

12/14/2006

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

RIGHT NUMBER: 67-91

NAME AND ADDRESS: MINK LAND & LIVESTOCK CO
2920 HWY 95
CAMBRIDGE ID 83610

SOURCE: MIDDLE FORK WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 05/01/1903

POINT OF DIVERSION:

T15N R01W S5 NWSE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.120 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T15N R01W S05	SWNE	3.80	T15N R01W S05	NWSE	5.80
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9.6 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



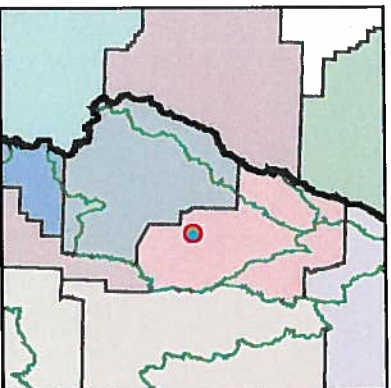
Idaho Department of Water Resources

SRBA Recommendation:

67-91
(Irrigation)

Legend

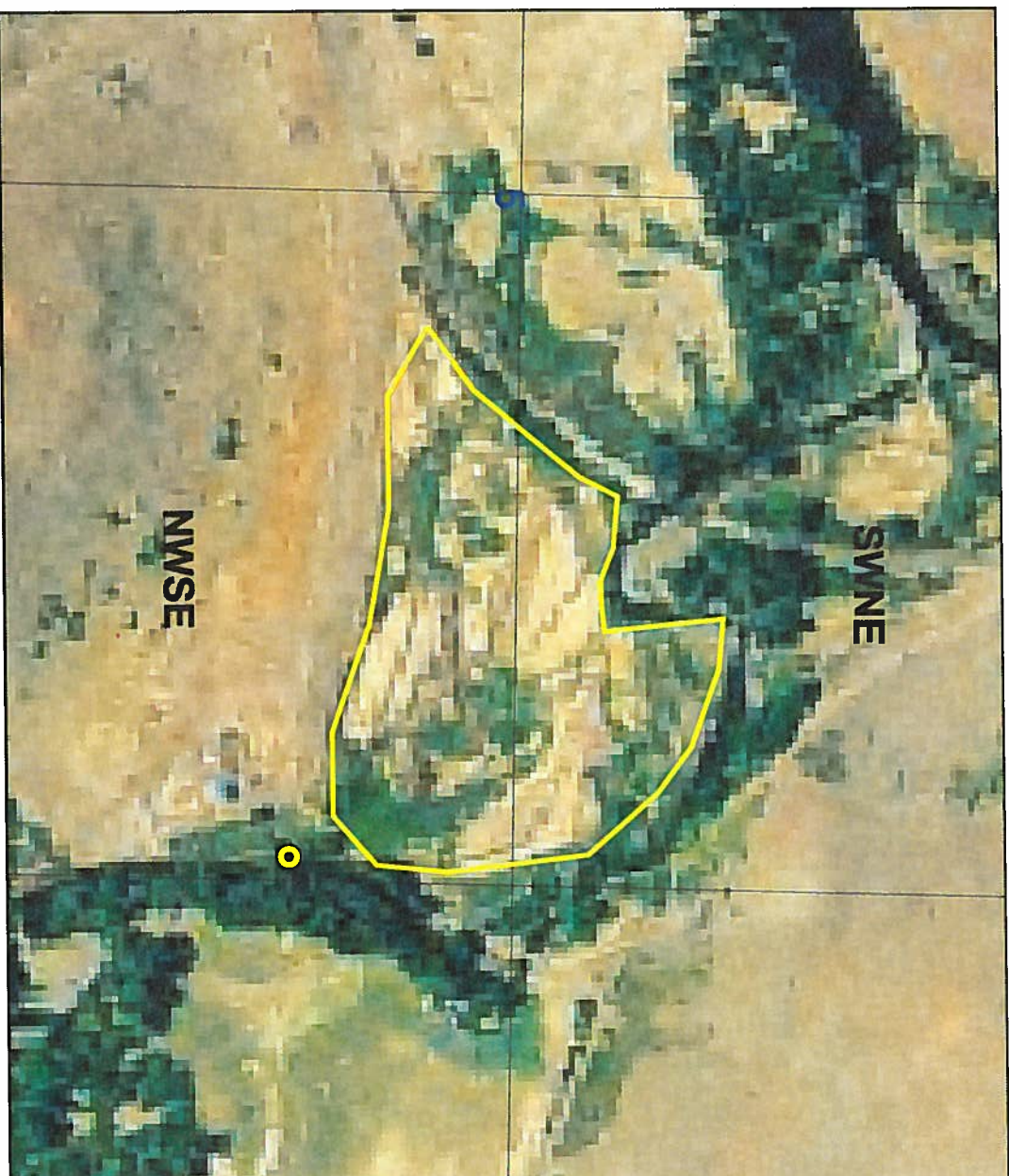
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Adams County
IDWR Basin 67



