

09/27/2006

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

RIGHT NUMBER: 67-317

NAME AND ADDRESS: JAMES A RENWICK
PO BOX 514
COUNCIL ID 83612

MARGARET F RENWICK
PO BOX 514
COUNCIL ID 83612

SOURCE: COTTONWOOD CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.750 CFS

The rights listed below are limited to a total combined diversion rate of 3.42 cfs. Combined Right Nos.: 67-311, 67-315, 67-316, 67-317, 67-4102, and 67-10892

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION:

T16N R01W S26 NENWSW Injection Within ADAMS County
T16N R01W S26 NWNWSW Rediversion Within ADAMS County
T16N R01W S26 SWSWSW Within ADAMS County
T16N R01W S27 SESWNE Rediversion Within ADAMS County
T16N R01W S27 SESENW Rediversion Within ADAMS County
T16N R01W S36 NENWNW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.750 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T16N R01W S27	SWNE	33.00	T16N R01W S27	SENE	14.00
T16N R01W S27	NESW	12.00	T16N R01W S27	NWSW	4.10
T16N R01W S27	SWSW	29.00	T16N R01W S27	SESW	37.00
T16N R01W S27	NESE	26.00	T16N R01W S27	NWSE	35.00
T16N R01W S28	SESE	0.60	T16N R01W S34	NENW	7.40
T16N R01W S34	NWNW	2.70			

200.8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 171.2 acres in a single irrigation season. Combined Right Nos.: 67-311, 67-315, 67-316, 67-317, 67-4102, and 67-10892

This right is limited to the irrigation of ~~200.8~~ ^{62.0} 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.

