

Saxton, Craig

To: dshaw@eroresources.com
Subject: Seid, Kenneth B67 preliminary Recommendations

Good Morning Dave,

I am sending you the preliminary recommendations for Kenneth Seid a little ahead of time so you can review them. The preliminary mailing is actually going out on November 20th, but these recommendation are probably not what your claimant expected so I want you to have some time to look at them.

The main issue I can see is that as far as I can tell, Mr. Seid has enlarged his water use well over his decreed rights. I recommended as much acreage as I could base on the decreed rights. 67-14403 claims flood water on top of the decreed rights. I do not have any documentation supporting when the acres up an above those decreed were added so I recommended 67-14403 directly on top of the decreed acres for the standard 3/8 inches per acre that bring use of the flood water and the decreed water up to one inch per acre.

You will see that the shape on the layouts is larger than the 511.6 acres recommended. The shape is 667.3 acres. In order to recommend the additional acres under right 67-14403, I need some sort of evidence of when that additional ground first started being irrigated.

Anyway, you know how it goes. Take a look at the recommendations and let me know what you think. I can tell you that I am most likely not going to make changes before the preliminary mailing goes out, but hopefully, if Mr. Seid feels changes need to be made, we can get the information into me and change them before the directors report goes out so you don't have to file an objection.

67-7253B & C appear to be Mr. Seids water rights. We need a change of ownership for those.

Lastly, water master records show that 67-507, 67-509, 67-510, and 67-511 are delivered to Kennith Seid but are not claimed in the SRBA. I didn't know if there was a reason for that so I thought I would bring it to your attention.

Thanks,

Craig L. Saxton
287-4916
craig.saxton@idwr.idaho.gov



Zip Prelim Rec
Kenneth Seid (1...

11/07/2006

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

RIGHT NUMBER: 67-168

NAME AND ADDRESS: KENNETH SEID
2504 SMITH RD
MIDVALE ID 83645

SOURCE: KEITHLY CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 05/15/1884

POINT OF DIVERSION:

T13N R04W S1 NENWNW Lot 4 Within WASHINGTON County

T13N R04W S2 NESWNE Within WASHINGTON County

T14N R03W S31 NESENE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	1.000 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R03W S30 Lot 4 SWSW	24.00	T14N R03W S30	SESW	18.00
T14N R03W S31	NENE 0.20	T14N R03W S31	NWNE	11.00
T14N R03W S31	SWNE 7.10	T14N R03W S31	SENE	0.50
T14N R03W S31	NENW 26.00	T14N R03W S31 Lot 2 SWNW		26.00
T14N R03W S31	SENW 26.00	T14N R03W S31	NESW	26.00
T14N R03W S31 Lot 3 NWSW	25.00	T14N R03W S31	NESE	17.00
T14N R03W S31	NWSE 25.00	T14N R04W S25	SESW	25.00
T14N R04W S25	NESE 0.10	T14N R04W S25	NWSE	1.80
T14N R04W S25	SWSE 25.00	T14N R04W S25	SESE	25.00
T14N R04W S35	SENE 25.00	T14N R04W S35	NESE	21.00
T14N R04W S36	NENE 25.00	T14N R04W S36	NWNE	25.00
T14N R04W S36	SWNE 25.00	T14N R04W S36	NENW	25.00
T14N R04W S36	SWNW 25.00	T14N R04W S36	SENW	25.00
T14N R04W S36	NWSW 6.90			

511.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 511.6 acres in a single irrigation season. Combined Right Nos.: 67-152, 67-153, 67-168, 67-171, 67-182B, and 67-14404

This right is limited to the irrigation of 80.0 acres within the place of use described above in a single irrigation season.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

11/07/2006

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Idaho Department of Water Resources

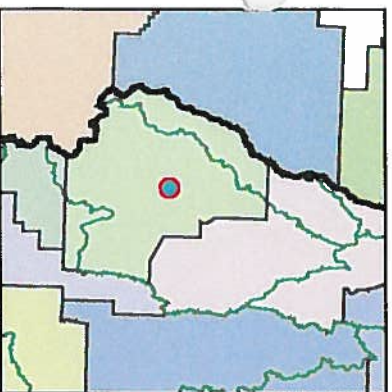


SRBA Recommendation:

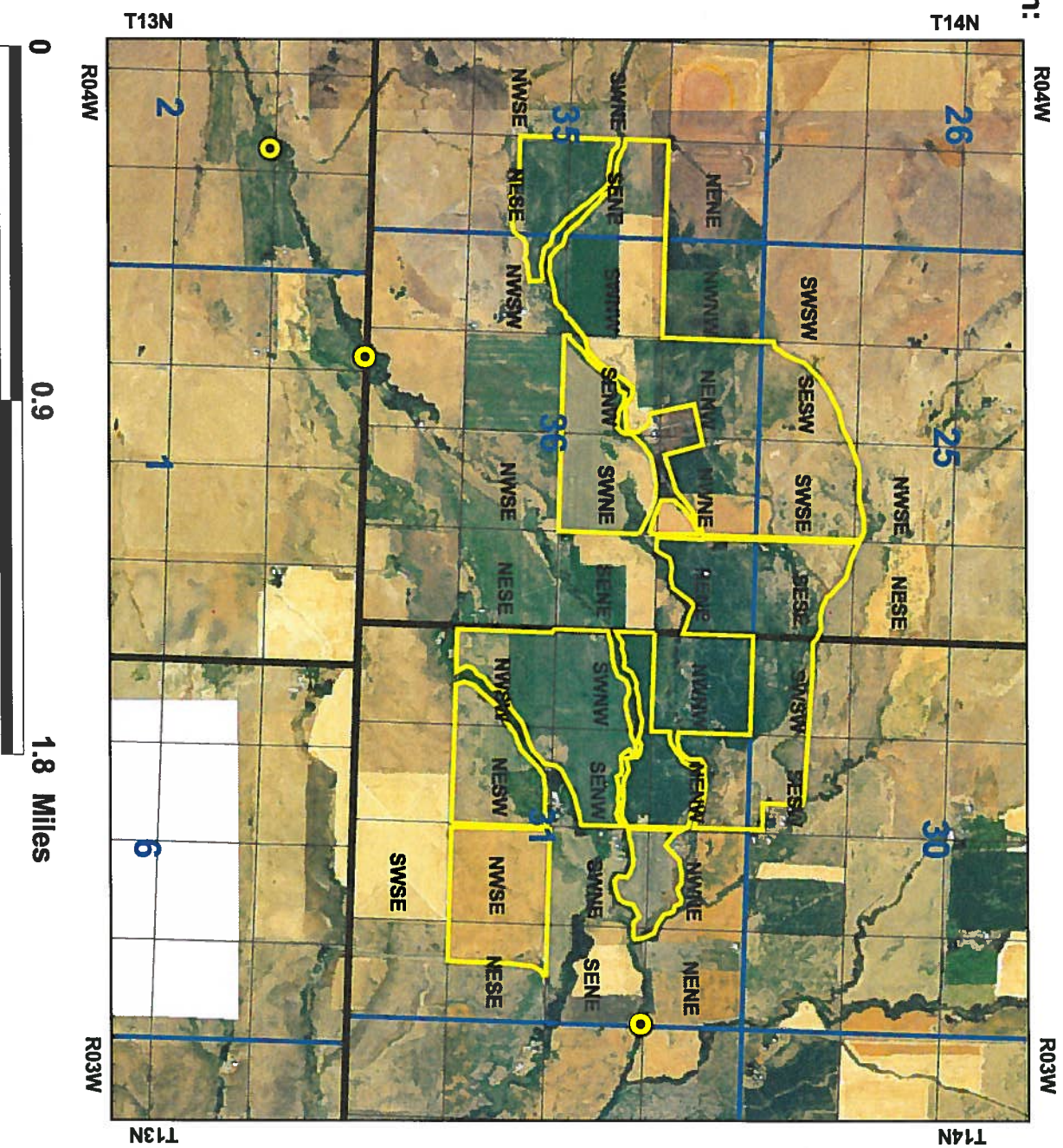
67-168
(Irrigation)

