

**STARTING
LEFT
SIDE OF
FILE**

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: A67-00663B
Date Received: 10/18/1989
Receipt No: C012375
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DWIGHT MADDOX 208-549-2451
Address: 1040 LOWER CRANE RD.
WEISER, ID 83672

2. Date of Priority: DEC 31, 1900

3. Source: LOWER CRANE CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	04W	12	NW	SE	SE		WASHINGTON
			SW	SE			WASHINGTON

5. Description of diverting works:
DAM IN CREEK WITH DIVERSION HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/30	0.080		

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

8. Total consumptive use is 192.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11N	04W	12	NW	SE		IRR	10.0
			SW	SE		IRR	8.0

A67-00663B

Page 1

Date: 09/12/90

SCANNED
APR 07 2004

MICROFILMED

OCT 01 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	18.0
		13	NE	NE	IRR	5.0
			NW	NE	IRR	32.0
					Section Acres	37.0
					Total Acres	55.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CORRECTS PRIORITY DATYE, POINT OF DIVERSION AND PLACE OF
USE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

J. N. HARRIS

Decree Plaintiff

vs

JAMES K. MARTIN ET. AL.

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 _____ 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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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: A67-00663B

Date Received: 10-18-89

Receipt No: C012375

Received by: *[Signature]*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of applicant: Dwight Maddox

Phone: 549-2451

Address: 1040 Lower Crane, Weiser, Idaho 83672

2. Date of priority: 1900

3. Source of water supply: Lower Crane Creek

Tributary to: Weiser River

4. Point of diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	4W	12		NW	SE		WASHINGTON
11N	4W	12		SW	SE		WASHINGTON

5. Description of existing diversion works: Dam in creek with diversion headgate

6. Water is claimed for the following purposes:

Purposes	(both dates are inclusive)		C.F.S.	(OR)	A.F.A.
	From	To			
Irrigation	4/1	// 10/30 <i>sm</i>	.08		

7. Total quality claimed (a) .08 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is: 192 acre ft./year

9. Non-irrigation uses;

Last Name: MADDOX

Ident. Number: 67-00663

MICROFILMED

OCT 01 1992

10. Lands irrigated of Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	4W	12	NW	SE			10
11N	4W	12	SW	SE			08
11N	4W	13	NE	NE			05
11N	4W	13	NW	NE			32

Total number of acres irrigated 55

11. Place of Use in counties: WASHINGTON

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

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Other Water Rights Used:

14. Remarks: This corrects priority date, points of diversion, and place of use.

15. Basis of Claim: DECREE

Case Number:

Court:

Decree Date:

J. N. HARRIS vs JAMES K. MARTIN et.al.
Plaintiff Defendant

16. Signatures (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: _____

FOR INDIVIDUALS: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s):

Mayo Maddox
Dwight Maddox

Date: 10-18-89

Date: 10-18-89

State of Idaho)

SS.

County of _____)

Last Name: MADDOX

Ident. Number: 67-00663

MICROFILMED

OCT 01 1992

Subscribe and sworn (or affirmed) before me this 18th day of OCTOBER 19 89

Notary Public Burt Tolman

Residing at WEISER, IDAHO

My Commission Expires 11-1-92

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name: MADDOX

Ident. Number: 67-00663

MICROFILMED

OCT 01 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

McDox

CLAIM IDENT. NO.