09/27/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

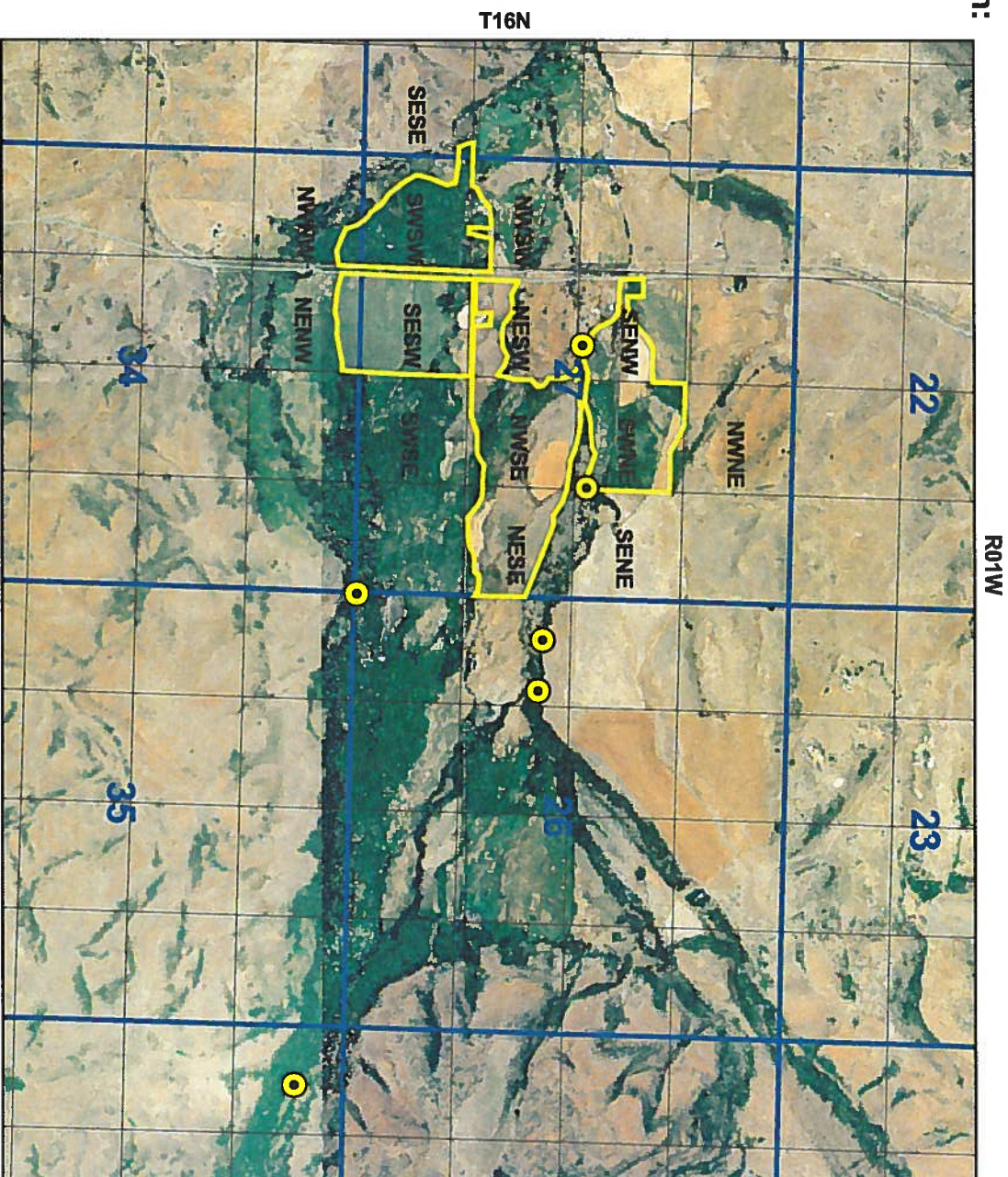
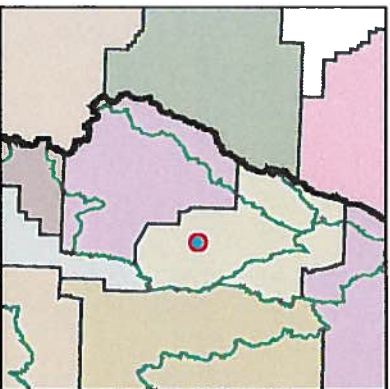
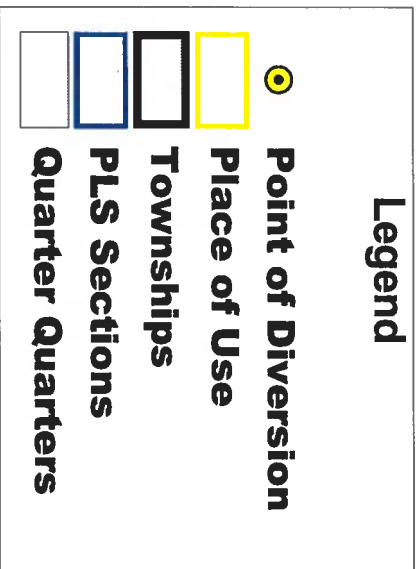
Right includes accomplished change in place of use pursuant to Section
42-1425, Idaho Code.

