

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

RIGHT NUMBER: 67-206

NAME AND ADDRESS:

HAROLD W GIBSON
C/O GENE W GIBSON
20 LILAC LN
SAGLE ID 83860

HAROLD W GIBSON
C/O CHAD C GIBSON
16770 AGATE LN
WILDER ID 83676

SOURCE:

Source:

PINE CREEK

~~LITTLE PINE CREEK~~

Tributary:

WEISER RIVER

~~PINE CREEK~~

QUANTITY:

0.300 CFS

0.000 AFY

~~The rights listed below are limited to a total combined diversion rate of
0.70 cfs. Combined Right Nos.: 67-206, 67-221, 67-222.~~

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:

T16N R04W S32 SENE
Within WASHINGTON County

T16N R04W S32 NESE
Within WASHINGTON County

T16N R04W S32 SESE
Within WASHINGTON County

~~T16N R04W S33 NWNE
Within WASHINGTON County~~

**PURPOSE AND
PERIOD OF USE:**

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 10/31

0.300 CFS

PLACE OF USE:

IRRIGATION

within WASHINGTON County

T16N R04W S32 SENE 4.2

T16N R04W S32 NESE 3.6

T16N R04W S32 SESE 5.3

~~T16N R04W S32 NESE 5.8~~

~~T16N R04W S32 SESE 4.0~~

~~T16N R04W S33 SWNW 7.5~~

~~T16N R04W S33 SENW 1.5~~

~~T16N R04W S33 NWSW 5.2~~

13.1 ACRES TOTAL

~~24 ACRES TOTAL~~

~~The rights listed below are limited to the irrigation of a combined total of
35 acres in a single irrigation season. Combined Right Nos.: 67-206, 67-221,
67-222.~~

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

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 point of diversion pursuant to Section 42-1425, Idaho Code.

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

~~Right Nos. 67-221 and 67-222 are also diverted through points of diversion described above.~~

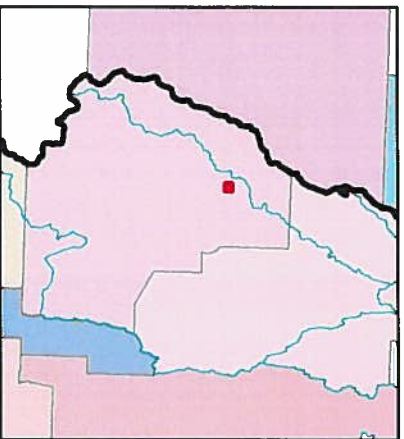


**SRBA Recommendation
67-206
(IRRIGATION)**

Idaho Department of Water Resources

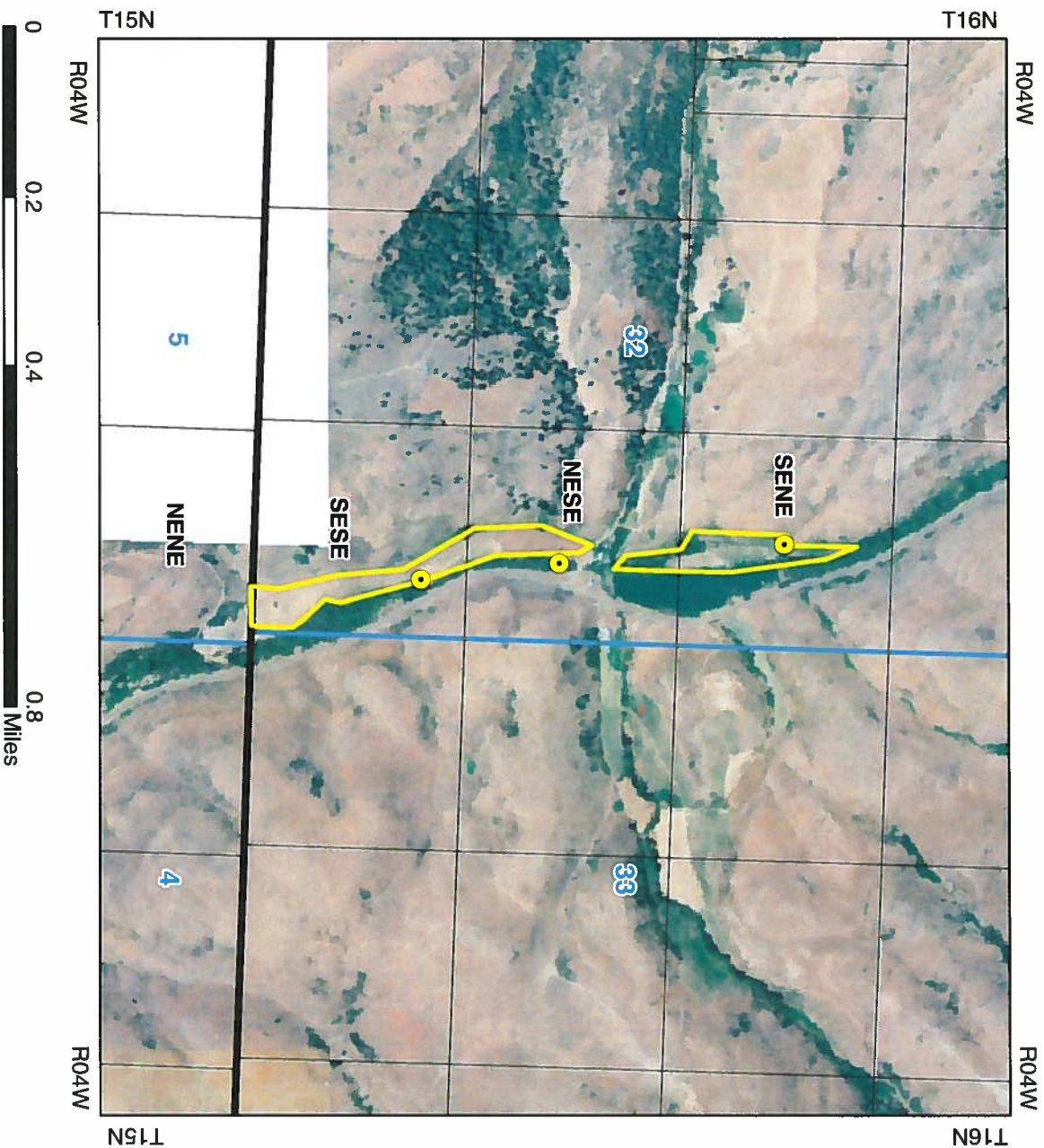
Legend

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



**Washington County
IDWR Basin 67**

Prepared by Craig Saxton
On November 13, 2008
1987/88 Aerial Photography





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 14, 2008

CHAD C GIBSON
16770 AGATE LN
WILDER ID 83676

GENE W GIBSON
20 LILAC LN
SAGLE ID 83860

Subject: Objections to Snake River Basin Adjudication (SRBA) recommendations 67-206, 67-221, and 67-222