A67-00663B

DATE RECEIVED

10/18/90

CK #

C02375

AMOUNT \$

50.00

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ Required Info? *
2. Is a priority date entered? ☒ YES ☐ NO ☐ Required Info? *
Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ Required Info? *
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ Required Info? *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ Required Info? *
(b) Is a tributary to entered? (if required) ☐ YES ☒ NO ☐ Required Info? *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ Required Info? *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ Required Info? *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ Required Info? *
Is the period of use included? ☒ YES ☐ NO ☐ Required Info? *
Is a quantity claimed for each use? ☒ YES ☐ NO ☐ Required Info? *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ Required Info? *
8. If required is a consumptive use entered? ☐ YES ☒ NO ☐ Required Info? *
Is the consumptive use correct? ☐ YES ☒ NO ☐ Required Info? *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☒ NO ☐ Required Info? *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ Required Info? *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ Required Info? *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ Required Info? *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ Required Info? *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☒ NO ☐ Required Info? *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ Required Info? *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO ☐ Required Info? *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ Required Info? *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ Required Info? *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ Required Info? *
20. Is the fee enclosed correct? ☐ YES ☒ NO ☐ Required Info? *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☒ NO ☐ Required Info? *
22. Should this claim be data entered? ☒ YES ☐ NO ☐ Required Info? *

Claim checked by:

B

Date:

9/12/90

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date: 9/12/90

Date:

Checked by:

Date:

Comments:

overlaps 67-04501 acre fees paid by Crane

creek using on Receipt W006302

MICROFILMED

OCT 01 1992

**STARTING
RIGHT
SIDE OF
FILE**

05/16/2006

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

RIGHT NUMBER: 67-663B

NAME AND ADDRESS: DWIGHT MADDOX
1040 LOWER CRANE CREEK RD
WEISER ID 83672

SOURCE: CRANE CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.080 CFS

PRIORITY DATE: 04/10/1913

Pursuant to a call in times of scarcity, this right is senior to Right Nos. 67-664A, 67-14310, and 67-666B; and this right is junior to Right Nos. 67-659, 67-10650, 67-662, 67-673, 67-14413, & 67-14414.

POINT OF DIVERSION:

T11N R04W S12 NESE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.080 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T11N R04W S13	NENE	18.00	T11N R04W S13	NWNE	1.40
---------------	------	-------	---------------	------	------

19.4 ACRES TOTAL

This right is limited to the irrigation of 4.0 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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



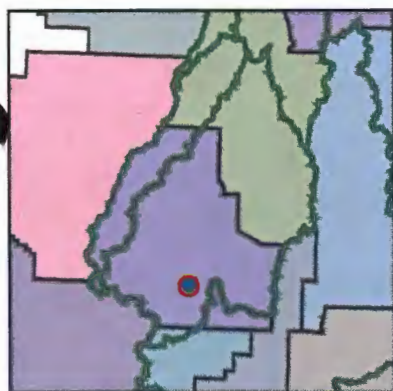
Idaho Department of Water Resources

SRBA Recommendation:

67-663B

Legend

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



Washington County
IDWR Basin 67



Prepared by C. Saxton
On Tuesday, May 9, 2006
1987/88 Aerial Photography

67-663B



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-663B V1

WATER RIGHT NUMBER: 67-663B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ED WILBURN
	, ID
Current Owner	DWIGHT MADDOX
	1040 LOWER CRANE CREEK RD
	WEISER, ID 83672
	(208)549-2451

Priority Date: 04/10/1913

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.080 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

CRANE CREEK	NE1/4SE1/4	Sec. 12, Twp 11N, Rge 04W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
11N	04W	13	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			18.0	1.4															19.4

Total Acres: 19.4

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.
2. K06 This right is limited to the irrigation of 4.0 acres within the place of use described above in a single irrigation season.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. Pursuant to a call in times of scarcity, this right is senior to Right Nos. 67-664A, 67-14310, and 67-666B; and this right is junior to Right Nos. 67-659, 67-10650, 67-662, 67-673, 67-14413, & 67-14414.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-663B V1

Remarks:Comments:

1. csaxton 5/9/2006 POD
Comment: POD located during field exam by Monica Van Bussum on 5-4-06.
2. csaxton 5/9/2006 Source
Comment: Source decreed as Crane Creek and is referred to as such on USGS quad. Locally known as Lower Crane creek.
3. csaxton 5/9/2006 POU
Comment: Water master records show delivery to this POU.
4. csaxton 5/9/2006 Copied From Claim
Comment: THIS CORRECTS PRIORITY DATE, POINT OF DIVERSION AND PLACE OF USE.