Legend

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



Washington County
IDWR Basin 67



Prepared by C. Saxton
On Tuesday, November 7, 2006
1987/88 Aerial Photography

Split Analysis

Water Right Number:

Seid, Kenneth

Diversion Rate:

CFS

Reviewer Name:

Craig L. Saxton

Date:

11/7/2006

Acreage Analysis

Mortgage Analysis					Children Acres										
Twp	Rng	Sec	Q-Q	Lot	Parent	Children Acres									
					Claimed Seid, Kenneth	Actual Acres Found	Recommended Land List								
14N	3W	30	NESW	3	15										
			NWSE	3	34										
			SWSW	4	36	24									
			SESW		32	18									
		31	NENE		39	0.2									
			NWNE		39	11									
			SWNE		38	7.8									
			SENE		39	0.5									
			NENW	3	18	26									
			SWNW		25	26									
			SENW		17	26									
			NESW		35	26									
			NWSW	3	38	25									
			NESE		22	17									
			NWSE		38	25									
14N	4W	25	NESW		24										
			NESE		36	0.1									
			NWSE		40	1.8									
			SWSE		40	25									
			SESE		38	25									
			SESW		34	25									
		35	SENE		38	25									
			NESE		30	21									
		36	NENE		36	25									
			NWNE		37	25									
			SWNE		35	25									
			NENW		37	25									
			SWNW		38	25									
			SENW		24	25									
			NWSW		5	6.9									
					957	667.3	0								

511.6

Claim		Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67		152		Decreed	Active	1879-05-15	1.25	209	KEITHLY CRT IRRIGATION	SEID, KENNE Claim		
67		153		Decreed	Active	1897-05-01	0.16	209	LITTLE KEITH IRRIGATION	SEID, KENNE Claim		
67		168		Decreed	Active	1884-05-15	1	330	KEITHLY CRT IRRIGATION	SEID, KENNE Claim		
67		171		Decreed	Active	1896-05-15	0.07	60	KEITHLY CRT IRRIGATION	SEID, KENNE Claim		
67		182 B		Decreed	Active	1877-05-15	3		KEITHLY CRT IRRIGATION	SEID, KENNE Claim		
67		2143		License	Active	6/19/1924	1		HOPPER CRT IRRIGATION	SEID, KENNE Claim		
67		14404		Decreed	Active	1883-05-15	0.92		KEITHLY CRT IRRIGATION	SEID, KENNE Claim		
67		7523 B		License	Active	1/29/1981	0.78	37	KEITHLY CRT IRRIGATION	CORBETT, N w/Adjudication/Claim		
67		7523 C		License	Active	1/29/1981	0.45	26.5	KEITHLY CRT IRRIGATION	CORBETT, V w/Adjudication/Claim		

Recommendation		Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67		152		Decreed		1879-05-15	1.25	100	KEITHLY CRT IRRIGATION	SEID, KENNE Recommendation		
67		153		Decreed		1897-05-01	0.16	12.8	HOPPER CRT IRRIGATION	SEID, KENNE Recommendation		
67		168		Decreed		1884-05-15	1	80	HOPPER CRT IRRIGATION	SEID, KENNE Recommendation		
67		171		Decreed		1896-05-15	0.07	5.6	KEITHLY CRT IRRIGATION	SEID, KENNE Recommendation		
67		182 B		Decreed	Active	1877-05-15	3	240	KEITHLY CRT IRRIGATION	SEID, KENNE Recommendation		
67		14404		Decreed	Active	1883-05-15	0.915	73.2	KEITHLY CRT IRRIGATION	SEID, KENNE Recommendation		
67		14403		Beneficial	Active	6/21/1921	3.84	511.6	HOPPER CRT IRRIGATION	SEID, KENNE Recommendation		
							10.232	511.6	= 1 inch per acre			
67		2143		License	Active	6/19/1924	1	60	HOPPER CRT IRRIGATION	SEID, KENNE Recommendation		
67		7523 B		License		1/29/1981	0.62	37	KEITHLY CRT IRRIGATION	CORBETT, N Recommendation		
67		7523 C		License		1/29/1981	0.45	25.5	KEITHLY CRT IRRIGATION	CORBETT, V Recommendation		

Water Master Delivery Records

Page #	Parcel	Name	Inches	WR #	Original Owner	Priority
13	14N04W257200	SEID, KENNETH	62.50	152	C W Randleman	5/15/1879
13	14N04W257200	SEID, KENNETH	8.00	153	C W Randleman	6/8/1884
13	14N03W324810	KENNETH SEID	50.00	168	E Wiggins	5/15/1884
11	13N03W060600	VERLINDA WAITE	3.5	171	Wm Wicks	5/15/1896
12	14N04W254800	KENNETH SEID	2.00	159	W F Seid	5/15/1883
12	14N04W254800	KENNETH SEID	44.00	158	W F Seid	5/15/1883
12	14N04W254800	KENNETH SEID	100.00	182	Sara Keithley	5/15/1877
11	14N04W363600	KENNETH SEID	50.00	182	Sara Keithley	5/15/1877
14	14N03W31800	SEID, KENNETH	78	7523	Wm Corbett	6/29/1981

