

11/08/2006

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

RIGHT NUMBER: 67-208

NAME AND ADDRESS: CARL W RUST
41 BONDS FLAT RD
LA GRANGE CA 95329

KATHERINE M RUST
41 BONDS FLAT RD
LA GRANGE CA 95329

SOURCE: PINE CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.130 CFS

Right Nos. 67-207 and 67-208 are limited to a total combined diversion rate of .22 cfs.

PRIORITY DATE: 05/01/1897

POINT OF DIVERSION:

T15N R04W S24 NESW 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	0.130 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T15N R04W S24	NWSE	4.00	T15N R04W S24	SWSE	3.00
T15N R04W S24	SESE	3.20	T15N R04W S25	NENE	0.20

10.4 ACRES TOTAL

Right Nos. 67-207 and 67-208 are limited to the irrigation of a combined total of 11.2 acres 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



Idaho Department of Water Resources

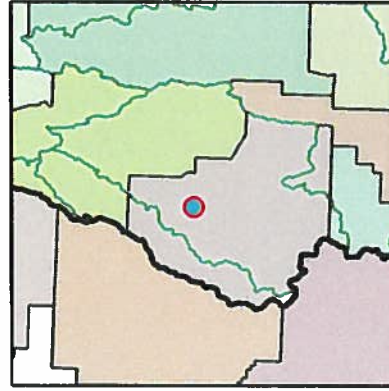
SRBA Recommendation:

67-208

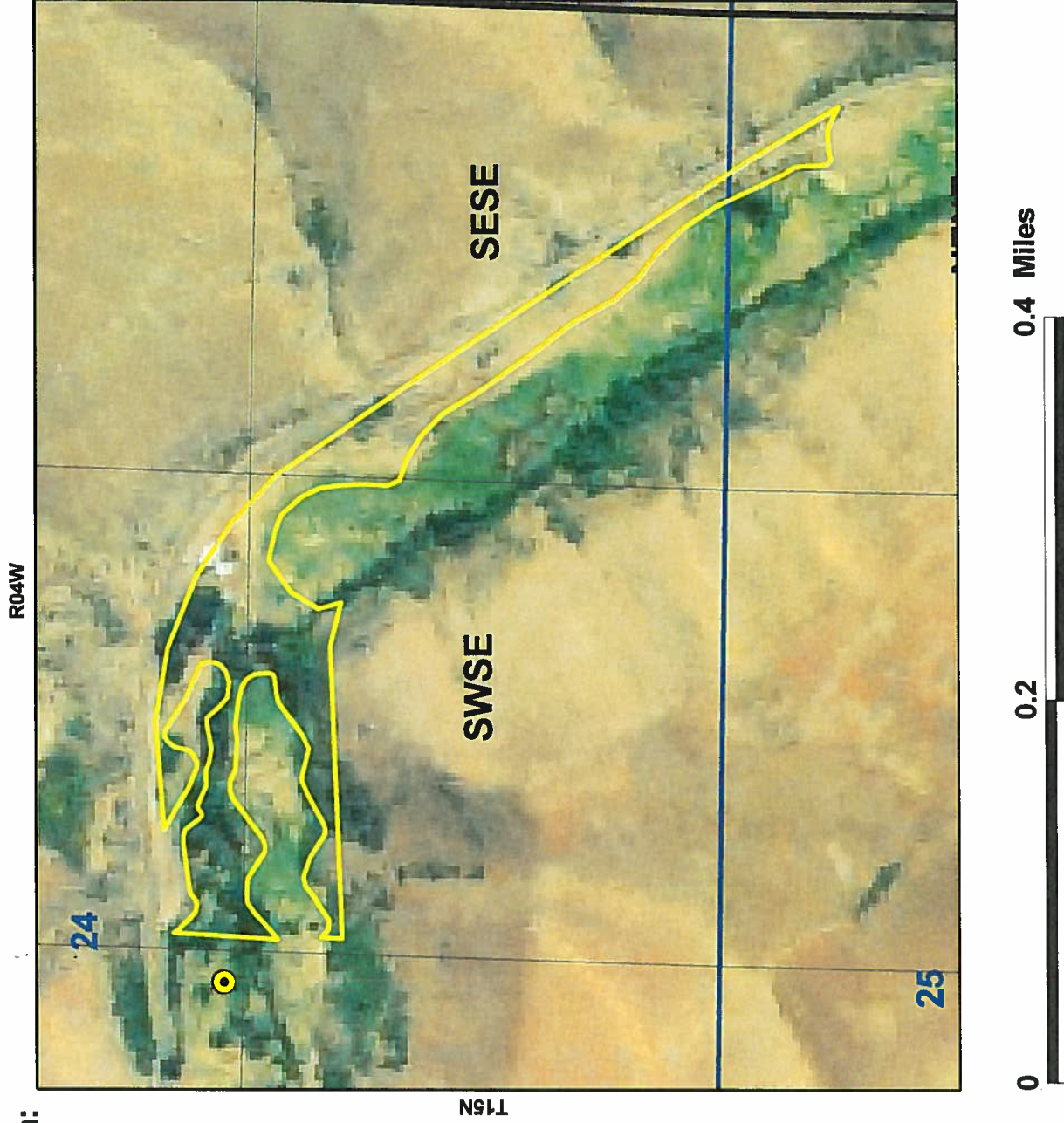
(Irrigation)

