

12/14/2006

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

RIGHT NUMBER: 67-108

NAME AND ADDRESS: JACK YANTIS
2562 HWY 95
COUNCIL ID 83612

DONNA YANTIS
2562 HWY 95
COUNCIL ID 83612

SOURCE: EAST FORK WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.160 CFS

PRIORITY DATE: 12/31/1908

POINT OF DIVERSION:

T17N R01E S8 NESW 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	0.160 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T17N R01W S13 NWNE 2.70

2.7 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

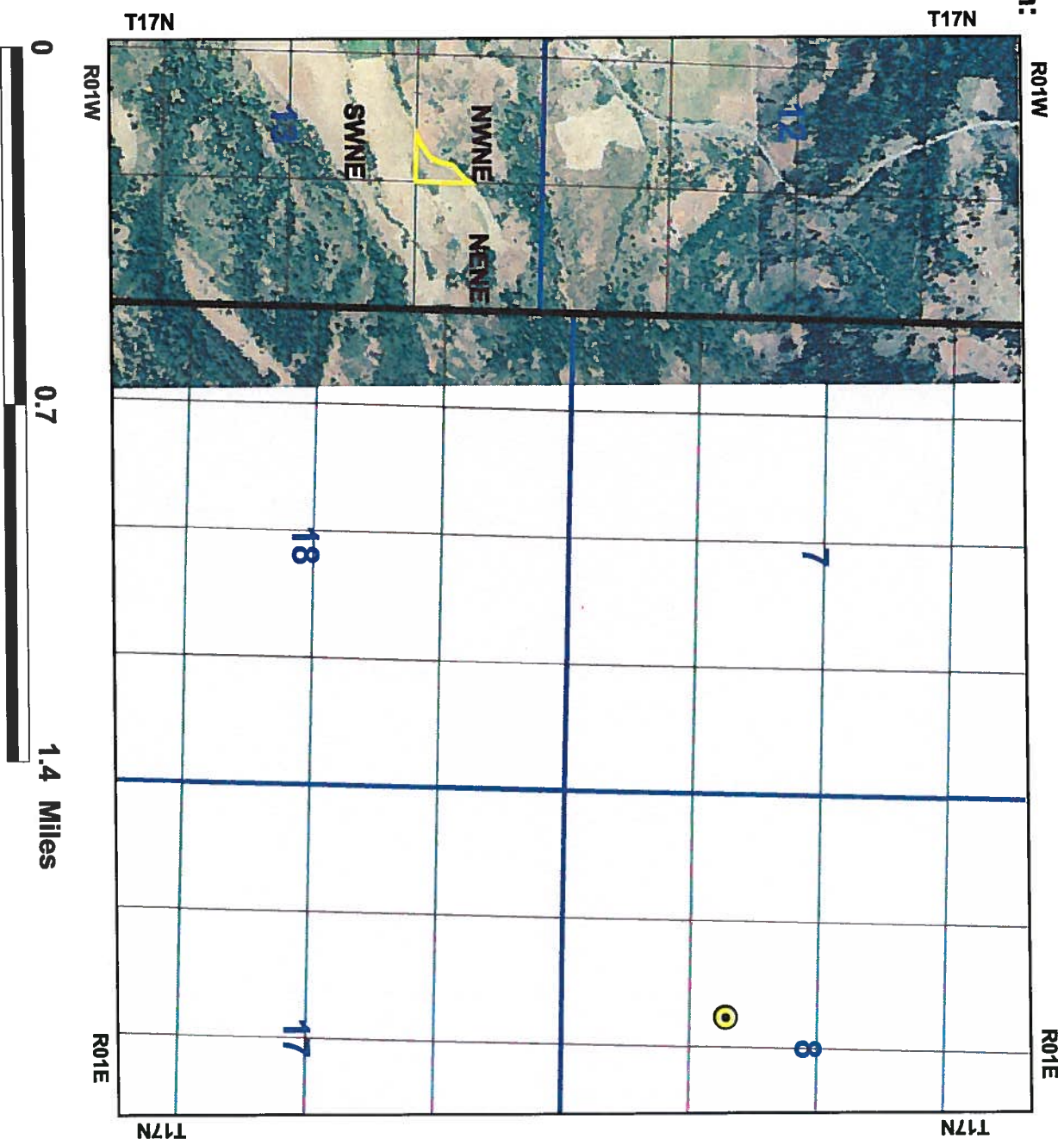
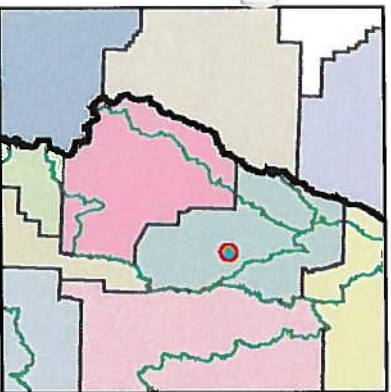


SRBA Recommendation:

67-108
(Irrigation)