Claimed by Kenneth Seid

67-14404

12	14N04W263600	KENNETH SEID	2.50	507	J W Laphs	5/1/1885
12	14N03W314230	KENNETH SEID	39.00	509	J M Hopper	5/1/1897
12	14N03W314230	KENNETH SEID	20.00	510	J M Hopper	5/1/1911
12	14N03W314230	KENNETH SEID	20.00	511	L Hopper	5/1/1910
14	14N03W324810	SEID, KENNETH	35	2176	E Wiggins	5/3/1945
11	14N03W304900	SEID, KENNETH	11.00	170	W J Hopper	5/15/1885

Not claimed by Kenneth Seid

205.5

328.8

Not claimed, but are delivered

67	507	Decreed Active	1885-05-01	0.05	HOPPER CRT IRRIGATION LAPISH, J W wrWaterRight
67	508	Decreed Active	1886-05-01	0.8	HOPPER CRT IRRIGATION LAPISH, J W wrWaterRight
67	509	Decreed Active	1897-05-01	0.78	HOPPER CRT IRRIGATION HOPPER, JO wrWaterRight
67	510	Decreed Active	5/1/1911	0.4	HOPPER CRT IRRIGATION HOPPER, JO wrWaterRight
67	511	Decreed Active	4/1/1910	0.4	HOPPER CRT IRRIGATION HOPPER, LE wrWaterRight

WR

67	7107	Closed	8/30/1972	1	WASTE WAY IRRIGATION SEID, KENNETH wrWaterApplication
67	7107	Relinquished	8/30/1972	1	WASTE WAY IRRIGATION SEID, KENNETH wrWaterPermit
67	507	Decreed Active	1885-05-01	0.05	HOPPER CRT IRRIGATION LAPISH, J W wrWaterRight
67	508	Decreed Active	1886-05-01	0.8	HOPPER CRT IRRIGATION LAPISH, J W wrWaterRight
67	509	Decreed Active	1897-05-01	0.78	HOPPER CRT IRRIGATION HOPPER, JO wrWaterRight
67	510	Decreed Active	5/1/1911	0.4	HOPPER CRT IRRIGATION HOPPER, JO wrWaterRight
67	511	Decreed Active	4/1/1910	0.4	HOPPER CRT IRRIGATION HOPPER, LE wrWaterRight

Claim		Basis		Source Table					
Basin	Sequence	Suffix	Status	Priority Date	Rate(cfs)	Acres	Source	Water Users	Owners
67		152 A	Rejected	1879-05-15	0.68		KEITHLY CRT IRRIGATION SEID,	KENNE	Claim
67		153 A	Rejected	1897-05-01	0.14		HOPPER CRT IRRIGATION SEID,	KENNE	Claim
67		159	Rejected	1883-05-15	0.92		KEITHLY CRT IRRIGATION SEID,	KENNE	Claim
67		167	Rejected	1886-05-15	0.1		HOPPER CRT IRRIGATION SEID,	KENNE	Claim
67		7072	Rejected	2/9/1972	0.04		HOT CREEK IRRIGATION SEID,	KENNE	Claim
67		7107	Rejected	8/30/1972	1		WASTE WAY IRRIGATION SEID,	KENNE	Claim
67		7174	Rejected	8/28/1973	0.2		UNNAMED S' IRRIGATION SEID,	KENNE	Claim
67		11340	Rejected	1879-05-15	0.24		GROUND WA DOMESTIC, I SEID,	KENNE	Claim
67		11341	Rejected	1879-05-15	0.24		GROUND WA DOMESTIC, I SEID,	KENNE	Claim
67		11342	Rejected	1879-05-15	0.24		GROUND WA STOCKWATE SEID,	KENNE	Claim
67		11343	Rejected	1879-05-15	0.24		GROUND WA STOCKWATE SEID,	KENNE	Claim
67		11344	Rejected	1879-05-15	0.24		GROUND WA DOMESTIC, I SEID,	KENNE	Claim
67		11345	Rejected	1879-05-15	0.24		GROUND WA DOMESTIC, I SEID,	KENNE	Claim
67		11346	Rejected	1879-05-15	0.24		GROUND WA STOCKWATE SEID,	KENNE	Claim
67		11347	Beneficial Temporary	1879-05-15	0.68		KEITHLY CRT IRRIGATION SEID,	KENNE	Claim

Recommendation											
Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Source	Water Users	Owners	Source Table
67		152 A		Rejected	1879-05-15	0.68		KEITHLY CRT IRRIGATION SEID,	KENNE	Recommendation	
67		153 A		Rejected	1897-05-01	0.14		HOPPER CRT IRRIGATION SEID,	KENNE	Recommendation	
67		159		Rejected	1883-05-15	0.92		KEITHLY CRT IRRIGATION SEID,	KENNE	Recommendation	
67		167		Rejected	1886-05-15	0.1		HOPPER CRT IRRIGATION SEID,	KENNE	Recommendation	
67		7072		Rejected	2/9/1972	0.04		HOT CREEK IRRIGATION SEID,	KENNE	Recommendation	
67		7107		Rejected	8/30/1972	1		WASTE WAY IRRIGATION SEID,	KENNE	Recommendation	
67		7174		Rejected	8/28/1973	0.2		UNNAMED S' IRRIGATION SEID,	KENNE	Recommendation	
67		11340		Rejected	1879-05-15	0.24		GROUND WA DOMESTIC, ; SEID,	KENNE	Recommendation	
67		11341		Rejected	1879-05-15	0.24		GROUND WA DOMESTIC, ; SEID,	KENNE	Recommendation	
67		11342		Rejected	1879-05-15	0.24		GROUND WA STOCKWATE SEID,	KENNE	Recommendation	
67		11343		Rejected	1879-05-15	0.24		GROUND WA STOCKWATE SEID,	KENNE	Recommendation	
67		11344		Rejected	1879-05-15	0.24		GROUND WA DOMESTIC, ; SEID,	KENNE	Recommendation	
67		11345		Rejected	1879-05-15	0.24		GROUND WA DOMESTIC, ; SEID,	KENNE	Recommendation	
67		11346		Rejected	1879-05-15	0.24		GROUND WA STOCKWATE SEID,	KENNE	Recommendation	

Memorandum

Date: April 20, 2006

To: Keithly Creek and Hopper Creek Files
CC: Chris Bromely

Subject: Keithly Creek and Hopper Creek decrees

Muir vs. Allison included Keithly Creek as a source. However, in the decree, Keithly Creek is recognized as having two forks that were formerly known as **Big Creek** and **Little Creek** (This information can be found on pg 107 of *Muir vs. Allison* or at the end of the section that categorizes water rights by the source.) In *Muir vs. Allison* the Keithly Creek rights are designated as 67-149 thru 67-182 and Keithly Creek is decreed as the source.

Now, what was **Little Creek** is known as **Hopper Creek** and what was **Big Creek** is known as Keithly Creek.

Issue #1: *Muir vs. Allison* decreed some rights with a source as Keithly Creek but now we call that source **Hopper Creek**.