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:
 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>
Contacts	5/9/2006 4:31:44 PM	csaxton			Active
Priority Date	5/9/2006 4:32:39 PM	csaxton			Active
POD	5/9/2006 4:32:51 PM	csaxton			Active
Source	5/9/2006 4:34:31 PM	csaxton			Active
POU	5/9/2006 4:36:20 PM	csaxton			Active
Use	5/9/2006 4:37:45 PM	csaxton			Active
Season	5/9/2006 4:39:27 PM	csaxton			Active
Quantity	5/9/2006 4:40:11 PM	csaxton			Active
POU	5/9/2006 4:41:32 PM	csaxton			Active
Summary			05/09/2006	csaxton	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-663B V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
General	5/9/2006 4:32:58 PM	csaxton	(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? (No) 5. Does the decree or license have a Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	5/9/2006 4:33:11 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 5. 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	5/9/2006 4:34:51 PM	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?
POD	5/9/2006 4:33:34 PM	csaxton	Updated shape
POD	5/9/2006 4:33:42 PM	csaxton	Updated PLS
Use	5/9/2006 4:38:05 PM	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?
Season	5/9/2006 4:39:47 PM	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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-663B V1

Quantity	5/9/2006 4:40:31 PM	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? (No) 12. Is a Quantity remark or condition required?
POU	5/9/2006 4:41:53 PM	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? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 8 - Water master records show delivery to this POU. Description for Question 13 - Desktop review.
POU	5/9/2006 4:44:12 PM	csaxton	Updated PLS for Active POU
Summary	5/9/2006 4:44:35 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? (No) 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	5/9/2006 4:44:02 PM	csaxton	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-663B V1

POU	5/9/2006 4:36:40 PM	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?
-----	---------------------	---------	---

Contacts	5/9/2006 4:32:03 PM	csaxton	(No) 1. Do you want to schedule an appointment?
----------	---------------------	---------	---

Comment for 1: Desktop Review

Water Supply Bank:

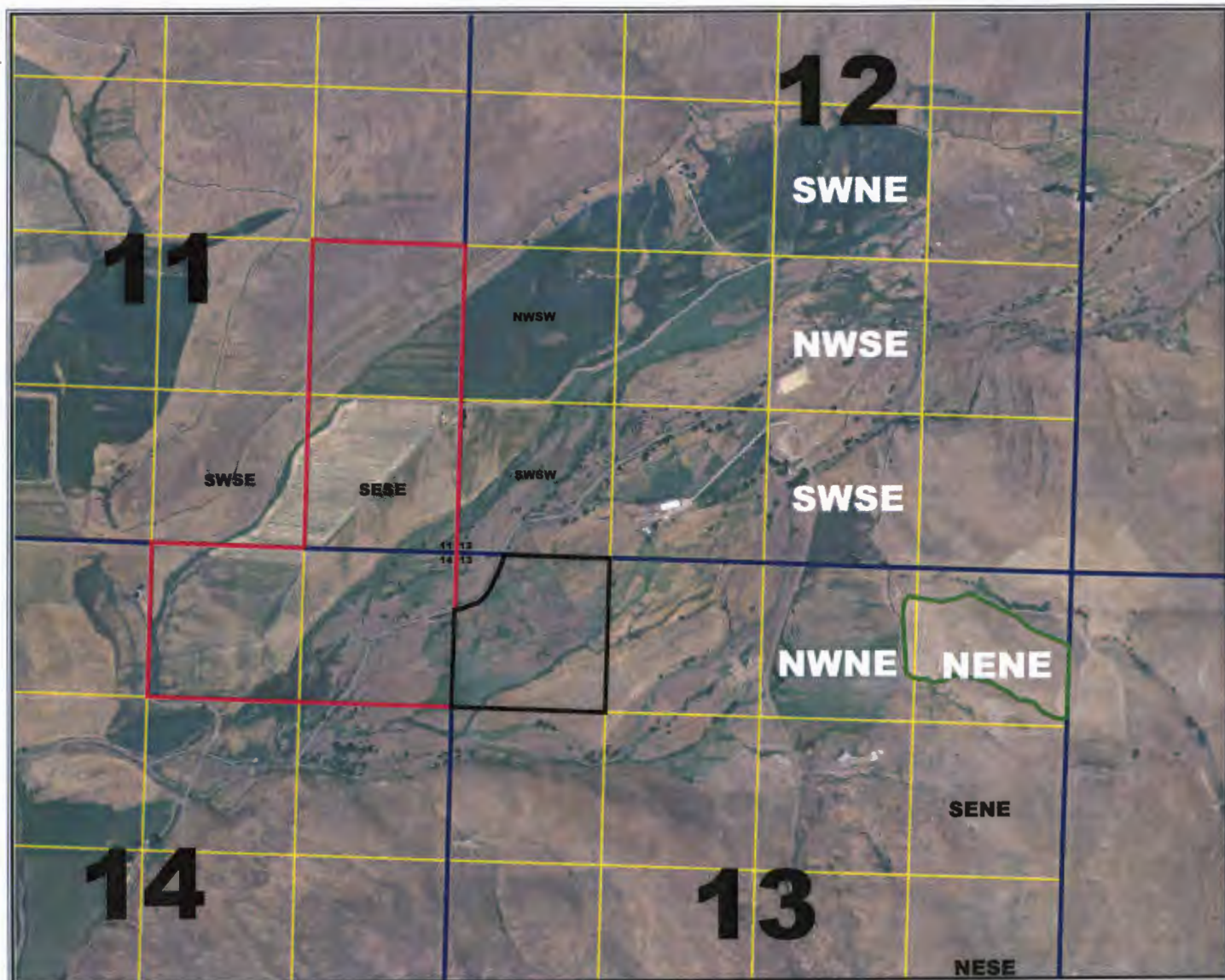


State of Idaho

Reference Map

Claim #: 67-663A & 67-663B

Claimant: Field



1320 0 1320 2640 Feet



Point(s) of Diversion



Claimed POU 67-663B



Decreed POU 67-663



Claimed POU 67-663A



Quarter Quarter Lines



Section Lines

Total Irrigated Acres =



Prepared By: Craig L. Saxton

Date: May 2006

Split History of 67-663

Water Right History

Decreed

67-663	Wilburn
0.08	cfs
4	ac

Claim History

67-663	Maddox
0.08	
4	

67-663A	Field
	0.08
	35
67-663B	Maddox
	0.08
	55

Sum CFS =	0.16
Sum Acre=	90
Extra CFS =	-0.08
Extra Acre=	-86

Recommendation



Not within the decreed POU
Water master records show delivery to Maddox.

67-663B	Maddox
	0.08
	4

Not within the decreed POU
But WM deliver records show Maddox pays for th
WM records support C05

Sum CFS =	0.08
Sum Acre=	4
Extra CFS =	0
Extra Acre=	0

csaxton 5-2-06

Page #	Parcel Number	Name	Water in Inches	File #	Original Owner	Priority Date
6	11N04W	MADDOX B	4.00	663	Ed Wilburn	8/10/1913



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

October 29, 1990

R. KEITH HIGGINSON
DIRECTOR

Dwight Maddox
1040 Lower Crane Rd.
Weiser, ID 83672

RE: Snake River Basin Adjudication (SRBA)
Washington County - A67-00550, A67-00663B, A67-00666B,
A67-02019, A67-04500, A67-04501B,
A67-10967

Dear Mr. Maddox:

We are forwarding to you computer-generated copies of the Notices of Claim which you filed for your property in Washington County.

