

11/14/2006

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

RIGHT NUMBER: 67-227

NAME AND ADDRESS: DIANE E DOWNEY
2373 LAPPIN LN
COUNCIL ID 83612

KENNETH F DOWNEY
2373 LAPPIN LN
COUNCIL ID 83612

SOURCE: POLE CREEK

TRIBUTARY: PINE CREEK

QUANTITY: 0.170 CFS

PRIORITY DATE: 06/30/1905

POINT OF DIVERSION:

T16N R04W S29 NWSW 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	0.170 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T16N R04W S29 SWSE 13.20

13.2 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

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

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

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



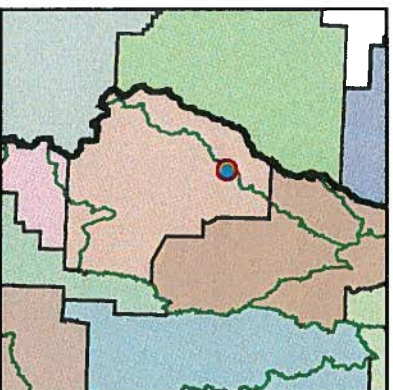
Idaho Department of Water Resources

SRBA Recommendation:

67-227
(Irrigation)

Legend

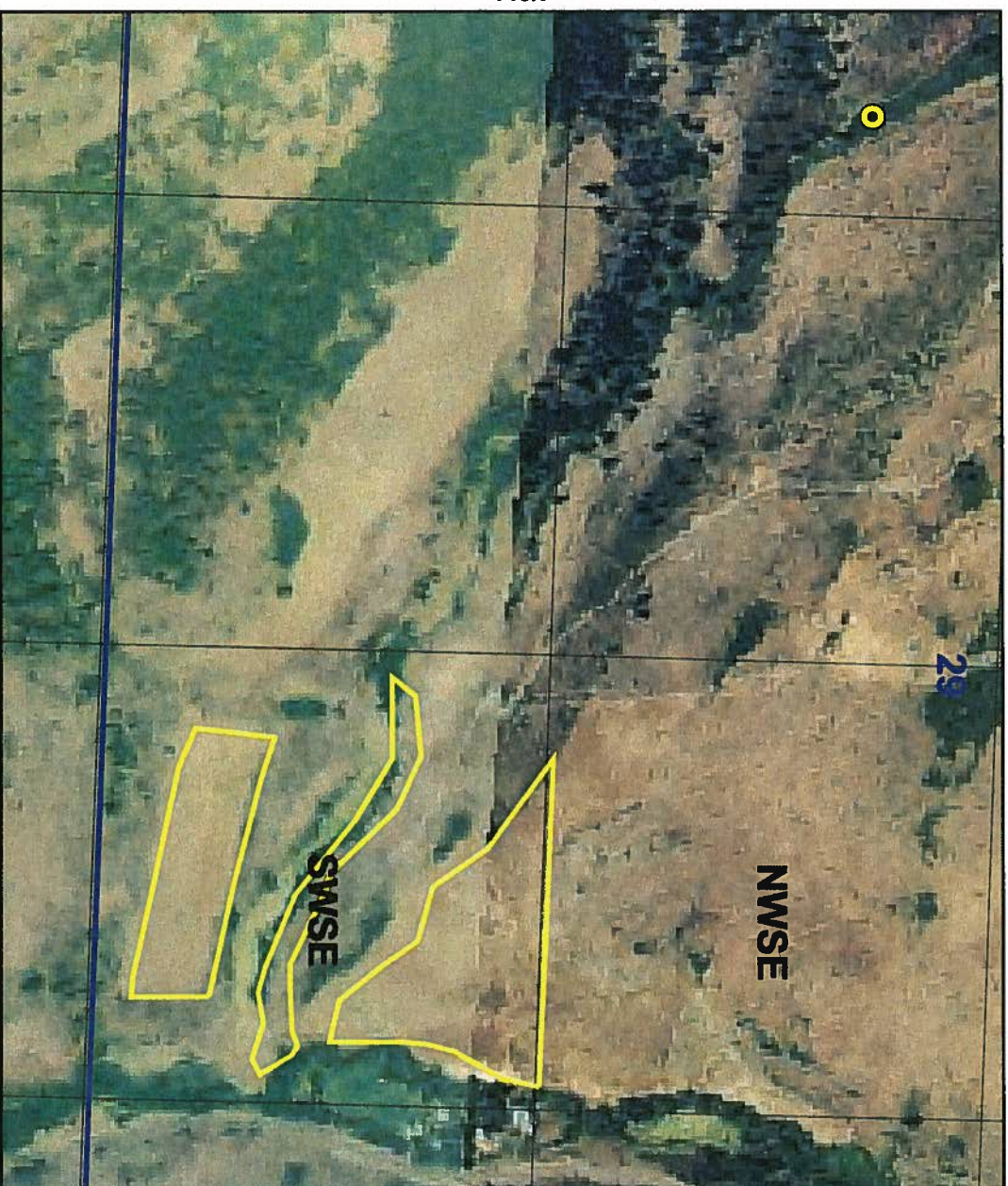
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