Proposed Solution: Recommend *Muir vs. Allison* rights decreed from what was known as Little Creek with a source of Hopper Creek. No accomplished change in source because the source never really changed.

.....
John Hopper v. Leonard Hopper et al. (Washington County, August 19, 1931) decree B67-F, described decreed rights 67-507 thru 67-511 with a source as Hopper Creek. However, *Muir vs. Allison* decreed rights on this stream that were not included in ***Hopper vs. Hopper***.

The parties in *Hopper vs. Hopper* were not party to *Muir vs. Allison* (or at least are not listed in *Muir vs. Allison*).

Decreed rights 67-507 thru 67-511 have priority dates that are mixed in with the *Muir vs. Allison* priority dates. Meaning the 1931 decree didn't decree rights, as a group, for better or worse priority dates than what was decreed in *Muir vs. Allison*. It looks as if 67-507 thru 67-511 were missed in *Muir vs. Allison* but were there, so when decreed in 1931, the priority dates could date back into *Muir vs. Allison*.

Issue #2: There are two separate decrees for the same source and it does not appear that one supercedes the other.

Proposed Solution: Actually, I don't see this as a big issue. I will just recommend the *Hopper vs. Hopper* rights as they were decreed, and the *Muir vs. Allison* rights from that source as they were decreed, **except** for changing the source to Hopper Creek.

Field Investigation Information Form

Claim Number: A67-00168

Claimant: Kenneth Seid

Contact:

Address: 2504 Smith Road

City: Midvale

State: Idaho 83645

Phone: 208-355-2339

Alternate Phone:

Is there a new owner? Yes: No: ☒ If yes, complete new owner information section

Point of Diversion Location: Township: 13N Range: 04W Section: 1 QQQ: NE QQ: NW Q: NW

Point of Diversion Location: Township: 13N Range: 04W Section: 2 QQQ: NE QQ: SW Q: NE

Point of Diversion Location: Township: 14N Range: 03W Section: 31 QQQ: NE QQ: SE Q: NE

Site Tag Number: GPS Location: Section 1 = 44*29'56.23" N - 116* 46' 12.31" W

Site Tag Number: GPS Location: Section 2 = 44*29'41.81" N - 116* 46' 52.54" W

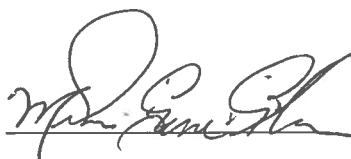
Site Tag Number: GPS Location: Section 31 = 2282470 - 1482342

Description of Diversion Works: Headgates, Ditches, Pumps, Pipelines, Sprinklers.

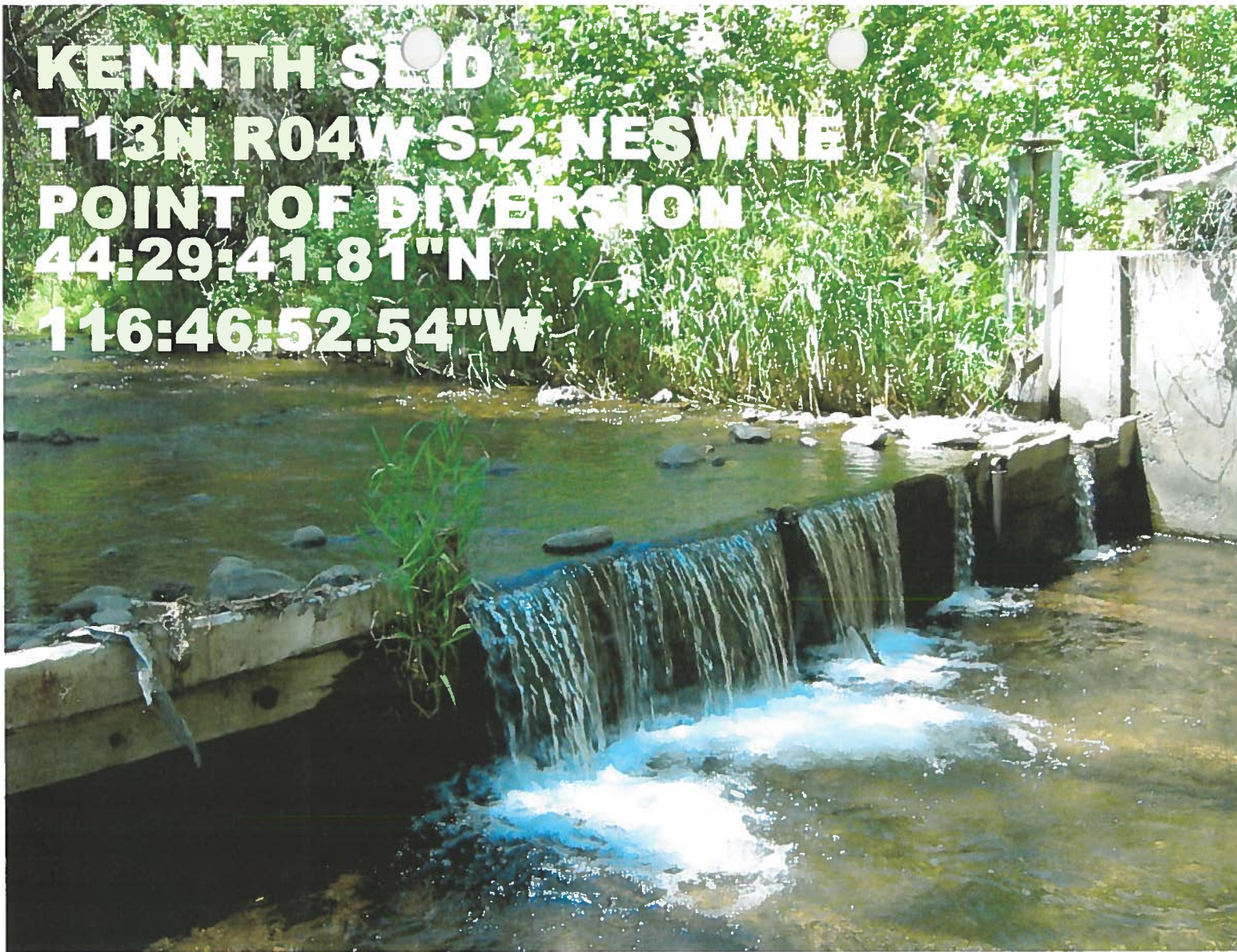
Examination Date and Narrative: On July 20, 2006, Gene Gibson performed a field examination on the Points of Diversion and redirection, means of Conveyance, and the Places of Use on the above claim. GPS readings were taken and an examination of the claimed Points of Diversion and redirection. Examined the means of conveyance from claimed Points of diversion and redirection to the claimed Places of Use. Reviewed the claimed Places of Use in the file and compared it to the area that could be irrigated in the field.

