

12/14/2005

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

RIGHT NUMBER: 67-354

NAME AND ADDRESS: MICHAEL E PARADIS
2370 MILL CREEK RD
COUNCIL ID 83612-5221

JANICE M PARADIS
2370 MILL CREEK RD
COUNCIL ID 83612-5221

SOURCE: MILL CREEK
UNNAMED STREAM

TRIBUTARY: WEISER RIVER
TRIBUTARY: MILL CREEK

QUANTITY: 0.580 CFS

The rights listed below are limited to a total combined diversion rate of 0.84 cfs. Combined Right Nos.: 67-353E, 67-354.

PRIORITY DATE: 05/01/1891

POINT OF DIVERSION:

T17N R01W S35 SWNE Within ADAMS County
T17N R01W S35 SENE Within ADAMS County
T17N R01W S35 SENE Within ADAMS County
T17N R01W S36 NWSW 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	0.580 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S35	SWNE	31.0	T17N R01W S35	SENE	3.4
T17N R01W S35	NESE	0.6	T17N R01W S35	NWSE	7.1

42.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 42.1 acres in a single irrigation season. Combined Right Nos.: 67-353 E, 67-354.

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

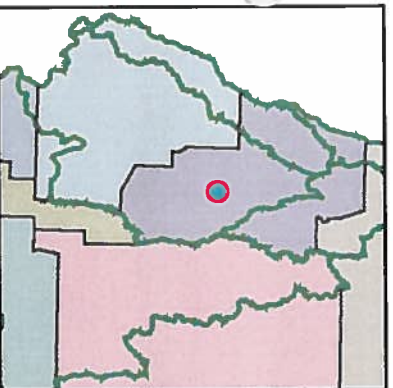


Adjudication Claim Number: **67-353E & 67-354**

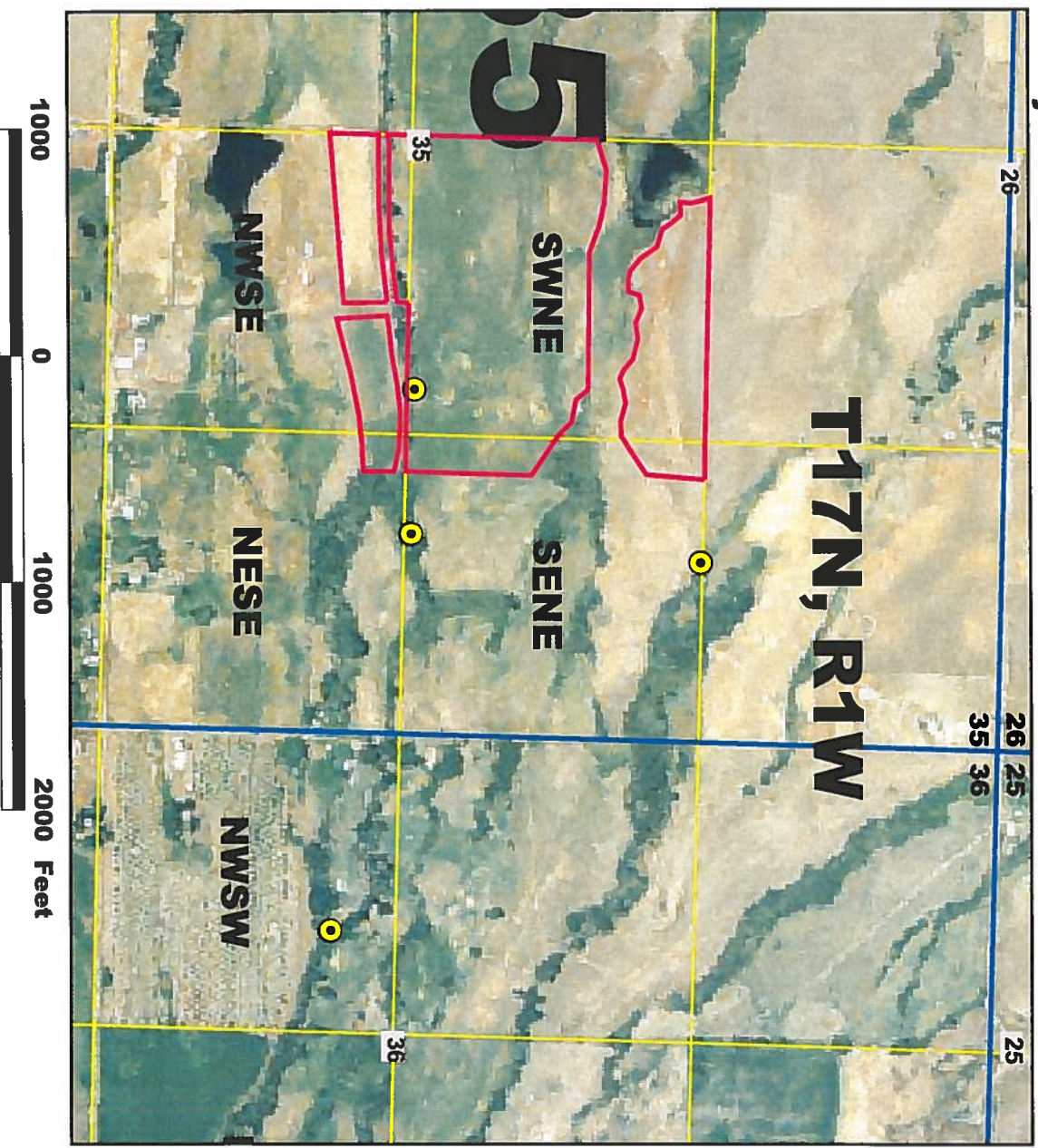
T17N R01W

Legend

- Point of Diversion
- Place of Use
- B67 sections.shp
- T17n01w.shp



Adams County
IDWR Basin 67



Prepared by C. Saxton
On Tuesday, December 13, 2005
1987 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-354 V1

