



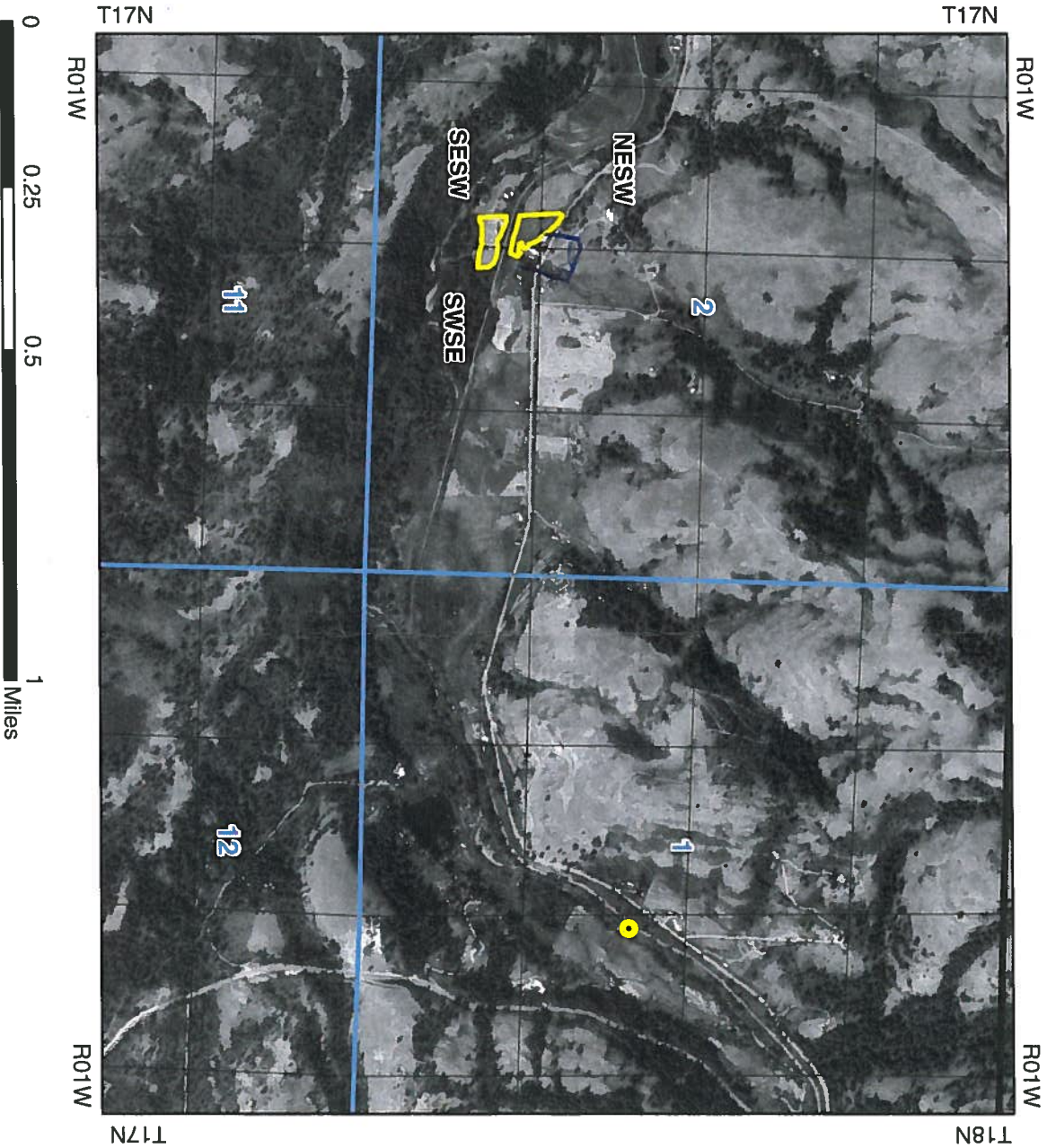
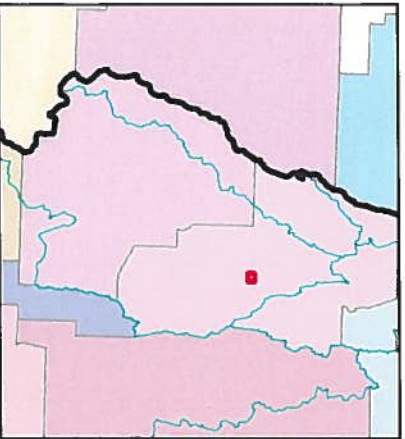
Idaho Department of Water Resources



SRBA Recommendation
67-79L
(IRRIGATION)

Legend

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



Adams County
IDWR Basin 67

Prepared by Monica Van Bussum
On October 07, 2008
1992 Aerial Photography



67-79L



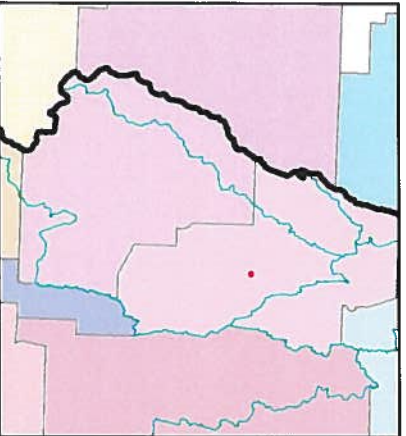
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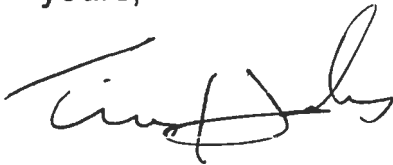


Tim Hohs
3060 Fruitvale-Glendale Road
Fruitvale, ID 83612
208-253-4324

Hello,

I'm Tim Hohs, I own the property just east of the DeFreitas' at T17N R01W S02 SWSE. When I moved here in 1972 the Glendale ditch ran through my property and emptied into a seasonal creek that forms the boundary between my property and the DeFreitas property. The ditch then ran down the creek and under the railroad tracks to the field at the south end of the DeFreitas property. The fellow who owned the land at that time had mules pastured on that irrigated field.

yours,

A handwritten signature in black ink, appearing to read 'Tim Hohs', with a stylized, cursive script.

Tim Hohs

↑ 67-79L
DeFreitas
received at
initial hearings
8/6/2008
M. Van Bussum







Split history for Decreed Right 67-79

Claim History

WR History

Legend
Not in decreed POU
Not in decreed POU
Not in decreed POU

Recommendation

67-79A not in decreed POU

0.0825
6.6

67-79B not in decreed POU

0.075
6

67-79C not in decreed POU

0.24125
19.3

67-79D Per FE 10/27/2007, Fisher says he uses the Januk, POD and not the Glendale ditch

0.015
1.2

67-79E appears to be Michelle Hantzen

0.05625
4.5

67-79F not in decreed POU - also has license 67-2053AD out of Weiser R for the ground w/ same priority date (disallowed and rec'd as Lost Valley from Lost Creek)
Claims priority date for Lost Creek decrees (possibly confused priority dates)

67-79G More like sub, not really actively irrigated

0.0825
6.6

67-79H not in decreed POU

0.0525
4.2

67-79J not in decreed POU and not apparent use
Mostly covered by RM Jepsen claim, which is also not in decreed POU
N part is above ditch
Irrigation is purpose of use, but did not claim cfs

0.1875
15

67-79K Recommend part in decreed POU

0.0275
2.2

67-79L not in decreed POU

0.0125
1

67-79M Claim includes storage, which was not part of original decree

0.0125
1

Sum CFS =	0.83
Sum Acres =	66.6
Sum AF =	N/A

Extra CFS =	0.068
Extra Acres =	5.4
Extra AFA =	N/A

Sum CFS =	2.864
Sum Acres =	128.6
Sum AF =	3.5

Extra CFS =	2.064
Extra Acres =	56.6
Extra AFA =	3.5

67-79 Biggsstaff

0.9 cfs
72 ac
0 af

0.0125

Average calculated at 5/8 in per acre as decreed.

67-79A Watson

0.244
12.2 S.2

67-79B Hawkins

0.15
7.5 S.2

67-79C Jepsen

0.7
35 S.1 (S.2)

67-79D Fisher

0.5
20 S.1 & S.12 ?

67-79E Barrett

0.08
2.7 S.1

67-79F Govedara

0.14
4.5 S.2

67-79G Deon

0.18
9 S.1

67-79H Hobbs

0.14
4.5 S.2

67-79J Hinton

5
3 af

67-79K Moyer

0.6
20.5 S.1 & S.2

67-79L DeFretas

0.22
7.3 S.2

67-79M McLaughlin

0.6
0.5 S.2
AF

*Last updated 10-9-2007 (mvanbussum)

For digital copy of Excel spreadsheet file: See Monica Van Bussum

Muir v Allison Decree

12

Robertson Beavey Ditch.

George Robertson

Lester I McMahan

Samuel E McMahan

Rollie A McMahan

Isaac McMahan

Lillian G Spofford

Fruitvale Townsite Company and its grantees

Phillip Walstem

C E Cox

A L Freehafer and Margaret E Pike
Lost Creek Res.

S D Goshert

G T Hamill

E R Windes

First Bank of Council

J. J. Jones

Biggerstaff Ditches.

T B Biggerstaff

Middle Fork Weiser River.

Orchards 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 Helmsöth

George Shaw

William B Shaw

John Sweringen

Dave Durso

C E Roper

Fall Creek.

James Harrell (Steward Ditch)

Jacob Cornett (Steward Ditch)

John Cornett

Oscar Gilbert (Steward Ditch)

Am't. in
inches

Priority
Date:

WR#

5'

June 1, 1884 67 0057

30'

June 1, 1887 67 0058

18'

April 1, 1901 67 0059

1'

April 1, 1901 67 0060

22'

April 1, 1901 67 0061

10'

April 1, 1901 67 0062

4'

April 1, 1901 67 0063

4'

April 1, 1905 67 0064

45'

April 25, 1901 67 0065

30'

Sept 23, 1901 67 0066

4'

May 1, 1906 67 0067

4'

May 1, 1901 67 0068

24'

Sept 23, 1901 67 0069

35'

June 1, 1902 67 0070

40 A Ft

May 27, 1910 67 0071

38'

May 1, 1906 67 0072

25'

May 1, 1906 67 0073

5'

May 1, 1916 67 0074

135'

May 1, 1908 67 0075

20'

May 18, 1910 67 0076

5'

May 18, 1910 67 0077

8'

May 25, 1910 67 0078

45'

June 1, 1890 67 0079

35003 7 1077

Sept 11, 1909 67 0080

6250 7 1077

May 27, 1910 67 0081

360 A Ft

May 27, 1910 67 0082

300 A Ft

May 27, 1910 67 0083

14'

May 1, 1891 67 0084

24'

May 1, 1891 67 0085

24'

May 1, 1901 67 0086

30'

May 1, 1894 67 0087

13'

May 1, 1900 67 0088

21'

May 1, 1900 67 0089

44'

May 1, 1903 67 0090

6'

May 1, 1903 67 0091

5'

May 1, 1905 67 0092

7 1/2'

May 1, 1911 67 0093

120 7 1064

July 1, 1883 67 0094

90'

July 1, 1883 67 0095

58'

Dec 30, 1907 67 0096

40'

May 1, 1899 67 0097

JUL 24 1996

Go to
Pg. 28

Go to
Pg. 29

FM 11 to 91

67-56

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.

G 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.

FM 12 to 92

A L FREEHAVER 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.

FM 12 to 91

S D GOSHERT: The West half of the Southwest Quarter of Section 23, and the North west 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.

67-79

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.

67-80 + 83

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 12; 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.