The following is my findings:

- a. The Points of Diversion claimed was found and are operable.
- b. The means of conveyance from the Points of Diversion to the Places of Use were found and are operable.
- c. The claimed Places of Use can be irrigated from the claimed Points of Diversion.
- d. The number of irrigated acres in the field was not measured; therefore the number of acres claimed may or may not be accurate.
- e. See pictures and map for POD and POU locations.

Field Examiner: Date: 9-6-2006

KENNETH SLID
T13N R04W S-2 NESWNE
POINT OF DIVERSION
44:29:41.81"N
116:46:52.54"W



KENNETH SEID
T14N R03W S-31 NESENE
2282470-1482342

POD

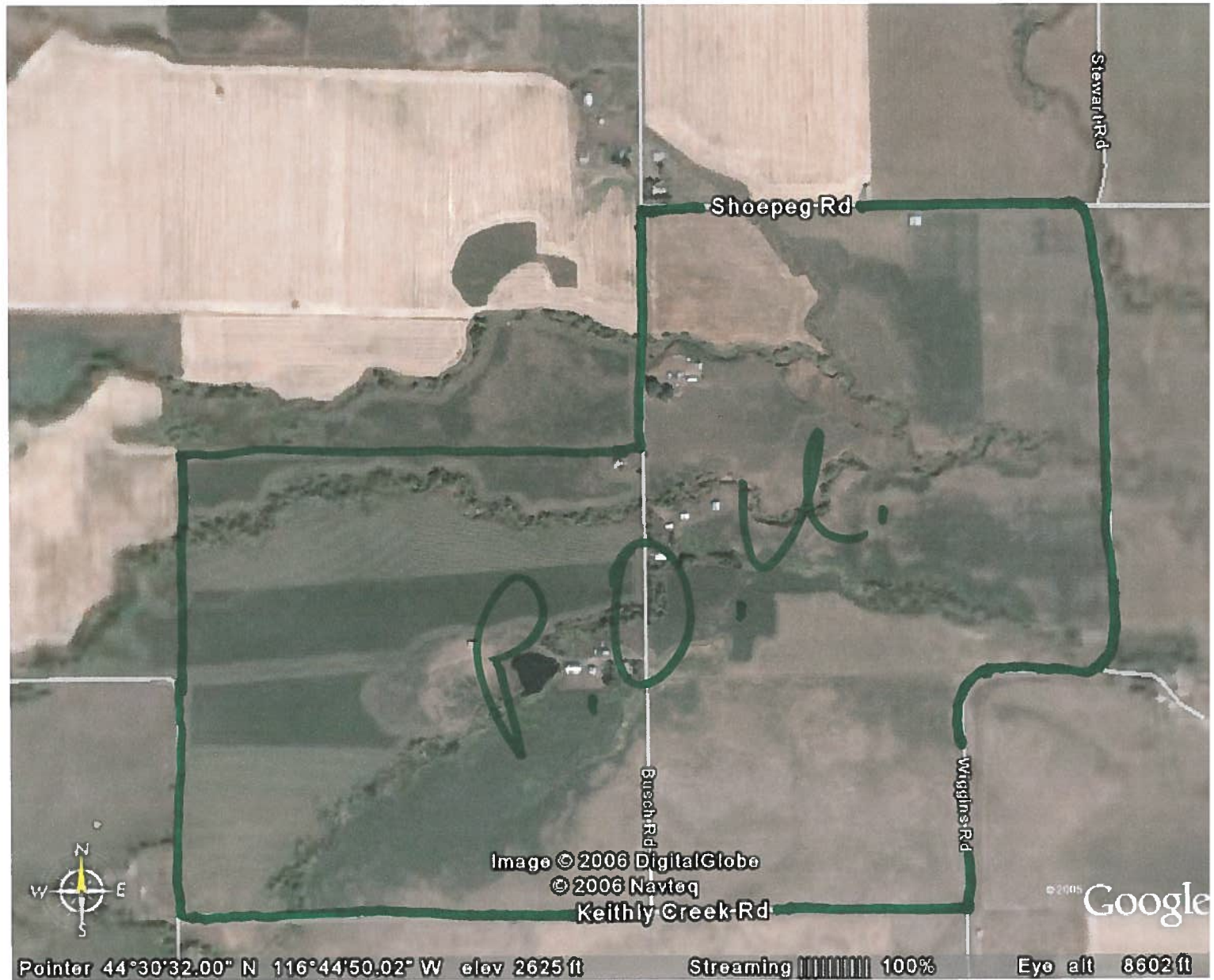
POD



KENNETH SOLD
T13N R04W S-1 NENENE
POINT OF DIVERSION



Kenneth Seid
A67-00168



1 - RT 1 BOX 69

City- MIDVALE
phone - 208-355-2256

EDWARD M

City- X
phone - 208-000-0000

EMERSON

City- MIDVALE
Phone - 208-000-0000

Turn	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion
1	1	1	1	1	1	1	1

(87) WASHINGTON
(87) WASHINGTON
(87) WASHINGTON

1.200

0.078

(87) WASHINGTON
(87) WASHINGTON
(87) WASHINGTON
(87) WASHINGTON
(87) WASHINGTON
(87) WASHINGTON
(87) WASHINGTON

MICROFILMED
OCT 22 1996

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	-	3575
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-	
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-	
Claim Received Date	- 12/15/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P	
		Receipt Number	- W07152	Water District	- 67	
		POU Ownership Flag	- Y	Federal/State Indicator	- S	
		Name Connector	- OR	Presumption Flag	-	
				Notice of Error Flag	-	

MICROFILMED
OCT 22 1996

REFUND REQUEST

RECEIVED

MAR 23 1995

TO: S. Sherman to Log In
 FOR: D. Shaff/D. Allen
 FROM: Western Region
 SUBJ: Receipt No. W007152 (Please attach ARQ2 Receipt copy immediately behind blue form)

POOR ORIGINAL

Department of Water Resources

Date: 3-22-95RE: PayOR Seid, Kenneth E.

Address Rt. 1 Box 69
Midvale, ID 83645

RECEIVED

APR 19 1995

WATER RESOURCES
WESTERN REGION

Claimant(s) if NOT Payor _____

Refund Amount \$ 511.40 Claim Location (Region/Claimant) _____Extension Filed? Y/N NACopy Attached? Y/N NALate Fees Paid? Y/N NA

Late Fee Receipt # _____

S.O. Verified Ext. by _____ on _____ D.B. Query by _____

Refund Generated By ☒ Agent () Claimant

Refund Category:

insufficient fees / claim incomplete / withdrawn / o-pmtDate of Last Correspondence (copy attached) 1-15-90

Claim No.	Use*	Fees Paid	Correct Fee	Rec't #
<u>See Attached</u>	<u>Irrig.</u>	<u>\$ 511.40</u>		<u>W007152</u>
" "	<u>D & S</u>	\$		
		\$		
		\$		
		\$		
Total		<u>\$511.40</u>	\$	

*Incomplete claims or insufficient fees for irrigation use will generally NOT be refunded. D.E. claim in AJSP1 at minimum.