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

Idaho Department of Water Resources

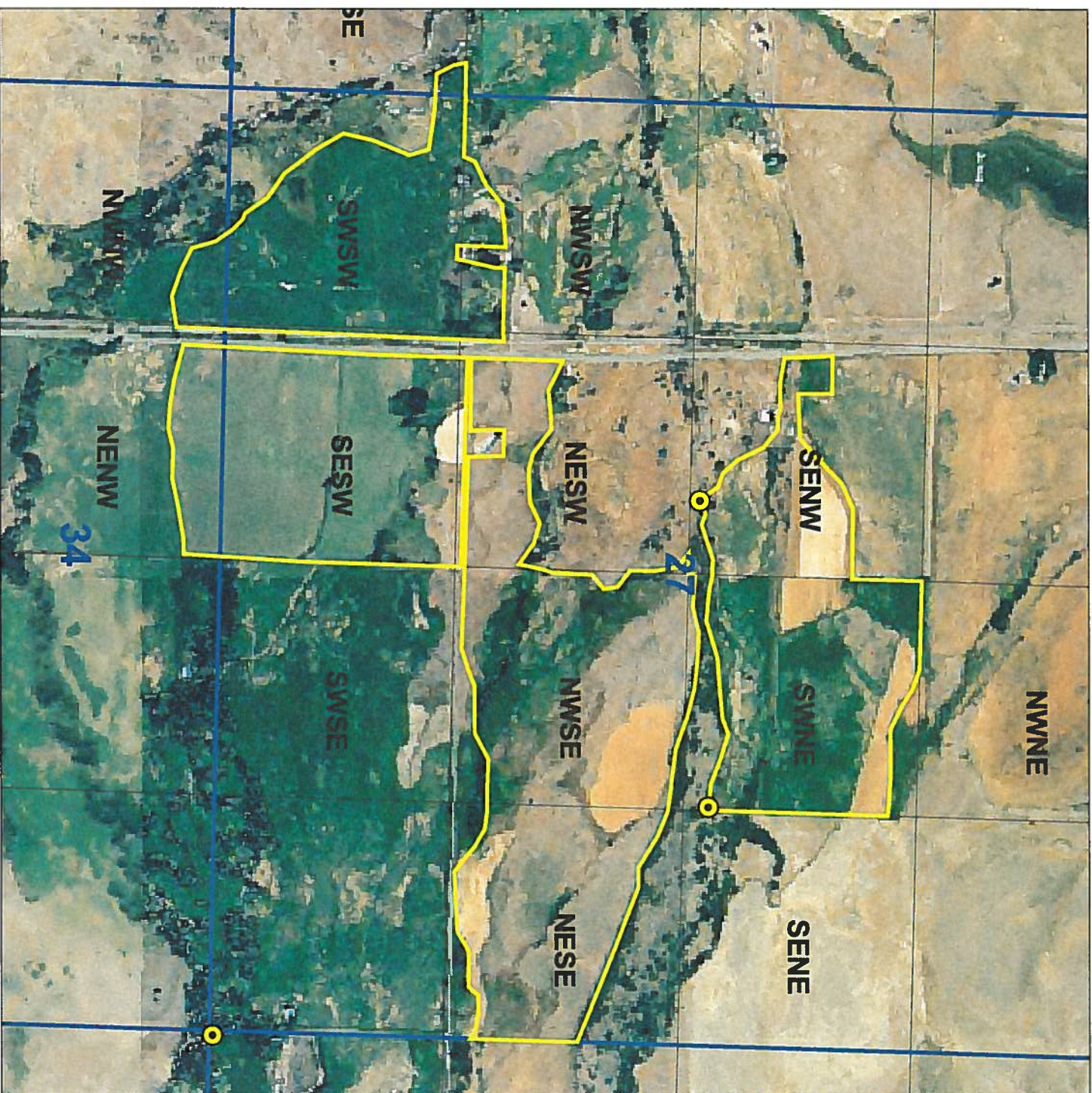
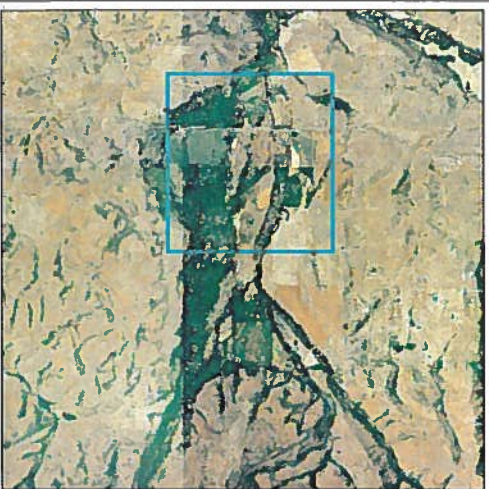


SRBA Recommendation:
67-317
(Irrigation)



Prepared by C. Saxton
On Friday, September 8, 2006
1987/88 Aerial Photography

67-317



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-317 V1

WATER RIGHT NUMBER: 67-317 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	G W PHIPPS
	, ZZ
Current Owner	JAMES A RENWICK PO BOX 514 COUNCIL, ID 83612 (208)253-4842
Current Owner	MARGARET F RENWICK PO BOX 514 COUNCIL, ID 83612 (208)253-4842