JUL 24 1996

Ant. in inches

EAST FORK DITCH (CON.)

Fay McBirney	20	July 1, 1905
Janet Ketchen	20	" " "
J. S. Hamilton	10	" " "
Whitney P. James	40	" " "
Council Valley Orchards Company	110	" " "
C. L. Weid	10	" " "
Henry Van Kleeck	27½	
Council Valley Orchards, (Mill Creek)	100	June 1, 1906
" " " (Unnamed stream)	100	July 3, 1911
Frank S. Caley, (Unnamed stream)	20	Mar. 17, 1913
<u>T. B. Biggerstaff (Weiser River)</u>	45	June 1, 1890
C. W. Holmes (Unnamed stream)	10	May 16, 1912

67-79

$$45 \text{ inches} \times 0.02 \text{ cfs} = 0.9 \text{ cfs}$$

JUL 2 4 1996

Field Exam Date 9/24/20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 67-79L

Joseph M. DeFreitas

cell (208) 741-0703

Owner: Robert R. DeFreitas

Phone No. (208) 253-0032

Current Address: 3050 Fruitvale Glendale Rd, Fruitvale, Id 83612

☒ No change NAME IS THE SAME

☐ NEW OWNER

☒ No change Address

☐ NEW ADDRESS

☒ How long owned property? 4 years

Accompanied by: Joseph (Mike) DeFreitas

PRIORITY DATE

☒ No change – Complete evidence submitted or not necessary

☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.

☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: Weiser River Tributary to Snake River

☒ No Change – SAME SOURCE

☐ Source found is different than claimed: _____

POINT OF DIVERSION

☐ No change

☒ POD found is different than claimed:

☒ If different, when did POD change?

Need to change to match
GPS coordinates (this is where
it's always been located)

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
						17N	1W	Adams	2310158 ? POD + dam
									1517971 } @ headgate
									2310058 ? headgate w/ overflow
									1517868 } to Weiser River, where

Description of diverting works

dam in Weiser River to

headgate (36" culvert), discharges to dirt ditch (450'), to headgate with OVERLAP REVIEW 12" outlet discharging to 12" buried PVC, reducing down to 6" buried

Other water rights with the same point of diversion: 67-79A, 67-79B, 67-79C, 67-79D, 67-79E, 67-79F, 67-79G, 67-79H, 67-79I, 67-79J, 67-79K, 67-79L, 67-79M, 67-79N, 67-79O, 67-79P, 67-79Q, 67-79R, 67-79S, 67-79T, 67-79U, 67-79V, 67-79W, 67-79X, 67-79Y, 67-79Z, 67-79AA, 67-79AB, 67-79AC, 67-79AD, 67-79AE, 67-79AF, 67-79AG, 67-79AH, 67-79AI, 67-79AJ, 67-79AK, 67-79AL, 67-79AM, 67-79AN, 67-79AO, 67-79AP, 67-79AQ, 67-79AR, 67-79AS, 67-79AT, 67-79AU, 67-79AV, 67-79AW, 67-79AX, 67-79AY, 67-79AZ, 67-79BA, 67-79BB, 67-79BC, 67-79BD, 67-79BE, 67-79BF, 67-79BG, 67-79BH, 67-79BI, 67-79BJ, 67-79BK, 67-79BL, 67-79BM, 67-79BN, 67-79BO, 67-79BP, 67-79BQ, 67-79BR, 67-79BS, 67-79BT, 67-79BU, 67-79BV, 67-79BW, 67-79BX, 67-79BY, 67-79BZ, 67-79CA, 67-79CB, 67-79CC, 67-79CD, 67-79CE, 67-79CF, 67-79CG, 67-79CH, 67-79CI, 67-79CJ, 67-79CK, 67-79CL, 67-79CM, 67-79CN, 67-79CO, 67-79CP, 67-79CQ, 67-79CR, 67-79CS, 67-79CT, 67-79CU, 67-79CV, 67-79CW, 67-79CX, 67-79CY, 67-79CZ, 67-79DA, 67-79DB, 67-79DC, 67-79DD, 67-79DE, 67-79DF, 67-79DG, 67-79DH, 67-79DI, 67-79DJ, 67-79DK, 67-79DL, 67-79DM, 67-79DN, 67-79DO, 67-79DP, 67-79DQ, 67-79DR, 67-79DS, 67-79DT, 67-79DU, 67-79DV, 67-79DW, 67-79DX, 67-79DY, 67-79DZ, 67-79EA, 67-79EB, 67-79EC, 67-79ED, 67-79EE, 67-79EF, 67-79EG, 67-79EH, 67-79EI, 67-79EJ, 67-79EK, 67-79EL, 67-79EM, 67-79EN, 67-79EO, 67-79EP, 67-79EQ, 67-79ER, 67-79ES, 67-79ET, 67-79EU, 67-79EV, 67-79EW, 67-79EX, 67-79EY, 67-79EZ, 67-79FA, 67-79FB, 67-79FC, 67-79FD, 67-79FE, 67-79FF, 67-79FG, 67-79FH, 67-79FI, 67-79FJ, 67-79FK, 67-79FL, 67-79FM, 67-79FN, 67-79FO, 67-79FP, 67-79FQ, 67-79FR, 67-79FS, 67-79FT, 67-79FU, 67-79FV, 67-79FW, 67-79FX, 67-79FY, 67-79FZ, 67-79GA, 67-79GB, 67-79GC, 67-79GD, 67-79GE, 67-79GF, 67-79GG, 67-79GH, 67-79GI, 67-79GJ, 67-79GK, 67-79GL, 67-79GM, 67-79GN, 67-79GO, 67-79GP, 67-79GQ, 67-79GR, 67-79GS, 67-79GT, 67-79GU, 67-79GV, 67-79GW, 67-79GX, 67-79GY, 67-79GZ, 67-79HA, 67-79HB, 67-79HC, 67-79HD, 67-79HE, 67-79HF, 67-79HG, 67-79HH, 67-79HI, 67-79HJ, 67-79HK, 67-79HL, 67-79HM, 67-79HN, 67-79HO, 67-79HP, 67-79HQ, 67-79HR, 67-79HS, 67-79HT, 67-79HU, 67-79HV, 67-79HW, 67-79HX, 67-79HY, 67-79HZ, 67-79IA, 67-79IB, 67-79IC, 67-79ID, 67-79IE, 67-79IF, 67-79IG, 67-79IH, 67-79II, 67-79IJ, 67-79IK, 67-79IL, 67-79IM, 67-79IN, 67-79IO, 67-79IP, 67-79IQ, 67-79IR, 67-79IS, 67-79IT, 67-79IU, 67-79IV, 67-79IW, 67-79IX, 67-79IY, 67-79IZ, 67-79JA, 67-79JB, 67-79JC, 67-79JD, 67-79JE, 67-79JF, 67-79JG, 67-79JH, 67-79JI, 67-79JJ, 67-79JK, 67-79JL, 67-79JM, 67-79JN, 67-79JO, 67-79JP, 67-79JQ, 67-79JR, 67-79JS, 67-79JT, 67-79JU, 67-79JV, 67-79JW, 67-79JX, 67-79JY, 67-79JZ, 67-79KA, 67-79KB, 67-79KC, 67-79KD, 67-79KE, 67-79KF, 67-79KG, 67-79KH, 67-79KI, 67-79KJ, 67-79KK, 67-79KL, 67-79KM, 67-79KN, 67-79KO, 67-79KP, 67-79KQ, 67-79KR, 67-79KS, 67-79KT, 67-79KU, 67-79KV, 67-79KW, 67-79KX, 67-79KY, 67-79KZ, 67-79LA, 67-79LB, 67-79LC, 67-79LD, 67-79LE, 67-79LF, 67-79LG, 67-79LH, 67-79LI, 67-79LJ, 67-79LK, 67-79LL, 67-79LM, 67-79LN, 67-79LO, 67-79LP, 67-79LQ, 67-79LR, 67-79LS, 67-79LT, 67-79LU, 67-79LV, 67-79LW, 67-79LX, 67-79LY, 67-79LZ, 67-79MA, 67-79MB, 67-79MC, 67-79MD, 67-79ME, 67-79MF, 67-79MG, 67-79MH, 67-79MI, 67-79MJ, 67-79MK, 67-79ML, 67-79MM, 67-79MN, 67-79MO, 67-79MP, 67-79MQ, 67-79MR, 67-79MS, 67-79MT, 67-79MU, 67-79MV, 67-79MW, 67-79MX, 67-79MY, 67-79MZ, 67-79NA, 67-79NB, 67-79NC, 67-79ND, 67-79NE, 67-79NF, 67-79NG, 67-79NH, 67-79NI, 67-79NJ, 67-79NK, 67-79NL, 67-79NM, 67-79NN, 67-79NO, 67-79NP, 67-79NQ, 67-79NR, 67-79NS, 67-79NT, 67-79NU, 67-79NV, 67-79NW, 67-79NX, 67-79NY, 67-79NZ, 67-79OA, 67-79OB, 67-79OC, 67-79OD, 67-79OE, 67-79OF, 67-79OG, 67-79OH, 67-79OI, 67-79OJ, 67-79OK, 67-79OL, 67-79OM, 67-79ON, 67-79OO, 67-79OP, 67-79OQ, 67-79OR, 67-79OS, 67-79OT, 67-79OU, 67-79OV, 67-79OW, 67-79OX, 67-79OY, 67-79OZ, 67-79PA, 67-79PB, 67-79PC, 67-79PD, 67-79PE, 67-79PF, 67-79PG, 67-79PH, 67-79PI, 67-79PJ, 67-79PK, 67-79PL, 67-79PM, 67-79PN, 67-79PO, 67-79PP, 67-79PQ, 67-79PR, 67-79PS, 67-79PT, 67-79PU, 67-79PV, 67-79PW, 67-79PX, 67-79PY, 67-79PZ, 67-79QA, 67-79QB, 67-79QC, 67-79QD, 67-79QE, 67-79QF, 67-79QG, 67-79QH, 67-79QI, 67-79QJ, 67-79QK, 67-79QL, 67-79QM, 67-79QN, 67-79QO, 67-79QP, 67-79QQ, 67-79QR, 67-79QS, 67-79QT, 67-79QU, 67-79QV, 67-79QW, 67-79QX, 67-79QY, 67-79QZ, 67-79RA, 67-79RB, 67-79RC, 67-79RD, 67-79RE, 67-79RF, 67-79RG, 67-79RH, 67-79RI, 67-79RJ, 67-79RK, 67-79RL, 67-79RM, 67-79RN, 67-79RO, 67-79RP, 67-79RQ, 67-79RR, 67-79RS, 67-79RT, 67-79RU, 67-79RV, 67-79RW, 67-79RX, 67-79RY, 67-79RZ, 67-79SA, 67-79SB, 67-79SC, 67-79SD, 67-79SE, 67-79SF, 67-79SG, 67-79SH, 67-79SI, 67-79SJ, 67-79SK, 67-79SL, 67-79SM, 67-79SN, 67-79SO, 67-79SP, 67-79SQ, 67-79SR, 67-79SS, 67-79ST, 67-79SU, 67-79SV, 67-79SW, 67-79SX, 67-79SY, 67-79SZ, 67-79TA, 67-79TB, 67-79TC, 67-79TD, 67-79TE, 67-79TF, 67-79TG, 67-79TH, 67-79TI, 67-79TJ, 67-79TK, 67-79TL, 67-79TM, 67-79TN, 67-79TO, 67-79TP, 67-79TQ, 67-79TR, 67-79TS, 67-79TT, 67-79TU, 67-79TV, 67-79TW, 67-79TX, 67-79TY, 67-79TZ, 67-79UA, 67-79UB, 67-79UC, 67-79UD, 67-79UE, 67-79UF, 67-79UG, 67-79UH, 67-79UI, 67-79UJ, 67-79UK, 67-79UL, 67-79UM, 67-79UN, 67-79UO, 67-79UP, 67-79UQ, 67-79UR, 67-79US, 67-79UT, 67-79UU, 67-79UV, 67-79UW, 67-79UX, 67-79UY, 67-79UZ, 67-79VA, 67-79VB, 67-79VC, 67-79VD, 67-79VE, 67-79VF, 67-79VG, 67-79VH, 67-79VI, 67-79VJ, 67-79VK, 67-79VL, 67-79VM, 67-79VN, 67-79VO, 67-79VP, 67-79VQ, 67-79VR, 67-79VS, 67-79VT, 67-79VU, 67-79VV, 67-79VW, 67-79VX, 67-79VY, 67-79VZ, 67-79WA, 67-79WB, 67-79WC, 67-79WD, 67-79WE, 67-79WF, 67-79WG, 67-79WH, 67-79WI, 67-79WJ, 67-79WK, 67-79WL, 67-79WM, 67-79WN, 67-79WO, 67-79WP, 67-79WQ, 67-79WR, 67-79WS, 67-79WT, 67-79WU, 67-79WV, 67-79WW, 67-79WX, 67-79WY, 67-79WZ, 67-79XA, 67-79XB, 67-79XC, 67-79XD, 67-79XE, 67-79XF, 67-79XG, 67-79XH, 67-79XI, 67-79XJ, 67-79XK, 67-79XL, 67-79XM, 67-79XN, 67-79XO, 67-79XP, 67-79XQ, 67-79XR, 67-79XS, 67-79XT, 67-79XU, 67-79XV, 67-79XW, 67-79XX, 67-79XY, 67-79XZ, 67-79YA, 67-79YB, 67-79YC, 67-79YD, 67-79YE, 67-79YF, 67-79YG, 67-79YH, 67-79YI, 67-79YJ, 67-79YK, 67-79YL, 67-79YM, 67-79YN, 67-79YO, 67-79YP, 67-79YQ, 67-79YR, 67-79YS, 67-79YT, 67-79YU, 67-79YV, 67-79YW, 67-79YX, 67-79YY, 67-79YZ, 67-79ZA, 67-79ZB, 67-79ZC, 67-79ZD, 67-79ZE, 67-79ZF, 67-79ZG, 67-79ZH, 67-79ZI, 67-79ZJ, 67-79ZK, 67-79ZL, 67-79ZM, 67-79ZN, 67-79ZO, 67-79ZP, 67-79ZQ, 67-79ZR, 67-79ZS, 67-79ZT, 67-79ZU, 67-79ZV, 67-79ZW, 67-79ZX, 67-79ZY, 67-79ZZ