Dear Chad and Gene,

Per my conversation today with Chad, I am enclosing an amended claim for your review and would like to go over what we spoke about on the phone. There is a lot of information to cover so I am going to try to break this letter up into sections.

As you are aware, representation for Cuddy Meadows Ranch filed objections to the recommendations for water right 67-206, 67-221, and 67-222. There were several issues mentioned in the objection. The objection common to all three rights was the addition of Little Pine Creek as an accomplished change in source. Cuddy Meadows Ranch objects to the addition of this source because it then makes some of their water rights that are decreed out of Little Pine Creek, Jr. to some of Gibson's rights.

The Idaho Code addressing accomplished changes, 42-1425 does not include language addressing an accomplished change in source. After reviewing this, IDWR has to amend the directors reports for 67-206, 67-221 and 67-222 and remove the points of diversion and place of use that are associated with water diverted from Little Pine Creek. The removal of Little Pine Creek results in some fairly substantial changes in the recommendations for 67-206, 67-221, and 67-222.

Amended Directors Report for 67-206:

I am enclosing a copy of the amended directors report for 67-206. The place of use and point of diversion associated with Little Pine Creek water was removed. This resulted to recommending a 13.1 acre place of use that was previously determined to be irrigated from Pine Creek. The diversion rate for 67-206 was recommended in full to the 13.1

acres which brings the diversion rate for that acreage to just slightly over one inch per acre.

67-221 and 67-222:

Because all of the irrigated ground that can be served with Pine Creek water can be irrigated in full by 67-206, there is no purpose to recommend 67-221 and 67-222 as valid water rights to the 13.1 acres. 67-206 has enough water to cover the place of use in full and with an earlier priority date than 67-221 and 67-222.

To add, additional objections to 67-221 and 67-222 argued ownership of those rights.

Two Options:

I spoke with Chad about two options for what we could do regarding 67-221 and 67-222.

Option 1:

Do nothing. IDWR will submit an amended directors report for both 67-221 and 67-222 recommending both rights as disallowed. At that time, you can file an objection of your own if you wish, to argue that 67-221 and/or 67-222 should not have been disallowed.

Option 2:

67-221: Amend 67-221 to a beneficial use claim for Little Pine Creek water. I am enclosing an amended claim for 67-221. The claim as been completed to include the point of diversion and place of use associated with Little Pine Creek. The priority date was also amended to 5/10/1918 which is the earliest priority date that could be recommended for a beneficial use water right.

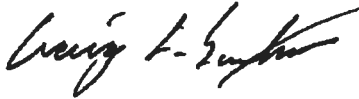
If you would like to pursue a beneficial use water right out of Little Pine Creek, look over the amended claim for 67-221 and initial any changes you wish to make. When satisfied, sign the claim and return it to me with any evidence you can provide that would support the historical use of Little Pine Creek water dating back as far as you can get (evidence needs to be at least before May 20, 1971). You don't have to provide evidence clear back to 1918, but the father back you can, the older priority date that can be recommended.

67-222: An amended directors report for 67-222 will still be submitted recommending the claim as disallowed.

With option 2, we should be able to cover your current water use with 67-206 and 67-221 (I will re-number 67-221 to a beneficial use number now that the claim is based on beneficial use so it isn't confused as still being a water right that was described in the Muir v. Allison decree).

I know this is a lot of information to process. Please feel free to contact me if you have any questions at (208) 287-4916

Respectfully submitted,



Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

Enclosure(s)

CC: BRUCE SMITH
MOORE SMITH BUXTON & TURCKE
950 W BANNOCK ST STE 520
BOISE ID 83702

RECEIVED
APR 18 2007
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 67-206
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Cuddy Meadows Ranch, LLP

Address: 2165 Seid Creek Road

Cambridge, Idaho 83610

Daytime Phone: (208) 257-3790

Name & Address of Attorney, if any:

Scott L. Campbell

Moffatt Thomas Barrett Rock & Fields

PO Box 829, Boise, Idaho 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Harold Gibson, c/o Gene Gibson and Chad Gibson

Address: Gene Gibson, 20 Lilac Lane, Sagle, Idaho 83860

Chad Gibson, 16770 Agate Lane, Wilder, Idaho 83676

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: Pine Creek
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: Please see Attachment 1.
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. I object because:

- ☒ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Please see Attachment 1.

F.

VERIFICATION (Must be Completed)

State of Ada)
) ss.
County of Idaho)

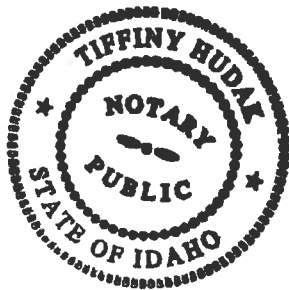
Scott L. Campbell, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 14, 2007



[Signature]
Notary Public for Idaho

Residing at: Bove

My Commission Expires: 9/16/09

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on April 16, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Harold Gibson, c/o Gene Gibson and Chad Gibson
Address: Gene Gibson, 20 Lilac Lane, Sagle, Idaho 83860
Chad Gibson, 16770 Agate Lane, Wilder, Idaho 83676

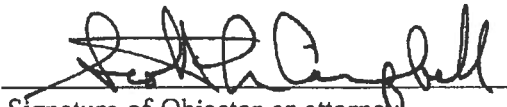
3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Cuddy Meadows Ranch, LLP
2165 Seid Creek Road
Cambridge, ID 83610

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

**ATTACHMENT 1 TO OBJECTION
TO WATER RIGHT 67-206**

Source and Points of Diversion: The source of this water right under the original Muir Allison Decree is Pine Creek. In its Director's Report, the Idaho Department of Water Resources has recommended an additional point of diversion from Little Pine Creek under the accomplished transfer statute (Idaho Code Section 42-1425), in direct contravention with Idaho Code §42-1425. Given the 1891 priority date of this water right, diversion from Little Pine Creek materially interferes with and injures the water rights of the Objectors, whose water rights are also diverted from Little Pine Creek and were either decreed under the Muir Allison Decree or licensed, with later priority dates. For these reasons, the point(s) of diversion for this water right should exclude any diversion from Little Pine Creek.