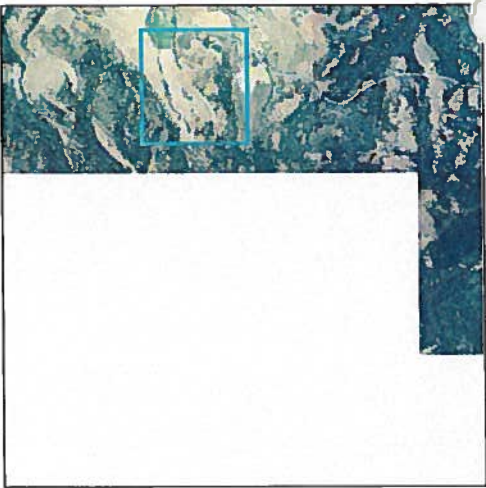
Legend

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



Prepared by IDWR State Office
On Friday, December 15, 2006
1987/88 Aerial Photography

67-108



**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 completeClaim No(s) 67-108Owner: Spck or Donna Yantis Phone No. (208) 253-4776Current Address: 2562 Hwy 95, Council, Id 83612☒ No change NAME IS THE SAME☐ NEW OWNER☒ No change Address☐ NEW ADDRESS☒ How long owned property? owned since 1980, but was owned by family for past 100 yearsAccompanied by: Spck Yantis**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: 12-31-1908

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

Property homesteaded 1910Source: East Fork of the Weiser River Tributary to Weiser 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? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

2307, 398/1545, 304 Boulder Creek

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
			NE	SW	8	17N	1E	Adams	2312935/1516156

East Fork of the Wae River

Description of diverting works

* See attachment

OVERLAP REVIEW

Other water rights with the same point of diversion: 78-2035, 67-11449

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

WATER USES

☒ No change

☐ Different Uses

Use Irrigation From 3/15 To 10/15 Amount CFS

Use From To Amount CFS

Use From To Amount CFS

* Need to calculate acreage in the NWNE

Recalculate little pie of area in NWNE

TOTAL VOLUME -- Groundwater only

NA

☐ 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:

Place of Use			NE				NW				SW				SE	
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW

Need to recalculate acreage in NWNE

Overlap with other water rights: 78-2035, 67-11449 None

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: * See attachment

gravity flow system

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

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

* See attachment

Directions to physical address of POU: I84, Hwy 95
Thru Weiser, Cambridge + Council, ~ 7 miles north
of Council at mile post # 142 1/2, red barn on right
side, 2562 Hwy 95 Council. POU for WR's; property
across highway from 2562 Hwy 95, at the residence +

AFTER EXAM THE FILE SHOULD CONTAIN: surrounding yard + garden, +
pastures east, northeast, south,
southwest + southeast southeast of
residence. POD: see att
attachment w/ description of diverting co

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

DATE EXAM CONDUCTED:

12/4/2006

FIELD EXAMINER:

Judy Hemenway

Yantis

Date of Inspection: 11/6/06

Inspector: Sandy Hemenway

67-11448

78-2035, 67-108, 67-11449 Description of Diverting Works:

POD Boulder Creek 24" Culvert/Head gate, 2000' dirt ditch, discharged to the Weiser River; then reclaimed at POD East Fork of the Weiser River 24" Culvert/Head gate, discharged to Tomlinson Yantis Ditch traveling approximately 3.2 miles to POU.

The initial **POD water source supply is Boulder Creek**, tributary to the Little Salmon River (N45.04.980 W116.26.835 or 2,307,398/1,545,304), located north of mile post #155 on Hwy 95, left on Price Valley Rd, go 5.1 miles, turn right at the split in the road, stay straight at the next split, 10.9 miles from originally turning off Hwy 95 there is a sign that says Yantis Ditch (27" culvert at N45.05.111 W116.26.926 or 2,307,813/1,545,535). Just before the Yantis Ditch turn left on road #128 and go 0.2 miles; on the right side there is a little dirt road, walk down the road 375', then turn right and go down the embankment to Boulder Creek; there is located the POD/24" Culvert/head gate.

The water is brought over the ridge from Boulder Creek through the 24" Culvert/head gate/POD, travels through a dirt ditch approximately 2000', then discharged into the Weiser River. They discharge the Boulder Creek water to the Weiser River, and then reclaim it from the East Fork of the Weiser River. The Boulder Creek water is used as replacement water, in lieu of the water diverted from the primary **POD at the East Fork of the Weiser River** (through a 24" culver/head gate at N44.49.333 W166.27.970 or 2,312,935/1,516,156), discharged into the Tomlinson Yantis Ditch, and to the POU/alfalfa/bluegrass pastures, garden and a small orchard 3.2 miles away). The Tomlinson Yantis Ditch was named after the last names of the family members whose property were irrigated from this ditch.

Originally Sarah Yantis received a Special Use Permit from the US Forest Service, since it is built and used on controlled land. The permit was amended, and is currently in Jack Yantis's name. Mr. Yantis stated that IDWR installed the 24" Culvert/headgates at Boulder Creek, and at East Fork of the Weiser River.

Location of the 24" Culvert/headgate at the East Fork of the Weiser River: go north on Hwy 95, about 10.2 mile north of Council. Jack Yantis residence is located at milepost #142 ½, at 2562 Hwy 95 with the large red barn on the right, and the East Fork of the Weiser Road is 3.2 miles north of Mr. Yantis residence. Turn right at "East Fork of the Weiser River Road," go 2.4 miles until you see a sign on the left side that says Fourth Gulch, park there and walk back the original direction 115', then down to the left embankment towards the river, there is the POD/24" Culvert/Head Gate on the opposite side of the river. **NOTE:** During the 1997 flood, the diversion dam washed out, but was later replaced when IDWR installed the 24" culvert/headgate. Jack stated that IDWR installed the culvert slightly higher than the original location, which has made the system work better.