Priority Date: 06/01/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.750 CFS	
	<u>Total Diversion:</u>	0.750 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK	SE1/4SE1/4NW1/4	Sec. 27, Twp 16N, Rge 01W, B.M.
ADAMS County	(Rediversion)	
COTTONWOOD CREEK	NE1/4NW1/4NW1/4	Sec. 36, Twp 16N, Rge 01W, B.M.
ADAMS County		
COTTONWOOD CREEK	SW1/4SW1/4SW1/4	Sec. 26, Twp 16N, Rge 01W, B.M.
ADAMS County		
COTTONWOOD CREEK	NW1/4NW1/4SW1/4	Sec. 26, Twp 16N, Rge 01W, B.M.
ADAMS County	(Rediversion)	
COTTONWOOD CREEK	NE1/4NW1/4SW1/4	Sec. 26, Twp 16N, Rge 01W, B.M.
ADAMS County	(Injection)	
COTTONWOOD CREEK	SE1/4SW1/4NE1/4	Sec. 27, Twp 16N, Rge 01W, B.M.
ADAMS County	(Rediversion)	

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
			NE	NW	SW	SE	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-317 V1

16N 01W 27		33.0		14.0		12.0	4.1	29.0	37.0		26.0	35.0		190.1
16N 01W 28														.6
16N 01W 34				7.4	2.7									10.1
Total Acres: 200.8														

Conditions of Approval:

1. 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.
2. E52 The rights listed below are limited to a total combined diversion rate of 3.42 cfs. Combined Right Nos.: 67-311, 67-315, 67-316, 67-317, 67-4102, and 67-10892
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. E56 The rights listed below are limited to the irrigation of a combined total of 171.2 acres in a single irrigation season. Combined Right Nos.: 67-311, 67-315, 67-316, 67-317, 67-4102, and 67-10892
5. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
6. K06 This right is limited to the irrigation of ~~89.6~~ **60.0** acres within the place of use described above in a single irrigation season.

Remarks:Comments:

1. segbert 7/20/2004 POU
Comment: The PLS on the claim and decree do not match
2. csaxton 9/8/2006 ECVR
Comment: ECVR questions not answered as they are the same as the ECVR for 67-311. See file 67-311 for ECVR answers and comments

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: S
 Owner Name Connector: AND
 Water District Number: 67
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-317 V1

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	7/20/2004 2:33:28 PM	segbert			Active
POD	7/20/2004 2:33:54 PM	segbert			Active
Source	7/20/2004 2:37:46 PM	segbert			Active
POU	7/20/2004 2:37:57 PM	segbert			Active
Use	7/20/2004 2:39:27 PM	segbert			Active
Season	7/20/2004 2:39:55 PM	segbert			Active
Quantity	7/20/2004 2:40:20 PM	segbert			Active
Summary			09/08/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	9/8/2006 9:27:17 AM	csaxton	Correlated PODID 623823 from SpatialDataID 379294 to SpatialDataID 342382
POD	9/8/2006 9:39:34 AM	csaxton	Correlated PODID 623825 from SpatialDataID 379295 to SpatialDataID 342383
POD	9/8/2006 9:39:46 AM	csaxton	Correlated PODID 623825 from SpatialDataID 379295 to SpatialDataID 342383
POD	9/8/2006 9:54:46 AM	csaxton	Correlated PODID 623821 from SpatialDataID 343015 to SpatialDataID 342378
POD	9/8/2006 9:54:51 AM	csaxton	Correlated PODID 623821 from SpatialDataID 343015 to SpatialDataID 342378
POD	9/8/2006 12:51:58 PM	csaxton	Updated shape
POD	9/8/2006 12:52:06 PM	csaxton	Updated PLS
POD	9/8/2006 12:52:55 PM	csaxton	Updated shape
POD	9/8/2006 12:53:39 PM	csaxton	Updated PLS
POD	9/8/2006 12:54:05 PM	csaxton	Updated shape
POD	9/8/2006 12:54:16 PM	csaxton	Updated PLS
POD	9/8/2006 12:50:44 PM	csaxton	Updated shape
POD	9/8/2006 12:51:30 PM	csaxton	Updated PLS
POD	9/8/2006 12:50:07 PM	csaxton	Updated shape
POD	9/8/2006 12:51:18 PM	csaxton	Updated shape
POD	9/8/2006 12:53:05 PM	csaxton	Updated PLS
POD	9/8/2006 12:53:28 PM	csaxton	Updated shape
POD	9/8/2006 9:27:28 AM	csaxton	Correlated PODID 623823 from SpatialDataID 379294 to SpatialDataID 342382
POD	9/8/2006 9:27:23 AM	csaxton	Correlated PODID 623823 from SpatialDataID 379294 to SpatialDataID 342382