Detailed Reason(s) for Refund Attached Y/N

Claims have not been submitted by claimant.

Region AJ Spvsr. Approval [Signature] S.O. AJ Spvsr. Approval —
 Don Shaff Approval [Signature] Hold ZWK? To Fiscal —
DENIED 4-18-95 Logged 03-24-95
 Data Base Modified? (Y/N) NA A &/or R Records By [Signature] on 3-17-95

THESE CLAIMS MUST BE FILED SOMETIMEAND WE'LL WAIT UNTIL HE FILES TO SAVETHE PROCESSING COST OF A REFUND.

MICROFILMED

OCT 22 1996

05/19/94



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

POOR ORIGINAL

*in your
copies.*

*Thank
you*

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RECEIVED

MAR 23 1995

Department of Water Resources

January 15, 1990

Kenneth Seid
Rt 1 Box 69
Midvale, Idaho

RE: Snake River Basin Adjudication
A67-00152A, A67-00152B, A67-00153A, A67-00153B,
A67-00182B, A67-00159, A67-00182C, A67-00168, A67-00167,
A67-02143, A67-07072, A67-07107, A67-07174, A67-11340,
A67-11341, A67-11342, A67-11343, A67-11344, A67-11345,
A67-11346 - Washington County

Dear Mr. Seid;

Please find enclosed the map you brought into our office of the land for which you are filing "Notices of claims to Water Rights", your Washington County Tax Assessor's Notices, two copies of "Notices of Claims to Water Rights", which were either found during my research of your and Mr. Smith's land or which I generated claims, and blank forms for submittal of "Notice of Claim to Water Rights". I strongly suggest that you carefully peruse the enclosed information.

If you wish to make any changes please fill out the blank forms with the information as you want it reviewed in the Adjudication. For those claims you and Mr. Smith wish to submit, a signed and notarized copy of the "Notice of Claim to a Water Right" should be returned to this office.

Although we have often made ourselves available to assist you, your late attempts to submit your claims and your continued failure to be prompt or to appear for times we have discussed to complete your claims work indicates a lack of interest on your part to pursue the matter. We can no longer reserve time for your claims work during, which we could be assisting other claimants. However, you may wish to come into our office and wait until I have some free time or you may wish to seek assistance elsewhere.

Please have the documents submitted by February 15, 1990 or you may be subject to additional late fees. If you have any questions or concerns, please contact this office.

MICROFILMED

OCT 22 1996

Sincerely,



Bruce A. Schuld
Senior Water Rights Agent
Western Regional Office
Idaho State Department of Water Resources

RECEIVED

MAR 23 1995

Department of Water Resources

cc:JS:BAS:file

Enclosures: A67-00152A, A67-00152B, A67-00153A, A67-00153B,
A67-00159, A67-00167, A67-00168, A67-00182B,
A67-00182C, A67-02143, A67-07072, A67-07107,
A67-07174, A67-11340, A67-11341, A67-11342,
A67-11343, A67-11344, A67-11345, A67-11346
"Notice of Claim to Water Rights", 10 - Long Forms
"Notice of Claim to Water Rights", 4 - Short Forms

MICROFILMED

OCT 22 1996

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

AJ0743NP
(00-124)

Water Right Number - R67-00168 Prefix Translation: RESEARCH Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SEID KENNETH 1 - RT 1 BOX 69 State- ID Zip- 83645
2 - 3 - City- MIDVALE Phone - 208-355-2256
3 - State- ID Zip- 0

*** O - ORIGINAL OWNER ***
WIGGINS EDWARD M 1 - State- ID Zip- 0
2 - 3 - City- X Phone - 208-000-0000
3 - State- ID Zip- 0

WIGGINS EMERSON 1 - State- ID Zip- 83645
2 - 3 - City- MIDVALE Phone - 208-000-0000
3 - State- ID Zip- 0

+ - - Priority Date - - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/15/1884 14 WESTERN X - REJECTED

+ - - Source - - - - - + + - - Tributary - - - - - +
KEITHLEY CREEK WEISER RIVER
HOPPER CREEK KEITHLEY CREEK
UNNAMED CREEK KEITHLEY CREEK
REJECTED SEE REMARKS

+ - - Point of Diversion - - - - - +

Trn	Rng	Sec	Tract	Lot	Rflg	County
14N	03W	31	SE NE NE	(87)	WASHINGTON	
		32	NE NE NW	(87)	WASHINGTON	
			NE NW SW	(87)	WASHINGTON	

+ - - Water Use - - - - - + + - - Diversion Rate - - - - - + + - - Diversion Volume - - - - - +
Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 1.200

+ - - Total Div. Rate - - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +
1.200 840.0

Trn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
14N	03W	19	NW SW	40.0	01	IRRIGATION	(87)	WASHINGTON	
14N	03W	31	NE NE	40.0	01	IRRIGATION	(87)	WASHINGTON	
14N	03W	31	NW NE	40.0	01	IRRIGATION	(87)	WASHINGTON	
14N	03W	31	NE SE	40.0	01	IRRIGATION	(87)	WASHINGTON	
14N	03W	32	NE SW	40.0	01	IRRIGATION	(87)	WASHINGTON	
14N	03W	32	NE SW	40.0	01	IRRIGATION	(87)	WASHINGTON	
14N	03W	32	SE SW	40.0	01	IRRIGATION	(87)	WASHINGTON	

MICROFILMED
OCT 22 1996

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

AJ0743NP
(00-124)

Prefix Translation: RESEARCH

Water right number - R67-00168

Tw n Rng Sec Tract Lot Acres Code Description County

Total Acres: 280.0

- - - Diversion Means - PUMPS AND WHEEL LINES

- - - Non-Irrigation Use - NA

- - - Other Rights for Same Use - 67-00158, 67-00159, 67-00167,

- - - CLAIM INCOMPLETE. Remarks - - -

- - - Old Water Right Numbers - - -

A6700168
A6700163
A6700166

- - - Conditions of Approval - - -
No Conditions of Approval found.