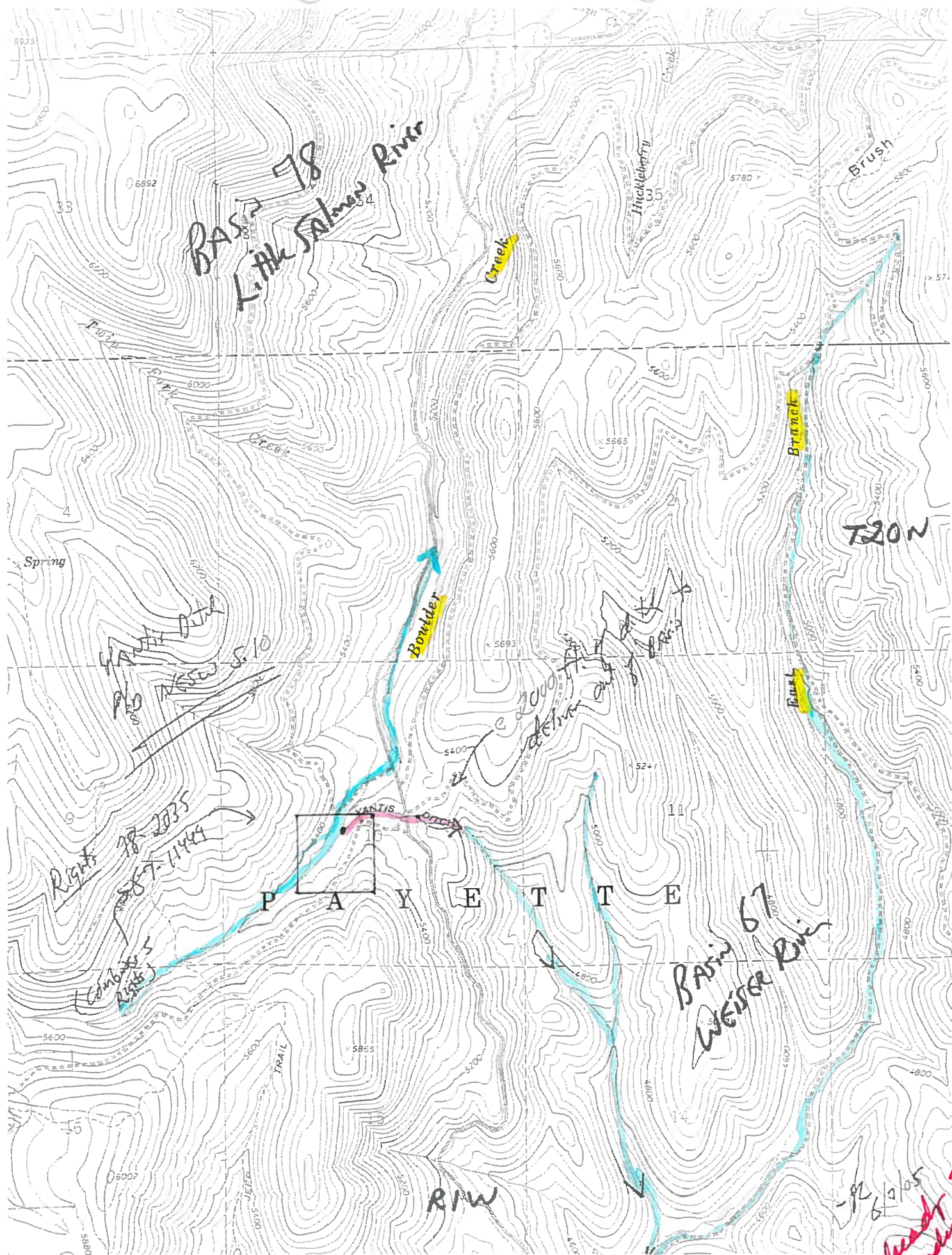
Delivery System Narrative: Dirt Ditches, gravity flow
NE to SW basically with intermingling

Description of Diverting Works:

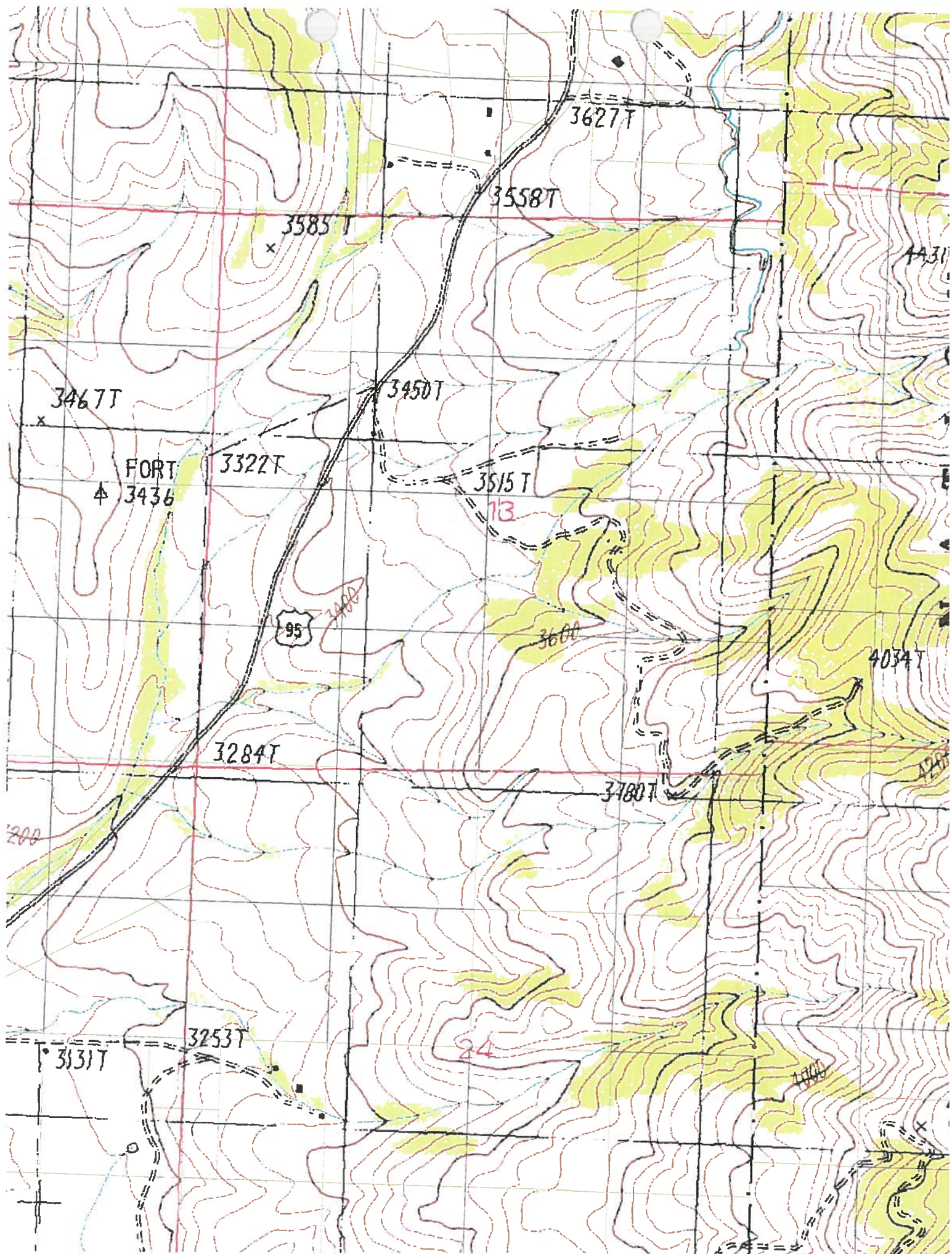
Small dirt ditches traversing back
+ forth across property

Supplemental water: None.





6/2/05 58
already under 67.



