

11/15/2006

RECEIVED

DEC 08 2006

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-217

MINK LAND & LIVESTOCK CO

2920 HWY 95

CAMBRIDGE ID 83610

Telephone Number: (208)257-3776

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation, no changes need to be made.

DATE: 12/5/06

SIGNATURE:

Russell Mink SEC. TREAS.

Please print your name:

RUSSELL MINK

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

11/08/2006

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

RIGHT NUMBER: 67-217

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

SOURCE: PINE CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.550 CFS

PRIORITY DATE: 05/01/1900

POINT OF DIVERSION:

T16N R04W S35 NWSE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 10/31

0.550 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T15N R04W S02

SWSE

20.00

T15N R04W S11

NWNE

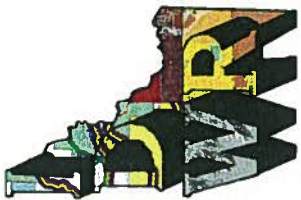
24.00

44 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM -- Decreed



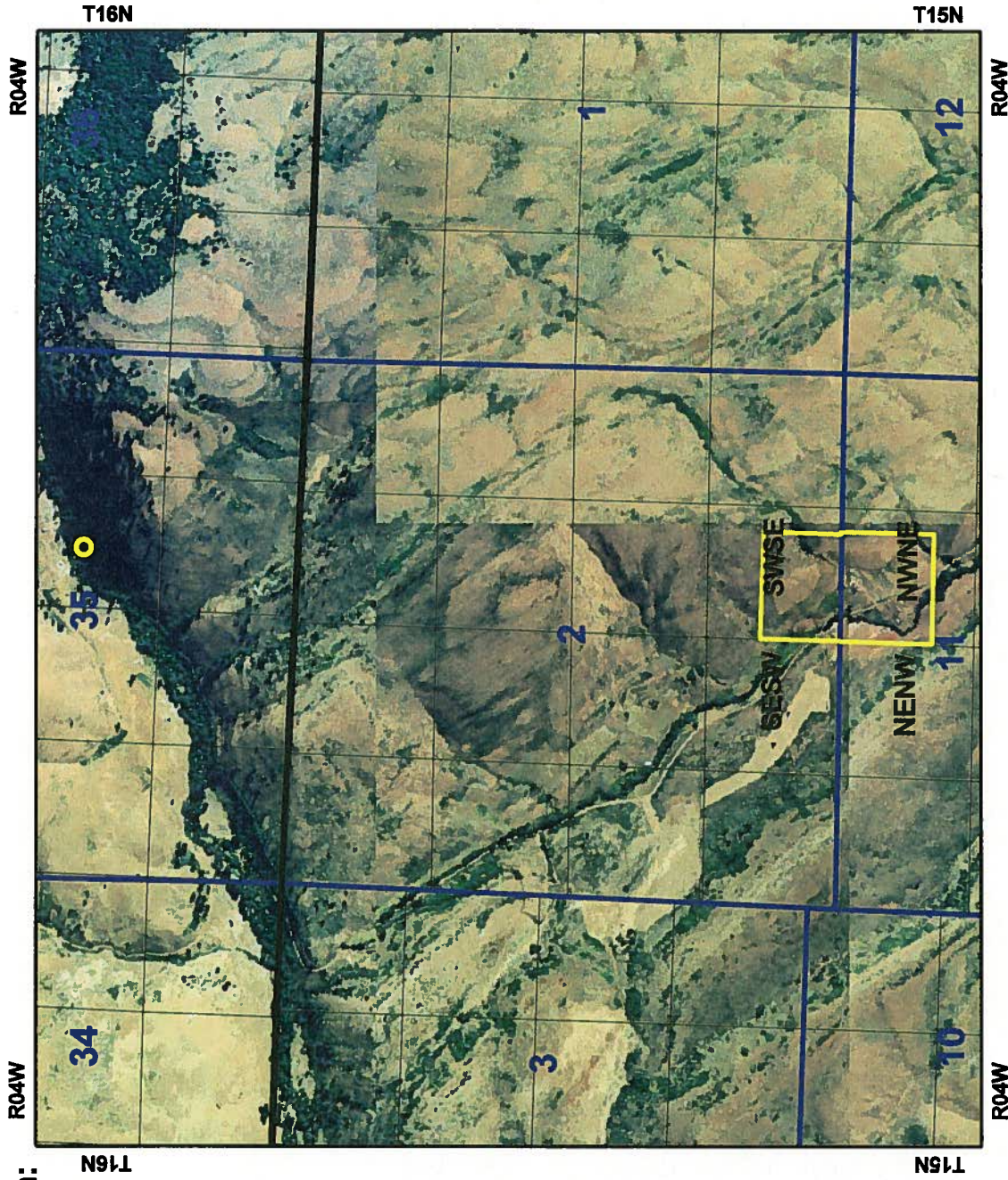
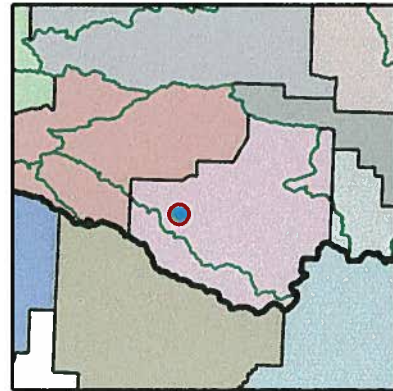
Idaho Department of Water Resources

