

11/14/2006

RECEIVED

DEC 05 2006

DEPARTMENT OF  
WATER RESOURCES

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: 67-355C

HELEN L RICE

PO BOX 536

COUNCIL ID 83612

Telephone Number: (208)253-4784

WARREN N RICE

PO BOX 536

COUNCIL ID 83612

Telephone Number: (208)253-4784

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: 11-30-06

SIGNATURE: Helen Rice

Please print your name: Helen Rice

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

SCANNED

DEC - 6 2006

11/25/2005

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

RIGHT NUMBER: 67-355C

NAME AND ADDRESS: HELEN L RICE  
PO BOX 536  
COUNCIL ID 83612  
  
WARREN N RICE  
PO BOX 536  
COUNCIL ID 83612

SOURCE: MILL CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.110 CFS

The rights listed below are limited to a total combined diversion rate of 0.328 cfs. Combined Right Nos.: 67-355C, 67-363C, and 67-4127

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION:

T17N R01W S35 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 06/30          | 0.110 CFS       |

PLACE OF USE: IRRIGATION Within ADAMS County

|               |      |      |               |      |     |
|---------------|------|------|---------------|------|-----|
| T17N R01W S34 | NESE | 13.0 | T17N R01W S34 | NWSE | 3.4 |
|---------------|------|------|---------------|------|-----|

16.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 16.4 acres in a single irrigation season. Combined Right Nos.: 67-355C, 67-363C, and 67-4127.

This right is limited to the irrigation of 8.8 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



# Idaho Department of Water Resources

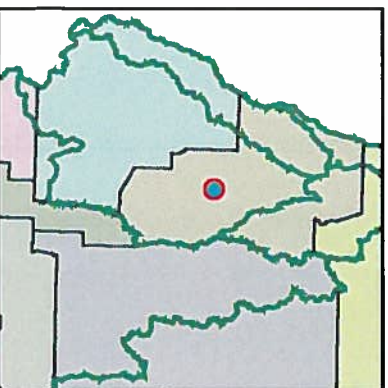
Adjudication Claim Number:

**67-355C, 67-363C, and 67-4127**

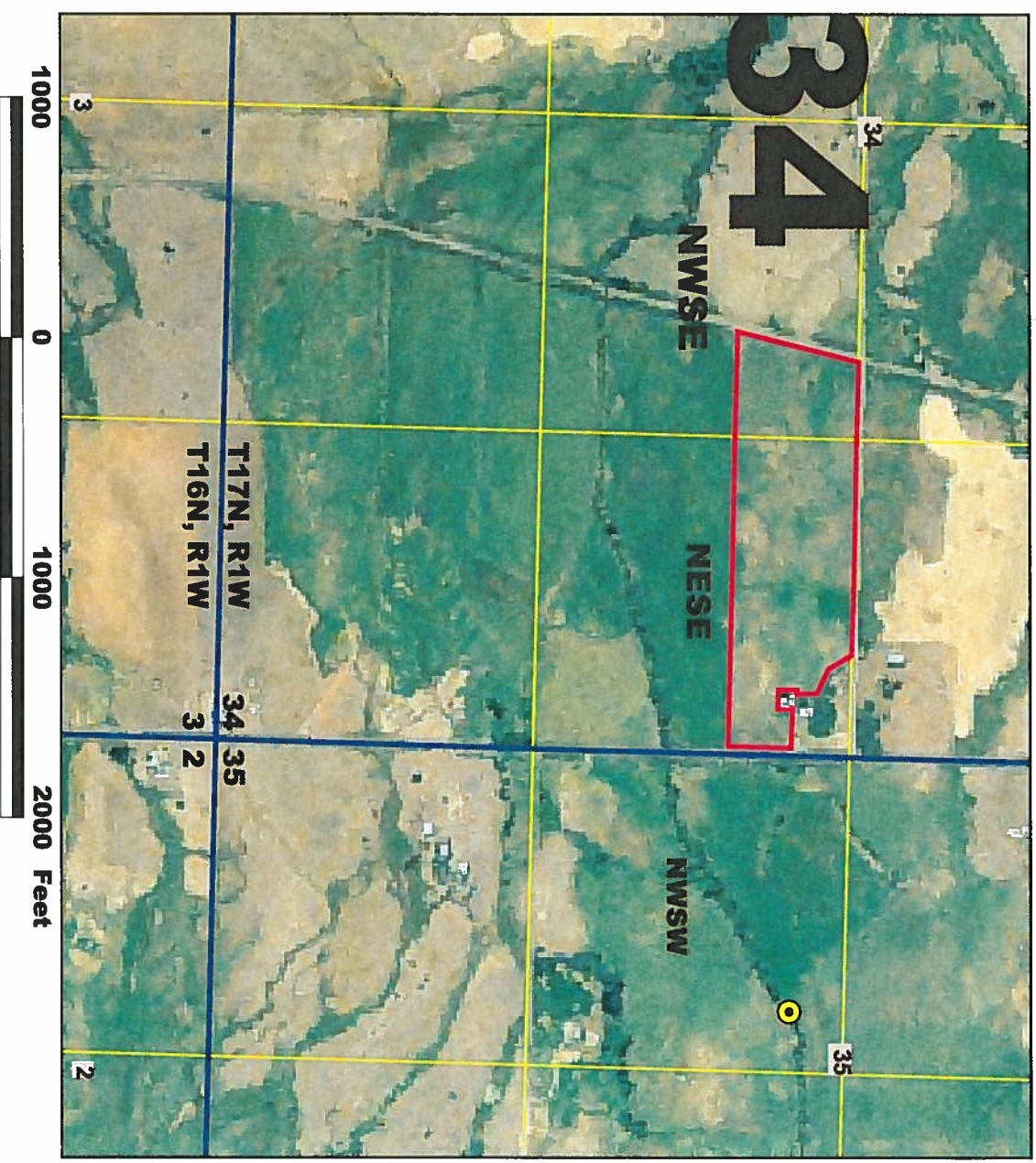
**T16N R01W  
T17N R01W**

## Legend

-  Point of Diversion
-  Place of Use
-  B67 sections.shp
-  T16n01w.shp
-  T17n01w.shp



Adams County  
IDWR Basin 67



## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-355C V1

WATER RIGHT NUMBER: 67-355C V1

| <u>Owner Type</u> | <u>Name and Address</u>                                           |
|-------------------|-------------------------------------------------------------------|
| Current Owner     | HELEN L RICE<br>PO BOX 536<br>COUNCIL, ID 83612<br>(208)253-4784  |
| Original Owner    | DESERT SHEEP CO<br><br>, ID                                       |
| Original Owner    | WILLIAM H SPAHR<br><br>COUNCIL, ID 83612                          |
| Current Owner     | WARREN N RICE<br>PO BOX 536<br>COUNCIL, ID 83612<br>(208)253-4784 |

Priority Date: 05/01/1884

Basis: Decreed

Status: Active

| <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            | 03/15 to <u>11/15</u><br><u>6-30</u> | 0.110 CFS             |                      |
|                       | <u>Total Diversion:</u>              | 0.110 CFS             |                      |

Location of Point(s) of Diversion

|              |            |                                 |
|--------------|------------|---------------------------------|
| MILL CREEK   | NW1/4SW1/4 | Sec. 35, Twp 17N, Rge 01W, B.M. |
| ADAMS County |            |                                 |

Place of Use

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 | 34  |    |    |    |    |    |    |    |    |    |    |    |    | 13.0 | 3.4 |    |    | 16.4   |

Total Acres: 16.4

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.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-355C V1

2. E56 The rights listed below are limited to the irrigation of a combined total of 16.4 acres in a single irrigation season. Combined Right Nos.: 67-355C, 67-363C, and 67-4127.
3. K06 This right is limited to the irrigation of 8.8 acres within the place of use described above in a single irrigation season.
4. E52 The rights listed below are limited to a total combined diversion rate of 0.328 cfs. Combined Right Nos.: 67-355C, 67-363C, and 67-4127