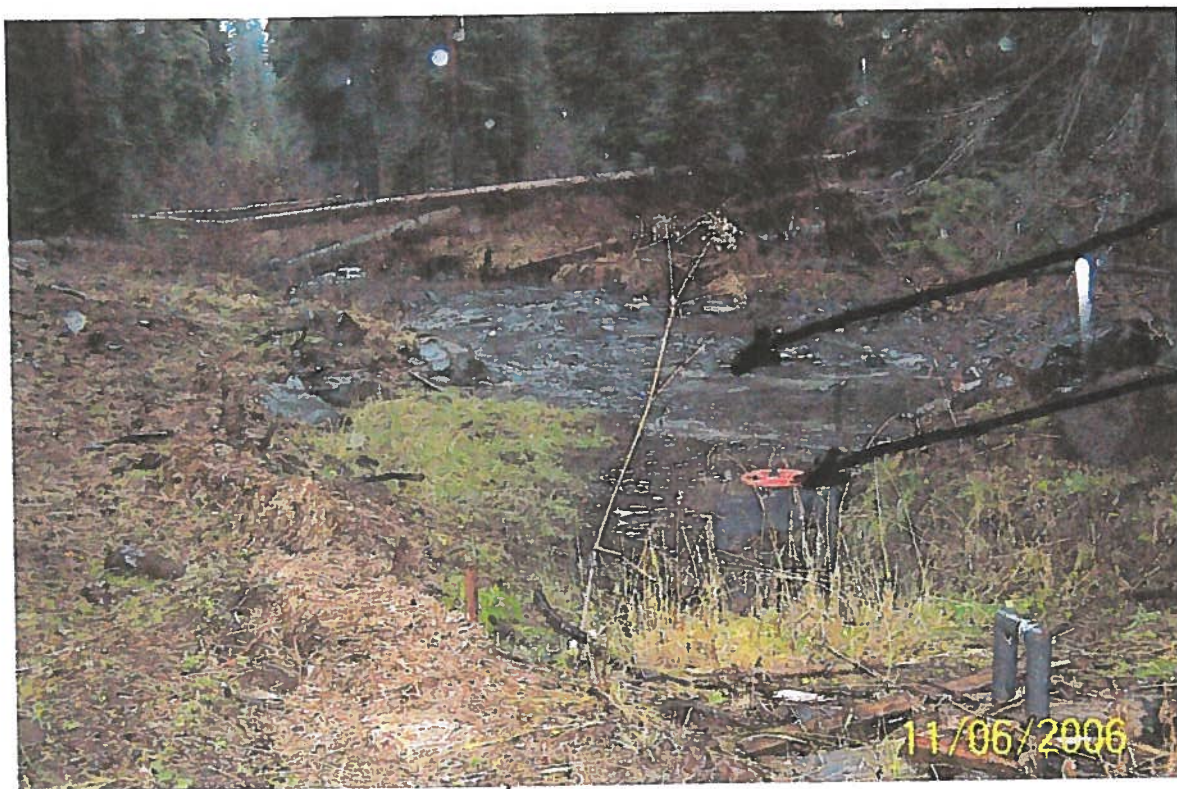


POD
Boulder
Creek

24"
Culvert/
Headgate
to a 2000
ditch th
discharge
to Weiss
River

11/06/2006

N45°04.980' W116°26.835'
2,307,398 1,545,304



Boul
Creek

head
gate

11/06/2006

SA

78-2035/67-11449/67-00108 Yantis
67-1148



Yantis
Ditch
27" cul
to ditch

SK

78-2035/67-11449/67-00108
Yantis

N 45° 05.111' W 116° 26.924'
2,307,813 1,545,535



POD

24" cul
Head ga
at the
East Fo
of the L
River
(reclaim
water)

78-2035/67-11449/67-00108
Yanta

N44°49.333' W116°27.97
2,312,935 1,516,156



← This is where
 the
 Thornline
 Yards [first co
 on to the
 POU, 2
 other di
 branch c



POU:
 alfalfa
 with
 blue g
 pasture

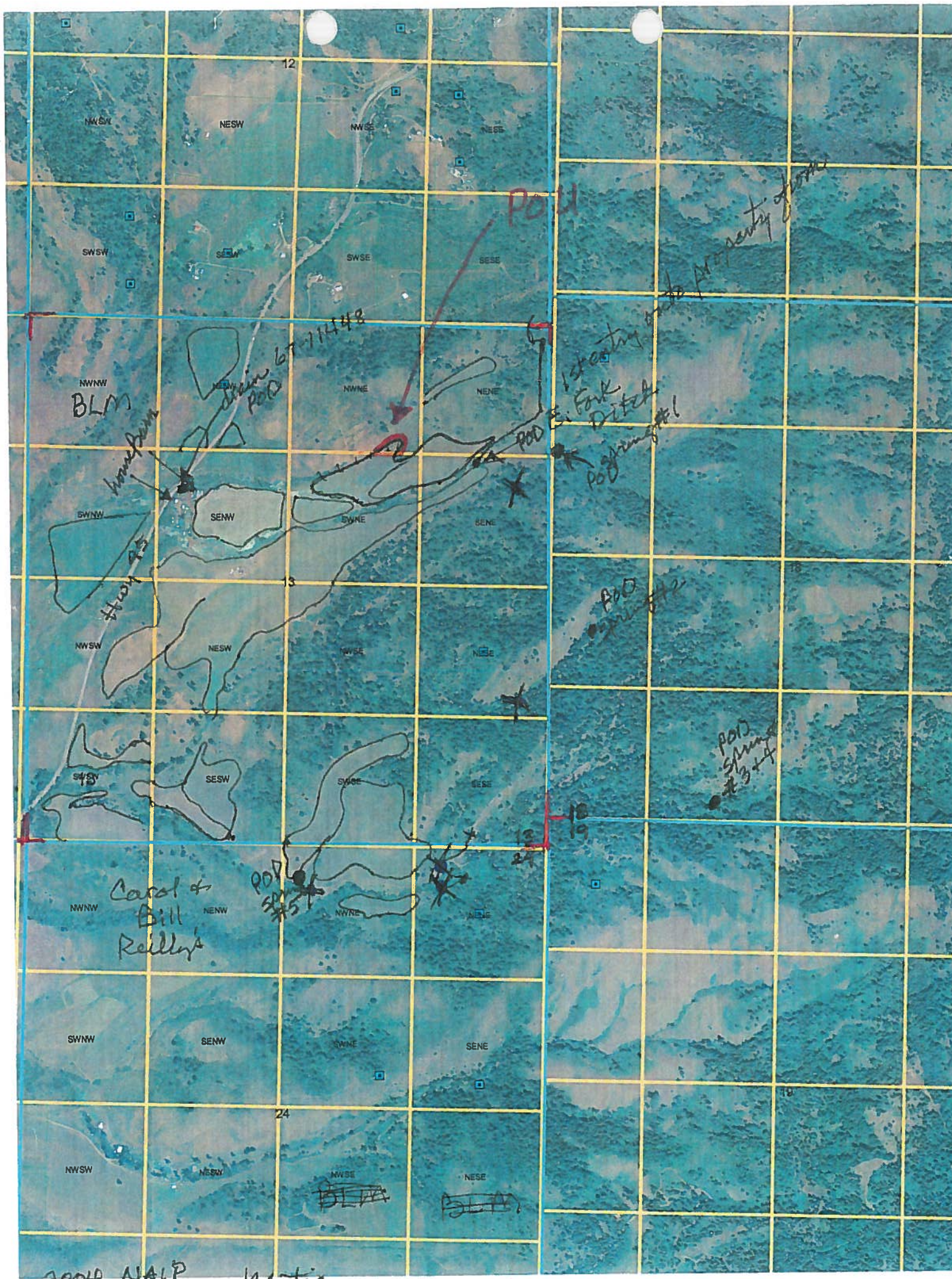
Stock
 150 head
 cattle
 rotated
 through
 property