WATER RIGHT NUMBER: 67-354 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	P H SHAFF
Original Owner	, ID FRANK S GALEY
Current Owner	COUNCIL, ID MICHAEL E PARADIS 2370 MILL CREEK RD COUNCIL, ID 83612-5221 (208)253-4458
Original Owner	FRED STOVNER R RT COUNCIL, ID 83612 (208)253-4791
Original Owner	ADEL HEDI KRUSE R RT COUNCIL, ID 83612 (208)253-4791
Current Owner	JANICE M PARADIS 2370 MILL CREEK RD COUNCIL, ID 83612-5221 (208)253-4458

Priority Date: 05/01/1891

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	WEISER RIVER
UNNAMED STREAM	MILL CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.580 CFS	
	<u>Total Diversion:</u>	0.580 CFS	

Location of Point(s) of Diversion

MILL CREEK ADAMS County	SW1/4NE1/4	Sec. 35, Twp 17N, Rge 01W, B.M.
MILL CREEK ADAMS County	NW1/4SW1/4	Sec. 36, Twp 17N, Rge 01W, B.M.
UNNAMED STREAM ADAMS County	SE1/4NE1/4	Sec. 35, Twp 17N, Rge 01W, B.M.
MILL CREEK ADAMS County	SE1/4NE1/4	Sec. 35, Twp 17N, Rge 01W, B.M.

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-354 V1

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N 01W 35			31.0	3.4									.6	7.1			42.1

Total Acres: 42.1

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 0.84 cfs. Combined Right Nos.: 67-353E, 67-354.
3. E56 The rights listed below are limited to the irrigation of a combined total of 42.1 acres in a single irrigation season. Combined Right Nos.: 67-353 E, 67-354.

Remarks:Comments:

1. WERNER 5/11/1994 COPIED FROM REMARKS

Comment: 2 PD IN NWSE SEC 35 2 REDIV. IN NESE SEC 35 3 REDIV. IN SENE SEC 35 SEE CLAIM # A67-00349A FOR MAP.

2. dbuffington 3/31/2004 Split info

Comment: This right has been split and claimed as follows: 67-354A Stovner for .05 cfs on 5 acres & 67-354B for Paradis for .53 cfs on 68 acres.

3. csaxton 12/13/2005 Combined Right

Comment: Claims 67-354A and 67-354B were combine back into 67-354 since Paradis owned both pieces of property.

4. csaxton 12/14/2005 Diversion Rate

Comment: Water master records show deliver of this right in full to the claimant.

5. csaxton 12/14/2005 From claim (1)

Comment: SEE NOS 67-00354A & 67-00354B.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-354 V1

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: NONE RECEIVED
State or Federal: S
Owner Name Connector: OR
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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.84		42.1

Combined Water Rights: 67-354 , 67-353E

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>
Summary			03/31/2004	dbuffington	Active
Contacts	12/13/2005 4:45:34 PM	csaxton			Active
Priority Date	12/14/2005 8:56:42 AM	csaxton			Active
POD	12/14/2005 8:56:56 AM	csaxton			Active
Source	12/14/2005 8:57:06 AM	csaxton			Active
POU	12/14/2005 8:57:16 AM	csaxton			Active
Use	12/14/2005 8:57:25 AM	csaxton			Active
Season	12/14/2005 8:57:40 AM	csaxton			Active
Quantity	12/14/2005 8:57:53 AM	csaxton			Active
Summary			12/14/2005	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	3/31/2004 3:06:16 PM	dbuffington	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?
Contacts	12/13/2005 4:45:34 PM	csaxton	(No) 1. Do you want to schedule an appointment?
			Comment for 1: Met with claimant on 9-29-05
POD	12/13/2005 4:49:09 PM	csaxton	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-354 V1

General	12/14/2005 8:56:53 AM	csaxton	(Yes) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 2. Was the owner or the owners predecessor in interest of the place of use joined in the later decree? (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? (No) 16. Is a Priority Date remark and/or condition required?
POD	12/14/2005 8:57:06 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	12/14/2005 8:57:17 AM	csaxton	(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? (No) 11. Is a Source remark and/or condition required?
POU	12/14/2005 8:57:27 AM	csaxton	(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? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?
Use	12/14/2005 8:57:36 AM	csaxton	(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? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-354 V1

Season	12/14/2005 8:57:51 AM	csaxton	(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? (No) 18. Is a Period of Use remark and/or condition required?
POU	12/13/2005 4:48:00 PM	csaxton	Updated shape for Active POU
POD	12/13/2005 4:50:02 PM	csaxton	Updated shape
Quantity	12/14/2005 8:58:04 AM	csaxton	(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? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
POU	12/13/2005 4:48:14 PM	csaxton	Updated PLS for Active POU
POD	12/13/2005 4:50:56 PM	csaxton	Updated shape
POD	12/13/2005 4:52:16 PM	csaxton	Updated shape
Summary	12/14/2005 9:02:58 AM	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? (Yes) 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?

