel described in the decree.

Scism, Cole, and Distler are all land owners who filed SRBA claims within the decreed POU for 67-73 and 67-74. Using ArcView I created a 48 acre shape of what ground could be reasonably irrigated from flood irrigation from the Roberson Sevey ditch as decreed. From that shape, I calculated how much of the original irrigated ground was owned by each claimant and used that to calculate a percentage of the original right they should have based on 48 acres.

Using that percentage, the diversion rate was calculated by multiplying that percentage with the original diversion rate. Finally, that diversion rate was converted to acres that could be irrigated at 5/8 inchs per acre.

Claim

Basinequenc Suffix	Basis	Status	Priority Date	Rate(cfs)	Volume(ac)	Source	Water Use(s)	Owner(s)	Source Table
67 73 A	Decreed	Active	5/1/1906	0.04		LOST CRE IRRIGATION		DISTLER, M Claim	
67 74 A	Decreed	Active	5/1/1916		0.37	LOST CRE IRRIGATION		DISTLER, M Claim	
67 82 G	Decreed	Active	5/27/1910		3	LOST CRE IRRIGATION FROM DISTLER, M Claim			

*These were recommended as Disallowed, guidance from Dave Tuthill is to recommend them as live flow rather than disallow.

67 372 A	Decreed	Active	1882-05-01	0.01		6 FORT HAL IRRIGATION, STOCK DISTLER, M Claim			
67 373 A	Decreed	Active	1889-05-01	0.01		6 FORT HAL IRRIGATION, STOCK DISTLER, M Claim			
67 10136	eneficial Use	Active	6/21/1921	0.14		6 FORT HAL IRRIGATION, STOCK DISTLER, M Claim			

Recommendation

Basinequenc Suffix	Basis	Status	Priority Date	Rate(cfs)	Volume(ac)	Source	Water Use(s)	Owner(s)	Source Table
67 82 G	Decreed	Disallowed	5/27/1910		3	LOST CRE IRRIGATION FROM DISTLER, M Recommendation			

Basinequenc Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67 73 A	Decreed	Active	5/1/1906	0.053	4.3	WEISER R IRRIGATION		DISTLER, M Recommendation	
67 74 A	Decreed	Active	5/1/1916	0.011	0.8	WEISER R IRRIGATION		DISTLER, M Recommendation	
67 372 A	Decreed	Active	1882-05-01	0.006	0.5	FORT HAL IRRIGATION, STOCK DISTLER, M Recommendation			
67 373 A	Decreed	Active	1889-05-01	0.006	0.5	FORT HAL IRRIGATION, STOCK DISTLER, M Recommendation			
67 10136	Beneficial Use	Active	6/21/1921	0.104	5.8	FORT HAL IRRIGATION, STOCK DISTLER, M Recommendation			
Limit to				0.116	5.8				