Remarks:Comments:

1. segbert 8/4/2004 POD  
Comment: Correlated PODID 624870 from SpatialDataID 342990.0000000 to SpatialDataID 342990
2. csaxton 11/25/2005 Recommended  
Comment: Recommended per TR 884
3. csaxton 11/25/2005 POD  
Comment: TR 884 puts POD in SWSW of Section 35. Recommend POD in NWSW of Section 35. I do not think this was an actual change in POD as Mill Creek does not flow through the SWSW of Section 35. No accomplished change in POD.

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: 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> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Priority Date  | 7/30/2004 11:41:24 AM     | segbert         |                           |                 | Active        |
| POD            | 7/30/2004 11:41:50 AM     | segbert         |                           |                 | Active        |
| Source         | 7/30/2004 11:45:31 AM     | segbert         |                           |                 | Active        |
| POU            | 7/30/2004 11:45:50 AM     | segbert         |                           |                 | Active        |
| Use            | 7/30/2004 11:48:37 AM     | segbert         |                           |                 | Active        |
| Season         | 7/30/2004 11:49:09 AM     | segbert         |                           |                 | Active        |
| Quantity       | 7/30/2004 11:49:49 AM     | segbert         |                           |                 | Active        |
| Contacts       | 11/25/2005 10:59:14 AM    | csaxton         |                           |                 | Active        |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-355C V1

|               |                        |         |        |
|---------------|------------------------|---------|--------|
| Priority Date | 11/25/2005 10:59:29 AM | csaxton | Active |
| POD           | 11/25/2005 11:05:12 AM | csaxton | Active |
| Source        | 11/25/2005 11:05:43 AM | csaxton | Active |
| POU           | 11/25/2005 11:05:52 AM | csaxton | Active |
| Use           | 11/25/2005 11:06:15 AM | csaxton | Active |
| Season        | 11/25/2005 11:06:42 AM | csaxton | Active |
| Quantity      | 11/25/2005 11:07:17 AM | csaxton | Active |
| Summary       | 11/25/2005             | csaxton | Active |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------|------------------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POD            | 7/30/2004 11:44:58 AM  | segbert         | Edited point location                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Source         | 7/30/2004 11:45:32 AM  | segbert         | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?                                                                                                                                                                                                                                                                                                                         |
| POU            | 7/30/2004 11:45:50 AM  | segbert         | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the Decree or License have a POU?<br>(Yes) 6. Can the claimed POU be verified using the water right file?                                                                                                                                                                                                                                                                                      |
| POU            | 7/30/2004 11:48:22 AM  | segbert         | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Use            | 7/30/2004 11:48:37 AM  | segbert         | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a Purpose of Use?<br>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?                                                                                                                                                                                                                                                                                                  |
| Season         | 7/30/2004 11:49:09 AM  | segbert         | (Yes) 1. Is the basis of claim Decree or License?<br>(No) 4. Does the Decree or License have a Period of Use?<br>(No) 6. Is there evidence that there has been a change in the Period of Use?<br>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?<br>(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?<br>(Yes) 15. Is irrigation claimed as a Purpose of Use? |
| Quantity       | 7/30/2004 11:49:49 AM  | segbert         | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?                                                                                                                                                                                                                                                                                                                                                                       |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-355C V1