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

Muir v Allison Decree limits combined total diversion rate to 0.90 cfs (combined total for all splits)

WATER USES

- ☐ No change
- ☐ Different Uses

Use Irrigation From 3/15 To 11/15 Amount CFS AFA
 Use From To Amount CFS AFA
 Use From To Amount CFS AFA

TOTAL VOLUME - Groundwater only

- ☐ Incomplete on claim, the total is, Amount CFS AFA
- ☐ Changes found, the new total is, Amount CFS AFA
- ☐ More than 1" per Acre? Yes (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☒ No change
- ☐ Changes Exam found: Domestic # of homes Stock #
 Types Additional comments:

PLACE OF USE:

- ☐ No Change
- ☒ Changes shown below:

(see attached memo)

* Changes found in # acres irrigated after phone conversations with previous owners (Newman + Hash) + pipe installer (Mo)

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	1W	2									0.7			1.5					2.2

* See attached shape file

Overlap with other water rights: WR # 67-14786 irrigation for 4 acres SESW (still in application stage) 67-14050 domestic internal
Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain: external Muir v Allison = limited 0.9 cfs combined (for all splits off 67-29)

Delivery System Narrative: Current system: 6" buried on north property line, coming south of house + then back up again. There's a 2" gate valve in the northeast corner, south of the house, + at the northwest corner of the property. A 4" buried PVC line runs along the west property line running north to south. Collapsible hoses are attached to risers, then to 2" handline, 30' sections, 1 nozzle per section, with variable nozzles.
Previous historical system: original dirt ditch ran east to west on north property line; + north + south on east property line. (same ditch as used by unnamed stream claimed in 67-14786) Ditches could be dammed up to flood irrigate north to south + east to west upper pasture. Lower pasture was not irrigated prior.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

being put in (mid 1992-1993) per Robert Ha

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

12" at headgate with full pipe (overflow goes back to the Weiser River). 12" buried pipe converts to 10", converts to 8", converts to 6" + at the end of the system 4". Actual flow is determined by number of users on the line. Installed fall 1983 (prior to that it was a dirt ditch)

Pipe Conversions: Maximum Capacity

	12" = 3.93 cfs
	10" = 2.73 cfs
	8" = 1.74 cfs
	6" = 0.98 cfs
	4" = 0.44 cfs

Main, running east to west along north property line.

* See attached memo for additional details from previous owners.

Southeast corner of the lower pasture is a ditch that comes over on Mike's property + ends. It catches the run-off from Govedare 67-79F property. Sometimes there's run-off, but not most often.

Directions: North thru Council, take the Fruitvale turn off (to the left). Go 6.3 miles to 3050 Fruitvale Glendale Rd.

POU: property west, southwest, south + southeast of residence.

POD: Go to 3147 Fruitvale Glendale Rd (park + get out), walk west approximately 135' + go down the bank to the Weiser River Trail, turn west + walk approx. 228' + you should see a path to the left leading to the Weiser River + should be able to see a dam + headgate there. To find the headgate that converts

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

to 12" buried PVC, continue west on the Weiser River Trail ~ 450' + the headgate will be on your left side.

DATE EXAM CONDUCTED:

10/8/2007

FIELD EXAMINER:

Gandy Hernenway

MEMO 67-79L:

9/24/2007 During a field inspection with Sandy Hemenway and John Moyer A67-79K, he stated that there had been another ditch running along the south end of the properties that had been used by 67-79C, 67-79D, 67-79F, and 67-79G years ago, but the point of diversion (POD) and a lot of the sections of the ditch was washed out during the 1976/1977 flood. THERE IS NO PROOF OF EVIDENCE THAT THIS DITCH EVER IRRIGATED THE "LOWER PASTURE." NEITHER THE DITCHES OR THE POD WERE REDUG AFTER THE FLOOD, THEREFORE THIS POD WAS ABANDONED.

10/3/2007 per phone conversation between Sandy Hemenway and Robert J. Hash, Original Owner of property in reference to point of use/acreage irrigated in question under A67-79L: I called Robert J. Hash (208) 365-1635 at 11:50 A.M. Robert stated that the original dirt ditches ran on the north boarder of the property, until 6" buried PVC was installed. There was a dirt ditch running north to south, located east of the house that could have possibly been used to flood irrigate the lower pasture by damming up the ditch. HE SAID HE NEVER FLOOD IRRIGATED THE LOWER PASTURE THE ENTIRE TIME HE LIVED THERE, BUT DID USE HANDLINE/SPRINKLERS ONCE THE PIPED SYSTEM WAS INSTALLED.

10/4/2007 per phone conversation between John Moyer and Sandy Hemenway at 2:15 P.M, the buried line that runs north and south on the property line between Nancy Hawkins and Mike DeFretas was not installed by John. John only installed the original pipeline that runs along the north side of the property running east and west. He said to contact Leon Newman 851 Beverly Hills Dr. Payette, Idaho 83661 (208) 642-7337.

10/4/2007 per phone conversation between Sandy Hemenway and Leon Newman (208) 642-7337, at 2:30 P.M. Leon was the original owner, prior to Robert Hash. Leon stated that he installed the 4" buried PVC running north and south along the west property line of the current owners Nancy Hawkins (67-79B), and Joseph (Mike) DeFretas (67-79L). Leon stated that the line ends on Nancy's property with a 2" gate valve, and is only for Nancy's use, and does not "T" off to the "lower pasture" owned by Mike DeFretas. Leon stated that when he owned the property currently owned by Mike DeFretas, no one had ever irrigated the "lower pasture," and that the entire time he owned the property (5 years) that he never irrigated the "lower pasture." ONLY THE UPPER PASTURE WAS IRRIGATED, AND HAD BEEN IRRIGATED HISTORICALLY.

10/4/2007 per phone conversation between Sandy Hemenway and Shirley Atteberry/Weiser River Trail (208)257-3562, Mike DeFretas has paid the required fees to install the culvert in the ditch running north to south on the east property line through the property owned by the Weiser River Trail down to the "lower pasture," (this ditch currently is the unnamed stream, and is involved in the WR#67-14786 application). On the 9/24/2007 field inspection, Mike had stated that he had been served papers from the Weiser River Trail to cease all work, but now Shirley says he can complete his installation.

10/8/2007 per phone conversation between Sandy Hemenway and Joseph (Mike) DeFretas: Reviewed the information above, and went over what would be recommended for acreage irrigated. With WR Application #67-14786, Mike was reminded that he had applied for 4 acres irrigation that could cover the "lower pasture." Mike stated that he would just pump water out of his ponds if he didn't have enough water. I informed Mike that his application did not show that he had applied for "irrigation from storage", and the way the ponds are set up, they receive water from the 10" inlet on the Weiser River, which is not listed on the application (unnamed stream source is listed on application which runs north to south on the east property line). He indicated that Steve Lester had included "irrigation from storage" on the application, and he would contact him to make sure the correction was made. Sent Steve Lester an email to give him a heads up on the situation.



Idaho Department of Water Resources

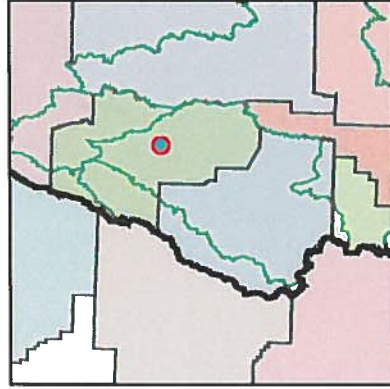
SRBA Recommendation:

67-79L

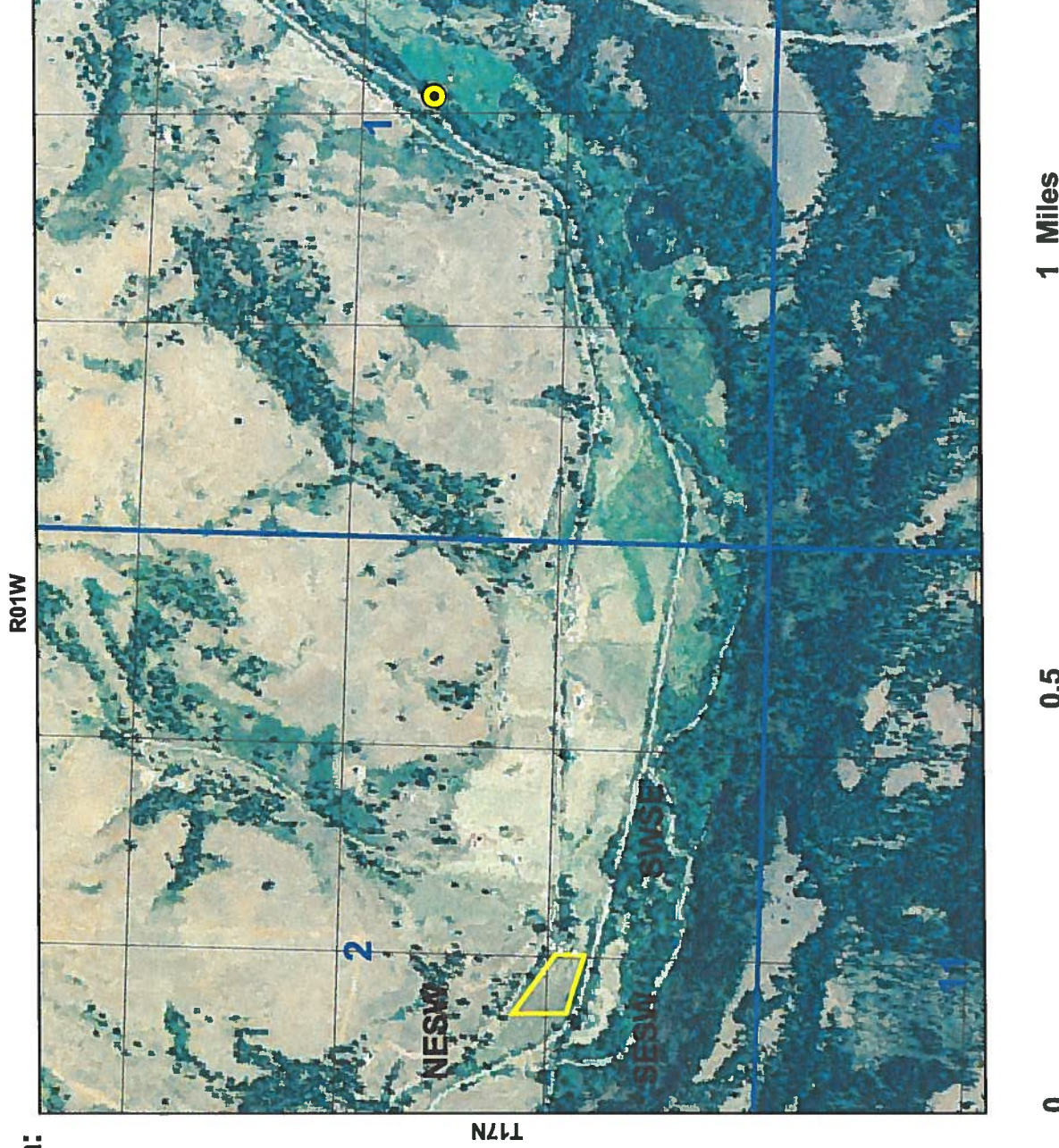
(Irrigation)

Legend

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

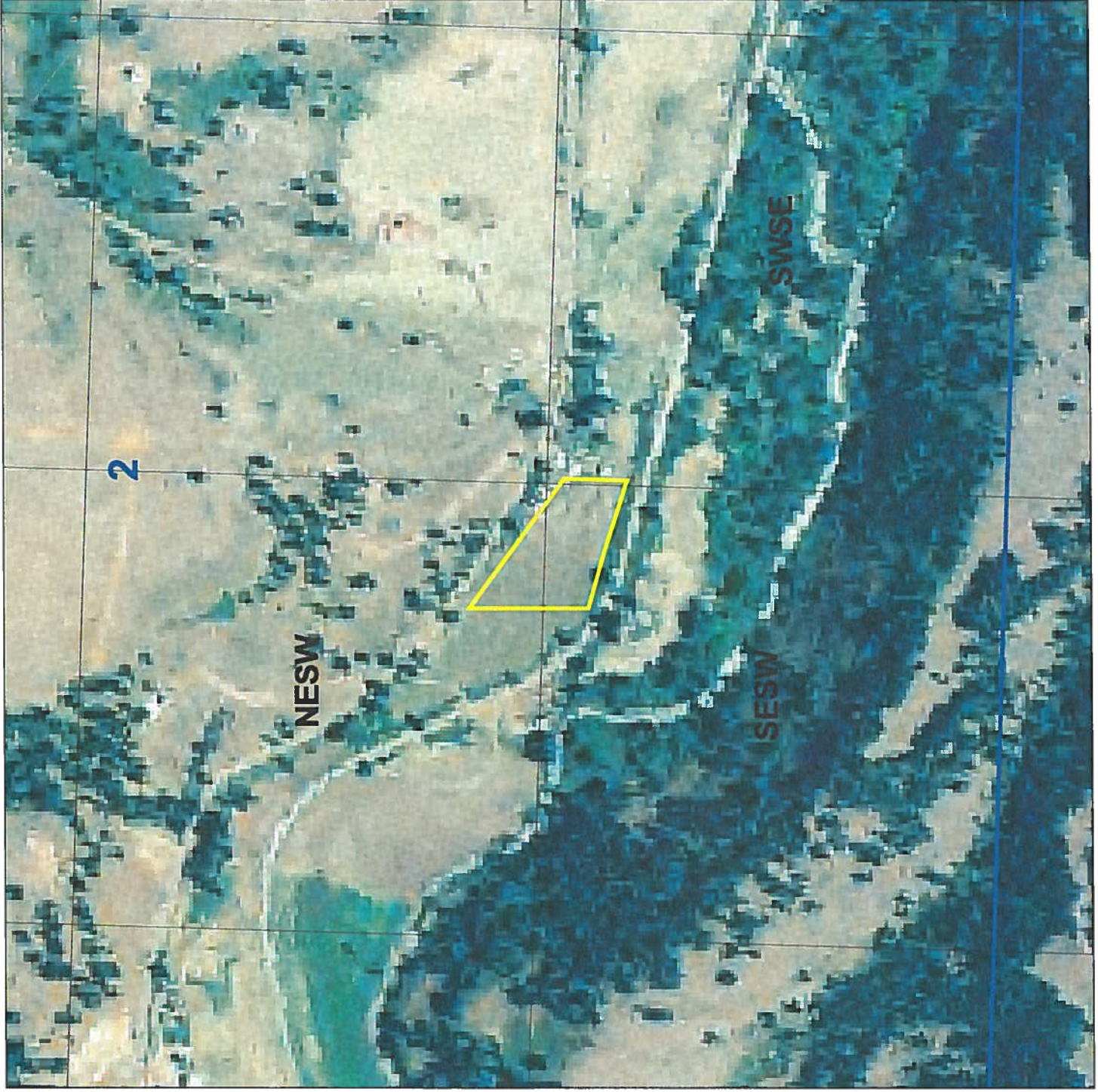
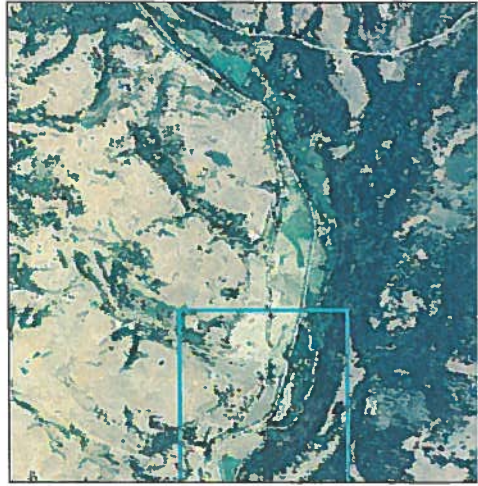


Adams County
IDWR Basin 67

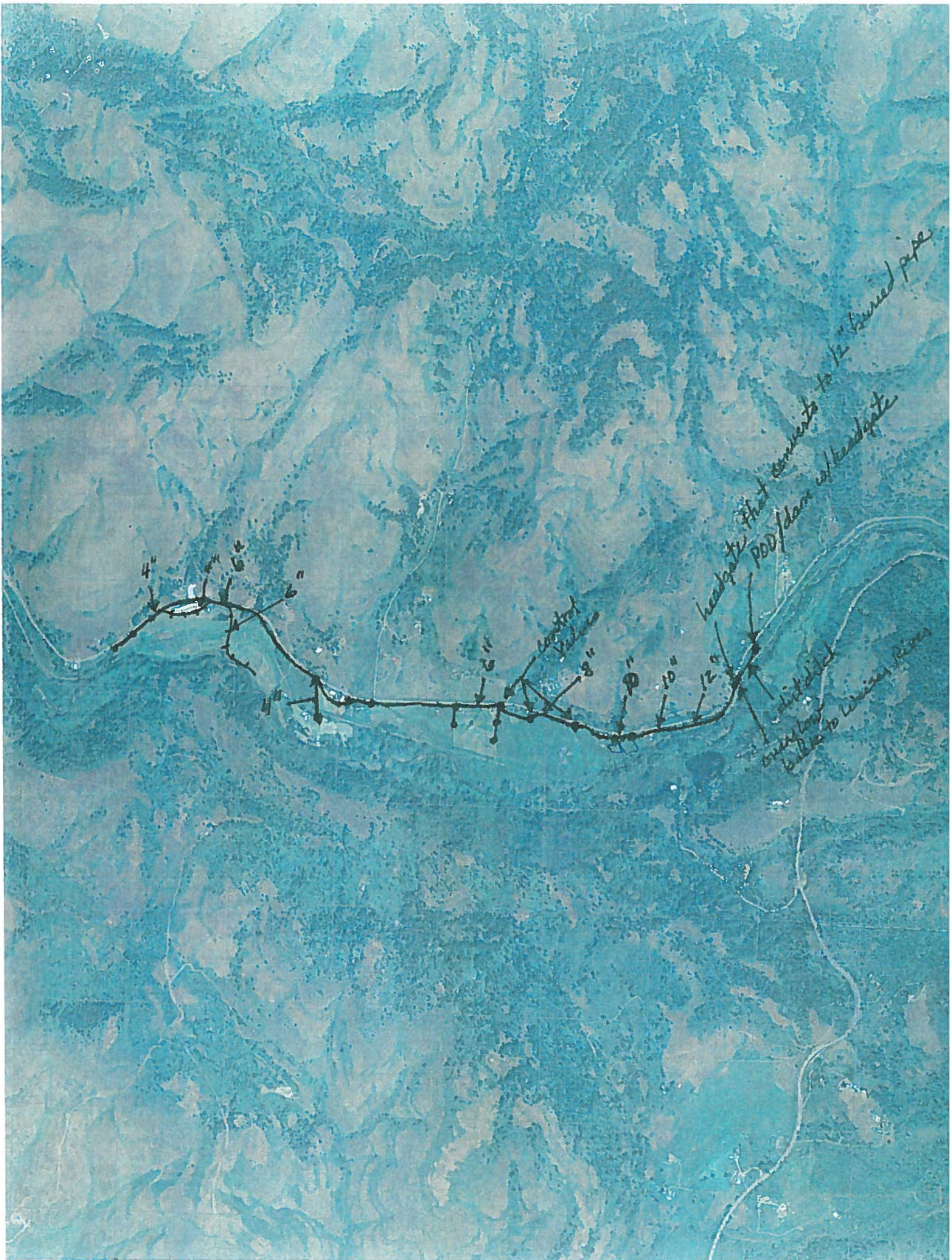


Prepared by IDWR State Office
On Wednesday, October 10, 2007
1987/88 Aerial Photography