Additional Objection: This water right should not exist due to forfeiture of the water right under Idaho Code Section 42-222(2), for failure to beneficially use the water for the purposes for which it was appropriated and within the prescribed time period.

Saxton, Craig

From: Saxton, Craig
Sent: Monday, April 23, 2007 3:13 PM
To: Music, Vicky
Cc: Nelson, Dan; Bromley, Chris
Subject: Objection for 67-206, 67-221, 67-222 (Chad Gibson)

Hey Vicky,

Dan called me about a call he had from Chad Gibson about an objection he received from Scott Campbell (representing Cuddy Meadows Ranch). I briefly reviewed the files and called Chad back to find out what he needed to know.

The situation is that Scott Campbell filed an objection to Chad Gibson's recommendations because we recommended an accomplished change in POD (and Source). This change adds a point of diversion to a SR water right originally solely diverted from Pine Creek, to be diverted from Little Pine Creek. What this does essentially is, through the accomplished statute, puts a Sr. Water right in front of Scott Campbell's client's water right.

Chad wanted to know:

1. the timeline
2. what he can do to prove the accomplished transfer
3. what happens if he doesn't respond to the objection
4. if he can talk to Scott Campbell before the hearing.

I asked if he had an attorney and he said no. So I responded:

1. Objection deadline is Aug 22 and that is when hearings will be scheduled
2. I don't know how he can prove it, we recommended it from the notes on his original claim
3. I don't know what happens if he doesn't respond to the objection.
4. I said I think he can talk to Scott and try to figure things out ahead of time. But I wasn't sure.

I think he wants to talk to you and is going to call you.

Thanks.

Craig

12/07/2006

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

RIGHT NUMBER: 67-206

NAME AND ADDRESS: HAROLD W GIBSON
C/O GENE W GIBSON
20 LILAC LN
SAGLE ID 83860

HAROLD W GIBSON
C/O CHAD C GIBSON
16770 AGATE LN
WILDER ID 83676

SOURCE: LITTLE PINE CREEK
PINE CREEK
TRIBUTARY: PINE CREEK
TRIBUTARY: WEISER RIVER

QUANTITY: 0.300 CFS

The rights listed below are limited to a total combined diversion rate of 0.70 cfs. Combined Right Nos.: 67-206, 67-221, 67-222.

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:
T16N R04W S32 SENE Within WASHINGTON County
T16N R04W S32 NESE Within WASHINGTON County
T16N R04W S32 SESE Within WASHINGTON County
T16N R04W S33 NWNE 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	0.300 CFS
PLACE OF USE:	<u>IRRIGATION in WASHINGTON County</u>		
	T16N R04W S32 NESE 5.80	T16N R04W S32 SESE	4.00
	T16N R04W S33 SWNW 7.50	T16N R04W S33 SENW	1.50
	T16N R04W S33 NWSW 5.20		
	24 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 35 acres in a single irrigation season. Combined Right Nos.: 67-206, 67-221, 67-222.

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 point of diversion pursuant to Section 42-1425, Idaho Code.

Right Nos. 67-221 and 67-222 are also diverted through points of diversion described above.

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

Music, Vicky

From: Music, Vicky
Sent: Thursday, December 07, 2006 3:56 PM
To: 'ccgibson@citlink.net'
Subject: 67-206, 221, 222

Mr Gibson -

I received your call and a note from Steve Lester regarding your visit to the western regional office to get copies of the claim files. I added your and your brothers names/addresses to the water right recommendations per the letter you left with Steve, so that you get all mailings regarding these rights from us and the SRBA Court. Attached is an excel sheet generated from our database of water rights with a point of diversion from Little Pine Creek. I believe this completes my to do list that we spoke of at the public meeting. Of course, you are welcome to call with additional questions.



Little Pine Cr
PODs.xls

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

OFFICE DAY REFERRAL

SR

staff

12/1/06

date

PROGRAMS - CHECK ALL THAT APPLY

☒ Adjudication ☐ Dams ☐ Stream Alterations
☐ Water Rights ☐ Wells ☐ Other

QUESTIONS/CONCERNS (continue on back if needed)

- Chad Gibson visited today.
- Requested cc of claim files.
- I gave him copies of files except for handwritten notes; unnecessary computer printouts.
- He provided 3 original letters for 3 files attached.
- He will probably call you early next week
e notice of error details.

WATER RIGHT NO. _____

OR

67-206 67-221 67-222

LEGAL DESCRIPTION _____

CONTACT INFO - indicate best method by checking box

Name _____

☐ Telephone _____

☐ Fax _____

☐ Mailing Address _____

☐ E-Mail Address _____



November 30, 2006

RECEIVED

Vicky L. Music
IDWR, Adjudication Bureau
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

DEC 01 2006

WATER RESOURCES
WESTERN REGION

Dear Vicky:

In accordance with our conversation last evening (Water Rights Adjudication Meeting in Weiser, 11/29/06) I am providing the following in regard to water rights claims # 67-206, 67-221 and 67-222:

The claimant, Harold W. Gibson passed away in 1997 and the heir, Artith L. Gibson passed away November 2, 2006. The estate is now in probate and when completed will result in change in the owner(s) of the water rights. In the interim the mailing address for all correspondence regarding the above claims should be sent to the following addresses.