|               |                        |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------|------------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Priority Date | 7/30/2004 11:41:24 AM  | segbert | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly?                                                                                                                                                                                                                                                                                      |
| POD           | 7/30/2004 11:41:51 AM  | segbert | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a POD?<br>(Yes) 5. Can the claimed POD be verified using the water right file?                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| POD           | 11/25/2005 11:05:44 AM | csaxton | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Summary       | 11/25/2005 11:15:22 AM | csaxton | (Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?<br>(Yes) 5. Does this right have any combined use limits with other rights?<br>(Yes) 6. Is an additional remark and/or condition required?<br>(Yes) 7. Would you like to view the recommended right?<br>(Yes) 8. Is this a split or combined right?<br>(No) 9. Do you have documents you would like to attach or link to the file?<br>(Yes) 10. Would you like to set the verification date? |
| Contacts      | 11/25/2005 10:59:29 AM | csaxton | (No) 1. Do you want to schedule an appointment?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| General       | 11/25/2005 10:59:44 AM | csaxton | Comment for 1: Desktop Review<br>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required?                                                                                                                                                                                    |
| POD           | 11/25/2005 11:05:28 AM | csaxton | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a POD?<br>(Yes) 5. Can the claimed POD be verified using the water right file?<br>(No) 10. Is a POD remark and/or condition required?                                                                                                                                                                                                                                                                                                                                                                                                           |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-355C V1

|          |                        |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------|------------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Source   | 11/25/2005 11:05:59 AM | csaxton | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?<br>(No) 11. Is a Source remark and/or condition required?                                                                                                                                                                                                                                                                                                                                                                                             |
| POU      | 11/25/2005 11:06:08 AM | csaxton | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the Decree or License have a POU?<br>(Yes) 6. Can the claimed POU be verified using the water right file?<br>(No) 14. Is a POU remark and/or condition required?                                                                                                                                                                                                                                                                                                                                                             |
| Use      | 11/25/2005 11:06:31 AM | csaxton | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a Purpose of Use?<br>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?<br>(No) 13. Is a Purpose of Use remark and/or condition required?                                                                                                                                                                                                                                                                                                                                                              |
| Season   | 11/25/2005 11:06:59 AM | csaxton | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a Period of Use?<br>(Yes) 5. Can the claimed Period of Use be verified using the water right file?<br>(Yes) 14. Is irrigation claimed as a Purpose of Use?<br>(Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?<br>(Yes) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use?<br>(No) 18. Is a Period of Use remark and/or condition required? |
| Quantity | 11/25/2005 11:07:33 AM | csaxton | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?<br>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?<br>(No) 8. Does the parent right have an annual diversion volume limit?<br>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?<br>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?<br>(No) 12. Is a Quantity remark or condition required?                                                  |

Water Supply Bank:

## Contacts Data Entry Form

Claim Number: 67-355C

| Owner Type     | Full Name       | Address    | City    | State | Zip   | Phone         |
|----------------|-----------------|------------|---------|-------|-------|---------------|
| Current Owner  | HELEN L RICE    | PO BOX 536 | COUNCIL | ID    | 83612 | (208)253-4784 |
| Original Owner | DESERT SHEEP CO |            |         | ID    |       |               |
| Original Owner | WILLIAM H SPAHR |            | COUNCIL | ID    | 83612 |               |
| Current Owner  | WARREN N RICE   | PO BOX 536 | COUNCIL | ID    | 83612 | (208)253-4784 |

Date of Field Exam: Desktop Review Time: \_\_\_\_\_

Accompanied By: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Relationship to Claimant: \_\_\_\_\_

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

Ownership information looks accurate \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reviewer: **Craig L. Saxton**Date: **11/25/05**

Priority Date Data Entry Form

Claim Number 67-355C

Claimed Priority Date: 5/1/1884

Claimed Basis: Decreed

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

Water Right Priority Date: 5/1/1884

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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Point of Diversion and Source Data Entry Form

Claim Number 67-355C

Claimed Point of Diversion and Source

T17N R01W S35 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

T17N R01W S35 NWSW Within ADAMS County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

|  |  |
|--|--|
|  |  |
|  |  |
|  |  |

| Twp | Rge | Sec | Gov Lot | QQQ of QQ of Q | County | Source |
|-----|-----|-----|---------|----------------|--------|--------|
|     |     |     |         |                |        |        |
|     |     |     |         |                |        |        |
|     |     |     |         |                |        |        |

Other rights from this POD? 67-355C, 67-363C, and 67-4127.