SRBA Recommendation:

67-217
(Irrigation)

Legend

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



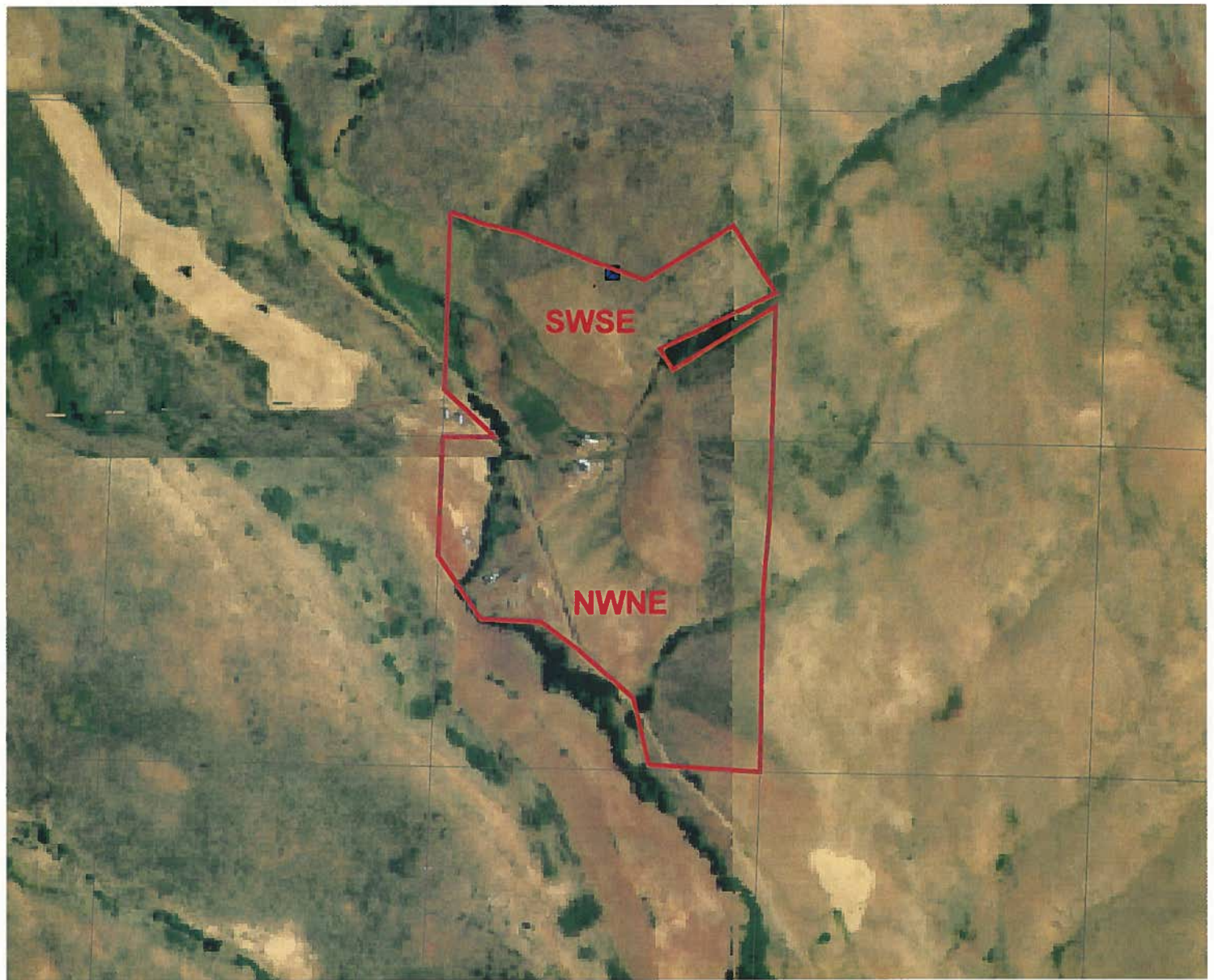
1.4 Miles

0.7

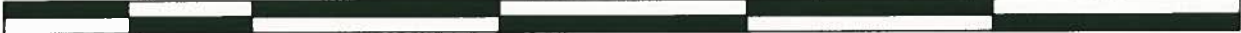
0

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

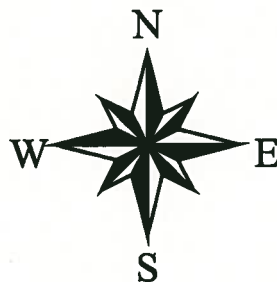
Idaho Department of Water Resources
67-217



800 0 800 1600 2400 3200 Feet

A horizontal scale bar with alternating black and white segments, corresponding to the numerical values above it.

T15N, R04W, S2 & S11



Prepared by Anita L. Warntjes
May 18, 2004
Adj 1987 True Color Photo

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 E Schmits

O S Hulet
Enoch Bloomstrom

Harold K Kinney
Nathaniel H Wells

William W Allison

Little Pine
Said Creek
Little Pine
Little Pine

James W Tindell
Michael Ward
E F Edwards

Fannie R Baker

Denbrae Sheep Company
William Niemeyer

Mary Marques

E M Fuller
John D Forsyth

James M 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

— — — 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 1900

Southwest Quarter of the Southwest Quarter, and Lot 4, Section 31, Township 15 North, Range 3 West Boise Meridian, and the Southeast Quarter of the Southeast Quarter Section 36, Township 15 North, Range 4 West Boise Meridian and Lot 3 Section 6, Township 14 North, Range 3 West Boise Meridian.

E M FULLER: The Southwest Quarter of the Northwest Quarter and Northeast Quarter of the Southwest Quarter of Section 2, Township 15 North, Range 4 West Boise Meridian.

JOHN D FORSYTH: The East half of the Northeast Quarter and the East half of the Southeast Quarter, Section 11, Township 15 North, Range 4 West Boise Meridian.