Gene W. Gibson
Executor, Artith Gibson Estate
20 Lilac Lane
Sagle, ID 83860

Chad C. Gibson
16770 Agate Lane
Wilder, ID 83676

It is my understanding that once the probate is completed the name(s) on the water rights can be changed in accordance with *Form 42-248/42-1409(6) July, 2000*. I also understand that this can be done whether or not the adjudication of the above claims is completed. If you need any further information please let me know.

Sincerely,

11/14/2006

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

RIGHT NUMBER: 67-206

NAME AND ADDRESS: HAROLD W GIBSON
3650 MILL CREEK RD
CAMBRIDGE ID 83610

SOURCE: LITTLE PINE CREEK
PINE CREEK

TRIBUTARY: PINE CREEK
TRIBUTARY: WEISER RIVER

QUANTITY: 0.300 CFS

The rights listed below are limited to a total combined diversion rate of 0.70 cfs. Combined Right Nos.: 67-206, 67-221, 67-222.

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:

T16N R04W S32 SENE Within WASHINGTON County
T16N R04W S32 NESE Within WASHINGTON County
T16N R04W S32 SESE Within WASHINGTON County
T16N R04W S33 NWNE 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	0.300 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T16N R04W S32	NESE	5.80	T16N R04W S32	SESE	4.00
T16N R04W S33	SWNW	7.50	T16N R04W S33	SENE	1.50
T16N R04W S33	NWSW	5.20			

24 ACRES TOTAL

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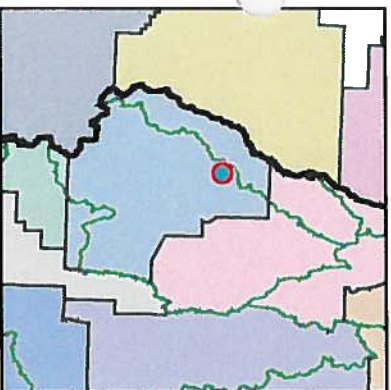
Idaho Department of Water Resources

SRBA Recommendation:

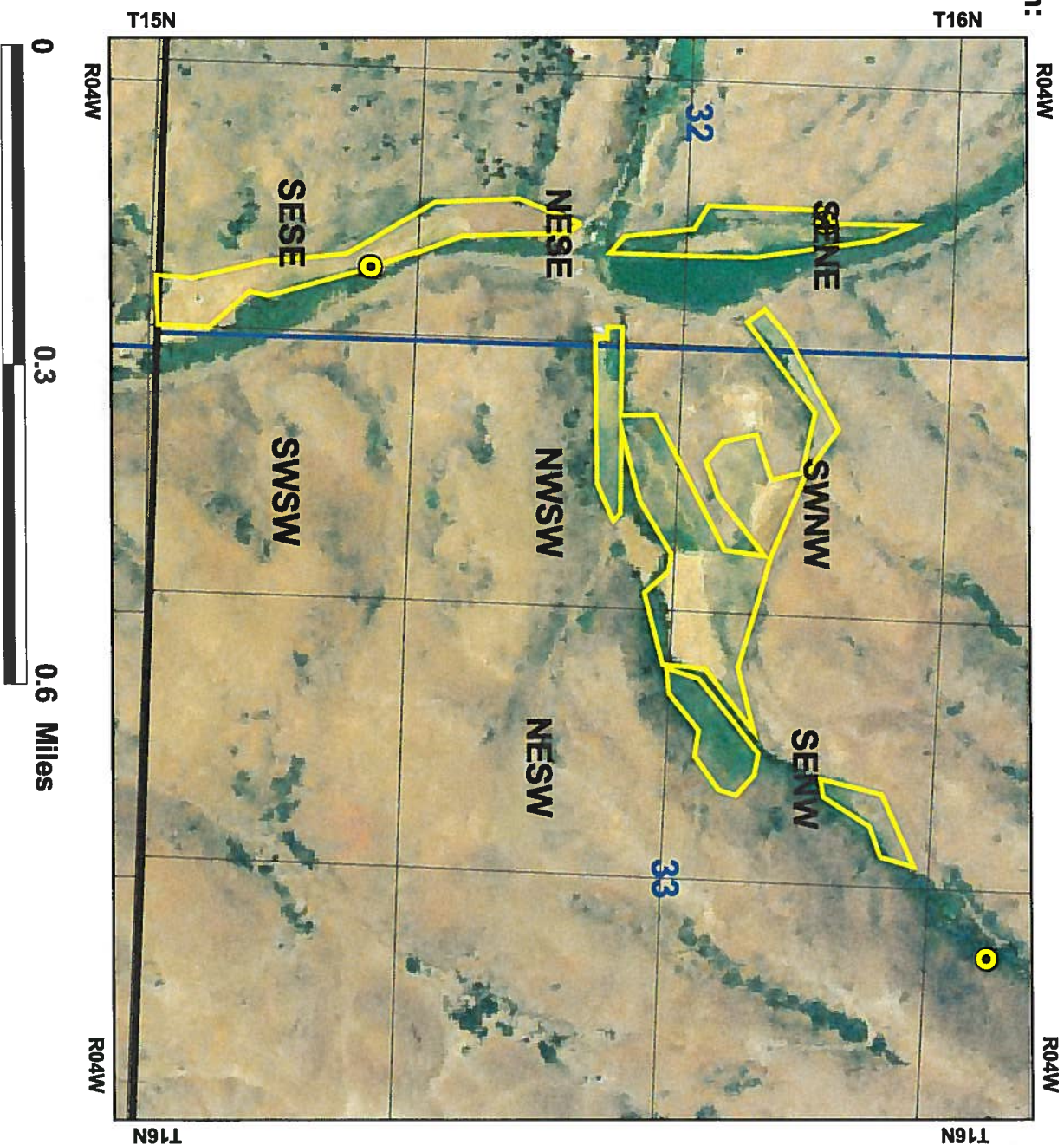
67-206
(Irrigation)

Legend

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



Washington County
IDWR Basin 67



Prepared by V. Music
On Thursday, November 16, 2006
1987/88 Aerial Photography



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

JUN 16 1999

WATER RESOURCES
WESTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

HAROLD W GIBSON
3651 MILL CREEK RD
CAMBRIDGE ID 83610

6-7-99
response
/s/

April 29, 1999

Re: Snake River Basin Adjudication (SRBA)
Water Rights #67-14025, A67-00206, A67-00221 & A67-00222
Change of Address

Dear Water Right Holder:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by May 17, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right record.