Document how the POD and Source were verified:

GPS point taken by Bosco Bosler on 8/2/04: A0014044

|  |
|--|
|  |
|  |
|  |

## Place Of Use Data Entry Form

Claim Number 67-355C

## Claimed Place Of Use

T17N R01W S34 NESE 14.0 T17N R01W S34 NWSE 4.0

Total Acres 18

☐ Use Claimed POU as Recommended POU

## Water Right Place Of Use

T17N R01W S34 NENE T17N R01W S34 NWNE

Total Acres

## Recommended Place of Use

☐ See corrections to claimed POU above

| Twp | Rge | Sec | QQ   | Q | County | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|------|---|--------|---------|-------|----------------|
| 17N | 1W  | 34  | NWSE |   | Adams  |         | 13.0  | Irrigation     |
| 17N | 1W  | 34  | NESE |   | Adams  |         | 3.4   | Irrigation     |

|  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |

Total Acres 16.4

Document how the POU was verified:

1987 NAPP photography

Purpose of Use Data Entry Form

Claim Number 67-355C

Claimed Purpose of Use

|            |                 |                 |            |
|------------|-----------------|-----------------|------------|
| Water Use  | Number of Homes | Number of Stock | Acre Limit |
| IRRIGATION |                 |                 |            |

☒ 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 67-355C

### Claimed Period of Use and Diversion Rate

| Water Use  | Start | End  | Rate | Volume |
|------------|-------|------|------|--------|
| IRRIGATION | 3/15  | 6/30 | 0.11 |        |

Overall Diversion Rate 0.11      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 | 3/15  | 6/30 | 0.11 |        |

Overall Diversion Rate 0.11      Overall Diversion Volume

### Recommended Period of Use and Diversion Rate

| Water Use         | Start       | End         | Rate        | Volume     |
|-------------------|-------------|-------------|-------------|------------|
| <b>Irrigation</b> | <b>3/15</b> | <b>6/30</b> | <b>0.11</b> | <b>N/A</b> |

|  |  |  |  |  |
|--|--|--|--|--|
|  |  |  |  |  |
|  |  |  |  |  |

Overall Diversion Rate 0.11      Overall Diversion Volume N/A

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

**Diverslon rate recommended per TR 884.**

**Season of use recommended per TR 884 which splits rights 67-355 and 67-363 into two different seasons of use for two different parcels of Irrigated ground.**

**The following rights used in combination are limited to .328 cfs: 67-355C, 67-363C, and 67-4127.**

Reviewer: **Craig L. Saxton**

Date: **11/25/05**

## MEMORANDUM

Date: October 14, 2005

To: File 67-355A, 355C, 355D, 67-363C, 67-336E, 67-363F

From: Craig L. Saxton

Subject: Meeting to discuss the validity of TR 884

Claimant of 67-355A, Larry and June Derie, argue that TR 884 did not move 5.5 inches of decreed right from their property. They argued that the full diversion rate defined by decreed right 67-355 (41.6 inches) is applicable to the property they currently own and was never transferred.

Evidence provided from claimant can be summarized by:

- Water Master Records showing delivery of 41.6 of 1884 water to Derie.
- 1980 deed to a portion of the Derie property listing 41.6 inches on the deed.
- Portions of a deed trail evidencing that 67-355, when decreed to the property owned by Mr. Derie now, and was never originally applicable to the 20 acres that TR 884 moved it from and to.
- 1918 deed for the 20 acres now owned by Rice – showing 6.5” of water from Mill creek.

After reviewing the evidence, it was concluded that despite documentation provided by Mr. Derie, **the intent of the transfer was, among other things, to take 5.5 inches from decreed right 67-355 and move that water as defined by TR 884.** The water master delivery records appear to be in violation of TR 884, and the deed provided by Mr. Derie showing 41.6 inches on his property does not out-weigh the administrative action of the transfer.

The 6.5 inches applicable to the 20 acres now owned by Rice are not related to the water that was described in TR 884 and therefore does not affect the validity of TR 884 in anyway.