T15N



Prepared by IDWR State Office
On Thursday, December 14, 2006
1987/88 Aerial Photography

Robertson Seavey Ditch.

George Robertson

Lester I McMahan

Samuel E McMahan

Rollie A McMahan

Issac McMahan

Lillian G Spofford

Fruitvale Townsite Company and its grantees

Phillip Walston

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.

Oorchards Water Company

Lost Creek Storage

A L Freehafer Lost Creek Storage

J A Carr Lost Creek Storage

W M Bacous

Catherine Austin

Ben Wooden

Henry Heimsöth

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)

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 7/1764

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, 1909 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

West Boise Meridian, the West half of the Southwest Quarter, the Northeast Quarter of the Southwest Quarter, and the West half of the Southeast Quarter of the Southwest Quarter of Section 14; the Northwest Quarter of the Northwest Quarter of Section 23; the North half of the Northeast Quarter, the North half of the Southwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section 22; the South half, the Northwest Quarter, the South half of the Northeast Quarter, and the South half of the Northwest Quarter of the Northeast Quarter of Section 15, all in Township 15 North, Range 2 West Boise Meridian.

W M BACCUS: The South half of the Southeast quarter of Section 4, Township 15 North, Range 1 West Boise Meridian,

CATHERINE AUSTIN: The Southwest Quarter of Section 4, and the Northeast Quarter of the Southeast Quarter of Section 5, Township 15 North, Range 1 West Boise Meridian,

BEN WOODJEN: The Northeast Quarter of Section Thirteen, the North half of the Northwest Quarter of Section 13, the Northeast Quarter of the Northeast Quarter of Section 14, and the Northwest Quarter of the Northeast Quarter of Section 14, Township 15 North, Range 1 West Boise Meridian.

HENRY HEIMBOTH: The North half of the Northwest Quarter of Section 14, the South half of the Southwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 11, Township 15 North, Range 1 West Boise Meridian.

GEORGE SHAW: The Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section 10 and the East half of the Southwest Quarter of Section 3, all in Township 15 North, Range 1 West Boise Meridian.

WILLIAM B SHAW: The Northwest Quarter of the Northwest Quarter of Section 11, the Southwest Quarter of the Southwest Quarter of Section 2, the North half of the Southeast Quarter of Section 10, the South half of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 10, all in Township 15, North, Range 1 West Boise Meridian.

JOHN SWEARINGEN: The South half of the Southwest Quarter and the West half of the Southeast Quarter of Section 5, Township 15 North, Range 1 West Boise Meridian.

DAVE DURKE: The Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 10, Township 15 North, Range 1 West Boise Meridian.

O B ROPPER: The East half of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 12, Township 15 North, Range 1 West Boise Meridian.

OSCAR GILBERT: South half Northeast Quarter and Northwest Quarter Southeast Quarter, Section 25, Township 15 North, Range 1 West and Southeast Quarter Northwest Quarter, Section 30, Township 16 North, Range 1 East Boise Meridian (FW)

JAMES HARRILL: The Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 27, and the North half of the Northwest Quarter of Section 34, and the Northeast Quarter of the Northwest Quarter of Section 34, Township 15 North, Range 1 West Boise Meridian.

JACOB CORNETT: The South half of the Northwest Quarter the Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 34, Township 15 North, Range 1 West Boise Meridian.

JOHN CORNETT: The East half of the Southwest Quarter of Section 35, Township 15 North, Range 1 West.