Priority Date Data Entry Form

Claim Number 67-354

Claimed Priority Date: 5/1/1891

Claimed Basis: Decreed

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date: 5/1/1891

Water Right Basis: Decreed

Recommended Priority Date Recommended Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

As Decreed

Point of Diversion and Source Data Entry Form**Claim Number 67-354**

Claimed Point of Diversion and Source

T17N R01W S35 SENE Within ADAMS County Source: MILL CREEK WEISER RIVER

T17N R01W S35 NESW Rediversion Within ADAMS County Source: MILL CREEK WEISER RIVER

T17N R01W S35 NESE Within ADAMS County Source: MILL CREEK WEISER RIVER

T17N R01W S35 NESE Rediversion Within ADAMS County Source: MILL CREEK WEISER RIVER

T17N R01W S35 NWSE Within ADAMS County Source: MILL CREEK WEISER RIVER

T17N R01W S36 NWSW Within ADAMS County Source: MILL CREEK WEISER RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

Unnamed Stream

Mill Creek

Mill Creek

Weiser River

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tag Number
T17N	R01W	S36		NWSW	ADAMS	MILL CREEK	A0014041
T17N	R01W	S35		SWNE	ADAMS	MILL CREEK	A0014043
T17N	R01W	S35		SENE	ADAMS	MILL CREEK	A0014042
T17N	R01W	S35		SENE	ADAMS	UNNAMED STREAM	DIGITIZED

Other rights from this POD? **67-353E**

Document how the POD and Source were verified:

Met with claimant on 9-29-05 and verified POD locations. In addition, Bosco Bosler GPSd three of the 4 recommended PODs on 8/2/04Reviewer: **Craig L. Saxton**Date: **12-14-05**

Place Of Use Data Entry Form

Claim Number 67-354

Claimed Place Of Use

T17N R01W S35	SWNE	40.0	T17N R01W S35	SENE	6.0
T17N R01W S35	NESE	5.0	T17N R01W S35	NWSE	22.0

Total Acres 73

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T17N R01W S35	SWNE		T17N R01W S35	SENE	
T17N R01W S35	NESE		T17N R01W S35	NWSE	

Total Acres

Recommended Place of Use

☐ See corrections to claimed POU above

Twps	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
T17N	R01W	S35	SWNE		ADAMS		31.0	IRRIGATION
T17N	R01W	S35	SENE		ADAMS		3.4	IRRIGATION
T17N	R01W	S35	NESE		ADAMS		0.6	IRRIGATION
T17N	R01W	S35	NWSE		ADAMS		7.1	IRRIGATION

Total Acres 42.1

Document how the POU was verified:

1987 NAPP photography and in office meeting with claimant on 9-29-05.

This right is limited to 30.4 acres within the place of use described above. The acreage limitation is based on the number of acres that can be irrigated by the recommended diversion rate at 5/8 inches per acre.

Reviewer: Craig L. Saxton

Date: 12-14-05

Purpose of Use Data Entry Form

Claim Number 67-354

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

X Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

Period of Use and Quantity Data Entry Form

Claim Number 67-354

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.58	

Overall Diversion Rate 0.58

Overall Diversion Volume

☒ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	/	/	0.58	

Overall Diversion Rate 0.58

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Contacts Data Entry Form**Claim Number: 67-354**

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	FRANK S GALEY		COUNCIL	ID		
Original Owner	FRED STOVNER	R RT	COUNCIL	ID	83612	(208)253-4791
Original Owner	ADEL HEDI KRUSE	R RT	COUNCIL	ID	83612	(208)253-4791
Original Owner	P H SHAFF			ID		
Current Owner	MICHAEL E PARADIS	2370 MILL CREEK RD	COUNCIL	ID	83612-5221	(208)253-4458
Current Owner	JANICE M PARADIS	2370 MILL CREEK RD	COUNCIL	ID	83612-5221	(208)253-4458

Comment for 1: Met with claimant on 9-29-05

Date of Field Exam: **9-29-05** _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

In office meeting with claimant on 9-29-05.

Reviewer: **Craig L. Saxton**Date: **12-14-05**

Split history for Decreed Right 67-354

WR History

Claim History

Recommendation

67-354	Schaff/Galey	?	67-354	Schaff/Galey
0.58			0.58	
46.4			46.4	
0			0	

67-354A	Paradis	0.05	5	0	67-354	Paradis	0.58	73
					Combined			
67-354B	Paradis	0.53	68	0				

67-354	Paradis
0.58	
41.2	

Acreage calc at 5/8 " per acre

Sum CFS =	0.58
Sum Acre=	73
Sum AF =	n/a

Sum CFS =	0.58
Sum Acre=	73
Sum AF =	n/a

Sum CFS =	0.58
Sum Acre=	41.2
Sum AF =	n/a

Extra CFS =	0
Extra Acre =	-26.6
Extra AFA =	n/a

Extra CFS =	0
Extra Acre =	-26.6
Extra AFA =	n/a

Extra CFS =	0
Extra Acre =	5.2
Extra AFA =	n/a

*Last updated 12-9-05 (csaxton)