Legend

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



Washington County
IDWR Basin 67



Prepared by S. Egbert
On Wednesday, November 8, 2006
1987/88 Aerial Photography

05/14/2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-208 V1

WATER RIGHT NUMBER: 67-208 V1

Owner Type
Original Owner

Name and Address
WILLIAM NIEMEYER

Current Owner

. ID
CARL W RUST
41 BONDS FLAT RD
LA GRANGE, CA 95329
(209)852-2512

Current Owner

KATHERINE M RUST
41 BONDS FLAT RD
LA GRANGE, CA 95329
(209)852-2512

Priority Date: 05/01/1897

Basis: Decreed

Status:

Source

Tributary
WEISER RIVER

Beneficial Use

Annual Volume

IRRIGATION

Diversion Rate
0.130 CFS

0.130 CFS

From To
3/15 to 11/15

12-31

Total Diversion:

Location of Point(s) of Diversion

PINE CREEK

WASHINGTON County

Sec. 24, Twp 15N, Rge 04W, B.M.

NE 1/4 SW 1/4

Place of Use

IRRIGATION

Typ	Rge	Sec	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	Total
15N	04W	24	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	23.0
			100			4	3	3.2										10.2
15N	04W	25	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	14.0
			100															10.4
Total Acres:			10.4															

Conditions of Approval:

Remarks:

decreed - 10.4 acres
use same POU as 67-207

overlaps 67-207

DO NOT SCAN

05/14/2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-208 V1

Comments:

- awarnrje 5/14/2004 Water Use
Comment: Decree does not mention water use for this right
- awarnrje 5/14/2004 Period of Use
Comment: Decree does not mention period of use for this right

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan:

Combined Use Limits:

Element Reviewed/Verified Dates:

Element	Priority Date	Last Reviewed Date	Reviewed
Source	5/14/2004	2:54:38 PM	awarnrje
POU	5/14/2004	2:54:56 PM	awarnrje
Use	5/14/2004	3:00:02 PM	awarnrje
Season	5/14/2004	3:01:07 PM	awarnrje
Quantity	5/14/2004	3:02:05 PM	awarnrje

Verification Log:

Element	Date	Time	Stamp	Reviewer
POU	5/14/2004	2:59:15 PM		awarnrje
Use	5/14/2004	3:00:28 PM		awarnrje

Log text

Edited shape boundary

(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?