We have interpreted the data from your claims and have made some minor modifications which we feel more accurately describe your water rights. The items that were modified are highlighted. Please review the enclosed forms to assure that these modifications are in agreement with your water rights.

On Claim #A67-02019 at Item #8, the amount you have listed for consumptive use for your water right may be inaccurate. Using the chart in the instruction booklet (page 15), and based on your legal description, the Department suggests 3.5 acre feet per acre per annum. You are claiming 10 acres of irrigated land; therefore, your consumptive use would be 35.0 acre feet per annum. If this does not agree with your actual usage, please explain at Item #14, "Remarks".

If you agree that all the modifications are correct as indicated, you do not have to return the forms. However, if you feel we have misinterpreted any claim, and you make any changes to the Notice of Claim form, you must initial the changes you make, sign the form before a notary public and return the claim and a copy of this letter to:

Western Region Office
2735 Airport Way
Boise, Idaho 83705
(208) 334-2190

Please make these corrections before November 29, 1990. Do not hesitate to contact this office, or our Western Region Office, if you have any questions about the modifications.

SCANNED
APR 07 2004

MICROFILMED

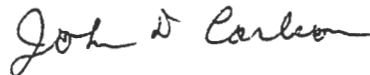
OCT 01 1992

Dwight Maddox
October 29, 1990
Page 2 - Washington County

The Identification Number of three of your Notices of Claim to a Water Right has been changed. The suffix "B" has been added to each number in order to distinguish your claim from other claims that may claim a portion of the same original water right.

Claim A67-00663 is changed to A67-00663B, claim A67-00666 is changed to A67-00666B and claim A67-04501 is changed to A67-04501B. This change does not affect your claims in any other way. Please refer to the above record numbers in any future inquiries or correspondence.

Sincerely,



John D. Carlson
Adjudication Supervisor

JDC:ALB:sf:west
Enclosures:

Copies of Claims: A67-00550, A67-00663B, A67-00666B,
A67-02019, A67-04500, A67-04501B, A67-10967

MICROFILMED

OCT 01 1992

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN ~~AND~~ FOR THE COUNTY OF WASHINGTON.

J N Harris,

Plaintiff,

vs

James K Martin, William Theurer,
Wash Hinge, George Kiser, Ed Wil-
burn, George W Triplew, Henry
Applegate, and William Applegate,
co-partners as Applegate Brothers
O A Fursell and Crane Creek
Irrigation, Land and Power Company
a corporation,
Present Defendants

DECREE.

4-10-13

This action having heretofore come on for hearing before the Court for the purpose of adjudicating and determining the priorities in right to the use of the waters of Crane Creek, in the said County of Washington, State of Idaho, as between the plaintiff and the several defendants, when Ed R Coulter, appeared as counsel for the plaintiff and the defendants Martin, Theurer and Wilburn, and Harris & Smith appeared for all other defendants, when evidence both oral and documentary is submitted to the Court and the cause is taken under advisement by the court.

After due deliberation thereon, and the law and the facts being by the court fully considered and understood, the Court makes and files its findings of fact and conclusions of law, it is now ordered, adjudged and decreed and this does order, adjudge and decree:

First: That Crane Creek, in said County and State is now and was at the time of the beginning of this action, one of the public streams of the State of Idaho, and the Waters thereof subject to diversion and appropriation.

Second: That the plaintiff J N Harris is and for many years past has been the owner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 14 Twp 11 N R 4 W Boise Mo, and prior to the location, diversion or appropriation by any other person of any of the waters of said stream, constructed a ditch therefrom and constructed a dam at the head thereof, and by such means diverted and appropriated for cultivation and irrigation 27.85 miners inches of the waters of said stream and thereby acquired and is entitled to the first and best right to any of the waters thereof to said amount for use on his said land.