- - - Decree Plaintiff - - - + - - - Decree Defendant - - - + - - - Decree Date - - - +
JOHN T. MUIR WILLIAM ALLISON 00/00/0000

- - - Comments- - -

Date: 03/17/1995 User Id: LHARRIS Subject: COPIED FROM REMARKS

TRANS. #826A.
B.A.S. 12/15/89

THIS RIGHT IS A COMBINATION OF 67-00163, 67-00166, AND 67-00168
THE DIFFERENT POINTS OF SECONDARY DIVERSION APPEAR TO HAVE RESULT
ED THROUGH THERE PROXIMITY TO THE TWO STREAM CONFLUENCES
CLAIM INCOMPLETE

- - - Audit Fields - - - +
03/17/95 LHARRIS

- - - Adjudication Rights Dates and Flags Area - - -

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	12/15/1989	Last Amended Date	-	00/00/0000	Temporary Right	-	P
			Receipt Number	-	W007152	Water District	-	67
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-	OR	Presumption Flag	-	
						Notice of Error Flag	-	

MICROFILMED
OCT 22 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 15, 1990

Kenneth Seid
Rt 1 Box 69
Midvale, Idaho

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A67-11341, A67-11342, A67-11343, A67-11344, A67-11345,
A67-11346 - Washington County

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Please have the documents submitted by February 15, 1990 or you may be subject to additional late fees. If you have any questions or concerns, please contact this office.

MICROFILMED
OCT 22 1996

Sincerely,



Bruce A. Schuld
Senior Water Rights Agent
Western Regional Office
Idaho State Department of Water Resources

cc:JS:BAS:file

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"Notice of Claim to Water Rights", 10 - Long Forms
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MICROFILMED

OCT 22 1996

Application For Transfer of Water Right

STATE OF IDAHO

County of Washington

ss.

Emerson Wiggins

being first duly sworn, deposes and says:

That his name is Emerson Wiggins; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Midvale Idaho

5-15-1896

That he is the owner and using a certain water right, bearing date of priority of 5-15-1884 19 12 1/2 inches for 50 inches cubic feet per second of the waters of Keithley Creek

County of Washington, State of Idaho, decreed to Edward M. Wiggins by decree of Judge Ed L. Bryan of the Seventh Judicial District of the State of

Idaho; in and for the County of Washington; in the case of Muir Bros. vs. Allison et al., said decree bearing date of June 20, 1921

(or obtained by virtue of License No. _____, issued by the State Engineer of the State of Idaho, dated _____, 19____, bearing date of _____, 19____)

for the purpose of irrigating the following described lands situate, lying and being in Water District No. _____ in the County of _____ and State of Idaho, to-wit:

SE 1/4 Section 32, Twp. 14 N. R. 3. W.

_____ and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. By Deed.

as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from said stream in the SW 1/4 NW 1/4 of Section 32 Township 14 N Range 3 W B. M., and conducted to the above described lands through Private ditch

as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 1.25 cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Washington and State of Idaho, to-wit:

N 1/2 SW 1/4 SE 1/4 Section 32, and E 1/2 NE 1/4 SE 1/4 Section 31, Twp. 14 N R 3 W

That his reasons for desiring to make such transfer are as follows:

Said Water right was never used on the SE 1/4 Section 32, as stated and made appurtenant by the Weiser Water Decree, but always used upon the last above described lands.

RECORDED

That he intends to divert and convey said 1.25 second feet of water to the tract of land last above described in the following manner, to-wit: 1. cubic foot per second with priority of water right as of 5-15-1884 to be diverted in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31 with no change in point of diversion and .25 cubic feet per second with priority 5-15-1896, which will be changed from the SW $\frac{1}{4}$ NW $\frac{1}{4}$ to the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, Twp. 14 N. R. 3 W.

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFORE Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

Emerson Wiggins
Applicant.

Subscribed and sworn to before me this 15th day of February
A. D. 1954

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Keithley Creek.
Where is the diversion point located? SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31 and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32 Twp. 14 N. R. 3 W.
Through what ditch is it now conducted? Private ditches.
How much land is now irrigated by the water sought to be transferred? 80 acres.
Give the description: 1 E $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31 and NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32

What is the total amount of water in inches, or second feet, dedicated to said land? 1.25 c.f.s.
What kind of crops are being raised? Alfalfa, Grain and pasture.
How much water per acre is now required to irrigate said land? 5/8 inch per acre.
What will be the effect on the land now irrigated, if the use of water on it is discontinued? no effect as the land from which the water is proposed for transfer, has never been irrigated from said water right.

Give location of new point of diversion, if change is to be made. NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32.
12 $\frac{1}{2}$ inches will be used on the NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying East of Keithley Creek.
Through what ditch will it be conducted after transfer? Private, Sprinkler system.
How much water will be required per acre to irrigate the land to which this water is transferred?
Approx. 5/8 inch per acre.

Do you claim any other water right for the land from which you seek to abandon the use of this water?
If so, give amount, date and source. None
Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source. None.

Signed Emerson Wiggins
Applicant.

STATE OF IDAHO,

County of Washington

ss.

Clifford Hopper

and

Warden Seid

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Midvale, Idaho that he is user of water from Keithly Creek in Water District No. 41 County of Washington, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Emerson Wiggins and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Clifford Hopper
Warden Seid

Subscribed and sworn to before me this 17th day of February

A. D. 1954

May Collins

Notary Public, residing at Cambridge, Idaho

STATE OF IDAHO,

County of Washington

ss.

I, G. C. Woods

Watermaster of

Water District No. 41, County of Washington, State of Idaho, whose postoffice address is Wesley St #1, have read or heard read the foregoing affidavit and petition of Emerson Wiggins and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons:

Increase the duty of water in this district
existing water right

Watermaster Dist. No. 41

Dated at Wesley Feb 21 Idaho, this Feb 21 day of Feb, 1954

Janet Ketcham
J B Hamilton
Whitney P James
Council Valley Orchards Company
Henry Van Kleeck

West Fork Weiser River.
E. J. Glenn Ditch.

T J Glenn
Joel Glenn
C L Ham
J H Bridgewood

Osborn-Grooms Ditch.

C. L Ham
Bridgewood and Riddell

Keithley Creek.