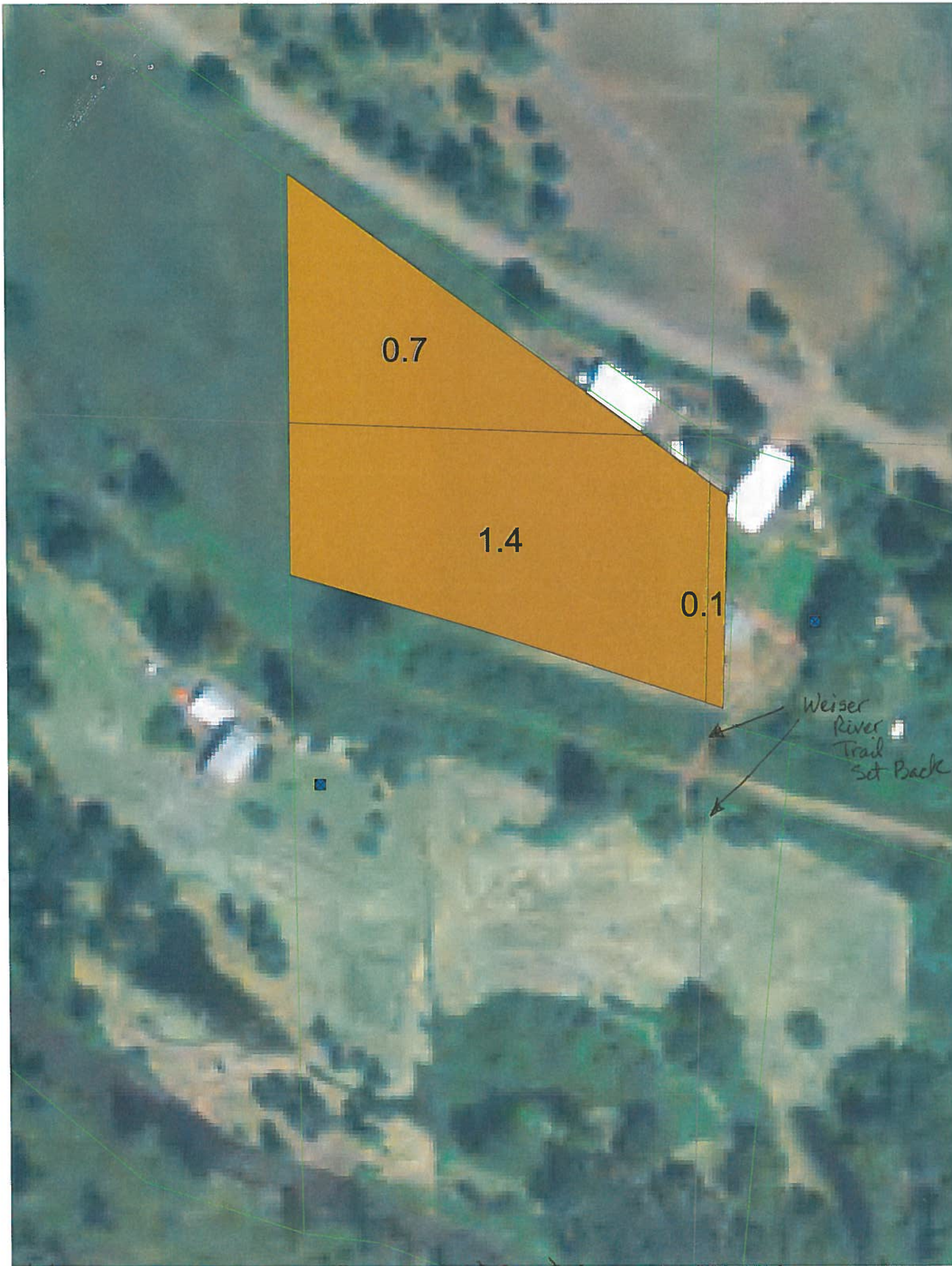
67-79L







Master Copy 67-79





original
dam
prior to
flood

POD
headgate



temporary
dam
constructed
after flood

POD
headgate
w/36" culve

67-79A, 67-79B, 67-79C, 67-79H, 67-79J, 67-79K,
67-79L + 67-79M

9/24/2007 S. Hemerway



temporary
dam
constructed
after
flood

09/24/2007



overflow
return
to Weiser
River

headgate
conversion
to buried
12" PVC,
reducing
to 10", 8",
+ 6"
towards
end of
system

67-79A, 67-79B, 67-79C, 67-79H, 67-79J,
67-79K, 67-79L + 67-79M

9/24/2007 S. Hemenway



house



Control
Valve
under
cover

67-79L Defreitas
S. Hemerway 9/24/2007



POU:
yard +
garden

Control
Valve
directly
southwest
of house
for yard
+ garden
Hoses +
various
nozzles
used,



riser to
collapse
hose to
2" hand
30' sec
1 nozzle
per sec
various
size
nozzles

67-79L DeFreitas
9/24/2007 S. Hemenway



POU:
upper
pasture



POU:
upper
pasture

67-79L DeFreitas

9/24/2007 S. Hemenway



Nancy.
Hawkins
property
67-79E

20' west
of NW
corner
of low
pasture
is a 2
gate va
that o
serves
67-79
per
Leon
Newm
origin
owner
+
Nancy
Hawki



NW
corner
of low
pasture

67-79L DeFreitas
9/24/2007 S. Hemenway



unnamed
stream
ditch to
be
piped with
18" culv

pond #1

pond #2

lower
pasture
historically
not irrigated
until
6/1/1890
ditch was
piped, the
previous
owner
Rlat. Has
piped to
lower pa
(1992)

09/24/2007



unnamed
stream
18" culv
replace
existing
ditch

lower
pasture

09/24/2007

67-79L DeFreitas

9/24/2007 S. Hemerway



Weir
River

10" inlet
from
Weiser
River



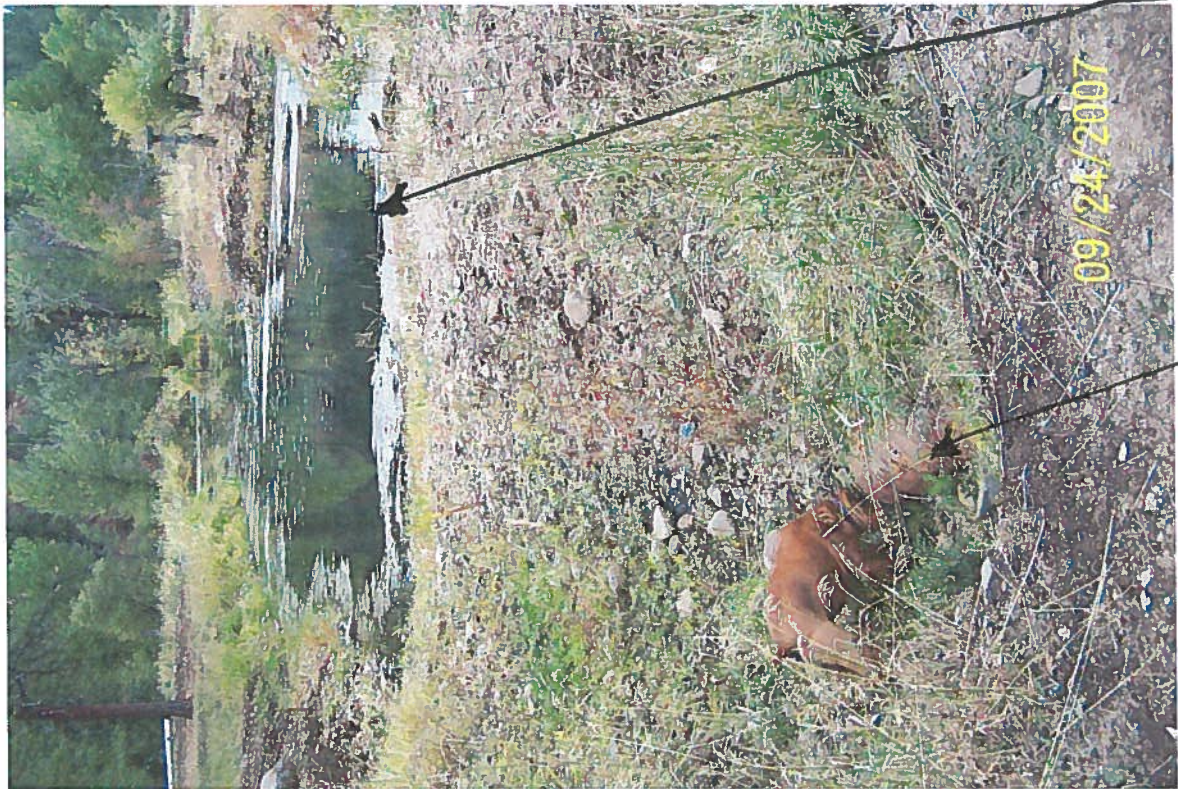
Pond
#1

average
depth 1

over
piped
under
road -

Pond #
(directly
west)

67-79L DeFreitas
9/24/2007 S. Hernerway



Pond #

10" cu
overflow
from
Pond #
is the
inlet
Pond #



10"
outlet
back -
Weiser
River

Pond
#2
average
depth 3

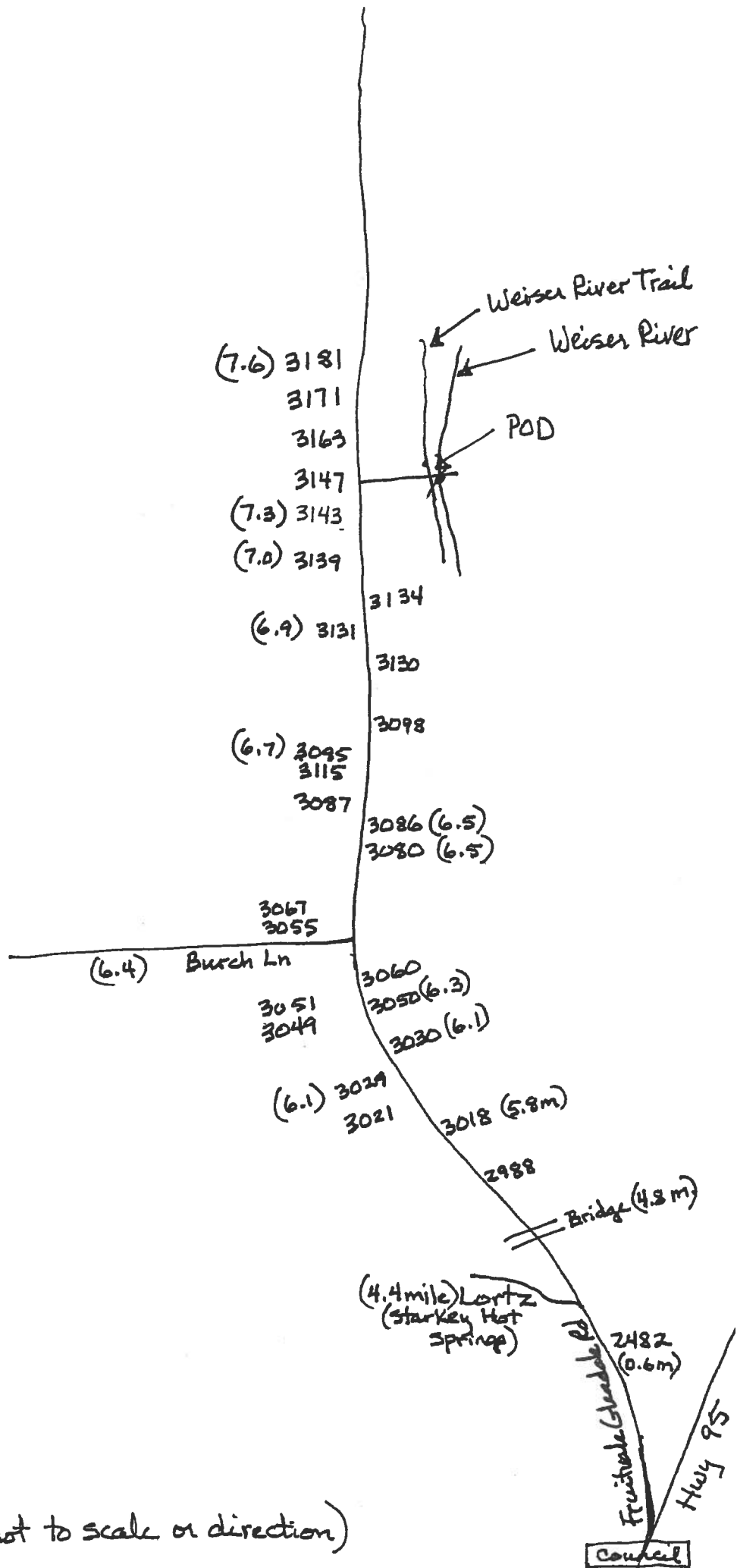
3' bar
on west
side near
property
line

67-79L DeFreitas
9/24/2007 S. Hemerway



Pond #:
average
depth =

67-79 L DeFreitas
9/24/2007 S. Hemerway



67-79

Map (not to scale or direction)

Council

Hemenway, Sandy

From: Hemenway, Sandy
Sent: Tuesday, July 01, 2008 2:38 PM
To: Hemenway, Sandy
Subject: FW: 67-79L

From: Hemenway, Sandy
Sent: Tuesday, July 01, 2008 1:47 PM
To: Van Bussum, Monica
Cc: Ridgeway, Renea; Lester, Steve; Baxter, Garrick
Subject: 67-79L

I just got off the phone with Nancy Hawkins, and she will be coming to Idaho the end of July, first part of August. She plans on attending the court hearing involving Michael DeFreitas 67-79L. Right now she is dealing with health issues with her father (possibly putting him in an assisted living facility). When she returns to Idaho, she will have all the information I requested in the letter I sent her 6/18/2008 (for 2 late claims she filed). Nancy has been working 2 weeks straight with extended hours working past 10pm, and her work schedule will not be reduced until the middle or end of July.