POU

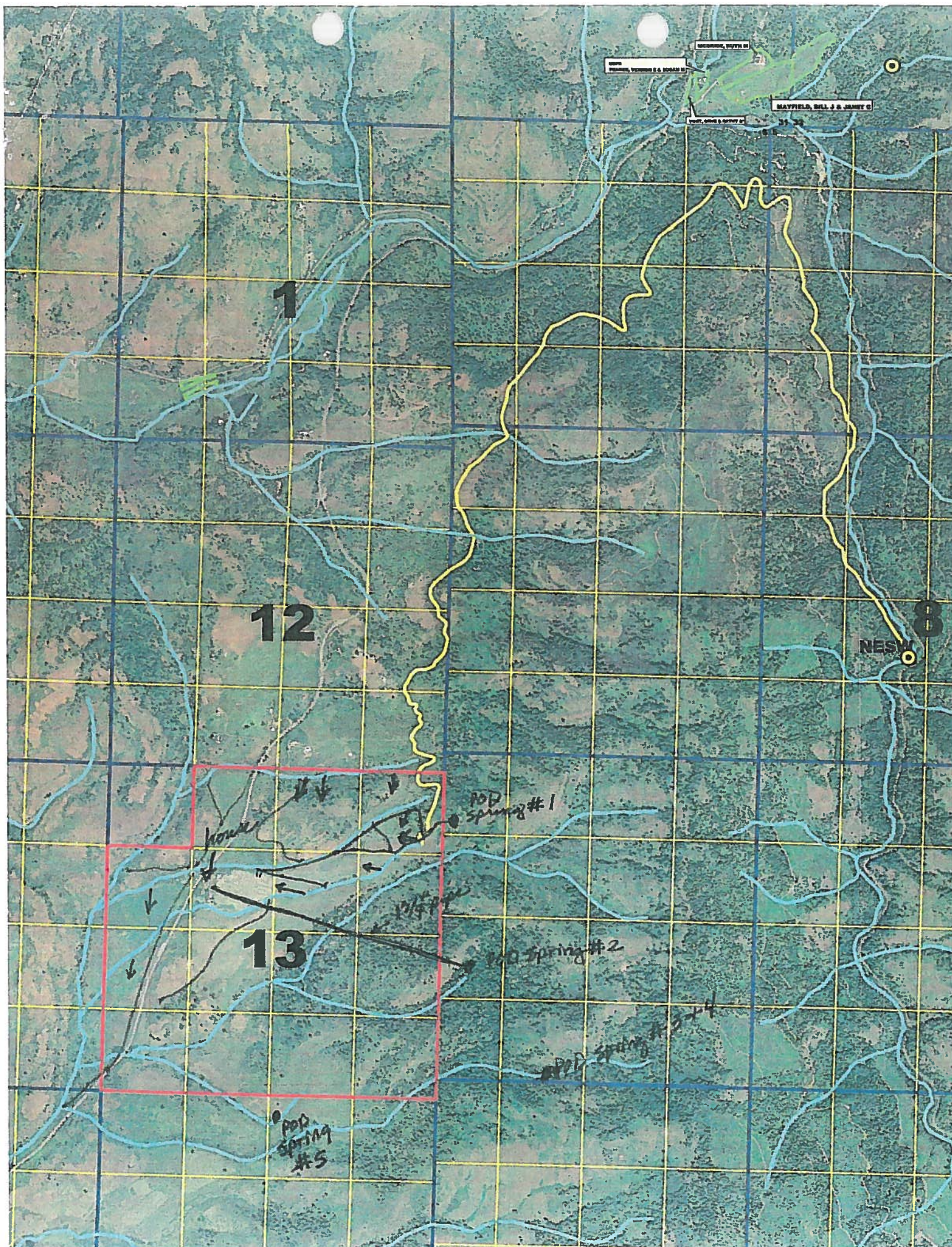


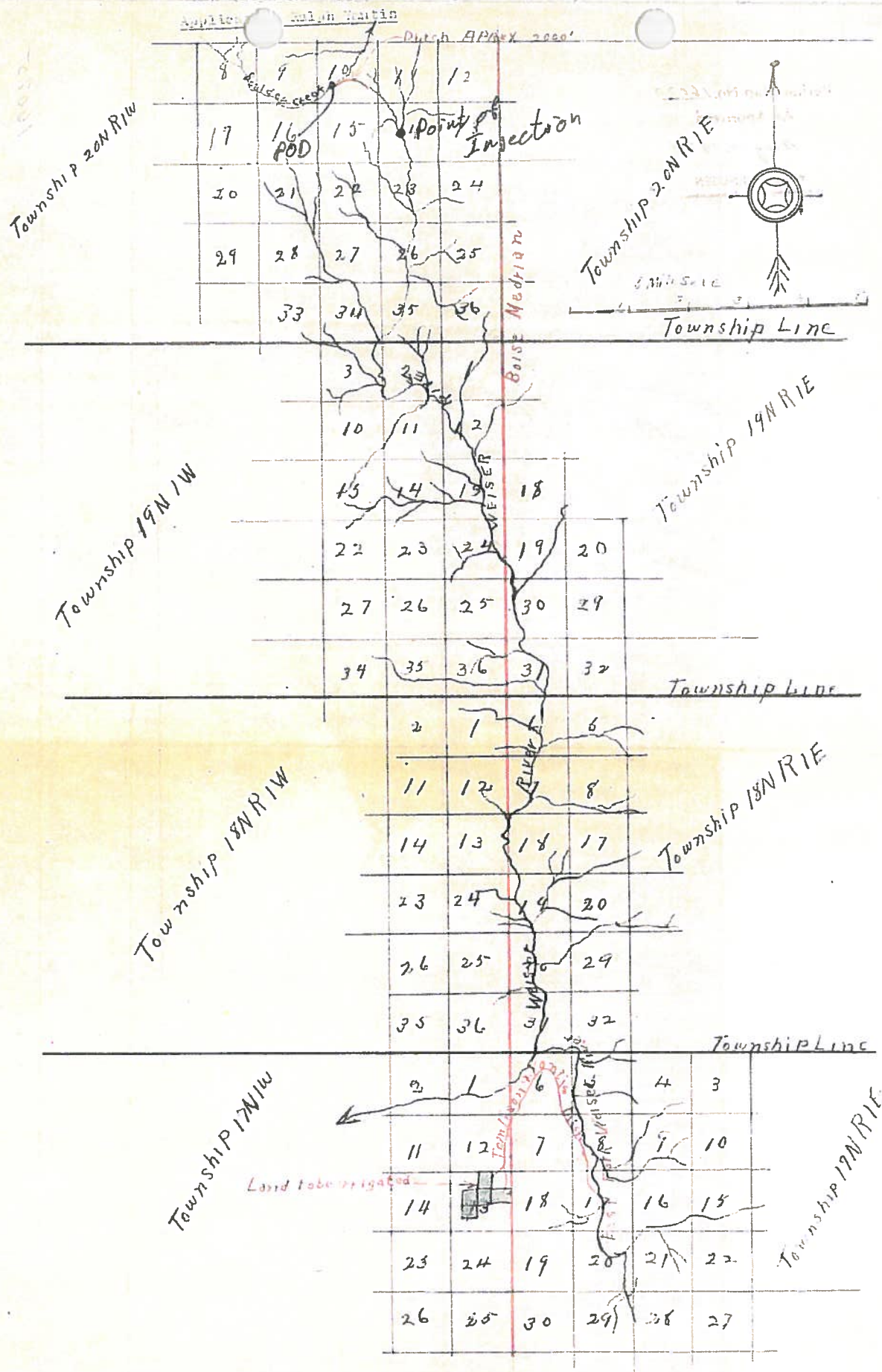
POU



2004 NAIP

Introduction







State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

RECEIVED

JUN 08 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

6/7/05

Yantis Ditch - Notes

① Ditch starts in T20N R1W S. 10 NESE, see map.

② Point of Diversion Query that location - 2 Records:

a) SRBA claim 78-2035 (per License 78-2035)

b) SRBA claim 67-11449 (combines decreed rights
67-104 through 67-107 & License 67-2012).

(1) Lists Pt. of Div. & location in #1 above
but without id. Boulder Creek as source.

(2) Decrees 67-104 through 67-107 listed E. Fk.
Western R. as source, did not specify diversion
location except remark of Tumlinson-Yantis Ditch.

(3) License 67-2012 does not appear to reference
Boulder Creek or Yantis Ditch.

③ Records contain that up to 3.00 cfs diverted from Boulder Creek
through Yantis Ditch. Not clear if records contain that
additional water - up to 7.10 cfs - diverted from Boulder Creek
through Yantis Ditch.

④ Yantis Ditch answers will need to be confirmed in SRBA,
probably during 2005.

- SJ Western Region

already scan

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-108