Sincerely,

Sally

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Claimant Signature

Telephone No.

Notice to Mailer of Correction in Address

Addressee's Account Number (All numbers, dates, and letters)

67-14025

- ☐ No account number on mail
☐ Account number illegible

Addressee's Name

HAROLD W. GIBSON

Old Address (Include apartment or suite number)

HC 69 Box 3600

City, State, and ZIP Code

CAMBRIDGE, Md 83610

New Address (Include apartment or suite number)

3651 Mill Creek Rd

City, State, and ZIP Code

CAMBRIDGE, Md 83610

This card is furnished: ☒ For address correction, as requested (your mailpiece was forwarded).
☐ In place of Form 3579 (see reason for nondelivery below).

The address portion of your mailpiece was not readily detachable. Reason for nondelivery:

- ☐ Moved, left no address ☐ No such street ☐ No such number
☐ Refused ☐ Attempted, not known ☐ Unclaimed

PS Form 3547, June 1995

+ A67-00206
✓ - 00221
✓ - 00222

CONVERSATION MEMORANDUM TO CLAIM FILE

TO: CLAIM FILE NOS. 67-206, 67-221, 67-222
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN REGION
SUBJECT: CLAIMS REVIEW –
DATE: 11/14/2006
CC:

These are 3 rights were decreed in Muir v Allison and were claimed by Harold Gibson. Below is a description of the rights:

<u>#</u>	<u>SOURCE</u>	<u>Q</u>	<u>ACRES</u>
67-206	Pine Cr, Little Pine Cr	15"/. 3 cfs	24 @ 5/8" per acre
67-221	Pine Cr, Little Pine Cr	21"/. 42 cfs	33.6
67-222	Pine Cr, Little Pine Cr	<u>11"/. 22 cfs</u>	<u>17.6</u>
	TOTAL	47"/. 94 cfs	75.2

Claimant claimed nearly the same acres in all 3 claims for a total of 35 unique acres. He claimed the entire quantity. I recommended the full decreed quantity for each but limited the 3 rights together to 35 acres and .7 cfs, which is .02 cfs per acre. I reduced the recommendation for 67-206 to the 24 acres decreed and I reduced 67-222 to 17.6 acres decreed. Probably should be a permissible place of use. No conveyance loss was claimed. If the claimant objects, I will suggest that the claimant provide information from which I can calculate conveyance loss.

Additionally, the acres claimed do not correspond to the decreed POU. Per the claimant's comments on the claim, there was an accomplished transfer in POU and POD as acres were shuffled and not claimed, and 2 or 3 PODs were added or changed.

VLM

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-206 V1

WATER RIGHT NUMBER: 67-206 V1

Owner Type Name and Address
Original Owner DENBRAE SHEEP CO

Current Owner , ZZ
HAROLD W GIBSON
3650 MILL CREEK RD
CAMBRIDGE, ID 83610
(208)257-3595

Priority Date: 06/01/1891 ✓

Basis: Decreed

Status:

Source

Tributary

LITTLE PINE CREEK
PINE CREEK

PINE CREEK
WEISER RIVER

*IDWR standard for area
3/15 - 10/31*

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

3/15 to 11/15

0.300 CFS

Total Diversion:

0.300 CFS ✓

Location of Point(s) of Diversion

PINE CREEK

SE1/4NE1/4

Sec. 32, Twp 16N, Rge 04W, B.M.

WASHINGTON County

LITTLE PINE CREEK

NW1/4NE1/4

Sec. 33, Twp 16N, Rge 04W, B.M.

WASHINGTON County

PINE CREEK

SE1/4SE1/4

Sec. 32, Twp 16N, Rge 04W, B.M.

WASHINGTON County

*entire 35 ac claimed under 07-222
3 67-221*

Place of Use

IRRIGATION Within WASHINGTON County

T16N R04W S32 SENE 5.0

T16N R04W S32 NESE ✓ 5.8

T16N R04W S32 SESE ✓ 4.0

T16N R04W S33 SWNW ✓ 7.5

T16N R04W S33 SENW ✓ 7.0

T16N R04W S33 NESW ✓ 0.5

T16N R04W S33 NWSW ✓ 5.2

Total Acres: 36

Conditions of Approval:

Remarks:

*ext - decreed
reduced to
24 acres*

*67-206, 221, 222 - same POD
E56 limited to 35 ac*

*total unique acres
63-206, 221, 222:*

*total cfs 35
63-206, 221, 222:*

*15" / .625 = 24 acres decreed
(15)(.02) = .3 cfs*

*C05 check try POD
C03 acc try POD (2 added)
E52 limited to .1 cfs = 206, 221, 222
-38 .228 .42 = .9*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-206 V1

Comments:

1. awarntje 5/14/2004 Source
Comment: Decree lists Pine Creek. Claimed both Pine Creek and Little Pine Creek
2. awarntje 5/14/2004 POU
Comment: POU claimed and licensed are different
3. awarntje 5/14/2004 Water Use
Comment: Decree does not mention water use for this claim
4. awarntje 5/14/2004 Period of Use
Comment: Decree does not mention period of use

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>
Source	5/14/2004 10:50:39 AM	awarntje			
POU	5/14/2004 11:59:02 AM	awarntje			
Use	5/14/2004 12:42:26 PM	awarntje			
Season	5/14/2004 12:43:05 PM	awarntje			
Quantity	5/14/2004 12:44:07 PM	awarntje			

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	5/14/2004 11:07:02 AM	awarntje	Edited shape boundary
POU	5/14/2004 11:19:37 AM	awarntje	Edited shape boundary
POU	5/14/2004 11:25:11 AM	awarntje	Edited shape boundary
POU	5/14/2004 11:41:01 AM	awarntje	Edited shape boundary
POU	5/14/2004 11:46:07 AM	awarntje	Edited shape boundary
POU	5/14/2004 11:59:04 AM	awarntje	(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? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU?
Use	5/14/2004 12:42:27 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a Purpose of Use? (No) 6. Is there evidence that there has been a change in the Purpose of Use?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-206 V1