For digital copy of Excel spreadsheet file: See Craig L. Saxton

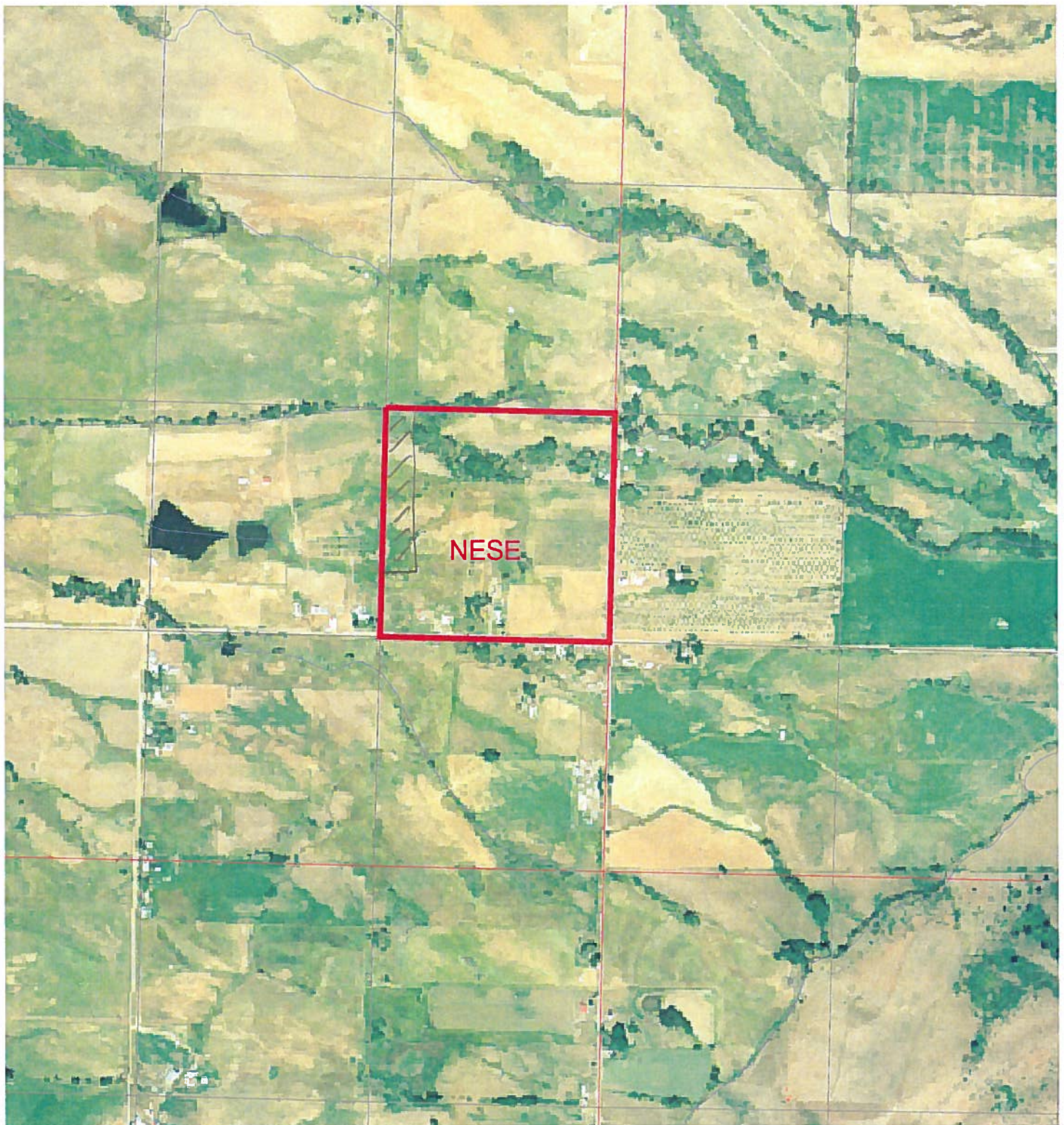
Claim Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	349 A		Decreed	Active	1881-05-01		0.2	MILL CREEK	IRRIGATION	PARADIS, JANI Claim	
67	350		Decreed	Active	1884-05-01	0.25		MILL CREEK	IRRIGATION	PARADIS, JANI Claim	
67	351		Decreed	Active	1893-05-01	0.66		MILL CREEK	IRRIGATION	PARADIS, JANI Claim	
67	352 A		Decreed	Active	1894-05-01	0.42	101	MILL CREEK	IRRIGATION	PARADIS, JANI Claim	
67	352 B		Decreed	Active	1894-05-01	0.1	13.5	MILL CREEK	IRRIGATION	PARADIS, JANI Claim	
67	353 B		Decreed	Active	1882-05-01	0.03	5	MILL CREEK	IRRIGATION	PARADIS, JANI Claim	
67	353 E		Decreed	Active	1882-05-01	0.38	68	MILL CREEK	IRRIGATION	PARADIS, JANI Claim	
67	354		Decreed	Active	1891-05-01	0.58	73	MILL CREEK	IRRIGATION	PARADIS, JANI Claim	
67	369 A		Decreed	Active	3/17/1913	0.06		UNNAMED STREAM	IRRIGATION	PARADIS, JANI Claim	
67	369 B		Decreed	Active	3/17/1913	0.3		UNNAMED STREAM	IRRIGATION	PARADIS, JANI Claim	
67	4420 A		Statutory Claim	Active	5/10/1918	0.6	30.4	UNNAMED STREAM	IRRIGATION, S	PARADIS, JANI Claim	
67	4420 B		Statutory Claim	Active	6/1/1929	0.24	24.5	UNNAMED STREAM	IRRIGATION, S	PARADIS, JANI Claim	
67	4420 C		Statutory Claim	Active	6/1/1929	0.32	16	LAST CHANCE CREEK	IRRIGATION	PARADIS, JANI Claim	

Page #	Parcel Number	Name	New Charge 2005	New Charge 2003	Water In Inches	File #	Original Owner	Priority Date
21	P17N01W3512	PARADIS, MIC	8.00	\$7.00	10	349	F WATRESS	5/1/81
21	P17N01W3512	PARADIS, MIC	10.00	\$8.76	12.5	350	F WATRESS	5/1/84
21	P17N01W3512	PARADIS, MIC	15.20	\$13.30	19	354	SCHAFF/GALE	5/1/82
21	P17N01W3512	PARADIS, MIC	16.40	\$14.36	20.5	353	SCHAFF/GALE	5/1/82
21	P17N01W3512	PARADIS, MIC	26.66	\$23.34	33.33	351	F WATRESS	5/1/93
21	P17N01W3512	PARADIS, MIC	16.60	\$14.52	20.74	352	F WATRESS	5/1/94
21	P17N01W3512	PARADIS, MIC	8.00	\$7.00	10	354	F WATRESS	5/1/84
23	P17N01W3512	PARADIS, MIC	4.00	\$3.50	5	352	WATRESS	5/1/94
23	P17N01W3512	PARADIS, MIC	16.00	\$14.00	20	369		5/17/13
23	P17N01W3512	PARADIS, MIC	10.40	\$9.10	13			