T16N



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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-227 V1

WATER RIGHT NUMBER: 67-227 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LILA L DOWNEY HC 69 BOX 3650 CAMBRIDGE, ID 83610 (208)257-3787
Original Owner	JAMES ORTON , ZZ
Current Owner	DIANE E DOWNEY 2373 LAPPIN LN COUNCIL, ID 83612 (208) 253-6124
Current Owner	KENNETH F DOWNEY 2373 LAPPIN LN COUNCIL, ID 83612 (208) 253-6124

Priority Date: 06/30/1905

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
POLE CREEK	PINE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.170 CFS	
	<u>Total Diversion:</u>	0.170 CFS	

Location of Point(s) of Diversion

POLE CREEK	NW1/4SW1/4	Sec. 29, Twp 16N, Rge 04W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION Within WASHINGTON County

T16N R04W S29 SWSE 13.2

Total Acres: 13.2

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. C02 Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-227 V1

Remarks:Comments:

1. awarntje 6/2/2004 Water Use

Comment: Decree does not list water use for this right

2. awarntje 6/2/2004 Period of Use

Comment: Decree does not list period of use. I used standard

3. Vmusic 11/14/2006 CLAIM

Comment: THERE WERE PROBLEMS WITH THE CLAIM. CLAIMANT DID NOT CLAIM CORRECT WATER RIGHT NUMBER. POU THAT WAS DATA ENTERED IS THE NWSE SECTION 29. CLAIMANT DID NOT FILL IN ITEM 10 ON CLAIM WHICH IS THE POU. INSTEAD, ON THE TOP OF THE PAGE WITH THE GRID HE TYPED USE SWSE. I RECOMMENDED THE SWSE SECTION 29 PER THE CLAIMANTS TYPED INFORMATION.

4. Vmusic 11/14/2006 POU

Comment: CLAIMED 20 ACRES BUT I REDUCED RECOMMENDATION TO THE 13.2 ACRES DECREED. USED THE WAHINGTON CO CLU TO FIND THE HISTORICALLY IRRIGATED ACRES. GOOD MATCH.

5. Vmusic 11/14/2006 QUANTITY

Comment: DECREED QUANTITY WAS 8.25 INCHES WHICH IS .165 CFS. DID NOT DECREASE THE DIVERSION RATE BECAUSE IT IS UNDER .02 CFS PER ACRE.

6. Vmusic 11/14/2006 SOURCE

Comment: CLAIMED AND DECREED AS PINE CREEK. TOPO MAP SHOWS CLAIMED POD ON POLE CREEK. I RECOMMENDED POLE CREEK. WILL ASSUME ACC TRANSFER IN POD AND SOURCE

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>
Priority Date	6/2/2004 1:37:40 PM	awarntje			Active
Source	6/2/2004 1:38:01 PM	awarntje			Active
POU	6/2/2004 1:53:38 PM	awarntje			Active
Use	6/2/2004 1:53:52 PM	awarntje			Active
Season	6/2/2004 1:54:27 PM	awarntje			Active
Quantity	6/2/2004 1:56:43 PM	awarntje			Active
Contacts	11/14/2006 11:35:47 AM	Vmusic			Active
Priority Date	11/14/2006 11:36:03 AM	Vmusic			Active
POD	11/14/2006 11:37:15 AM	Vmusic			Active
Source	11/14/2006 11:41:57 AM	Vmusic			Active
POU	11/14/2006 11:43:23 AM	Vmusic			Active
Use	11/14/2006 11:46:28 AM	Vmusic			Active
Season	11/14/2006 11:46:51 AM	Vmusic			Active
Quantity	11/14/2006 11:47:47 AM	Vmusic			Active
Summary			11/14/2006	Vmusic	Active