Source	5/14/2004 10:50:41 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (No) 5. Can the claimed source be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the source?
Season	5/14/2004 12:43:07 PM	awarntje	(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?
Quantity	5/14/2004 12:44:09 PM	awarntje	(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? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?
POU	5/14/2004 11:48:15 AM	awarntje	Edited shape boundary

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-206

WATER RIGHT NUMBER: 67-206

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DENBRAE SHEEP CO
	, ZZ
Current Owner	HAROLD W GIBSON 3650 MILL CREEK RD CAMBRIDGE, ID 83610 (208)257-3595

Priority Date: 06/01/1891

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
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LITTLE PINE CREEK
PINE CREEKPINE CREEK
WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

PINE CREEK	SE1/4NE1/4	Sec. 32, Twp 16N, Rge 04W, B.M.
WASHINGTON County		
LITTLE PINE CREEK	NW1/4NE1/4	Sec. 33, Twp 16N, Rge 04W, B.M.
WASHINGTON County		
PINE CREEK	SE1/4SE1/4	Sec. 32, Twp 16N, Rge 04W, B.M.
WASHINGTON County		

Place of UseIRRIGATION Within WASHINGTON County

T16N R04W S32	SENE	5.0	T16N R04W S32	NESE	5.8
T16N R04W S32	SESE	4.0	T16N R04W S33	SWNW	7.5
T16N R04W S33	SENW	7.0	T16N R04W S33	NESW	0.5
T16N R04W S33	NWSW	5.2			

Total Acres: 35

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-206

1. THE DIVERSION IN SECTION 33 IS FROM LITTLE PINE CREEK. ALL OTHER DIVERSIONS FROM PINE CREEK. DATES OF USAGE ON DIVERSION RANGE FROM 1891 FOR LITTLE PINE CREEK DIVERSION, 1975 FOR DIVERSION IN SENE AND SOMETIME IN 1950'S FOR THE TWO DIVERSIONS IN NESE AND SESE. DELETED ACREAGE FROM T15N, R4W, SECTION 4, LOTS 3 AND 4.
ITEM 5: CONCRETE DAM TO PIPELINE FROM DIVERSION IN SECTION 33 AND PUMPS IN REMAINING DIVERSIONS, SPRINKLERS.

Remarks:

Comments:

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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 67-206**

11/14/2006

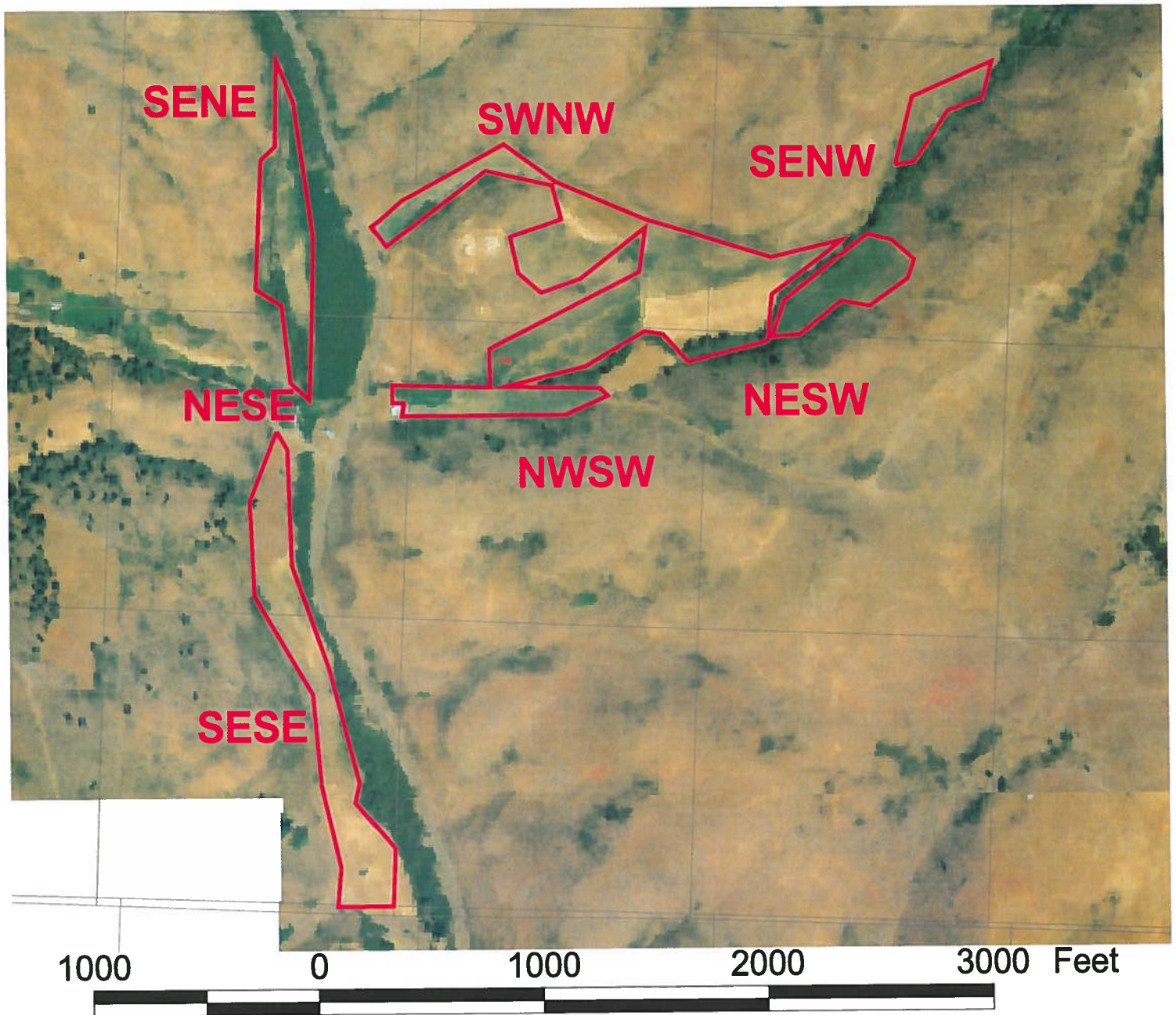
1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
-206	Claim	16N	04W	32	SE	NE		IRRIGATION	5/35	HAROLD W GIBSON
-221	Claim	16N	04W	32	SE	NE		IRRIGATION	5/31	HAROLD W GIBSON
-222	Claim	16N	04W	32	SE	NE		IRRIGATION	5/35	HAROLD W GIBSON
14025	Water Right	16N	04W	32	SE	NE		DOMESTIC		ARTITH GIBSON
-206	Claim	16N	04W	32	NE	SE		IRRIGATION	5.8/35	HAROLD W GIBSON
-221	Claim	16N	04W	32	NE	SE		IRRIGATION	5.8/31	HAROLD W GIBSON
-222	Claim	16N	04W	32	NE	SE		IRRIGATION	5.8/35	HAROLD W GIBSON
-206	Water Right	16N	04W	32	NE	SE		IRRIGATION		DENBRAE SHEEP CO
-206	Claim	16N	04W	32	SE	SE		IRRIGATION	4/35	HAROLD W GIBSON
-222	Claim	16N	04W	32	SE	SE		IRRIGATION	4/35	HAROLD W GIBSON
-206	Water Right	16N	04W	32	SE	SE		IRRIGATION		DENBRAE SHEEP CO
1-14	Water Right	16N	04W	32	SE	SE		IRRIGATION		DENBRAE SHEEP CO
1-15	Water Right	16N	04W	32	SE	SE		IRRIGATION		DENBRAE SHEEP CO
-206	Claim	16N	04W	33	SW	NW		IRRIGATION	7.5/35	HAROLD W GIBSON
-221	Claim	16N	04W	33	SW	NW		IRRIGATION	7.5/31	HAROLD W GIBSON
-222	Claim	16N	04W	33	SW	NW		IRRIGATION	7.5/35	HAROLD W GIBSON
-206	Water Right	16N	04W	33	SW	NW		IRRIGATION		DENBRAE SHEEP CO
-206	Claim	16N	04W	33	SE	NW		IRRIGATION	7/35	HAROLD W GIBSON
-221	Claim	16N	04W	33	SE	NW		IRRIGATION	7/31	HAROLD W GIBSON
-222	Claim	16N	04W	33	SE	NW		IRRIGATION	7/35	HAROLD W GIBSON
-206	Claim	16N	04W	33	NE	SW		IRRIGATION	0.5/35	HAROLD W GIBSON
-221	Claim	16N	04W	33	NE	SW		IRRIGATION	0.5/31	HAROLD W GIBSON
-222	Claim	16N	04W	33	NE	SW		IRRIGATION	0.5/35	HAROLD W GIBSON
-206	Claim	16N	04W	33	NW	SW		IRRIGATION	5.2/35	HAROLD W GIBSON
-221	Claim	16N	04W	33	NW	SW		IRRIGATION	5.2/31	HAROLD W GIBSON
-222	Claim	16N	04W	33	NW	SW		IRRIGATION	5.2/35	HAROLD W GIBSON
-206	Water Right	16N	04W	33	NW	SW		IRRIGATION		DENBRAE SHEEP CO