Recommendation Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	349 A		Decreed		1881-05-01	0.35	26.6	MILL CREEK	IRRIGATION	PARADIS, JANI Recommendation	
67	350		Decreed		1884-05-01	0.25	20	MILL CREEK	IRRIGATION	PARADIS, JANI Recommendation	
67	351		Decreed		1893-05-01	0.66	53.3	MILL CREEK	IRRIGATION	PARADIS, JANI Recommendation	
67	352 A		Decreed		1894-05-01	0.415	33.2	MILL CREEK	IRRIGATION	PARADIS, JANI Recommendation	
67	352 B		Decreed		1894-05-01	0	0	MILL CREEK	IRRIGATION	PARADIS, JANI Recommendation	
Total acres found is 84.0 This puts irrigation of this property at almost 1" per acre.											
						1.66	84				
67	353 B		Decreed		1894-05-01	0.03	2.3	MILL CREEK	IRRIGATION	PARADIS, JANI Recommendation	
67	353 E		Decreed		1882-05-01	0.38	30.7	MILL CREEK	IRRIGATION	PARADIS, JANI Recommendation	
67	354		Decreed		1891-05-01	0.58	42.1	MILL CREEK	IRRIGATION	PARADIS, JANI Recommendation	
These rights in combination limited to =											
						0.84	42.1				
67	369 A		Decreed		3/17/1913	0.06	4.5	UNNAMED STREAM	IRRIGATION	PARADIS, JANI Recommendation	
67	369 B		Decreed		3/17/1913	0.16	7.8	UNNAMED STREAM	IRRIGATION	PARADIS, JANI Recommendation	
67	4420 A		Statutory Claim	Active	6/1/1929	0.39	30.4	UNNAMED STREAM	IRRIGATION, S	PARADIS, JANI Recommendation	
67	4420 B				6/1/1929	0	0	UNNAMED STREAM	IRRIGATION, S	PARADIS, JANI Recommendation	
67	4420 C				6/1/1929	0	0	LAST CHANCE CREEK	IRRIGATION	PARADIS, JANI Recommendation	
Stat water adds acreage and brings full diversion rate to 1" per acre											
						0.61	30.4				

Idaho Department of Water Resources

67-354A



T17N R01W S35

*See map in
67-349A*



500 0 500 1000 Feet

Prepared by Sandy Egbert
7-30-04
1987 NAPP Photography

354 A/B 05/31 MVB

It's a split w/ same owners. Do the claimants want to combine it?

Priority date OK

claimed volume OK

Decree: 29" * 0.02 = 0.580

354 A: 0.050

354 B: 0.530

0.580

need flow measurement for B

field exam not needed for A unless claimants want to combine A & B.

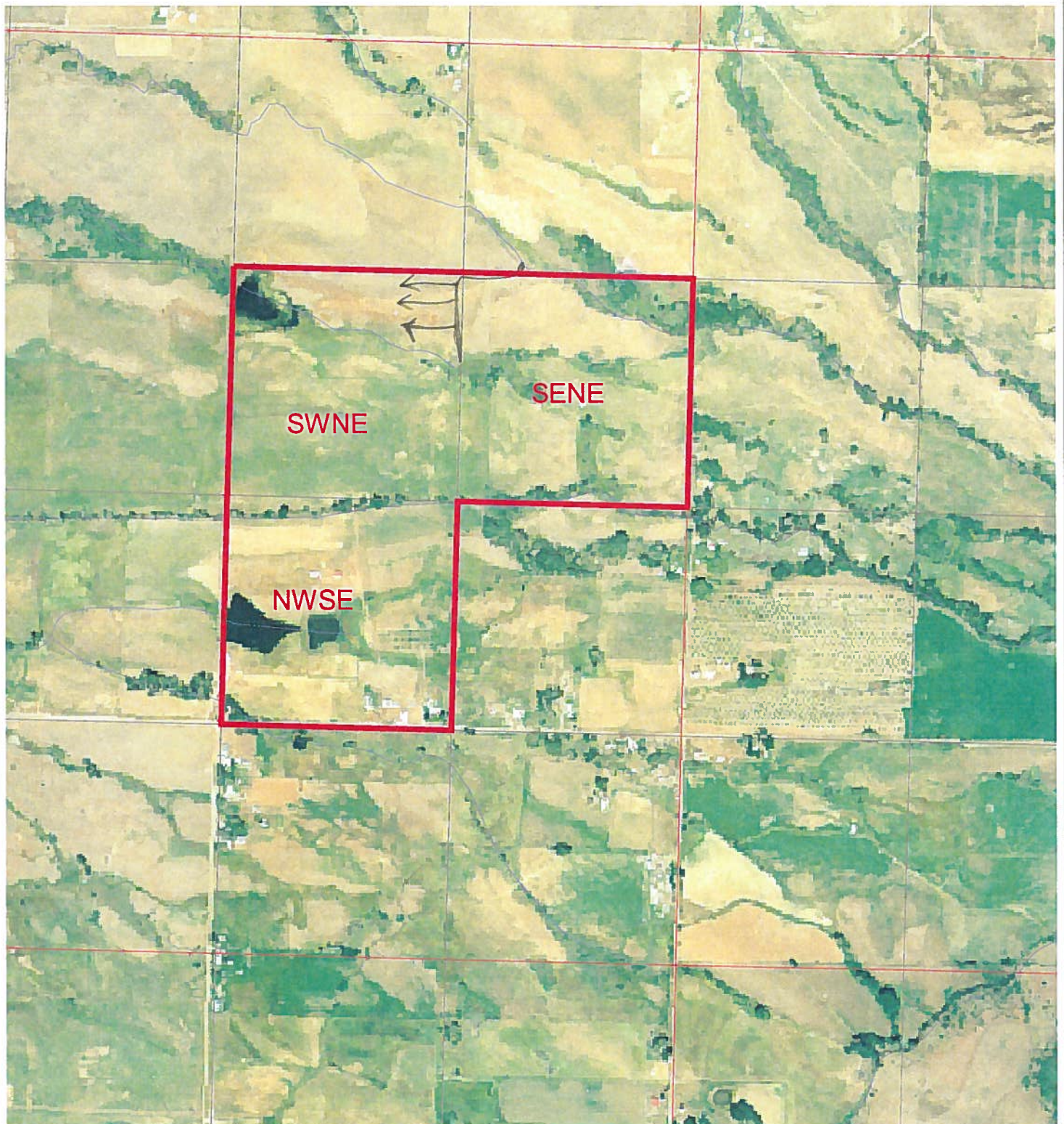
POU OK - need verified.