Nancy indicated that the valve that is near the northwest corner of Michael DeFreitas pasture is on her property; is piped with her water running north to south on the east property line. Nancy indicated that she could remove the two-way valve totally and install a single valve further north so there would be no indication or possibility of Michael hooking up to that system. She indicated that the two-way valve was not intended for Michael's use because then he would be using "her water."

Steve, (RE: 67-14611 & 67-14786) Nancy stated that she does not use or need any of the waste water from Michael DeFreitas ponds/property, and is really concerned about the ditch that he is piping in. She stated that if the water is piped in, that the velocity of the water and volume will be higher and increase the chances of her being flooded out on her property. She said that sometimes the water from his property comes onto her property and into her pond, instead of discharging through the overflow at his pond. This water is high in silt/top soil, and causes her pond to get really muddy. She's concerned about the mud being discharged back into the Weiser River.

Monica, I informed Nancy that you would be contacting her later on, as soon as you contacted individuals in "legal."

Sandy

7/10/2008

MEMORANDUM

TO: File

FROM: Monica Van Bussum

DATE: June 13, 2008

RE: Telephone conversation with Mike De Freitas, claimant for 67-79L, on June 12

Mike De Freitas called yesterday to ask about the status of the objection on his SRBA claim 67-79L. This memo serves as my record of that conversation.

Mike started off by asking if anything had happened with 67-79L, his claim for water from the Weiser River. I told him we are planning to hold initial hearings on Basin 67 claims in early August. He said he was worried about something happening because other people were filing on the right. I explained I'd heard of no one else filing on 67-79 and asked him if it was his other water right. He said someone else had filed on the unnamed stream, which he filed on under application for permit 67-14786. I explained the objection to 67-79L is a separate issue from 67-14786 and Steve Lester at Western would be the contact person for 67-14786. Mike said he was just worried about the unnamed stream water rights going through before the objection with 67-79L was resolved. I told him part of the review process for new water rights is to look at other water rights in the area and take those into account.

Mike then said he needed to get my opinion on something. He explained he had evidence showing his lower pasture has been irrigated and Nancy Hawkins (67-79B) never had an open ditch going to the property and asked if I would change the recommendation. I told him, as I've said before, he can photocopy that information and mail it to me or bring it to the initial hearings, but I can not consider changing the recommendation for 67-79L until I receive the additional evidence.

Mike expressed his concern about his permit on the unnamed stream and he was worried an August hearing would be too late for his permit to get approved and the other person would get the water. I told him he could call Steve Lester at Western to discuss the permit. Mike said he realized I didn't want to get involved. I explained it's really a matter of my area of responsibility being reviewing adjudication claims, not reviewing applications for permit, and Steve would be the most appropriate person to talk to about 67-14786.

Mike asked when he would receive information from the SRBA Court about the initial hearings. I checked the SRBA website but did not see any information there. I told him I didn't have information on when the Court would send notices but he could call the Court and ask.

67-792

sent copy to Chris Bromley
& Craig Saxton 4/10/2008
MVB**Van Bussum, Monica**

From: Van Bussum, Monica
Sent: Thursday, April 10, 2008 11:05 AM
To: 'robin de'
Subject: RE: Mike De Freitas

Hi Mike,

We are anticipating initial hearings for Basin 67 (Weiser River drainage) objections sometime this summer or fall. You will be contacted at that time with the date and time of the initial hearing for your objection. Bring all your information to the initial hearing. As we talked about on the phone a couple of weeks ago, feel free to make copies of the information you can and send the copies to me at this office. My address is below. At this time, we do not anticipate making a return field exam of your property. However, the initial hearings may be scheduled in Weiser or another nearby area. If they are, there is a chance we could come take a look at the property again at the time of the hearings. If you need anything in the meantime, my contact information is below.

Monica

Monica Van Bussum
Sr. Water Resource Agent
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

208.287.4907

From: robin de [mailto:robin_defreitas@yahoo.com]
Sent: Wednesday, April 09, 2008 5:10 PM
To: Van Bussum, Monica
Subject: Mike De Freitas

Monica,

the last time I spoke with you I was going to a meeting with Steve Luster concerning a water right for an unnamed stream, he had mentioned that I can not establish an irrigation water right from the unnamed stream due to the senior water right holders, he told me I had to go back and resolve the issues I have with our irrigation allotment and acreage. He said he would pass a memo on to your or call you. Can you let me know what I have to do to help resolve this issue. It would be great if a field inspector could come out and look at my lower pasture again. I have uncovered a source of origination that fed irrigation water over to Hawkins property and also I mentioned to you that I have tax records from 1912, Biggerstaff's tax record of 1912 reflects that he indeed did irrigate our whole lower pasture and beyond. I also have access to the stereo-graph photos which are my neighbors that I can not let out of my possession which visually show that there was never a ditch beyond the unnamed stream in the upper pasture area. It indeed did turn down the unnamed stream, under the Weiser Trail and skirt around the top of the bottom pasture westward into Hawkins property. Also I have an affidavit from Tim Hohns, neighbor, that the 35 years he has been here that the water did turn at the unnamed stream and no where else. Can you reply and let me know what my next step is to try to resolve this issue. I think I have met my burden of proof, I have seen nothing from the water resources that ever historically said the ditch

4/10/2008

continued thru our upper property. I think I am entitled to irrigate 5 1/2 acres of our 7.39 acres minus barn and house area and trees along the river.

Will look forward to hearing from you.

thank You,

Mike De Freitas

*You get the best efforts from others not by lighting
a fire beneath them, but by building a fire within.*

-- Bob Nelson

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<http://mail.yahoo.com>

Van Bussum, Monica

From: robin de [robin_defreitas@yahoo.com]
Sent: Wednesday, March 26, 2008 6:27 PM
To: Van Bussum, Monica
Subject: Mike De Freitas

Monica,

the last time I talked to you, aprox. 10 days ago, I mentioned to you that I am appealing the water allotment for our property. I went down to the county records and got the records indicating that Biggerstaff watered the entire area encompassing our property and more in the tax records from 1912. I have these copies on hand, also we have stereo graph photos that show that the above ground ditch indeed did turn down the un named stream to our lower pasture and then west into Hawkins property. The aerial photos prove that. What that tells me is that Nancy Hawkins irrigation water right coming off the Glendale Ditch is not valid, because of the Muir-Allison decree time frame. it only dates back to about the mid 1980's when the ditch was installed underground by the Hash's, which is in the letter I mailed you two months ago.. If you could please give me an explanation as to how you justify Hawkins not only having that water right but in turn granted her an appeal for more as well as Tim Hohs being granted his back. I found it kind of peculiar that when I met down there with you, Ms. Hemmingway and the attorney that you stated several times that it should not be a problem of the lower field getting irrigation water because of my request of water right for the un named stream which stated 4 acre feet of water. When the water runs from March thru May down thru our property and out the Weiser River. I also have a letter from Tim Hohs who has lived her for 35 years stating that the ditch never went beyond our property, it always turned and went down stream under the railroad tracks into our property skirted the edge of the property onto Hawkins property historically, even talking to Erv Ballou walking along the lower pasture he noticed it was evident to him that the water turns and went right along into Hawkins property like we have stated all along. I am planning on contacting Nancy Hawkins to let her know my intentions and that her water rights might be in jeopardy as I plan to pursue this matter. I will be down Friday morning to meet with Steve Lester concerning another issue, is it possible that I meet with you or even is it more possible that you could meet with Steve and myself concerning this issue. I am not about to give up what is due to me. My appointment with Mr. Lester is at 10:45, if you can not make it over to the airport office, can I meet with you at your office after my meeting with Mr. Lester, if so anything that you would like me to bring along. Please reply ASAP due to I am leaving here at 7:15 am Friday morning. Our Home # is 208-253-0032 and my cell # is 208-741-0144.

Thank you for your time and consideration.
Mike De Freitas

Coaching isn't an addition to a leader's job,
it's an integral part of it.

-- George S. Odiorne

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/ A67-00079B Hawkins
A67-00079L De Freitas

Meeting 1/16/08

Name Attending:

Sandy Hemmerway 1DWR
Joseph m De Freitas
Andrea Z Courtney
Monica Van Bussum

Reviewed WR's, POD's, POU's, + Systems for both 67-00079 B + L. Reviewed WR applications filed on irrigation for the lower pasture. De Freitas decided to withdraw his objections on both B + L + will mail a letter to the court + one to S. Hemmerway.

S.H.

Hemenway, Sandy

From: Hemenway, Sandy
Sent: Tuesday, January 15, 2008 4:09 PM
To: Van Bussum, Monica
Cc: Hemenway, Sandy; Saxton, Craig
Subject: Mike DeFretus – FYI

Monica,

I just wanted to give you a heads up that Mike DeFretus called today, and is upset that his neighbor Nancy Hawkins property is being recommended as claimed, and that he was denied for his lower pasture. I went through the reasons why he was denied again (2 previous owners both stating that they never irrigated that lower pasture, until after the pipeline was installed). He is still insisting that he should be granted that priority date for irrigating the lower pasture, but I explained that is the reason he filed for a permit on the unnamed stream that actually irrigates that lower pasture. There is a detailed history in Mike's file, to back up the recommendations made.

I told him I didn't conduct the field inspection on Nancy's property, and that he would need to talk to you about you reasons for making your recommendations. He stated that you sent him paperwork for filing an appeal, but wanted to talk to you about some things. He said he will be in Boise tomorrow, and is going to try to contact you early in the morning to come in for an appointment. Craig said that he will be in the office tomorrow all day, and so will I, so maybe the 3 of us can reserve a conference room and sit down with Mike.

I will pull the files in the morning.

Sandy

1/16/2008
Meeting scheduled here @ IDWR @ 2:00 PM SDIE with
Sandy H, Monica V., Legal, + Mike DeFreitua, to review
file + answer questions. S.H.

1/16/2008

67-79L

Van Bussum, Monica

To: robin de

Subject: RE: De Freitas Weiser River basin 67

MVB notes 01/22/2007: LMM for Mike asking content of letter and return call from him.