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 67-227

11/14/2006

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
67-227	Claim	16N	04W	29	NW	SW		PINE CREEK WEISER RIVER	DIANE E DOWNEY
67-12107	Water Right	16N	04W	29	NW	SW		POLE CREEK PINE CREEK	UNITED STATES OF AMERICA ACTING THROUGH

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 67-227**

11/14/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
-227	Claim	16N	04W	29	NW	SE		IRRIGATION	20/20	DIANE E DOWNEY
-227	Water Right	16N	04W	29	NW	SE		IRRIGATION		JAMES ORTON

Roy O Howland	12	May 1, 1901✓	67 0220
G B Amidon	21	May 1, 1901✓	67 0221
	11	May 1, 1905✓	67 0222
3) Fred C Kruck Little Pine Creek	2	May 1, 1902✓	67 0223
Pine Creek	10	May 1, 1904✓	67 0224
Thomas Ray	6	May 1, 1902✓	67 0225
S M Rittledge	17	May 1, 1902✓	67 0226
James Orton	8	June 30, 1906✓	67 0227
William Toors	7	May 1, 1906✓	67 0228
Joel W Weimer	41 ✓	May 1, 1908✓	67 0229
Henry Harsh and Orma Harsh	13	May 1, 1909✓	67 0230
Frank C Downs	5	June 1, 1916✓	67 0231
Andrew Schweinfurter	2	May 1, 1910✓	67 0232
Arthur Heon	5	May 1, 1910✓	67 0233
Augusta Kinney	12	May 1, 1912✓	67 0234
Spring Creek.			
Thomas Ray	12	Aug 11, 1906✓	67 0235
Frank Courtright	1	Aug 11, 1906✓	67 0236
G W Lattig sub for W Besson	10	Aug 11, 1906✓	67 0237
James C Tuttle	10	Aug 11, 1906✓	67 0238
Andrew Miller	9	Aug 11, 1906✓	67 0239
G W Rowley	5	Aug 11, 1906✓	67 0240
Rush Creek			
Estate of Christian Larson	22	May 1, 1878✓	67 0241 TRANS # 1955
James L and Earl Lewis	25	May 1, 1878✓	67 0242 T # 1955
James L Lewis	7 7/8	May 1, 1878✓	67 0243 T # 1955
	23	June 1, 1899✓	67 0244 T # 1955
	19	June 1, 1900✓	67 0245 T # 1955
Rush Creek (Con)			
R E Wilson	8	May 1, 1878✓	67 0246 T # 1955
	4	Aug 23, 1883✓	67 0247 T # 1955
	22	June 1, 1899✓	67 0248 T # 1955
	19	June 1, 1900✓	67 0249 T # 1955
	20	Oct 29, 1908✓	67 0250
L Etta Wilson	22	May 1, 1883✓	67 0251
	8	May 1, 1907✓	67 0252
James Parke	4	Aug 23, 1883✓	67 0253 T # 1955
Village of Cambridge	2 7/8	Aug 23, 1883✓	67 0254
	20	April 30, 1896✓	67 0255
	2-1/8	May 1, 1895✓	67 0256
Margaret Haller	39	May 1, 1883✓	67 0257 T # 1955
LeRoy T Braden	2	Aug 23, 1883✓	67 0258 T # 1955
Moses H Hopper	8	May 1, 1883✓	67 0259
	1	April 30, 1890✓	67 0260 T # 1955
George W Hall	7	May 1, 1883✓	67 0261 T # 1955
	12	May 1, 1890✓	67 0262 T # 1955

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 N 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 WIEDERER: 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 R 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.