Ready to Recommend

Split history for Decreed Right 67-00074

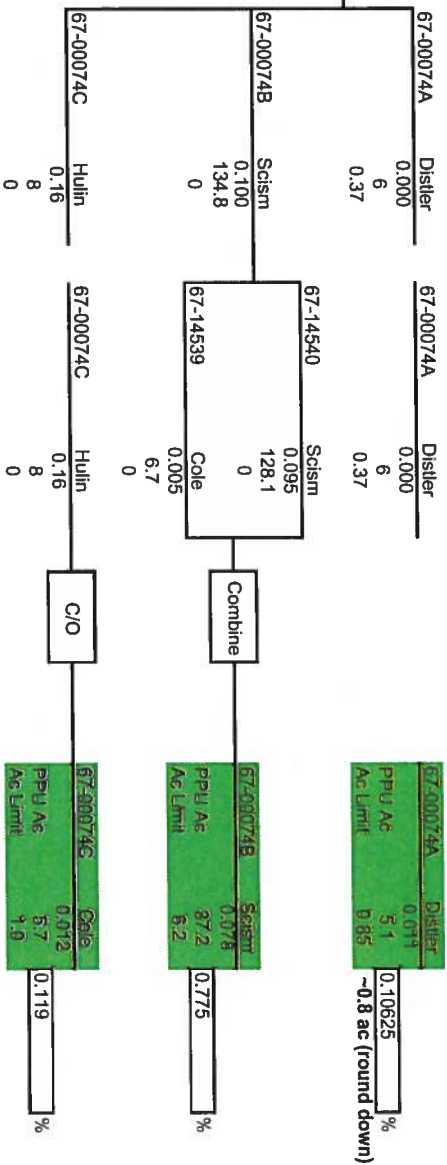
WR History

Claim History

Recommended

67-00074	G. T. Hamill	67-00074	G. T. Hamill
0.1	cfs	0.1	
48	ac	8	
0	af	0	

Acrage calculated at 5/8 in per acre
The Decreed POU seems to be in claimed POU
This right is overlained



*Last updated 10-27-06 (csaxton)
For digital copy of Excel spreadsheet file: See Craig L. Saxton

Page	Parcel	Name	New Charge	New Charge	Water in	File	Original Owner	Priority
#	Number		2005	2003	Inches	#		Date
26	7N01W23S6CISM, DOUD		\$ 4.00	\$3.50	5	74	HAMILL	5/1/06



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 25, 2001

MICHAEL D DISTLER
REBA D DISTLER
591 MORNING GLORY DR
BENICIA CA 94510

Re: Notice of Claim to a Water Right No. 67-00082G, 67-00073A, 67-00074A, 67-00372A,
67-00373A & 67-10136

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Please note, the changes for water right number 67-10137 are being processed at our State Office, as the file is at that office. Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

Robertson Seavey Ditch.

George Robertson

Lester I McMahan

Samuel E McMahan

Rollie A McMahan

Isaac McMahan

Lillian G Spofford

Fruitvale Townsite Company and its grantees

Phillip Walston

G E Cox

A L Freehafer and Margaret K Pike

Lost Creek Res.

B D Goshert

G T Hamill

B R Windes

First Bank of Council

J J Jones

Biggerstaff Ditches.

T B Biggerstaff

Middle Fork Weiser River.

Orehardt Water Company

Lost Creek Storage

A L Freehafer Lost Creek Storage

J A Carr Lost Creek Storage

W M Baccus

Catherine Austin

Ben Wooden

Henry Heimsöth

George Shaw

William B Shaw

John Swearingen

Dave Durse

C E Roper

Fall Creek.

James Harrell (Steward Ditch)

Jacob Cornett (Steward Ditch)

John Cornett

Oscar Gilbert (Steward Ditch)

5'

30'

18'

1'

22'

10'

4'

4'

45'

30'

4'

4'

24'

35'

40 A Ft

38'

25'

5'

135'

20'

5'

8'

45'

3500 7 1077

6250 7 1077

360 A Ft

300 A Ft

14'

24'

24'

30'

13'

21'

44'

6'

5'

74'

120 7 1064

90'

58'

40'

June 1, 1884 67 0057

June 1, 1887 67 0058

April 1, 1901 67 0059

April 1, 1901 67 0060

April 1, 1901 67 0061 X

April 1, 1901 67 0062

April 1, 1901 67 0063

April 1, 1905 67 0064

April 25, 1901 67 0065

Sept 23, 1901 67 0066

May 1, 1906 67 0067

May 1, 1901 67 0068

Sept 23, 1901 67 0069

June 1, 1902 67 0070

May 27, 1910 67 0071

May 1, 1906 67 0072

May 1, 1906 67 0073

May 1, 1916 67 0074

May 1, 1908 67 0075

May 18, 1910 67 0076

May 18, 1910 67 0077

May 25, 1910 67 0078

June 1, 1890 67 0079

Sept 11, 1905 67 0080

May 27, 1910 67 0081

May 27, 1910 67 0082

May 27, 1910 67 0083

May 1, 1891 67 0084

May 1, 1891 67 0085

May 1, 1901 67 0086

May 1, 1894 67 0087

May 1, 1900 67 0088

May 1, 1900 67 0089

May 1, 1903 67 0090

May 1, 1903 67 0091

May 1, 1905 67 0092

May 1, 1911 67 0093

July 1, 1883 67 0094

July 1, 1883 67 0095

Dec 30, 1907 67 0096

May 1, 1899 67 0097

JUL 24 1996

LESTER I McMAHAN: The Southeast Quarter of the Northeast Quarter of Section 15, Township 17 North, Range 1 West Boise Meridian.