need PODs verified

→ good map of POU in 67-349A

Idaho Department of Water Resources

67-354B



T17N R01W S35

500 0 500 1000 Feet



Prepared by Sandy Egbert
7-30-04
1987 NAPP Photography

354B 05/31 MVB

need flow measurement

priority date ok

need POU verified.

need PODs verified.

see also notes in 354A

good map of POU in 67-349A

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-354 V1

WATER RIGHT NUMBER: 67-354 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	P H SHAFF , ID
Current Owner	FRED STOVNER R RT COUNCIL, ID 83612 (208)253-4791
Current Owner	ADEL HEDI KRUSE R RT COUNCIL, ID 83612 (208)253-4791
Original Owner	F S GALEY , ID

Priority Date: 05/01/1891

Basis: Decreed

Status: ~~Active~~ *Parent*

<u>Source</u>	<u>Tributary</u>
MILL 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	0.580 CFS	
	<u>Total Diversion:</u>	0.580 CFS	

Location of Point(s) of Diversion

MILL CREEK	NE1/4SE1/4	Sec. 35,	Twp 17N,	Rge 01W, B.M.	ADAMS County (Rediversion)
MILL CREEK	NE1/4SE1/4	Sec. 35,	Twp 17N,	Rge 01W, B.M.	ADAMS County
MILL CREEK	NW1/4SE1/4	Sec. 35,	Twp 17N,	Rge 01W, B.M.	ADAMS County
MILL CREEK	NW1/4SW1/4	Sec. 36,	Twp 17N,	Rge 01W, B.M.	ADAMS County
MILL CREEK	NE1/4SW1/4	Sec. 35,	Twp 17N,	Rge 01W, B.M.	ADAMS County (Rediversion)
MILL CREEK	SE1/4NE1/4	Sec. 35,	Twp 17N,	Rge 01W, B.M.	ADAMS County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N	01W	35				40.0	6.0								5.0	22.0			73.0

Total Acres: 73

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-354 V1

Conditions of Approval:Remarks:

1. General SEE NOS 67-00354A & 67-00354B.

Comments:

1. WERNER 5/11/1994 COPIED FROM REMARKS

Comment: 2 PD IN NWSE SEC 35 2 REDIV. IN NESE SEC 35 3 REDIV. IN SENE SEC 35 SEE CLAIM # A67-00349A FOR MAP.

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: NONE RECEIVED
State or Federal: S
Owner Name Connector: OR
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: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>
Summary			03/31/2004	dbuffington	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	3/31/2004 3:06:16 PM	dbuffington	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?

MICROFILMED
AUG 05 1994

MICROFILMED
AUG 05 1994

J F Lowe
L J Rhinehart
Loren Rhinehart
Anna Morrow

38 ✓
31 ✓
40 ✓
5 ✓

June 5, 1902 67 0344
June 5, 1902 67 0345
June 5, 1902 67 0346
June 5, 1902 67 0347

Mill Creek.

William Winkler, Lewis Winkler, Mrs F H Hayner,
John Kessler, Jim Kessler, Lewis Kessler, Bettie
Dickerson, Janie Hart, Ida Blanchard, William
Kessler, Elva Young and Rebecca Kessler, suc-
cessors of Alexander Kessler, deceased

25 ✓

Frederick N Watriss, Grantee of Geo M Winkler.....

16 2/3 ✓

12 1/2 ✓

33 1/3 ✓

20 3/4 ✓

P H Schaff and F B Galey, Grantees of Samuel Harp

37 1/2 ✓

29 ✓

67 0348
May 1, 1878 - Trans 504-517-531-711 ✓
May 1, 1881 67 0349
May 1, 1884 67 0350 (1111)
May 1, 1893 67 0351
May 1, 1894 67 0352
May 1, 1882 67 0353 - RD 43
May 1, 1891 67 0354

Deseret Sheep Company sub for C A Martin, Grantee
of Margaret Krigbaum

41 2/3 ✓

May 1, 1884 - Trans 504 67 0355

Mill Creek (Con)