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-317 V1

POD	9/8/2006 9:39:39 AM	csaxton	Correlated PODID 623825 from SpatialDataID 379295 to SpatialDataID 342383
POD	9/8/2006 9:54:42 AM	csaxton	Correlated PODID 623821 from SpatialDataID 343015 to SpatialDataID 342378
POD	7/20/2004 2:33:55 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
POD	7/20/2004 2:35:05 PM	segbert	Edited point location
POD	7/20/2004 2:35:24 PM	segbert	Edited point location
POD	7/20/2004 2:36:09 PM	segbert	Edited point location
POD	7/20/2004 2:37:29 PM	segbert	Edited point location
Source	7/20/2004 2:37:48 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
Priority Date	7/20/2004 2:33:29 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
POD	7/20/2004 2:36:39 PM	segbert	Edited point location
POU	7/20/2004 2:37:59 PM	segbert	(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?
POU	7/20/2004 2:38:48 PM	segbert	Edited shape boundary
Use	7/20/2004 2:39:29 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-317 V1

Season	7/20/2004 2:39:57 PM	segbert	(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? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?
Quantity	7/20/2004 2:40:22 PM	segbert	(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? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
Summary	9/8/2006 1:25:27 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	9/8/2006 1:26:37 PM	csaxton	Updated shape for Active POU
POU	9/8/2006 1:26:50 PM	csaxton	Updated PLS for Active POU

Water Supply Bank:

Claim									
Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cts)	Acres	Source	Water Use(s)
67	311		Decreed	Active	1884-09-06	0.45		219 COTTONWOOD CRE IRRIGATION	RENWICK, JAMES Claim
67	315		Decreed	Active	1887-06-01	0.63		219 COTTONWOOD CRE IRRIGATION	RENWICK, JAMES Claim
67	316		Decreed	Active	1888-06-01	0.31		219 COTTONWOOD CRE IRRIGATION	RENWICK, JAMES Claim
67	317		Decreed	Active	1889-06-01	1.12		219 COTTONWOOD CRE IRRIGATION	RENWICK, JAMES Claim
67	4102		Statutory Clai	Active	1884-09-06	5		219 COTTONWOOD CRE IRRIGATION, ST	RENWICK, JAMES Claim
67	10892		Beneficial Us	Active	7/15/1968	0.59		43 SPRING	IRRIGATION, ST RENWICK, JAMES Claim

Recommendation									
Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cts)	Acres	Source	Water Use(s)
67	311		Decreed	Active	1884-09-06	0.45		36 COTTONWOOD CRE IRRIGATION	RENWICK, JAMES Recommendation
67	315		Decreed	Active	1887-06-01	0.63		50.4 COTTONWOOD CRE IRRIGATION	RENWICK, JAMES Recommendation
67	316		Decreed	Active	1888-06-01	0.31		24.8 COTTONWOOD CRE IRRIGATION	RENWICK, JAMES Recommendation
67	317		Decreed	Active	1889-06-01	0.75		60 COTTONWOOD CRE IRRIGATION	RENWICK, JAMES Recommendation
						2.14	171.2		
67	4102		B-Use	Active	5/10/1918	1.28		171.2 COTTONWOOD CRE IRRIGATION, ST	RENWICK, JAMES Recommendation
67	10892		B-Use	Active	7/15/1968	0.59		33.7 SPRING	IRRIGATION, ST RENWICK, JAMES Recommendation
						Limiters =	3.42	171.2	