MVB 01/24/2007: He received a copy of his final recommendation & was confuse
-----Original Message----- He will probably file an objection.

From: robin de [mailto:robin_defreitas@yahoo.com]

Sent: Sunday, January 21, 2007 8:35 PM

To: Van Bussum, Monica

Subject: De Freitas Weiser River basin 67

Monica,

I received on 1/20 another letter from the IDWR concerning the judification process. It is dated 12/21/06 which is the same date of the previous letter. I was just concerned that the paperwork that I gathered up with the history and prior useage of the lower pasture was received in time to be considered, and you had mentioned that the judification paperwork sent out to people was preliminary, so when I received this same paperwork again, I became concerned because it did not reflect the information that I forwarded you.

Could you please reply.

Monica, can you update me on my water right concerning the paperwork that I faxed and sent you re the prior usage for irrigation the bottom pasture, so my total allowance of water would reflect that I have upper and lower pasture that needs to be irrigated. I was told by an IDWR field rep that I can transfer my water rights to the lower pasture for irrigation as well. Can you inform me of the paperwork for that if necessary.

Thank You,

Mike De Freitas

3050 Fruitvale/Glendale Rd

Fruitvale, Id. 83612

208-253-0032

Everyone is raving about [the all-new Yahoo! Mail beta.](#)

Van Bussum, Monica

From: Ballou, Erv
Sent: Tuesday, December 12, 2006 12:17 PM
To: 'MonicaVanBussum@idwr.idaho.gov'
Cc: 'robin_defreitas@yahoo.com'
Subject: FW: De Freitas

Monica, As Mr. De Freitas (a new property owner) has stated in this email I have been on this property a number of times. It did appear that all of the cleared land had been irrigated at on time but I could only see how the east side of the lower pasture got water and could not determine how the property west owned by Nancy Hawkins got water at all. I posed this question to Steve Lester. All this came up because of the proposal of Ms. Hawkins that Mr. De Freitas had to provide her with water from an intermittent stream that crosses his pasture. There is no evidence that water from this drainage ever went to her land and I advised Steve of this. This was before Mr. De Freitas explained that his Weiser River water came across his property in a gravity fed pressure pipe line and as such explained how the prior owner irrigated. I have never seen the pressure system operation but have only been there for stream protection issues. I would assume that water delivery records must exist because the water is delivered by a water master. I see little value to this information. The best explanation could come from the prior owner of the property if they are still around. I will happy to discuss this with you at any time. Erv

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

From: robin de [mailto:robin_defreitas@yahoo.com]
Sent: Sunday, December 10, 2006 8:17 PM
To: Ballou, Erv
Subject: De Freitas

Erv,

I left a v/m on your phone at work concerning the preliminary recommendations concerning basin 67, my water right # is 67-79L. Recommendations that were sent to me stated that of the 7.3 acres we have, and 0.220 CFS have been altered to 1/2 of that. 3.5 acres 0.44 CFS. I have pleaded with Monica Van Bussum concerning irrigation usage. I am not sure when IDWR came out and viewed properties about judication recommendations, I told Monica my bottom pasture has been under pond construction and I was waiting for the equipment to leave before I leveled, tilled and seeded. I mentioned to her as well that the irrigation line feeds 7 or 8 properties, of those approximately 2-3 irrigate for pasture purposes. I told her that we raise goats also that we have tractor, tiller, seeder and implements to work our land. I also stated that the hay, once it is cut is bailed and stored in the barn for usage. Upper pasture is planted in alfalfa as well. I mentioned that years ago the irrigation line was above ground open ditch and dumped into unnamed stream between myself and neighbors, which feeds down to lower pasture. That history goes back to approximately 1890's.

I mentioned you've seen our property and layout and that I would try to get some type of email regarding your take on water usage. She (MonicaVanBussum@idwr.idaho.gov) thought that would be helpful and any other history of water usage that I could gather up. She would not obligate herself to changing it but she said all information would be helpful. Erv what I have done is seeded the bottom pasture approx. 2.3 - 2.5 acres in alfalfa and remaining land willows and natural habitat which is not irrigated, with possibly no way now to water it. We are not trying to be greedy, but want to be able to harvest that pasture (which was seeded) that pasture is very important to us and we would really like her to reconsider the allotment recommendation she has come up with. I remember walking with you through the lower pasture where the water goes under the Weiser Trail and into the field, you had mentioned that this is probably the method of irrigation back in the day. If you pull up our water right on the comp. unnamed stream water right is backed up due to judification process and I understand it will come under review in 2007. I worry about what that will entail. Any email that you could forward to her regarding this issue, we would be grateful. I wanted you to be aware that I had used your name, and any help would surely

12/12/2006

be appreciated! I realize that once the water right is changed, it is very difficult to reverse the action taken.

If possible could you email me back to confirm you received this or call me on my cell phone 208-741-0703. I am working in McCall this week, but should have reception.

Thanks very much Ery.

Mike De Freitas

208-253-0032 (home)

P.s. I talked to Steve Lester a month or so ago and added to the unnamed stream water right irrigation usage. Although the water runs thru there 6 wks to 2 months, it would store in the pond and I could pump out of the pond to lower pasture. Ultimately I would like to t-off from my irrigation line at upper pasture and run it to the lower pasture. You mentioned that it takes a seperate form to transfer water to lower pasture? Monica mentioned any history regarding prior usage of water would be helpful so I am trying to gather any info regarding this issue, and I will forward to her.

"When you're down to nothing, God is up to something." 😊

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Van Bussum, Monica

From: Saxton, Craig
Sent: Tuesday, December 12, 2006 9:23 PM
To: Van Bussum, Monica
Subject: FW: De Freitas

Hey Mon,

Please put a copy of this in file 67-79L.

Thanks,

c

From: robin de [mailto:robin_defreitas@yahoo.com]
Sent: Tue 12/12/2006 9:02 PM
To: Saxton, Craig
Cc: Ballou, Erv
Subject: RE: De Freitas

Mr. Saxton,

I have contacted the previous owners, Bob and Gerlene Hash regarding how the lower pasture was irrigated. Bob stated that he had irrigated off of a pressured water line tied into the Glendale Ditch Line at the NW corner of the property at the fence. They will be sending us a letter to that effect and it will be sent to Monica.

I do not want to sound redundant, I am not sure if you need to talk to Monica or not concerning this issue, but I just thought I would reply to your email, I appreciate your replying to us.

Thank You

Mike De Freitas

"Saxton, Craig" <Craig.Saxton@idwr.idaho.gov> wrote:

Dear Mr. De Freitas,

Per the request from Monica Van Bussum, I have reviewed the recommendation file for 67-79L. I have spoke with you in the past about your new development of the pond and additional water right filings. However, regarding the historical water right from the Weiser River, I feel that based on the information we have, the recommendation of 3.5 acres of irrigation along with the proportionate share of diversion rate, is the most accurate representation of your portion of the historical water right 67-79. 

If you disagree with this recommendation, I encourage you to gather up supporting documentation that additional acreage was irrigated from the Weiser river under right 67-79 at the time of the decree (5-9-1918). You will then have a chance to file and objection and be heard by the SRBA court.

I do apologize that we could not come to an agreement before the directors report is submitted to the court.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau
craig.saxton@idwr.idaho.gov

-----Original Message-----
From: Van Bussum, Monica

Sent: Tuesday, December 12, 2006 12:37 PM
To: Saxton, Craig
Subject: FW: De Freitas

Thanks!

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

From: Ballou, Erv
Sent: Tuesday, December 12, 2006 12:17 PM
To: 'MonicaVanBussum@idwr.idaho.gov'
Cc: 'robin_defreitas@yahoo.com'
Subject: FW: De Freitas

Monica, As Mr. De Freitas (a new property owner) has stated in this email I have been on this property a number of times. It did appear that all of the cleared land had been irrigated at on time but I could only see how the east side of the lower pasture got water and could not determine how the property west owned by Nancy Hawkins got water at all. I posed this question to Steve Lester. All this came up because of the proposal of Ms. Hawkins that Mr. De Freitas had to provide her with water from an intermittent stream that crosses his pasture. There is no evidence that water from this drainage ever went to her land and I advised Steve of this. This was before Mr. De Freitas explained that his Weiser River water came across his property in a gravity fed pressure pipe line and as such explained how the prior owner irrigated. I have never seen the pressure system operation but have only been there for stream protection issues. I would assume that water delivery records must exist because the water is delivered by a water master. I see little value to this information. The best explanation could come from the prior owner of the property if they are still around. I will happy to discuss this with you at any time.
Erv

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

From: robin de [mailto:robin_defreitas@yahoo.com]
Sent: Sunday, December 10, 2006 8:17 PM
To: Ballou, Erv
Subject: De Freitas

Erv,

I left a v/m on your phone at work concerning the preliminary recommendations concerning basin 67, my water right # is 67-79L. Recommendations that were sent to me stated that of the 7.3 acres we have, and 0.220 CFS have been altered to 1/2 of that. 3.5 acres 0.44 CFS. I have pleaded with Monica VAN Bussmun concerning irrigation usage. I am not sure when IDWR came out and viewed properties about judication recommendations, I told Monica my bottom pasture has been under pond construction and I was waiting for the equipment to leave before I leveled, tilled and seeded. I mentioned to her as well that the irrigation line feeds 7 or 8 properties, of those approximately 2-3 irrigate for pasture purposes. I told her that we raise goats also that we have tractor, tiller, seeder and implements to work our land. I also stated that the hay, once it is cut is baled and stored in the barn for usage. Upper pasture is planted in alfalfa as well. I mentioned that years ago the irrigation line was above ground open ditch and dumped into unnamed stream between myself and neighbors, which feeds down to lower pasture. That history goes back to approximately 1890's.

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Thanks very much Erv.

Mike De Freitas

208-253-0032 (home)

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"When you're down to nothing, God is up to something."

Need a quick answer? Get one in minutes from people who know. Ask your question on Yahoo! Answers <http://answers.yahoo.com/?_ylc=X3oDMTFvbGNhMGE3BF9TAzM5NjUONTEwOARfcwMzOTY1NDUxMDMEc2VjA21haWxfdGFnbGluZQRzbGsDbWFpbF90YWcx> .

Van Bussum, Monica

From: robin de [robin_defreitas@yahoo.com]
Sent: Tuesday, December 12, 2006 8:56 PM
To: Van Bussum, Monica
Subject: DeFreitas

Monica,

We contacted the previous owners of our property, we found out that they did irrigate down in the lower pasture for years. They are sending us a letter stating that they irrigated off the irrigation line from the upper pasture, diversion point is at the NW corner of the property along fence line. Mr Hash stated that he ran 20 sprinklers and once I get this letter in my hand I will mail it to you immediately. Would you please email back what address we should send this to.

Can we fax you a copy of this letter to get the ball rolling and mail you the original? Would that be helpful? Please let us know. We appreciate your help in this matter and look forward to hearing from you.

Mike and Robin De Freitas

"When you're down to nothing, God is up to something."

Everyone is raving about the all-new Yahoo! Mail beta.