JAMES M DAVIS: The Southwest Quarter of the Northeast Quarter, the South half of the Northwest Quarter, and the Northwest Quarter of the Northwest Quarter, Section 11, Township 15 North, Range 4 West Boise Meridian.

CHARLES A HAGOOD: The West half of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter, Section 12; the Northeast Quarter of the Northwest Quarter, the North half of the Southeast Quarter, and the Southeast Quarter of the Southeast Quarter of Section 13, Township 15 North, Range 4 West Boise Meridian, and Lot 4, Section 18, Township 15 North, Range 3 West Boise Meridian.

✓ JOHN W GIBSON: The Southwest Quarter of the Southeast Quarter and the South half of the Southwest Quarter, Section 2, and the Northwest Quarter of the Northeast Quarter Section 11, Township 15 North, Range 4 West Boise Meridian.

WILLIAM A MCKENZIE: Lots 2 and 3 Section 3, Township 15 North, Range 4 West Boise Meridian and the South half of the Southeast Quarter Section 34, Township 16 North, Range 4 West Boise Meridian.

ELIZABETH WIEBNER: The Southwest Quarter Section 35, Township 16 North, Range 4 West Boise Meridian.

ROY O HOWLAND: The South half of the Northeast Quarter, and the West half of the Southeast Quarter Section 35, Township 16 North, Range 4 West Boise Meridian.

C E AMIDON: The West half of the Southeast Section 33, Township 16 North, Range 4 West, and Lots 1 and 2 Section 4 Township 15 North, Range 4 West Boise Meridian.

FRED C KRUCK: The Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter Section 4, and the West half of the Northeast Quarter, Section 9, Township 15 North, Range 4 West Boise Meridian.

THOMAS RAY: The East half of the East half of the Southeast Quarter of the Northwest Quarter, Section 10, Township 14 North, Range 3 West Boise Meridian.