Council Valley Orchards, Grantee of J Marion
Young

10 3/4 ✓

29 ✓

37 1/2 ✓

21 1/2 ✓

27 1/2 ✓

May 1, 1885 67 0356

May 1, 1894 67 0357

May 1, 1889 67 0358

May 1, 1886 67 0359

May 1, 1893 67 0360

May 1, 1894 67 0361

May 1, 1896 67 0362

May 1, 1899 67 0363

May 1, 1903 67 0364

July 1, 1909 67 0365

May 1, 1909 67 0366

June 1, 1906 67 0367

July 3, 1911 67 0368

March 17, 1913 67 0369

May 16, 1912 67 0370

July 2, 1892 67 0371

May 1, 1882 67 0372

May 1, 1889 67 0373

May 1, 1882 67 0374

June 1, 1911 67 0375

J D Poyner and John Poyner

George T Ellis

P H Schaff and Thomas L Watt, Grantees of B F
Middletown

37 1/2 ✓

Charles Lappin and A E Felmley, Grantees of C B
Gibbs

54 ✓

James A Huston Jr. and William Spahr, Grantees
of John and J D Poyner

16 ✓

18 ✓

15 ✓

8 ✓

100 ✓

B W Turnipseed

J V Morrison

C W Holmes

Council Valley Orchards

Unnamed Stream.

Council Valley Orchards

Frank B Galey

C W Holmes

C B McDonald High water 56

Fort Hall Creek

C T Hamill

4 ✓

4 ✓

6 ✓

11 ✓

Louis Harp

A L Frechafer and Margaret T Ellis

JUL 24 1996

WILLIAM WINKLER, LEWIS WINKLER, MISS F H MAYNER, JOHN KESSLER, JIM KESSLER, LEWIS KESSLER, BETTIE DICKERSON, JANIE HART, IDA BLANCHARD, WILLIAM KESSLER, ELVA YOUNG AND REBECCA KESSLER, successors of Alexander Kessler, deceased: The Southwest Quarter of the Northeast Quarter, Section 10, the East half of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 10 in Township 16 North, Range 1 West Boise Meridian.

FREDERICK N WATRISS: The South half of the Northwest Quarter and the North half of the Southwest Quarter, Section 35, Township 17 North Range 1 West Boise Meridian.

P H SCHAFF AND F B GALEY: The South half of the Northeast Quarter and the North half of the Southeast Quarter Section 35, Township 17 North, Range 1, West Boise Meridian.

DESIGNET SINKER COMPANY: The Southeast Quarter of Section 34, Township 17 North, Range 1 West Boise Meridian.

COUNCIL VALLEY ORCHARDS: The South half of the Southeast Quarter, Section 35, Township 17 North, Range 1 West Boise Meridian and the North half of the Northeast Quarter, Section 2, Township 16 North, Range 1 West Boise Meridian.

J D POYNIER AND JOHN POYNIER: The North half of the Southwest Quarter and the West half of the Northwest Quarter of Section 36, Township 17 North, Range 1 West Boise Meridian.

GEORGE T WILLIS: The Southeast Quarter of the Southeast Quarter, Section 4, the Southwest Quarter of the Northwest Quarter, Section 3, and a tract bounded as follows, commencing at the Southwest corner of lot 1, said Section 4, thence north along the west side of said lot 20 rods, thence east 80 rods, thence south 20 rods, thence west 80 rods to the place of beginning, all in Township 16 North, Range 1 West Boise Meridian.

P H SCHAFF AND THOMAS L WATT: The North half of the Northwest Quarter Section 35, and 70 acres east of the right of way of the P & I N Ry. in the Southeast Quarter of the Southeast Quarter Section 27, and the Northeast Quarter of the Northeast Quarter Section 34, all in Township 17 North, Range 1 West Boise Meridian.

CHARLES LAPPIN AND A E FREMLEY: The West half of the Southwest Quarter of Section 25, and the east half of the southeast Quarter of Section 26, Township 17 North, Range 1, West Boise Meridian.

JAMES A HUSTON, JR. and WM H SPAHR: The West half of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter, Section 36, Township 17 North Range 1 West Boise Meridian.

B W TURNISHED: Lot 4, the Southeast Quarter of the Southwest Quarter, and the South half of the Southeast Quarter Section 31, Township 17 North, Range 1 East Boise Meridian.

J V MORRISON: The Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 4, Township 16 North, Range 1 West Boise Meridian.

O W HOLMES: The Northwest Quarter of the Southwest Quarter Section 3, Township 16 North, Range 1 West Boise Meridian.

FRANK S GALEY: Northwest Quarter Southeast Quarter and Northeast Quarter Southeast Quarter Section 35, Township 17 North, Range 1 West Boise Meridian.

LOUIS HARP: The South half of the Northeast Quarter, and the Northeast Quarter of the Northeast Quarter, Section 23, and the Southeast Quarter of the Southeast Quarter Section 14, Township 17 North, Range 1 West Boise Meridian.

JUL 24 1996

MILL CREEK RIGHTS.

Deseret Sheep Company, substituted for C. A. Martin,
Grantee of Margaret Krigbaum,

41 2/3 May 1, 1884

William Winkler, Lewis Winkler,
Mrs. F. H. Hayner, John Kessler,
Jim Kessler, Lewis Kessler,
Bettie Dickerson, Janie Hart
Ida Blanchard, William Kessler,
Elva Young and Rebecca Kessler,
successors of Alexander
Kessler, deceased,

25

" " 1878

Charles Lappin and A. E.
Felmley, Grantee of C. S. Gibbs,

54

" " 1896

J. D. Poyner and John Poyner,

21 1/2

" " 1886

B. W. Turnipseed,

18

" " 1903

Frederick M. Watriss,
Grantee of Geo. M.
Winkler,

16 2/3
12 1/2
33 1/3
20 3/4

" " 1881
" " 1884
" " 1893
" "