WATER RIGHT NUMBER: 67-108

Owner Type Name and Address

Original Owner YANTIS

Current Owner COUNCIL, ID 83612

JACK YANTIS
2562 HWY 95
COUNCIL, ID 83612
(208)253-4776Current Owner DONNA YANTIS
2562 HWY 95
COUNCIL, ID 83612
(208)253-4776*Diversion dam**OK**OK*

Priority Date: 12/31/1908

Basis: Decreed

Status: Active

Source Tributary
EAST FORK WEISER RIVER WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 10/15	0.160 CFS	
<u>Total Diversion:</u>		0.160 CFS	

Location of Point(s) of DiversionEAST FORK WEISER RIVER NE1/4SW1/4 Sec. 8, Twp 17N, Rge 01E, B.M.
ADAMS CountyPlace of Use

IRRIGATION

acres is:

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N	01W	13		X															

Conditions of Approval:

- THIS WATER CARRIED IN THE TOMLINSON-YANTIS DITCH.
THIS CLAIM MAY HAVE BEEN CALLED UP BY MISTAKE, DATA ENTRY MADE TO SEND IT TO HOST TEMP. B.A.S. 11/7/89 OTHER WATER RIGHTS: 67-104, 67-105, 67-106, 67-107, 67-2012, 78-2035, 67-2065A, 67-2065B (A & B NOW COMBINED TO A67-11448) 67-4285, 67-4286.
THIS WATER CARRIED IN THE TOMLINSON-YANTIS DITCH. THIS WATER COVERS ACRES THAT ARE ALSO COVERED BY RIGHT 78-2035.
**THIS RIGHT DOES NOT INDICATE THE NUMBER OF IRRIGATED ACRES.