JESSE BUZZARD: The South half of the Southeast Quarter of Section 23; the North

JUL 24 1996

POST WESTON DITCH

J. Emmett Pfost

125

May 6, 1884

John A. Pfost

41

March 25, 1911

Goldie Abernathy

50

Aug 27, 1910

Fred Jewell

50

" " "

Grace Everest

25

May 6, 1884

MIDDLE FORK AND LOST CREEK

Orchards Water Company Middle Fork
Lost Creek Reservoir

3500
6250

Sept. 11, 1909
May 27, 1910

A. L. Freshafer

360 A ft.

" " "

J. A. Carr

300 A ft.

" " "

MIDDLE FORK

W. M. Bascus

14

May 1, 1891

Catherine Austin

24
24

" " " 1901

Ben Wooden

30

" " 1894

Henry Helmsoth

13

" " 1900

George Shaw

21

" " "

William B. Shaw

44

" " 1903

Dave Duree

5

" " 1905

C. E. Roper

7½

" " 1911

John Sweringen

6

" " 1903

FARMERS' CANAL

Mark Winkler

60

June 1, 1891

Carrie Winkler

19

" " "

E. Hinkle

{ 50
32-
19

" " " 1900
Jan. 1, 1891
June 1, 1891

B. A. Moudy and E. Hinkle

82

" " "

George Gould

7

" " 1905

FRANK HAHN DITCH

FRANK HAHN

383
33
38
36
60

June 1, 1902
" " 1903
" " 1904
" " 1905

JUL 2 4 1996

09/13/2006

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

RIGHT NUMBER: 67-85B

NAME AND ADDRESS: MINK LAND & LIVESTOCK CO
2920 HWY 95
CAMBRIDGE ID 83610

SOURCE: MIDDLE FORK WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY:

PRIORITY DATE:

DISALLOWED

POINT OF DIVERSION:

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

PLACE OF USE: IRRIGATION Within ADAMS County

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Recommended as Right No. 67-00085A.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Recommended as Right No. 67-00085A: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-85B V1

WATER RIGHT NUMBER: 67-85B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CATHERINE AUSTIN
	, ID
Current Owner	MINK LAND & LIVESTOCK CO
	2920 HWY 95
	CAMBRIDGE, ID 83610
	(208)257-3776

Priority Date: 05/01/1891

Basis: Decreed

Status: **Disallowed**

<u>Source</u>	<u>Tributary</u>
MIDDLE FORK WEISER RIVER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15	to 10/31	0.200 CFS	
	<u>Total Diversion:</u>		0.200 CFS	

Location of Point(s) of Diversion

MIDDLE FORK WEISER RIVER	NE1/4SE1/4	Sec. 5,	Twp 15N,	Rge 01W, B.M.
WASHINGTON County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	01W	5													10.0				10.0

Total Acres: 10

Conditions of Approval:

1. P16 Recommended as Right No. 67-00085A: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.
2. P06 Recommended as Right No. 67-00085A.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-85B V1

Comments:

1. segbert 7/8/2004 POD

Comment: Could not make the point for the POD. No map

2. segbert 7/8/2004 Quantity

Comment: Cannot verify quantity

3. jdean 9/13/2006 Disallowed

Comment: This claim was disallowed because the claimant did not own property that was within the claimed legal description. The other portion of this "split" was claimed as the full water right for this decree. Because the claimant owns all of the land associated with the decree, the entire decreed right was recommended as 67-85A. If the claimant for this claim can show ownership of the water right both claims may need to be reviewed again.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number: 67

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	7/8/2004 7:49:45 AM	segbert			Disallowed
POD	7/8/2004 7:50:42 AM	segbert			Disallowed
Source	7/8/2004 7:51:30 AM	segbert			Disallowed
POU	7/8/2004 7:51:45 AM	segbert			Disallowed
Use	7/8/2004 7:55:52 AM	segbert			Disallowed
Season	7/8/2004 7:56:11 AM	segbert			Disallowed
Quantity	7/8/2004 7:57:10 AM	segbert			Disallowed
Quantity	7/8/2004 8:25:01 AM	segbert			Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	7/8/2004 7:53:57 AM	segbert	Created polygon from PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-85B V1

Use	7/8/2004 7:55:53 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Season	7/8/2004 7:56:12 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?
Quantity	7/8/2004 8:25:01 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
Priority Date	7/8/2004 7:49:46 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
POD	7/8/2004 7:50:43 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD?
Source	7/8/2004 7:51:31 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	7/8/2004 7:51:46 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
Quantity	7/8/2004 7:57:11 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-85B V1