WAKE SEC 29 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 HARRIS AND ORMA HARRIS: 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
<u>PINE CREEK (Cont.)</u>			
24 Elizabeth Webber (for life)	14 ✓	5--1-01✓	SW $\frac{1}{4}$ Sec. 35, T. 16 N., R. 4 W.
25 Ray O. Howland	12 ✓	5--1-01✓	S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35, T. 16 N., R. 4 W.
26 C. E. Ammidon	21 ✓	5--1-01✓	W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 33, T. 16 N., R. 4 W.;
	11 ✓	5--1-05✓	Lots 1 & 2, Sec. 4, T. 15 N., R. 4 W.
27 Fred C. Kruck (Little Pine) (Pine Creek)	2 ✓ 10 ✓	5--1-02✓ 5--1-04✓	SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4; W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 9, T. 15 N., R. 4 W.
28 Thomas Ray	6 $\frac{1}{2}$ ✓	5--1-02✓	E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, T. 14 N., R. 3 W.;
29 S. M. Rutledge	17 ✓	5--1-02✓	S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 25; SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 26; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 35; NW $\frac{1}{4}$ Sec. 36, T. 16 N., R. 4 W.
30 James Orton	8 $\frac{1}{2}$ ✓	6-30-05✓	NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 16 N., R. 4 W.
31 William Toors	7 $\frac{1}{2}$ ✓	5--1-06✓	NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 15 N., R. 4 W.
32 Joel W. Weimer	41 ③	5--1-08	③
33 Henry & Orma Harsh	13 $\frac{1}{2}$ ✓	5--1-09✓	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13, T. 15 N., R. 4 W.
34 Frank C. Downs	5 ✓	6--1-10✓	NW $\frac{1}{4}$ SE $\frac{1}{4}$, Lots 6 & 7 Sec. 3; and Lot 1, Sec. 10, T. 15 N., R. 4 W.
35 Andrew Schweinfurter	2 ✓	5--1-10✓	S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 14 N., R. 3 W.
36 Arthur Moon	5 ✓	5--1-10✓	Lot 5 of Sec. 3, T. 15 N., R. 4 W.
37 Augusta Kinney	12 $\frac{1}{2}$ ✓	5--1-12✓	S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 14, T. 15 N., R. 4 W. Less 8 acres

SPRING CREEK

38 Thomas Ray	12 $\frac{1}{2}$ ✓	8-11-06✓	S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 14 N., R. 3 W.
39 Frank Courtright	1 ✓	8-11-06✓	1 $\frac{1}{2}$ acres of SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 14 N., R. 3 W.
40 G. W. Lattig, sub. for W. Beeson	10 ✓	8-11-06✓	Part of SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 14 N., R. 3 W.
41 James C. Tuttle	10 ✓	8-11-06✓	Part of SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10; T. 14 N., R. 3 W.

JUL 24 1996

Roy O Howland

G E Amidon

31) Fred C Kruck Little Pine Creek
Pine Creek

Thomas Ray

S M Rutledge

James Orton

William Toors

Joel W Weimer

Henry Marsh and Orma Marsh

Frank C Downs

Andrew Schweinfurter

Arthur Moon

Augusta Kinney

Spring Creek.

Thomas Ray

Frank Courtright

G W Lattig sub for W Beeson

James C Tuttle

Andrew Miller

G W Rowley

Rush Creek

Estate of Christian Larson

James L and Earl Lewis

James L Lewis

Rush Creek (Con)

R E Wilson

L Etta Wilson

James Parke

Village of Cambridge

Margaret Haller

LeRoy T Braden

Moses H Hopper

George W Hall

12

21

11

2

10

6

17

8

7

41

13

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20

2-1/8

39

2

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12

May 1, 1901

May 1, 1901

May 1, 1905

May 1, 1902

May 1, 1904

May 1, 1902

May 1, 1902

June 30, 1905

May 1, 1906

May 1, 1908

May 1, 1909

June 1, 1910

May 1, 1910

May 1, 1910

May 1, 1912

Aug 11, 1906

Aug 11, 1906

Aug 11, 1906

Aug 11, 1906

Aug 11, 1906

Aug 11, 1906

May 1, 1878

May 1, 1878

May 1, 1878

June 1, 1899

June 1, 1900

May 1, 1878

Aug 23, 1883

June 1, 1899

June 1, 1900

Oct 29, 1908

May 1, 1883

May 1, 1907

Aug 23, 1883

Aug 23, 1883

April 30, 1896

May 1, 1895

May 1, 1883

Aug 23, 1883

May 1, 1883

April 30, 1890

May 1, 1883

May 1, 1890

67 0220
67 0221

67 0222

67 0223

67 0224

67 0225

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67 0228

67 0229

67 0230

67 0231

67 0232

67 0233

67 0234

67 0235

67 0236

67 0237

67 0238

67 0239

67 0240

67 0241 TRANS 1955

67 0242 T 1955

67 0243 T 1955

67 0244 T 1955

67 0245 T 1955

67 0246 T 1955

67 0247 T 1965

67 0248 T 1955

67 0249 T 1955

67 0250

67 0251

67 0252

67 0253 T 1955

67 0254

67 0255

67 0256

67 0257 T 1955

67 0258 T 1955

67 0259

67 0260 T 1955

67 0261 T 1955

67 0262 T 1955

JUL 24 1956