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-108

Remarks:

Comments:

Water Supply Bank:

Memorandum

Date: October 23, 2006

To: Sandy Hemenway

From: Craig L. Saxton

RE: FE for SRBA claims 67-108, 67-4286, 67-11448, and 67-11449

67-108:

This is from the Tomlinson-Yantis Ditch and claims irrigation in the NWNE. However, the claim does not specify how many acres it irrigates. The decreed diversion rate for 67-108 is 8 inches which translates to 12.8 acres @ 5/8" per acre. I can't find 12 acres.

With this one, we really need to find the POU and how it gets there. I know the POD, diversion rate, etc.

No measurement needed.

67-4286:

This right is from springs and appears to be used in conjunction with the E. Fork Weiser Water. We need to locate the springs that are actually being used for irrigation, and show how the enter the irrigation system.

67-11148:

One claim for two licenses. Fact is, I can't see why the two licenses were split in the first place. We need to locate the POD and POU along with system description.

No measurement needed.

67-11149:

This combines 4 decreed rights and one license. The claimed POU is difficult to see from aerial photography. And from the POD, it appears that water would have to cross several drainages to irrigate the claimed POU. Need to determine POU and system description.

No measurement needed.



***Note:** 78-2035 is diverted from Boulder Creek in basin 78 and carried through the Weiser River and exchanged for E. Fork Weiser River water. The POU for 78-2035 is used right in the middle of these four rights. My assumption is that we are not going to be able to distinguish what is basin 78 water and what is basin 67 water since it comes through the same ditch. I would love to be wrong on that.*

But I think if we can figure out what is irrigated and how it is irrigated, we can figure out what water right it is in the office.

Saxton, Craig

From: Saxton, Craig
Sent: Thursday, February 23, 2006 12:47 PM
To: Fritschle, Carter; Case, Morgan
Subject: RE: Jack and Donna Yantis

I finally heard back from Bosco about this issue.

Bosco does not account for Boulder Creek water in his delivery. He doesn't know what is going on with Jacks irrigation system. But he thinks that the diversion from the East Fk Weiser washed out in the '97 flood and they are diverting from a different POD. He doesn't know where though.

I do not know what you want to do with this information. On my end, if the diversion washed out in 97, I would still recommend the right from the East Fk Weiser and they would need to file a transfer.

Hope that helps.

c

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

From: Saxton, Craig
Sent: Tuesday, February 14, 2006 9:34 AM
To: 'Bosler, Bosco'
Cc: Case, Morgan; Fritschle, Carter
Subject: Jack and Donna Yantis

Hey Bosco,

How's it going? I am back from Hawaii and it was great. I want to go back. But since I am here, I have a question for you.

Morgan Case had a question about Jack Yantis water rights. The story is this:

Jack has a license for 150 inches from Boulder Creek in Basin 78. The water is diverted from Boulder Creek and then injected into the Weiser River. Now... as the license reads, the 150 inches is then diverted from the E. Fork Weiser into his ditch to be used in 17N, 1W, S13 (exchanged).

I checked your delivery records and see delivery of decreed rights 67-104 thru 108. This decreed water is claimed in SRBA claims:

67-108

67-11449 (this is a combination of 67-140, 105, 106, 107 with same priority date).

1) The question is, are you aware of this B78/Boulder Creek exchange and is that water being delivered through the Tomlinson Yantis ditch? Do you know if he is still using that water and if you are accounting for that water (78-2035)?

2) Are all the above mentioned rights diverted out of the same POD (Tomlinson Yantis Ditch)?

Note: I couldn't find a GPS point for the Tomlinson Yantis Ditch, but I think I know where it is... attached is a map for your review.

....You said you needed something to work on this winter.

Seriously though, if you have any insight on this it would help Morgan, Myself, and Carter.

Thanks Bosco,

Craig

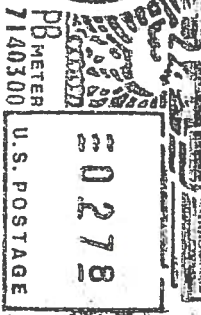
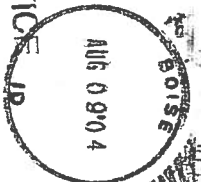
<< File: yantis.jpg >> << File: Water right 78-2035.RTF >> << File: SRBA claim 78-2035.RTF >>

67-158
67-4285
67-4286
67-11448
67-11449
67-2035
78-

cards updated 8-27-04

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

RESORTED
FIRST CLASS
ADDRESS SERVICE
REQUESTED



DONNA YANTIS
JACK YANTIS
HC 64 BOX 3595 FORTHALL
HILL
COUNCIL ID 83612

2562 Hwy 95
Council 83612

SCANNED
AUG 27 2004