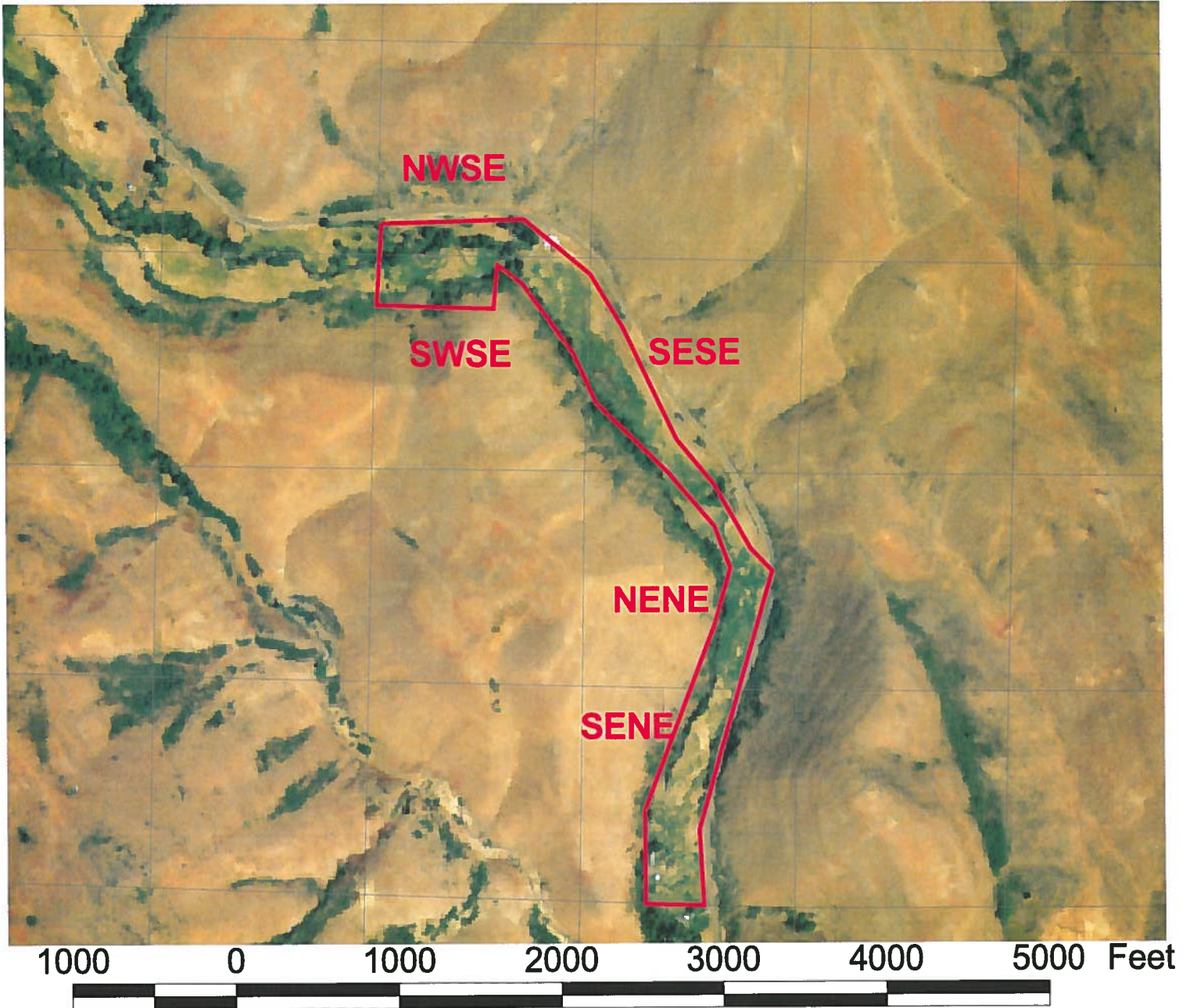
(Yes) 1. Is the basis of claim Decree or License?

(No) 4. Does the Decree or License have a Period of Use?

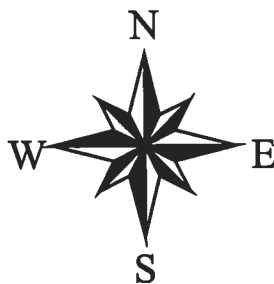
(No) 6. Is there evidence that there has been a change in the Period of Use?

Idaho Department of Water Resources

67-208



T15N, R04W, S24 & 25



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

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 $\frac{1}{4}$, N $\frac{1}{2}$ 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

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

C R Schmits

O S Hulet

Enoch Bloomstrom

Harold K Kinney

Nathaniel H Wells

William W Allison

Joseph C Allison

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 8000

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, 1893 67 0210

May 1, 1900 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 2 4 1899

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

HAROLD E KIRKBY: 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.

DEENBRAE SHOEY 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 1903