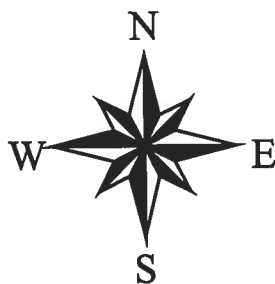
ght 1998,1999 Data Dynamics . This is an evaluation copy. Visit www.datadynamics.com for more information. For support during evaluation please
support@datadynamics.com

Idaho Department of Water Resources

67-206



T16N, R04W, S32 & 33



Prepared by Anita L. Warntjes
May 14, 2004
Adj 1987 True Color Photo

ENOCH BLOOMSTROM: The North half of the Southwest Quarter of Section 10, Township 14 North, Range 3 West Boise Meridian.

HAROLD E KINNEY: The Northeast Quarter of Section 23, Township 15 North, Range 4 West, and 8 acres off the South side of the Southeast Quarter of the Southeast Quarter of Section 14, Township 15 North, Range 4 West Boise Meridian.

NATHANIEL H WELLS: A Tract 12 rods wide off of the East side of the Northeast Quarter, Section 23, and the Southwest Quarter of the Northwest Quarter, the West half of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter Section 24, Township 15 North, Range 4 West Boise Meridian.

WILLIAM W ALLISON: The South half of the Southwest Quarter of Section 15, the North half of the Northwest Quarter and the North half of the Northeast Quarter of Section 22; and the North half of the Southwest Quarter of the Northeast Quarter of Section 22, Township 16 North, Range 4 West Boise Meridian.

JOSEPH C ALLISON: The Southwest Quarter, the Southeast Quarter of the Northeast Quarter, the Northwest Quarter of the Southeast Quarter and the South half of the Southwest Quarter of the Northeast Quarter of Section 22, Township 16 North, Range 4 West Boise Meridian.

JAMES W TINDALL: Lot 1, the East half of the Northwest Quarter and the Southwest Quarter of the Northeast Quarter, Section 31, Township 15 North, Range 3 West Boise Meridian.

MICHAEL WARD: The Northeast Quarter Section 32, Township 15 North, Range 3 West Boise Meridian.

E R EDWARDS: The South half of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 28; the North half of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter, the West half of the Northeast Quarter, the Southeast Quarter of the Northeast Quarter, the North half of the Southeast Quarter, and the Northeast Quarter of the Southwest Quarter of Section 33, Township 15 North, Range 3 West Boise Meridian.

FANNIE E BAKER: The Southeast Quarter of the Southeast Quarter of Section 4; the East half of the Northeast Quarter of Section 9; and the Southwest Quarter of the Northwest Quarter of Section 10, Township 15 North, Range 4 West Boise Meridian.