S M RUTLEDGE: The South half of the Southwest Quarter of Section 25; the Southeast Quarter of the Southeast Quarter of Section 26, the Northeast Quarter of the Northeast Quarter of Section 35, and the Northwest Quarter of Section 36; all in Township 16 North, Range 4 West Boise Meridian.

JAMES ORTON: The Northwest Quarter of the Southeast Quarter Section 29, Township 16 North, Range 4 West Boise Meridian.

WILLIAM TOORS: The Northeast Quarter of the Southeast Quarter Section 4, Township 15 North, Range 4 West Boise Meridian.

HENRY MARSH AND ORMA MARSH: The Northwest Quarter of The Northwest Quarter, Section 13, Township 15 North, Range 4 West Boise Meridian.

FRANK C DOWNS: The Northwest Quarter of the Southeast Quarter, and Lots 6 and 7 Section 3, and Lot 1 Section 10, Township 15 North, Range 4 West Boise Meridian.

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 2, 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	35 ✓	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

SEP 24 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES

Department of Water Resources

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS. 67-194 & 67-217)
IN THE NAME OF MINK LAND &)
LIVESTOCK)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

A drought emergency has been declared for Washington County to allow administrative actions to lessen the severe impacts of the drought conditions in the county.

Section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources (Department) is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code.

On September 18, 2001, Mink Land & Livestock ("applicant") submitted the attached Temporary Change Application ("application") to the Department.

The records of the Department do not identify Mink Land & Livestock as the owner of water right no. 67-194. The Department conversed with the watermaster of Water District 67, Weiser River, who confirmed that water right no. 67-194 has been delivered to Mink Land & Livestock during 2001.

The application can be approved with certain conditions.

The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right.

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

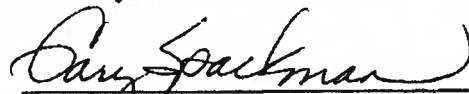
1. Diversion and use of right nos. 67-194 & 67-217 is authorized only at the point of diversion and place of use described on the application or as otherwise approved in this order.

MICROFILMED

OCT 12 2001

2. This temporary change approval does not authorize construction of a new well as a new point of diversion.
3. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.
4. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
5. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
6. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
7. The watermaster of Water District No. 67 shall administer the temporary change approval.
8. This temporary change approval expires on January 1, 2002 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 21st day of September, 2001.


GARY SPACKMAN
IDWR

3/94

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SEP 18 2001

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION
(To change point of diversion, place of use or purpose of use)Ident. No. TC-67-01Name of applicant MINK LAND & LIVESTOCK Phone 257-3829Post Office address 2920 Hwy 95, CAMBRIDGE, ID 83610 RECEIVED

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

SEP 24 2001

2. Describe the proposed change(s) and the reason(s) therefor Irrigate pasture - also recharge
groundwater for winter stock water. Pasture normally irrigated
by water right nos. 67-213, 67-215, 67-216, and 67-4050

Department of Water Resources

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 67-194 Priority 8/15/1888 Amount 0.70 cfs Nature Irrigation Period of Use 3/15 to 10/31
67-217 5/1/1900 0.55 cfs Irrigation 3/15 to 10/31
 _____ to _____
 _____ to _____

2. Total amount of water being transferred 1.25 cubic feet/second and/or _____ acre-feet per annum.

3. Source of water Pine Creek tributary to Weiser River

4. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
					NWSE 35	16N	4W	Washington	Advent Gulch

5. Lands Irrigated or Place(s) of Use:

5. Lands irrigated or ~~flooded~~ or ~~drain~~

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	3W	18							X										
15N	4W	11	X			X												10	
15N	4W	12										X						15	

Total acres _____

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OCT 12 2001

6. General Information:

- a. Who owns the water right to be changed? Mink Land & Livestock
- b. Describe the arrangement allowing use of the right Adjudicated
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this application:
Will not irrigate the remainder of the season
- d. Has the water right sought to be transferred been used this year? yes If yes, explain. Irrigation of cropland
- e. Absent the changes, how would the right be used for the remainder of the year? Irrigate pasture land
- f. Describe other water rights used for the same purpose.
- g. Remarks:

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

R. Mink / Mink L&L
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by dh Date 9/18/01 Fee \$50 received 8/31/01 when first returned
Receipted #W028249 Recommend: approve deny
Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. _____
And said application is hereby Approved, subject to the following limitations and conditions:

See Order Authorizing Temporary Change dated Sept. 21, 2001

Witness my hand this 21st day of September, 2001

Gary Spickman

MICROFILMED
OCT 12 2001