Andrew M Reed

Ohloe Keithley
Curt W Randleman
Curt W Randleman - Little Keithley Creek

Victor L Hopper

Allen Seid

Charles T Reavis

W F Seid

William D Potter

William Wiggins

Frank Towell

Forrest Burns and Clifford Burns

Edward M Wiggins

John Zenoher

Walter J Hopper

William Wicks

Otho Towell

Carrie Clayton

Jacob Ader

E M Stewart

James Keithley

20 July 1, 1905 '67 0138
10 July 1, 1905 '67 0139
40 July 1, 1905 '67 0140
110 July 1, 1905 '67 0141
271 July 1, 1905 '67 0142

Start here

53 May 1, 1898 '67 0143
15 May 1, 1900 '67 0144
4 May 1, 1900 '67 0145
8 May 1, 1900 '67 0146
22 May 1, 1900 '67 0147
26 May 1, 1900 '67 0148

64 May 15, 1871 '67 0149
64 May 15, 1906 '67 0150
271 May 15, 1877 '67 0151
621 May 15, 1879 '67 0152

8 May 1, 1897 '67 0153
64 May 15, 1879 '67 0154
2 May 15, 1879 '67 0155

20 May 15, 1882 '67 0156
48 3/4 May 15, 1883 '67 0157
43 3/4 May 15, 1883 '67 0158
2 May 15, 1883 '67 0159

2 May 15, 1883 '67 0160
24 May 15, 1889 '67 0161
7 May 15, 1901 '67 0162

24 May 15, 1884 '67 0163
18 3/4 May 15, 1884 '67 0164
9 3/4 May 15, 1899 '67 0165

71 May 15, 1884 '67 0166
5 May 15, 1886 '67 0167
50 May 15, 1884 '67 0168

81 May 15, 1885 '67 0169
11 May 15, 1885 '67 0170
31 May 15, 1896 '67 0171

61 May 1, 1886 '67 0172
20 May 15, 1899 '67 0173
2 May 15, 1886 '67 0174

20 May 15, 1890 '67 0175
4 May 15, 1890 '67 0176
May 15, 1877 '67 0177

JUL 24 1996

Northeast Quarter of the Northwest Quarter and Lot 1, Section 31, Township 14 North, Range 3 West Boise Meridian.

VICTOR L HOPPER: The Southeast Quarter of the Northwest Quarter, Section 30, Township 14 North, Range 3 West Boise Meridian.

ALLEN SHID: The Southwest Quarter of the Northeast Quarter of Section 30, Township 14 North, Range 3 West Boise Meridian.

CHARLES T DEAVIS: Lots 2, 3, 4 and the Southwest Quarter of the Northwest Quarter, Section 1, Township 13 North, Range 4 West Boise Meridian, excepting a tract of about six acres out of the said Lot 4.

W F SHID: The Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter, and Lot 3, Section 31, Township 14 North, Range 3 West Boise Meridian.

WILLIAM S POTTER: The West half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter, Section 35, Township 14 North, Range 4 West and Lot 2, Section 2, Township 13 North, Range 4 West Boise Meridian. Also an irregular tract of eight acres out of the Southwest corner of the Northeast Quarter of the Southeast Quarter of Section 35, Township 14 North, Range 4 West Boise Meridian.

WILLIAM WIGGINS: Lot 3, Section 19, Township 14 North, Range 3 West Boise Meridian.

FRANK TOWELL: The Northeast Quarter of the Northeast Quarter and the South half of the Northeast Quarter Section 2, Township 13 North, Range 4 West Boise Meridian.

FOURKST BURNS AND CLIFFORD BURNS: The North half of the Northeast Quarter Section 31, Township 14 North, Range 3 West Boise Meridian.

EDWARD M WIGGINS: The Southeast Quarter Section 32, Township 14 North, Range 3 West Boise Meridian.

JOHN ZIMMER: The Southeast Quarter of the Northwest Quarter Section 35, Township 14 North, Range 4 West Boise Meridian.

WALTER J HOPPER: The Southwest Quarter of the Southwest Quarter Section 36, and an irregular tract out of the Southeast Corner of the Northeast Quarter of the Southeast Quarter of Section 35, all in Township 14 North, Range 4 West, and also an irregular tract of about six acres out of the Northwest corner of Lot 4, Section 1, Township 13 North, Range 4 West Boise Meridian.

WILLIAM WICKS: The Northwest Quarter of the Southeast Quarter of Section 31, Township 14 North, Range 3 West Boise Meridian.

OTHO TOWELL: The South half of the Northwest Quarter, Section 2, Township 13 North Range 4 West Boise Meridian.

CARRIE CLAYTON: The South half of the Northeast Quarter Section 31, Township 14 North, Range 3 West Boise Meridian.

JACOB ADER: The Northwest Quarter of the Southeast Quarter of Section 30, Township 14 North, Range 3 West Boise Meridian.

E M STEWART: The Southwest Quarter of the Southeast Quarter of Section 30, Township 14 North, Range 3 West Boise Meridian.

JAMES KEITHLEY: The Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 36, Township 14 North, Range 4 West Boise Meridian.

WALTER C KEITHLEY: The Southeast Quarter of the Southeast Quarter of Section 36, Township 14 North, Range 4 West Boise Meridian.

JUL 24 1906

C L Weid	10	2.27	2.10	.17	
F E Weymouth	30	6.81	4.00	2.81	
John Ingram	20	4.54	4.00	.54	
C F Lappin	30	6.81	6.30	.51	
A E Felmuley	20	4.54	2.70	1.84	
H W Anderson	10	2.27	2.50		.23
E Medley	5	1.13	.50	.633	
W H Upchurch	10	2.27	1.00	1.27	
C T Ward	2½	.67	.25	.42	
Minnie Rambo	5	1.13		1.13	
E C Smith	3½	.89		.89	
Carrie M Lowe	3	.68	.60	.08	
J D Neale	3	.68		.68	
Riley Atkinson	14	3.37		3.37	
Fay McBirney	20	4.54	4.00	.54	
Janey Ketchum	20	4.54	4.00	.54	
J S Hamilton	10	2.27		2.27	
Whitney P James	40	9.08	15.60		.92
Council Valley Orchards	110	24.97	23.10	1.87	
Henry Van Kleeck	27½	6.34	6.00	.34	
T J Glenn	53	12.03	9.00	3.03	
Joel Glenn	15	3.41	2.30	1.11	
J H Bridgewood	8	1.82	2.40		.58
G L Ham	26	5.90	3.00	2.90	
Bridgewood and Muddell	26	5.90	6.80		.90
Andrew M Reed	12½	2.94	4.00		1.06
Chloe Keithley	27½	6.35	5.88	.47	
Curt W Randleman	26½	13.68	13.23	.45	
Curt W Randleman	8	1.82	1.68	.14	
Victor L Hopper	6½	1.58	1.47	.11	
Allen Seid	2	.45	.42	.03	
Charles T Neavis	68 ¾	15.67	14.50	1.17	
W F Seid	45½	10.43	9.66	.77	
Wm S Potter	11½	2.71	2.52	.19	
Wm Wiggins	2½	.67	2.25	1.58	1.58
Frank Towell	28½	6.57	7.50		.93
Forrest & Clifford Burns	12½	2.94	3.73		.79
Edward M Wiggins	62½	14.31	13.25	1.06	
John Zenoher	8½	2.03	1.89	.14	
Walter J Hopper	11	2.50	4.00		1.50
William Wicks	3½	.91	1.00		.09
Otho Towell	26½	6.12	5.67	.45	
Carrie Clayton	2.	.45	1.27		.82
Jacob Ader	20	4.54	4.20	.34	
E M Stewart	4	.91	4.00		3.09