Third: That the defendants James K Martin and William Theurer and their granters are now and for a long time past have been the owners in severalty of the following described lands, to-wit: The said Martin the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 12, W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 13, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 14, Twp 11 N R 4 W Boise Mo; and the said Theurer the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 12, E $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 13 Twp 11 N R 4 W Boise Mo and that prior to the location, diversion or appropriation of any of the waters of said stream, except by the plaintiff, the granters of these defendants constructed a ditch from said stream with a dam at the head thereof,

RECORDED
JUL 24 1936

by means of which there were diverted for the irrigation and cultivation of a portion of the lands of these defendants 23.45 miners inches of water, and that these defendants are now and for a long time past have been the owners of such ditch and water right and are declared to be second in right to the waters of said stream, in the amount of 9.87 miners inches to the said Martin and 13.56 miners inches to the said Theurer, which rights are equal and co-incident, except as to amounts of water to which each is entitled.

Fourth: That the defendant, Wash Hinge and his grantors are and for many years have been the owners of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and lots 2 and 3 Sec 7 Twp 11 N R 3 W and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 12, Twp 11 N R 4 W Boise Mo and that prior to the location, diversion or appropriation of any of the waters of said stream except the locations, appropriations and diversions of the plaintiff and the grantors of the defendants Martin and Theurer as hereinbefore made to appear, the grantors of this defendant constructed a ditch from said stream with a dam at the head thereof, by means of which they diverted and appropriated from said stream for the irrigation of a portion of the lands in this paragraph above set out, 9.45 inches of water, measured under a four inch pressure, and that this defendant is now the owner of said ditch and water right and is third in right to the use of the waters of said stream.

Fifth: That the defendants, George W Tripflow, Henry Applegate and William Applegate, co-partners as Applegate Brothers and O A Purcell and the owners in severalty of the following lands, to-wit: The defendant Tripflow the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 11 Twp 11 N R 4 W Boise Mo; the defendants Applegate Brothers the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 14 Twp 11 N R 4 W Boise Mo and the defendant O A Purcell the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 10 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 11 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 15 Twp 11 N R 4 W Boise Mo, and that prior to the location, appropriation or diversion of any of the waters of said stream except the locations, diversions and appropriations of the plaintiff and the defendants Martin, Theurer and Hinge, these defendants and their grantors constructed a ditch from said stream with a dam at the head thereof whereby they did divert and appropriate for the irrigation and cultivation of their several parcels of land 105.60 inches of water, measured under a four inch pressure, in amounts to each of these defendants and their grantors as follows, to-wit: To the defendant Tripflow 44.88 to the defendants Applegate Brothers 18.47 and to the defendant Purcell 42.25 inches and these defendants are and for a long time past have been jointly the owners of said ditch and water right in shares to each as aforesaid, and their rights are equal and co-incident except as to the amount of water to which each is entitled, and said right is fourth in point of time to the use of the waters of said stream.

Sixth: That for many years last past the defendant Ed Wilburn has been and now is the owner of E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 11 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 14, Twp 11 N R 4 W Boise Mo., and that prior to the location, appropriation or diversion of any of the waters of said stream, except the locations diversions and appropriations of the plaintiff and the defendants Martin, Theurer, Hinge, Tripflow, Applegate Brothers and Purcell, this defendant acquired and entered into the possession of a ditch and water right to the extent of four miners

JUL 24 1906

inches, for the irrigation and cultivation of a portion of his said lands and has continued in the possession of the same and now is the owner thereof and in point of time is the ^{miners} fifth in right to the use of the waters of said stream to the extent of four inches of water.