WR									
Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cts)	Volume(a)	Source	Water Use(s)
67	311		Decreed	Active	1884-09-06	0.45		COTTONWOOD CRE IRRIGATION	MOSER, EDGAR (C wrWaterRight
67	315		Decreed	Active	1887-06-01	0.63		COTTONWOOD CRE IRRIGATION	NEALE, J D (Curre wrWaterRight
67	316		Decreed	Active	1888-06-01	0.31		COTTONWOOD CRE IRRIGATION	NEALE, J D (Curre wrWaterRight
67	317		Decreed	Active	1889-06-01	0.75		COTTONWOOD CRE IRRIGATION	PHIPPS, G W (Curre wrWaterRight
67	4102		Statutory Clai	Active	1884-09-06	5		COTTONWOOD CRE IRRIGATION	RENWICK, JAMES wrWaterRight
67	10890		Decreed	Active	5/8/1984	0.07		GROUND WATER	DOMESTIC, STOK RENWICK, JAMES wrWaterRight
67	10891		Decreed	Active	1884-09-06	0.01		SPRING	STOCKWATER RENWICK, JAMES wrWaterRight

Water Master Records					
Parcel #	Name	Inches	File #	Original Owner	Priority
RP16N01W271201	YANTIS, ROBERT	22.5	311	E.MOSER	9/6/84
RP16N01W271201	YANTIS, ROBERT	31.5	315	I.A. WHITELEY	6/1/87
RP16N01W271201	YANTIS, ROBERT	15.5	316	I.A. WHITELEY	6/1/88
RP16N01W271201	YANTIS, ROBERT	37.5	317	C.W. PHIPPS	6/1/89
RP16N01W289000	RENWICK, J	20	313	W. PHIPPS	6/1/89

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-00317
Date Received: 10/17/1989
Receipt No: C012315
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES A. RENWICK 208-253-4842
Address: P.O. BOX 514
COUNCIL, ID 83612

AND/OR

Name: MARGARET F. RENWICK 208-253-4842
Address: P.O. BOX 514
COUNCIL, ID 83612

2. Date of Priority: JUN 01, 1889

3. Source: COTTONWOOD CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16N	01W	26	NE	NW	SW	I	ADAMS
			NE	NW	SW	R	ADAMS
		27	SE	SW	NE	R	ADAMS
		35	NW	NW	NW		ADAMS
		36		NW	NW		ADAMS

5. Description of diverting works:
DIVERSION DAMS AND HEADGATES, SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.120		

7. Total Quantity Appropriated is:
1.120 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 657.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR 400 HEAD OF CATTLE DURING THE IRRIGATION SEASON.

A67-00317

Page 1

Date: 10/17/89

SCANNED
APR 02 2004
MICROFILMED
OCT 01 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	27	SW	NE		IRR	30.0
			SE	NW		IRR	30.0
			NE	SW		IRR	10.0
			NW	SW		IRR	3.0
			SW	SW		IRR	30.0
			SE	SW		IRR	30.0
			NE	SE		IRR	15.0
			NW	SE		IRR	20.0
			Section Acres				168.0
		28	SE	SE		IRR	8.0
			Section Acres				8.0
		34	NE	NW		IRR	28.0
			NW	NW		IRR	15.0
			Section Acres				43.0
			Total Acres				219.0

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
67-00311/00313/00315/00316/04102

14. Remarks:
WATER IS DIVERTED FROM COTTONWOOD CREEK AT 2 POINTS. THE WATER DIVERTED IN THE NW 1/4 OF THE NW 1/4 OF SEC. 36 IS INJECTED INTO LESTER CREEK. THERE ARE 2 POINTS OF REDIVERSION FROM LESTER CREEK. THE DIVERSION FROM COTTONWOOD CREEK TO LESTER CREEK IS KNOWN AS THE NORTH COTTONWOOD DIVERSION.
THIS CLAIM IS FOR THE COMBINATION OF WATER RIGHTS 67-00317 AND 67-00313. BOTH OF THESE WATER RIGHTS HAVE A PRIORITY DATE OF JUNE 1, 1889 AND WERE CONVEYED TO THE CLAIMANTS WITH THEIR PURCHASE CONTRACT DATED DECEMBER 23, 1963.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR
Decree Plaintiff
A67-00317

Page

vs
2

WILLIAM ALLISON
Decree Defendant
Date: 10/17/89

MICROFILMED
OCT 01 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: - 3 -

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

James G. Benwick
Margaret E. Benwick

Date: 10-17-89

Date: 10-17-89

State of Idaho)

County of Ada)

SS.