GEORGE ROBERTSON: The East half of the Southwest Quarter, the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 10, Township 17 North, Range 1 West Boise Meridian.

LILLIAN G SPOFFORD: The North half of the Northwest Quarter of Section 23 and the Southeast Quarter of the Southwest Quarter of Section 14, Township 17 North, Range 1 West Boise Meridian.

FRUITVALE TOWNSITE COMPANY: The North half of the Northeast Quarter of Section 15, Township 17 North, Range 1 West Boise Meridian.

PHILIP WALSTON: The Southwest Quarter of the Southeast Quarter of Section 10, Township 17 North, Range 1 West Boise Meridian.

O E COX: A tract of four acres in the Northeast corner of the Fruitvale town-site, in Section 15, Township 17 North, Range 1 West Boise Meridian.

A L FRIENHAFFER and MARGARET E PIKE: The West half of the Southeast Quarter and a strip of land in the West half of the Southwest Quarter adjoining lands above described, all in Section 23, Township 17 North, Range 1 West Boise Meridian.

S D GOSHERT: The West half of the Southwest Quarter of Section 23, and the Northwest Quarter of the Northwest Quarter of Section 26, Township 17 North, Range 1 West.

G T HAMILL: The South half of the Northwest Quarter of Section 23, Township 17 North, Range 1 West Boise Meridian.

E R WINDES: The West half of the Northeast quarter, the East half of the Northwest Quarter, the Southwest Quarter of the Northwest Quarter, the North half of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 26, Township 17 North, Range 1 West Boise Meridian.

FIRST BANK OF COUNCIL: The East half of the West half of the Southeast Quarter of the Southwest Quarter of Section 26, Township 17 North, Range 1 West Boise Meridian.

J J JONES: The East half of the Southwest Quarter of Section 22 and the Northeast Quarter of the Northeast Quarter of Section 27, Township 17 North, Range 1 West Boise Meridian.

T B BIGGERSTAFF: The Southwest Quarter of the Southwest Quarter, the Southeast Quarter of the Southwest Quarter of Section 1, the South half of the Southeast Quarter of Section 2, Township 17 North, Range 1 West Boise Meridian.

ORCHARDS WATER COMPANY: The East half of the Southwest Quarter of Section 14, the Northwest Quarter of the Northwest Quarter of Section (23) and 20 acres in the West half of the Southwest Quarter of the Northwest Quarter of Section (23); all Sec. 22; the South half the North half of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section 15; the South half of the Southwest Quarter, and the Southwest Quarter of the Southeast Quarter of Section 10; the North half, and the East half of the Northeast Quarter of the Southeast Quarter of Section 21, the South half the North half of the Northeast Quarter and the North half of the Northwest Quarter of Section 16, the Southwest Quarter, the South half and the West half of the Northwest Quarter of Section 9; the East half; the North half of the Southwest Quarter of Section 8; the east half of the Southwest Quarter, the South half of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter of Section 17; all of Section 20; the West half of the Southeast Quarter and the West half of the Northeast Quarter of Section 19; all in Township 17 North, Range 1 West Boise Meridian.