Van Bussum, Monica

From: robin de [robin_defreitas@yahoo.com]
Sent: Sunday, December 10, 2006 8:21 PM
To: Van Bussum, Monica
Subject: DeFreitas

Monica i talked to you yesterday concerning my water rights for irrigation ,i mentioned that since work has been completed in my lower pasture (pond) i have tilled and reseeded pasture. approx two and quarter acres. i left a voice mail with irv ballou and will get a letter from him soon, monica if idwr people came out earlier this year ;i would have shown them my tractor,discs,seeder,bailer 300 Ft of irrigation line and all impliments for pasture work ,i also raise and sell goats and grow pasture alfalfa for storage in our barn to feed them & our horses. i believe there are 7 or 8 propertyts on the irrigation line and truthfully there three properties that irrigate for pasture feed. myself , jepson ,watson nobody else has animals pertnint to pasture feed. it is quite valid and true . please you didnt get info from me! If IDWR viewed the ranches it is quite apparent were irrigation usage is used for animals and the rest is used primaraly for lawns and landscaping. Please reconsider my case. When I replied to the preliminary recomendations I was wrong with my reply I do indeed need more than what IDWR is recomending, my upper pasture alone that I irrigate is 3.5 acres and lower pasture is approx 2.3-2.5 acres that I irrigate. The rest of the lower pature is willows and natural habatit which I don't irrigate. Monica Im also getting together paper work and pictures and anything else that you might need from me. If you could please reply soon.

Thank you from Mike Defreitas
Ps. Water Right #67-79L

"When you're down to nothing, God is up to something." 😊

Check out [the all-new Yahoo! Mail beta](#) - Fire up a more powerful email and get things done faster.

11/15/2006

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

RIGHT NUMBER: 67-79L

NAME AND ADDRESS: JOSEPH M DE FREITAS
3050 FRUITVALE GLENDALE RD
FRUITVALE ID 83612

ROBIN R DE FREITAS
3050 FRUITVALE GLENDALE RD
FRUITVALE ID 83612

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.044 CFS

This right shall provide no more than 0.0125 cfs per acre in accordance with the Muir v. Allison decree.

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:

T17N R01W S1 NESESW 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	0.044 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T17N R01W S02	NESW	0.70	T17N R01W S02	SESW	2.80
---------------	------	------	---------------	------	------

3.5 ACRES TOTAL

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

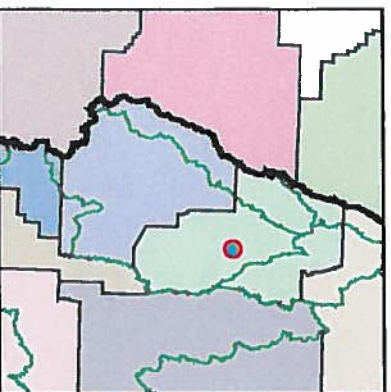


SRBA Recommendation:

67-79L
(Irrigation)

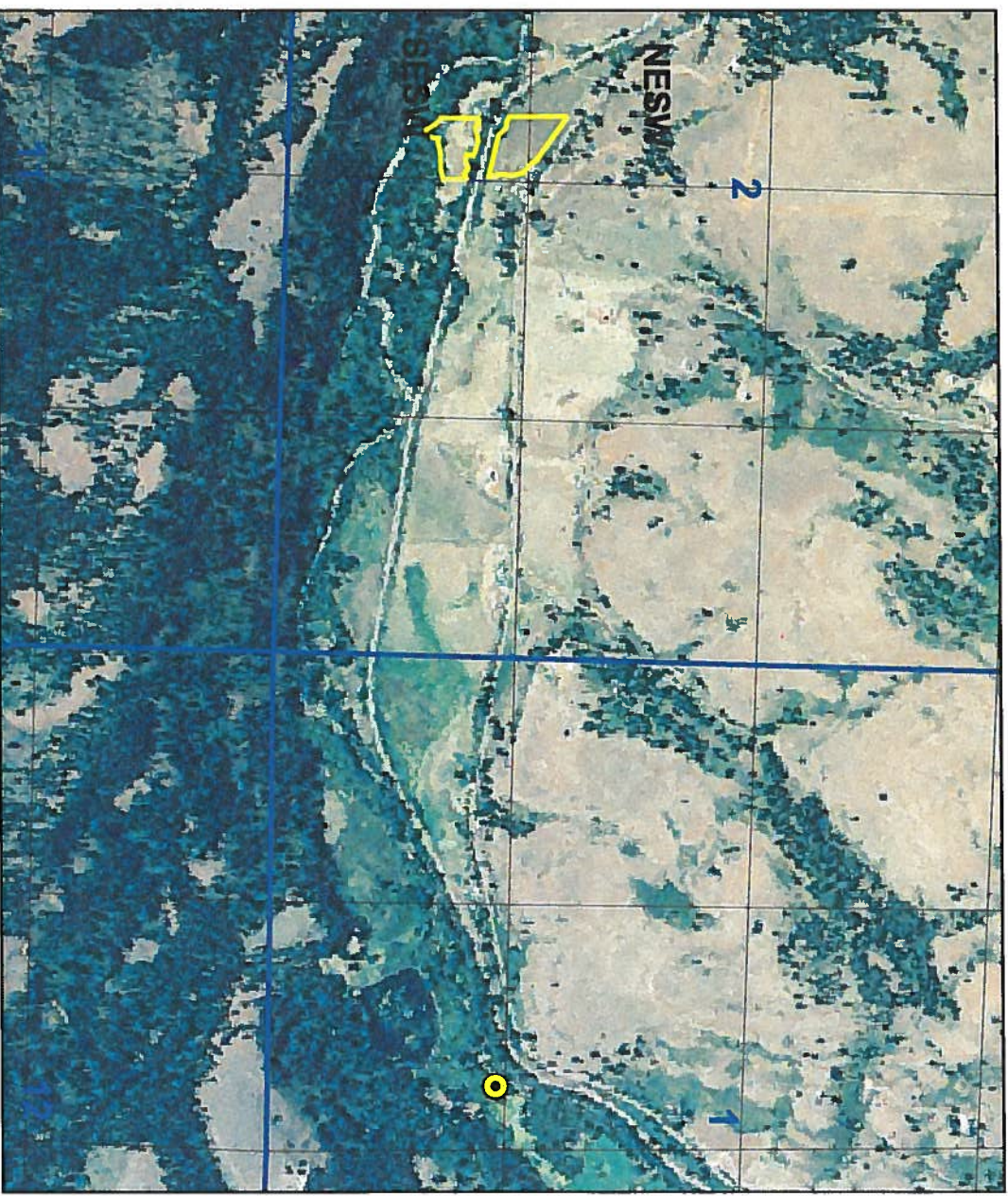
Legend

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



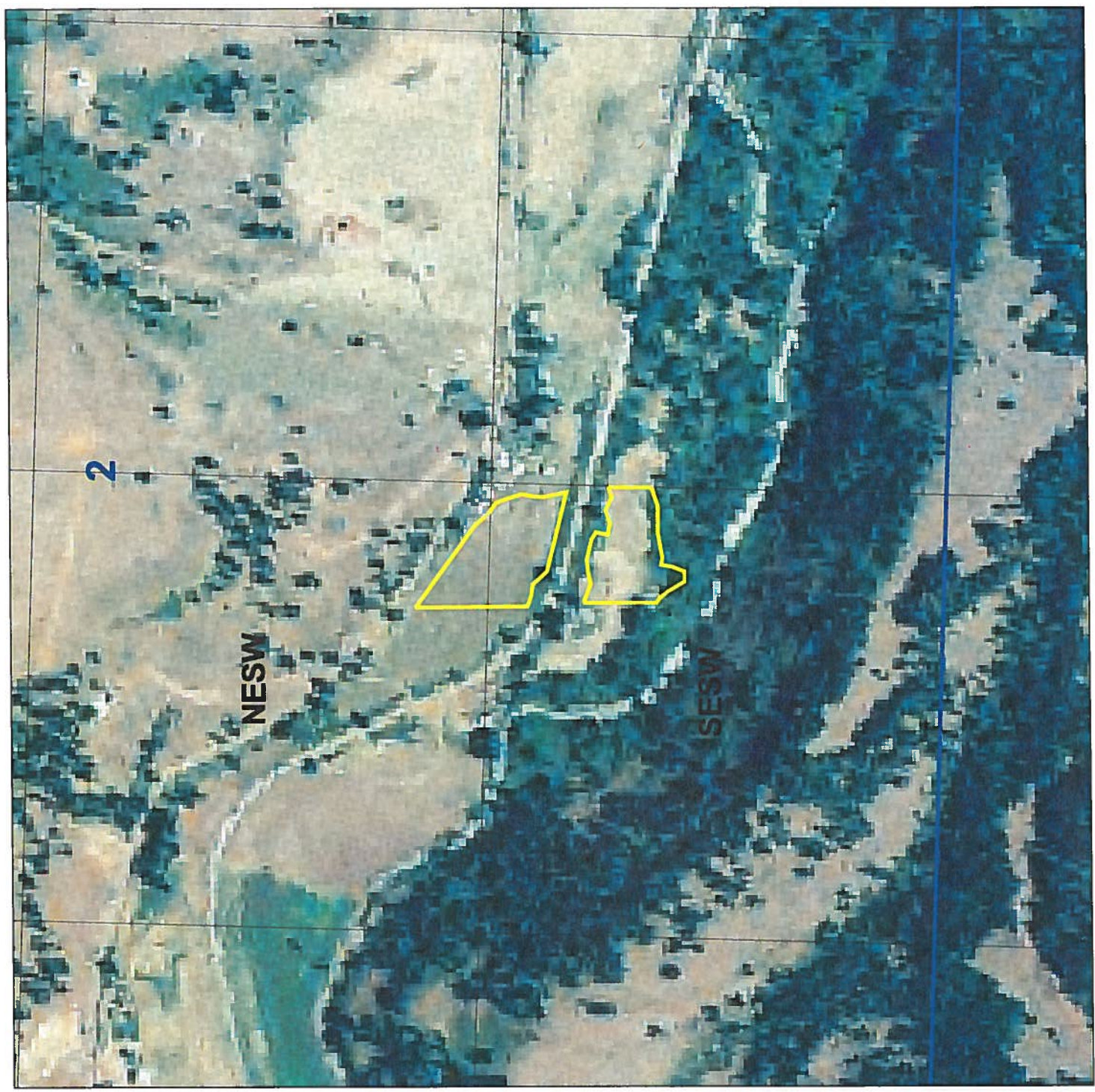
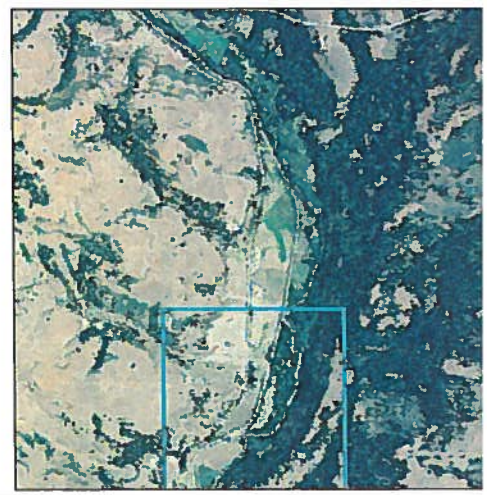
T17N

R01W



Prepared by M. Van Bussum
On Wednesday, November 15, 2006
1987/88 Aerial Photography

67-79L



Clack History

0.0125
Acreage calculated at 5/8 in per acre as decreed.

35 5.1 (5.2)

	S2	AF
0.6		
0.5		

Extra Acro =	-56.8
Extra AFA =	-3.5

Extra Acro =	#REF!
Extra AFA =	n/a

Legend

OK to recommend

Rec as disallowed

~~First updated 9-14-06 (see excel)~~
For digital copy of Excel spreadsheet

MVB 11-14-06

67-79L

Joseph & Robin Defreitas

6-1-1890

POD: 17N 1W 1 NESESW

1 migration

0.22 cfs

POU: 17N 1W ^{sec} ZSESW 7.3 ac

RP 17N 01W 025001A

found

$$1.42 + 2ac \approx 3.5ac$$

$$3.5ac * \frac{0.0125cfs}{ac} = 0.04375cfs$$

b @ 5/8