Subscribed and sworn (or affirmed) before me this 17th day

of October 19 89

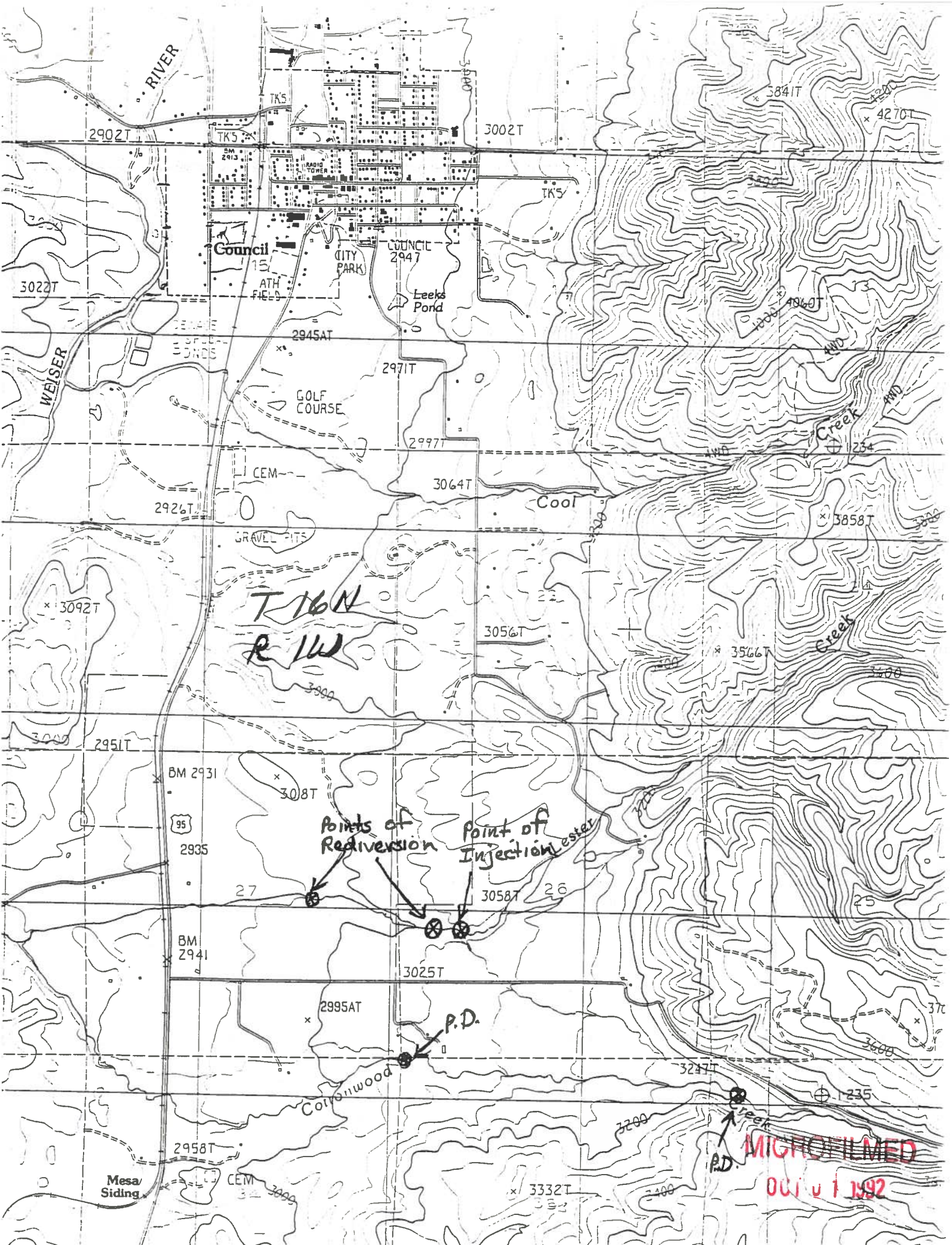
Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994