Tram #1077

JUL 24 1996

John V. Blom
1. Runoff Blom

ROSL ANSLON DITCH

GLENN McMAHON DITCH

Isaac McMahon	10
	9
for power	400
Rolie A. McMahon	4
Samuel E. McMahon	22
W. M. Glenn	45
Lester I McMahon	4

May	31, 1884
"	1, 1901
July	1, 1908
June	1, 1884
"	" "
"	" "
May 31,	"

ROBERTSON SHAVEY DITCH

George Robertson	5
	30
S. D. Goshert	38
Lester I. McMahon	18
G. T. Hamill	25
	5
Samuel E. McMahon	1
Rolie A. McMahon	22
	10
Isaac McMahon	4
	4
Lillian G. Spefford	45
E. R. Windes	135
	20
First Bank of Council	10
J. J. Jones	8
Fruitvale Townsite Company & its Grantees	30
Phillip Walstrom	4
	4
C. E. Cox	24

June	1, 1884
"	" 1887
May	1, 1906
April	1, 1901
May	1, 1906
"	" 1916
April	1, 1901
"	" " "
"	" " "
"	" 1905
"	" 1901
"	25, "
May	1, 1908
"	18, 1910
"	" " "
"	25, "
Sept	23, 1901
May	1, 1906
"	1, 1901
Sept	23, 1901

DOMLINSON YANTIS DITCH

Mary E. Tomlinson	50
E. W. Tomlinson	55
Sarah Yantis	40
L. A. Spira	10
Ralph Yantis	8

June 13,	1905
"	" "
"	" "
"	" "
Dec. 31,	1908

JUL 24 1996

the direction of the water commissioner or other officers charged by law with the execution of this decree and the waters of the said Hornet Creek Reservoir are to be distributed by the said water commissioner or other officers to the stockholders of the said Hornet Creek Water Storage Association according to their respective rights of said stockholders as the same shall appear by notice given said water commissioner for said water storage association at the commencement of each irrigation season.

It is further ordered, adjudged and decreed that the said Weiser Irrigation District may divert all of the waters flowing in said river during the low water period at the head of its canal upon delivery to the said Weiser City Water Ditch & Irrigating Company 450 inches of water, said delivery to be made at the gate or diversion point now connecting the two canals and where water has heretofore been diverted from the canal of the said Weiser Irrigation District into the canal of the said Weiser City Water Ditch and Irrigating Company.

As used in this decree the high water period shall include all that portion of the irrigation season when the river and its tributaries discharge sufficient water to supply all the allotments herein decreed on the basis of five-eighths ($\frac{5}{8}$) of an inch to the acre and the low water period shall consist of all that portion of the irrigation season when the discharge of the river and its tributaries is insufficient to supply the last named amount of water, and the foregoing allotments are made upon the basis of five-eighths ($\frac{5}{8}$) of an inch per acre, or its equivalent in irrigation heads, during the low water period, which is the maximum duty of water for said lands from said river and its tributaries, and whenever the commissioner, or other officer charged with the execution of this decree, finds the water in said river insufficient to supply the allotments as heretofore made on the basis of five-eighths ($\frac{5}{8}$) of an inch per acre, measured at the various diversion points, then and in that event the last appropriator in point of time shall be denied the use of said water.

Whenever the water flow in said river and tributaries shall be insufficient to supply the allotments as hereinbefore made, on the basis of five-eighths ($\frac{5}{8}$) of one miner's inch or its equivalent in irrigation heads, then and in that event the latest appropriator in order of time shall be denied the use of said water, and as shown by the line of latest appropriators, dropping them out in chronological order, of the use of said water flow, so that the supply of water to said prior users shall be maintained in the distributing heads to five-eighths of a miner's inch per acre to the prior appropriators in the order of their priority, and the water commissioner having control of the distribution of said waters under this decree shall enforce the foregoing mentioned system and shall require measuring devices to be constructed at the various diversion points by the said appropriators so the water commissioner may be enabled to determine the measurement of the flow at such distributing points at all times.

It is further ordered, adjudged and decreed, that each of the parties hereto to whom water is allotted and decreed are hereby required to provide for the diversion of water from the said Weiser River and its tributaries in irrigating heads during the low water period, which said irrigating heads shall be the equivalent of five-eighths of a miner's inch to the acre continuous flow, and it is hereby decreed, and declared to be the duty of the water commissioner, or such other officer as is charged with the execution of this decree, to make or cause to be made necessary rules and regulations for the distribution of said water in irrigating heads during the low water period and to shut off said water supply from all ditches diverting the same whenever and wherever the parties