P. H. Schaff and
F. S. Galey, Grantees
Samuel Hark

37 1/2
29

" " 1882
" " 1891

Council Valley Orchards
Grantee J. Marion Young

10 3/4
29
37 1/2

" " 1885
" " 1894
" " 1889

James A. Huston and William
Spahr, Grantees of John and
J. D. Poyner,

16

" " 1899

P. H. Schaff and Thomas L.
Watt, Grantees of B. F.
Middleton,

37 1/2

" " 1894

George T. Ellis

27 1/2

" " 1893

J. V. Morrison,

16

July 1 1909

C. W. Holmes

8 1/2

May 1 1909

MID
JUL 24 1909

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 67-354
Date Received: 10/24/1989
Receipt No: W006543
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

MICHAEL E PARADIS Phone: (208)253-4458

2370 MILL CREEK RD
COUNCIL ID USA 83612-5221

JANICE M PARADIS Phone: (208)253-4458

2370 MILL CREEK RD
COUNCIL ID USA 83612-5221

2. Date of Priority: 05/01/1891

3. Source: MILL CREEK , MILL CREEK , MILL CREEK , MILL CREEK , MILL CREEK , MILL
CREEK Trib. to: WEISER RIVER , WEISER RIVER , WEISER RIVER , WEISER RIVER , WEISER
RIVER , WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	01W	36	NW SW	ADAMS	
17N	01W	35	SE NE	ADAMS	
17N	01W	35	NE SE	ADAMS	
17N	01W	35	NE SW	ADAMS R	
17N	01W	35	NW SE	ADAMS	
17N	01W	35	NE SE	ADAMS R	

5. Description of diverting works:

DAMS, DITCHES, CULVERTS, GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.58	

7. Total Quantity Appropriated is:
0.58 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	01W	35	SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	6
			NE	SE	IRRIGATION	5
			NW	SE	IRRIGATION	22
					Section Acres	73
					Total Acres	73

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:

14. Remarks:

THIS RIGHT HAS BEEN SPLIT AND CLAIMED AS FOLLOWS: A67-00354A, STOVNER, 0.05 CFS
ON 5.0 ACRES A67-00354B, PARADIS, 0.53 CFS ON 68.0 ACRES

Splits 67-354A and 67-354B have been combined back into 67-354 as the same
person owned both the splits (csaxton 12-9-05).

15. Basis of Claim: Decreed

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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-354

WATER RIGHT NUMBER: 67-354

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	F S GALEY
	, ID
Original Owner	FRED STOVNER
	R RT
	COUNCIL, ID 83612
	(208)253-4791
Original Owner	ADEL HEDI KRUSE
	R RT
	COUNCIL, ID 83612
	(208)253-4791
Original Owner	P H SHAFF
	, ID

Priority Date: 05/01/1891

Basis:

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
MILL 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	0.580 CFS	
	<u>Total Diversion:</u>	0.580 CFS	

Location of Point(s) of Diversion

MILL CREEK	NW1/4SW1/4	Sec. 36, Twp 17N, Rge 01W, B.M.
ADAMS County		
MILL CREEK	SE1/4NE1/4	Sec. 35, Twp 17N, Rge 01W, B.M.
ADAMS County		
MILL CREEK	NE1/4SE1/4	Sec. 35, Twp 17N, Rge 01W, B.M.
ADAMS County		
MILL CREEK	NE1/4SW1/4	Sec. 35, Twp 17N, Rge 01W, B.M.
ADAMS County	(Rediversion)	
MILL CREEK	NW1/4SE1/4	Sec. 35, Twp 17N, Rge 01W, B.M.
ADAMS County		
MILL CREEK	NE1/4SE1/4	Sec. 35, Twp 17N, Rge 01W, B.M.
ADAMS County	(Rediversion)	

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-354

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
17N	01W	35			40.0	6.0									5.0	22.0			73.0

Total Acres: 73

Conditions of Approval:Remarks:

1. General THIS RIGHT HAS BEEN SPLIT AND CLAIMED AS FOLLOWS: A67-00354A, STOVNER, 0.05 CFS ON 5.0 ACRES A67-00354B, PARADIS, 0.53 CFS ON 68.0 ACRES

Comments:Dates and Other Information:

Claim Received Date: 10/24/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 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: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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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: A67-00354
Date Received: 10/24/1989
Receipt No: W006543
Received By: Rdh

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRED STOVNER 208-253-4791
Address: R. ROUTE
COUNCIL, ID 83612
OR
Name: ADEL HEDI KRUSE 208-253-4791
Address: R.ROUTE
COUNCIL, ID 83612

2. Date of Priority: MAY 01, 1891

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	35		SE	NE		ADAMS
				NE	SW	R	ADAMS
				NE	SE		ADAMS
				NE	SE	R	ADAMS
				NW	SE		ADAMS
		36		NW	SW		ADAMS

5. Description of diverting works:
DAMS, DITCHES, CULVERTS, GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.580		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATER

A67-00354

Page 1

Date: 10/24/89

MICROFILMED

OCT 6 1 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
17N	01W	35	SW		NE		IRR	40.0
			SE		NE		IRR	6.0
			NE		SE		IRR	5.0
			NW		SE		IRR	22.0
							Section Acres	73.0
							Total Acres	73.0

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:
A67-00349A, 350, 351, 352, 353B, 4420A.

14. Remarks:
2 PD IN NWSE SEC 35
2 REDIV. IN NESE SEC 35
3 REDIV. IN SENE SEC 35
SEE CLAIM # A67-00349A FOR MAP.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): Fred D. Storer Date: OCT 24 1989

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 24 day
of OCT 19 89 Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires My Commission Expires December 8, 1994