Seventh: That the defendant George W Kiser is and for many years last past has been the owner of the $\frac{1}{2}$ NW $\frac{1}{4}$ and $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 12 Twp 11 N R 4 W Boise Me and that prior to the location, diversion of any of the waters of said stream, except the locations and appropriations of the plaintiff and the defendants, Martin, Theurer, Hinge, Tripflew, Applegate Brothers, Purcell and Wilburn this defendant acquired the ownership and entered into the possession of a ditch and water right which he has ever since owned and possessed by the means of which he has irrigated and cultivated a portion of his said land, and has acquired the sixth right in point of time of appropriation to 29.36 miners inches of the waters of said stream.

Eighth: That at a time subsequent to the locations and appropriations hereinbefore mentioned, the said defendant Ed Wilburn constructed a ditch from said stream, at the head of which he placed a dam and by means of said ditch and dam diverted and conveyed to and upon the lands described in the sixth paragraph of this decree 22 miners inches of water for the irrigation and cultivation of a portion of his said lands and has long been in the occupation and use of said amount of water and has acquired the seventh right in point of time to the use of the waters of said stream.

Ninth: That at a time subsequent to the locations and appropriations hereinbefore mentioned, the defendant Crane Creek Irrigation Land and Power Company, a corporation acquired the title to the $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 13 Twp 11 N R 4 W Boise Me and the right to the ditch and water right thereon which ditch is taken from said stream and has been ever since this defendant acquired the title to said lands, used to convey water upon a portion of said lands for the irrigation and cultivation thereof, and this defendant has acquired and is entitled to the eighth right, in point of time to the use of 11.76 miners inches of water.

Tenth: That the several rights of the parties to this action are hereby decreed and the order of the several water rights adjudicated and the amount to which each party is entitled is as follows, to-wit:

- 67-0659 First right, J M Harris, plaintiff 27.85 miners inches.
67-0660 Second right, J K Martin and William Theurer, defendants, Martin 9.87 miners inches, and Theurer 13.56 miners inches.
67-0661 Third right, Wash Hinge defendant, 9.45 miners inches.
67-0662 Fourth right, George W Tripflew, Applegate Brothers, and O A Purcell, Defendants, Tripflew 44.88 miners inches, Applegate Brothers 18.47 miners inches and Purcell 42.25 miners inches.
67-0663 Fifth right, Ed Wilburn, 4 miners inches.
67-0664 Sixth right, George W Kiser, 29.36 miners inches.

RECORDED
JUL 24 1996

67-0665

67-0666

Seventh right Ed Wilburn 22 miners inches.

Eighth right, Crane Creek Irrigation Land and Power Company 11.76 miners inches.

It is further ordered, adjudged and decreed that in diverting and conducting waters from said stream, each of the parties to this action shall do so in the most approved economical and practical manner in order to avoid loss and waste.

That each and every party defendant to this action be and he is hereby restrained and forever enjoined from taking any of the waters from said stream when such taking will reduce the the amount flowing in said stream below the amount hereinbefore decreed to prior appropriators.

That each party to this action pay his own costs including the charges for the survey of each of their respective pieces of lands.

Witness my hand this 10th day of April 1913.

Ed L Bryan, District Judge

Filed and entered April 22, 1913.

Frank E Smith, Clerk

State of Idaho

County of Washington

ss

I, Frank E Smith, Clerk of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Washington, do hereby certify that the within ~~and foregoing is a full, true and correct copy of the Judgment rendered and entered in the~~ action entitled J N Harris, Plaintiff against James K Martin, William Theurer, Wash Hinge, George Kiser, Ed Wilburn, George W Triplov, Henry Applegate, and William Applegate, co-partners as Applegate Brothers, O A Purcell and Crane Creek Irrigation Land and Power Company, a corporation, Present Defendants, as the same appears of record in Judgment Book "C" at page 475, records of said Court and County.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Court this 12th day of May, 1913.

Frank E Smith

Clerk of said Court

My Harriet Smith
Deputy

Received and filed for record in the office
of the State Engineer at Boise, Idaho, at

JUL 11 1913
J. P. Smith
STATE ENGINEER

RECEIVED
JUL 24 1913