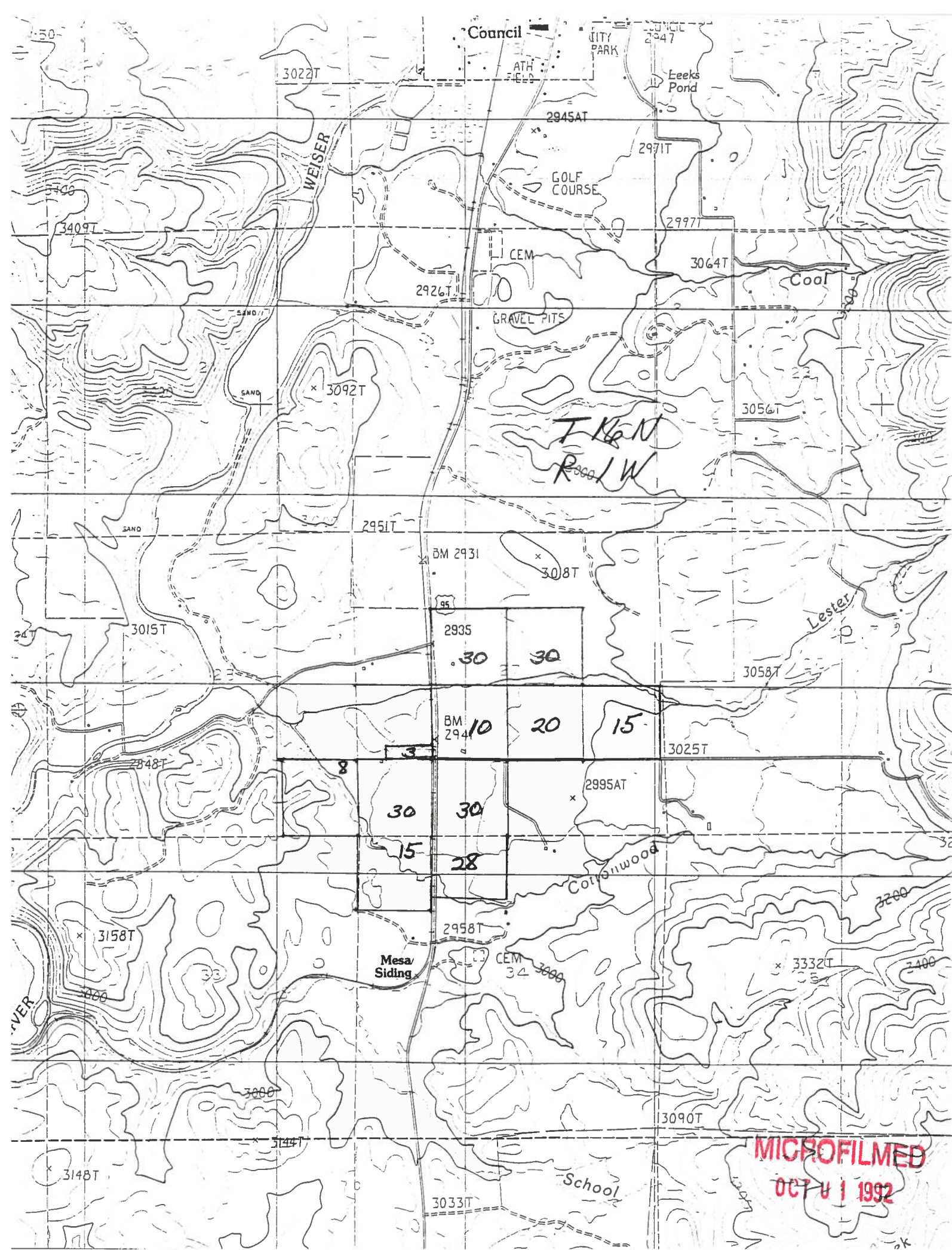
T 16N
R 1W

Points of
Rediversion

Point of
Injection

P.D.

MICHOTILED
OCT 1 1992



T 16N
R 1W

Cottonwood Sch

(About 5)

3027

Mesa Sch

Cottonwood Sch

3522

MICROFILMED

REF ID: A57