In addition, the owner of the property in which water right 67-355 was applicable to, had no objections to TR 884 and was signed by himself as well as the water master at the time.

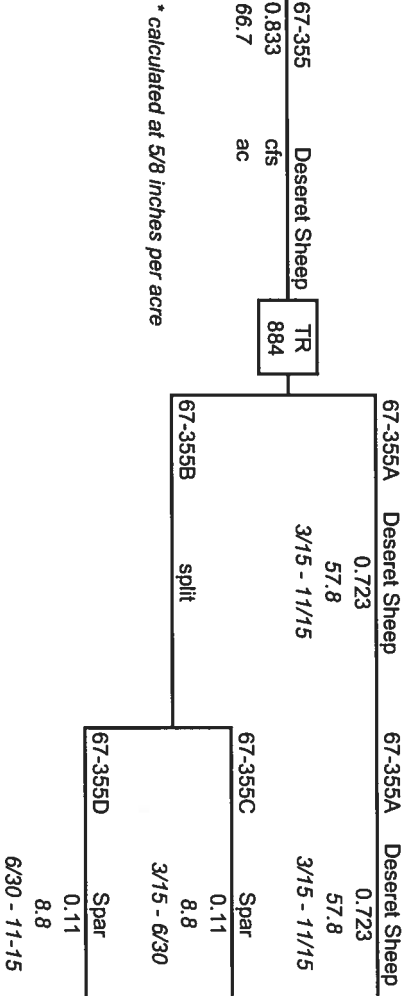
My guidance is to recommend SRBA claims associated with TR 884, as defined by TR 884.

Split history for Decreed Right 67-355

WR History

Claim History

Recommendation



\* calculated at 5/8 inches per acre

|          |        |      |    |              |
|----------|--------|------|----|--------------|
| 67-355A  | Derie  | 0.83 | 67 | 3/15 - 11/15 |
| 67-355C  | Rice   | 0.11 | 18 | 3/15 - 6/30  |
| 67-355D  | Smith  | 0.13 | 27 | 3/15 - 11/15 |
| 67-11421 | Nelson | 0.42 | 21 | 3/15 - 11/15 |

**\*Last updated 11-25-05 (csaxton)**  
For digital copy of Excel spreadsheet file: See Craig L. Saxton

Discallow  
Ready to go

\*\* total diversion rate and ac calc should result in 0.11 cfs and 8.8 ac over due to the split in the season of use.

|              |        |              |        |
|--------------|--------|--------------|--------|
| Sum CFS =    | 1.490  | Sum CFS =    | 0.943  |
| Sum Acre=    | 133    | Sum Acre=    | 75     |
| Sum AF =     | n/a    | Sum AF =     | n/a    |
| Extra CFS =  | -0.657 | Extra CFS =  | -0.110 |
| Extra Acre = | -66.3  | Extra Acre = | -8.7   |
| Extra AFA =  | n/a    | Extra AFA =  | n/a    |

\*\*

**Claim:**

| Basin | Sequence | Suffix | Basis       | Priority Date | Rate(cfs) | Acres | Source     | Water Use(s) | Owner(s)                | Source Table        |
|-------|----------|--------|-------------|---------------|-----------|-------|------------|--------------|-------------------------|---------------------|
| 67    | 355      | C      | Decreed     | 1884-05-01    | 0.11      | 18    | MILL CREEK | IRRIGATION   | RICE, HELEN L (Current) | wrAdjudicationClaim |
| 67    | 363      | C      | Decreed     | 1889-05-01    | 0.1       | 18    | MILL CREEK | IRRIGATION   | RICE, HELEN L (Current) | wrAdjudicationClaim |
| 67    | 4127     |        | Statutory Q | 1889-05-01    | 0.6       | 18    | MILL CREEK | IRRIGATION   | RICE, HELEN L (Current) | wrAdjudicationClaim |