DEBBRAE SHINEP COMPANY: The Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southeast Quarter of Section 32 and the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 33, all in Township 16 North, Range 4 West Boise Meridian, and the Southeast Quarter of the Southeast Quarter of Section 32, the Southwest Quarter of the Southwest Quarter of Section 33 in Township 16 North, Range 4 West Boise Meridian, and the Lots 3 and 4 of Section 4 in Township 15 North, Range 4 West Boise Meridian.

WILLIAM NIEMEYER: The West half of the Southeast Quarter, the Southeast Quarter of the Southeast Quarter, Section 24, the Northeast Quarter of the Northeast Quarter, the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 25, Township 15 North, Range 4 West Boise Meridian, and Lots 3 and 4 Section 30, Township 15 North, Range 3 West Boise Meridian.

MARY MARQUESS: The Northwest Quarter of the Southwest Quarter Section 32, the East half of the Southeast Quarter, the Southwest Quarter of the Southeast Quarter, the

JUL 24 1993

Walter C Keithley
Elihu G Johnson

Sarah S Keithley, administratrix of the estate
of John D Keithley
and trustee of Howard K Keithley, John Keith-
ley and Clarence F Keithley.

Pine Creek.

Angus R. McDonald

Nels Buhl

James H Phillips

O R Schmits

O S Kulet

Knoch Bloomstrom

Harold K Kinney

Nathaniel H Wells

William W Allison

Joseph C Allinson

James W Tindell

Michael Ward

E E Edwards

Fannie R Baker

Denbrae Sheep Company

William Niemeyer

Mary Marquess

E M Fuller

John D Forsyth

James N Davis

Charles A Hnygood

John W Gibson

William A McKenzie

Elizabeth Webber for life

16 /
3 1/8 /
5 /

200 /

47 /
13 /
90 /
30 /
17 1/2 /
5 /
12 /
5 1/2 /
31 1/2 /
12 1/2 /
22 1/2 /
35 /
31 /
12 /

62 1/2 /
18 /
30 /
32 1/2 /
47 1/2 /
123 /
42 /
6 /

29 /

15 /

7 /
6 1/2 /
5 /

21 /

20 /

32 /

45 /

35 /

25 /

25 /

27 1/2 /

19 /

14 /

May 15, 1899 67 0179
May 15, 1899 67 0180
May 15, 1899 67 0181

May 15, 1877 67 0182

June 1, 1879 67 0183
June 1, 1905 67 0184
May 1, 1880 67 0185
June 1, 1884 67 0186
June 5, 1884 67 0187
May 1, 1884 67 0188
May 1, 1904 67 0189
May 1, 1912 67 0190
June 1, 1886 67 0191
May 1, 1886 67 0192
May 1, 1889 67 0193
Aug 15, 1888 67 0194
Aug 15, 1888 67 0195
June 26, 1888 67 0196

May 6, 1899 67 0197
June 26, 1888 67 0198
May 1, 1906 67 0199
May 1, 1890 67 0200
June 3, 1890 67 0201
May 1, 1891 67 0202
May 1, 1891 67 0203
May 1, 1891 67 0204

May 1, 1900 67 0205

June 1, 1891 67 0206

May 1, 1892 67 0207

May 1, 1897 67 0208

May 1, 1892 67 0209

May 1, 1892 67 0210

May 1, 1893 67 0211

May 1, 1900 67 0212

May 1, 1900 67 0213

May 1, 1900 67 0214

May 1, 1900 67 0215

May 1, 1902 67 0216

May 1, 1900 67 0217

May 1, 1900 67 0218

May 1, 1901 67 0219

JUL 24 1896

Name	Amount (Inches)	Date	Land Description
PINE CREEK (Cont.)			
11 James W. Tindell	32 $\frac{1}{2}$ ✓	5--1-90 ✓	Lot 1, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 31, T. 15 N., R. 3 W.
12 Michael Ward	47 $\frac{1}{2}$ ✓	6--3-90 ✓	NE $\frac{1}{4}$ Sec. 32, T. 15 N., R. 3 W.
13 E. E. Edwards	123 ✓ 42 ✓	5--1-91 ✓ 5--1-91 ✓	S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 15 N., R. 3 W.
14 Fannie E. Baker	6 ✓ 29 ✓	5--1-91 ✓ 5--1-00 ✓	SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 9; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10, T. 15 N., R. 4 W.
15 Denbrae Sheep Company	15 ✓	6--1-91 ✓	SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 16 N., R. 4 W.; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 16 N., R. 4 W.; Lots 3 and 4 of Sec. 4, T. 15 N., R. 4, W. ✓
16 William Niemeyer	7 ✓ 6 $\frac{1}{2}$ ✓	5--1-92 ✓ 5--1-97 ✓	W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24; NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T. 15 N., R. 4 W.; Lots 3 & 4, Sec. 30, T. 15 N., R. 3 W. ✓
17 Mary Marquess	5 ✓ 21 ✓ 20 ✓	----- 5--1-92 ✓ 5--1-93 ✓	NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32; E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and Lot 4, Sec. 31, T. 15 N., R. 3 W.; & SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 15 N., R. 4 W., & Lot 3, Sec. 6, T. 14 N., R. 3 W. ✓
18 E. M. Fuller	32 ✓	5--1-00 ✓	SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2, T. 15 N., R. 4 W.
19 John D. Forsyth	45 ✓	5--1-00 ✓	E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 11, T. 15 N., R. 4 W.
20 James N. Davis	55 ✓	5--1-00 ✓	SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T. 15 N., R. 4 W.
21 Charles A. Haygood	25 ✓ 25 ✓	5--1-00 ✓ 5--1-02 ✓	W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12; NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, T. 15 N., R. 4, W.; and Lot 4, Sec. 18, T. 15 N., R. 3 W. ✓
22 John W. Gibson	27 $\frac{1}{2}$ ✓	5--1-00 ✓	SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 2; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 15 N., R. 4 W.
23 Wm. A. McKenzie	19 ✓	5--1-00 ✓	Lot 2 & 3, Sec. 3, T. 15 N., R. 4 W.; S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 34, T. 16 N., R. 4 W.

RECORDED
JUL 24 1996