**Recommendation**

| Basin | Sequence | Suffix | Basis   | Priority Date | Rate(cfs) | Acres | Source     | Water Use(s) | Owner(s)                | Source Table        |
|-------|----------|--------|---------|---------------|-----------|-------|------------|--------------|-------------------------|---------------------|
| 67    | 355      | C      | Decreed | 1884-05-01    | 0.11      | 8.8   | MILL CREEK | IRRIGATION   | RICE, HELEN L (Current) | wrAdjudicationClaim |
| 67    | 363      | C      | Decreed | 1889-05-01    | 0.095     | 7.6   | MILL CREEK | IRRIGATION   | RICE, HELEN L (Current) | wrAdjudicationClaim |

Total CFS 0.205

Inches = 10.25

@ 5/8 " = 16.4

Use of these rights is only from 3/15 to 6/30. Unless it is a real wet summer, this property doesn't have water in the late summer.

This right recommended at one inch per acre as the overlap decree rights have a limited SOU.

|    |      |             |            |       |      |            |            |                         |                     |
|----|------|-------------|------------|-------|------|------------|------------|-------------------------|---------------------|
| 67 | 4127 | Statutory Q | 1889-05-01 | 0.328 | 16.4 | MILL CREEK | IRRIGATION | RICE, HELEN L (Current) | wrAdjudicationClaim |
|----|------|-------------|------------|-------|------|------------|------------|-------------------------|---------------------|

Watermaster records do not show delivery to Rice.

| Other Water Rights: |       |         | Vol        |      |     |           |          |                        |              |
|---------------------|-------|---------|------------|------|-----|-----------|----------|------------------------|--------------|
| 67                  | 7152  | Decreed | 7/16/1973  | 0.04 | 1.2 | GROUND WA | DOMESTIC | JENKINS, NELLO A (Cur  | wrWaterRight |
| 67                  | 7233  | License | 11/20/1974 | 0.02 | 1.2 | GROUND WA | DOMESTIC | RICE, WARREN N (Curr   | wrWaterRight |
| 67                  | 7491  | License | 3/18/1980  | 0.04 | 1.2 | GROUND WA | DOMESTIC | RICE, HELEN L (Current | wrWaterRight |
| 67                  | 11294 | Decreed | 1/1/1959   | 0.04 |     | GROUND WA | DOMESTIC | RICE, HELEN L (Current | wrWaterRight |

Partially Decreed

Not filed on in the SRBA and it should have been. This will be lost, but appears to be covered with other Dom claims

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: A67-00355C  
Date Received: 12/11/1989  
Receipt No: W007072  
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: WARREN N. RICE 208-253-4784  
Address: HC 62, BOX 1455  
COUNCIL, ID 83612

OR  
Name: HELEN L. RICE 208-253-4784  
Address: HC 62, BOX 1455  
COUNCIL, ID 83612

2. Date of Priority: MAY 01, 1884

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      | NW     | SW     |     |     | ADAMS  |

5. Description of diverting works:  
GRAVITY DIVERSION FROM MILL CK. FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 06/30 | 0.110  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE.

SCANNED  
APR 02 2004

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 17N      | 01W   | 34      | NE     | SE  |     | IRR           | 14.0  |
|          |       |         | NW     | SE  |     | IRR           | 4.0   |
|          |       |         |        |     |     | Section Acres | 18.0  |
|          |       |         |        |     |     | Total Acres   | 18.0  |

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:  
CLAIM NO.'S A67-04127 & A67-00363C.

14. Remarks:  
THE POINT OF DIVERSION HAS NOT CHANGED EVEN THOUGH THE P.D. WAS  
CORRECTED TO SHOW THE NSW RATHER THAN THE SWSW. MILL CREEK DOES  
NOT FLOW THRU THE SWSW, SEC. 35.

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: 1

**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): Nelson Rice Date: 12-11-89  
\_\_\_\_\_  
Date: \_\_\_\_\_

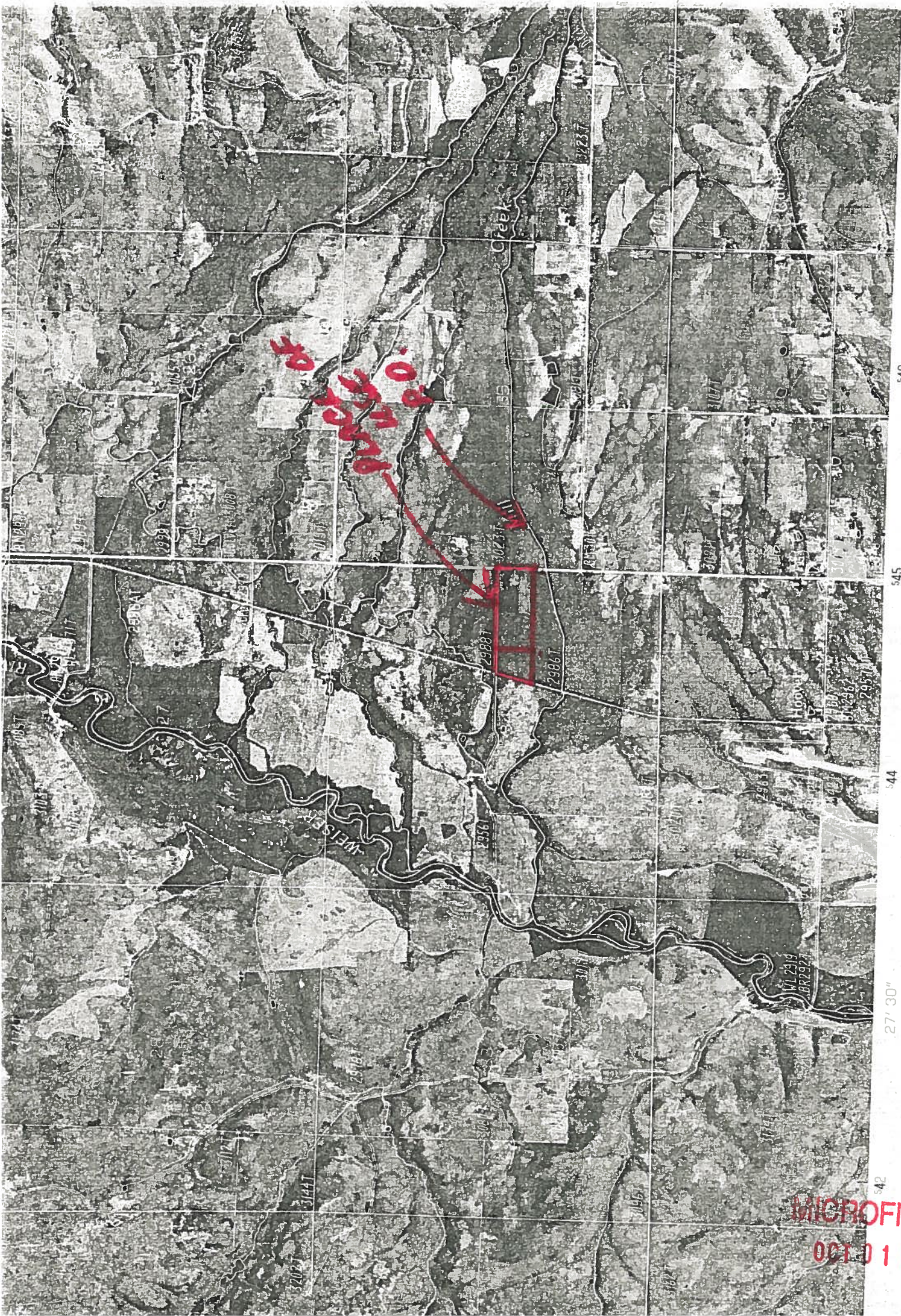
State of Idaho )  
County of ADA ) SS.

Subscribed and sworn (or affirmed) before me this 11<sup>th</sup> day  
of December 19 89

Jan Shurtz  
Notary Public

Seal

Residing at Meridian ID  
My Commission Expires 9-14-94



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