

**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 67-664B
Date Received: 10/23/1989
Receipt No: C012458
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOHN ERSKINE FIELD
1025 LOWER CRANE RD
WEISER ID USA 83672

Phone: (208) 549-0198

MARY DENYSE FIELD
1025 LOWER CRANE RD
WEISER ID USA 83672

Phone: (208) 549-0198

2. Date of Priority: 04/10/1913

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	02W	19	NE NE	WASHINGTON	

5. Description of diverting works:

FLOOD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.13	

7. Total Quantity Appropriated is:

0.587 C.F.S.

8. Total consumptive use:

SCANNED
APR 07 2004

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
11N	04W	12	SW	SW		IRRIGATION	5
			NW	SW		IRRIGATION	10
						Section Acres	15
						Total Acres	15

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:

14. Remarks:

Ownership changed by DB 5/28/2002

DEFENDANT IS ENTITLED TO SIXTH RIGHT TO WATERS OF SAID STREAM.

15. Basis of Claim: Decreed

RECEIVED

OCT 4 - 2000

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): secret A67-10650, A67-00665, A67-00663A, A67-00664B, A67-04501A, A67-04503, A67-14116, A67-14117, 67-07141

Adjudication Claim No(s): _____

RECEIVED

2. The following REQUIRED information must be submitted with this form:

OCT 20 2000

- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document showing ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION. WATER RESOURCES
WESTERN REGION
- AND
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
- OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

Kenneth R. Skow975 E. Indianhead Road, Weiser, ID 83672

4. New Owner/Claimant(s)

John Erskine Field or Mary Denyse FieldName Connector (Check one): [] and, [] or, ☒ and/or

New Mailing Address

1025 Lower Crane Road

City, State and ZIP Code

Weiser, Idaho 83672

New Telephone Number

(208) 549-0198

5. Date you acquired the property

May 30, 2000

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

John Erskine FieldMary Denyse Field

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

RECEIVED

179801

OCT 4 - 2000

Approved by
Initials JA May

Department of Water Resources

WARRANTY DEED

COPY

FOR VALUE RECEIVED, KENNETH R. SKOW and RANAE SKOW, husband and wife, the Grantors, do hereby, grant, bargain, sell and convey unto JOHN ERSKINE FIELD and MARY DENYSE FIELD, husband and wife, the Grantees, whose address is 1025 Lower Crane Road, Weiser, ID 83672, the following described real estate situated in Washington County, State of Idaho, to-wit:

TOWNSHIP 11 NORTH, RANGE 4 WEST, BOISE MERIDIAN:

Section 11: E $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 12: That portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ lying southeasterly of the existing County road right of way.

SW $\frac{1}{4}$ SW $\frac{1}{4}$,

SE $\frac{1}{4}$ SW $\frac{1}{4}$ EXCEPTING AND RESERVING THEREFROM the following described tract:

Beginning at a point 419 feet North of the southeast corner of the SW $\frac{1}{4}$ of Section 12:

Thence North 436 feet;

Thence South 42° 40' West 206 feet;

Thence South 26° 18' East 317 feet to the PLACE OF BEGINNING;

Section 13: NW $\frac{1}{4}$ and that part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying Westerly of the right of way for existing county road known as Lower Crane Road;

Section 14: N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Section 24: NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

TOGETHER WITH 200 acre feet of Primary Storage in Crane Creek Reservoir.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their successors and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owner in fee simple of said premises; that said premises are free from all incumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 30 day of May, 2000.

Instrument # 179801

WEISER, WASHINGTON COUNTY, IDAHO

20/00-05-30 04:30:00 No. of Pages: 2

Recorded for : WASHINGTON COUNTY TITLE

SHARON WIDNER

Ex-Officio Recorder Deputy Joe McKnight

Index to: DEED

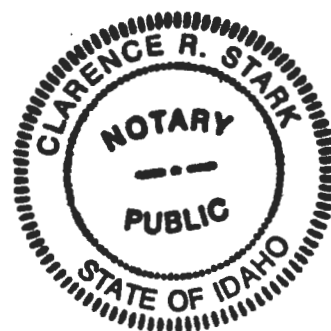
Kenneth R. Skow
Kenneth R. Skow

Ranae Skow
Ranae Skow

On this 30 day of May, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared KENNETH R. SKOW and RANAE SKOW known to me to be the persons who signed the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Catherine R. Hart
Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires: 9/7/2005



CLAIMS BY SKOW
SKOW to FIELD OWNERSHIP CHANGES

A67-663A

T11N, R4W, S13, N NW

A67-664B

T11N, R4W, S12, NWSW, SWSW

NOTE:
MAP IN FILE
LOOKS INCORRECT
BUT LEGALS
MATCH UP..

A67-665

(SPLIT)

T11N, R4W, S11, SWSE, SESE

BLM

A67-4501A

T11N, R4W, S13, NENW, NWNW

A67-4503

T11N, R4W, S12, SWSW, SESW

S13, NWNW

S14, NENE, NWNE, SENE

NO SPLIT
EXCEPTION
HAS NO
IRREGULARITY
PER 1987
NAPP

PER WASHINGTON
ASSESSOR
5/11/02

(SPLITS) A67-14116 / A67-14117

T11N, R4W, S11 - SWSE, SESE

S12 - NWSW, SWSW, SESW

S13 - NENW, NWNW, SWSW

S14 - NENE, NWNE, SE NE

BLM

NO SPLIT
or EXCEPTION
ON.

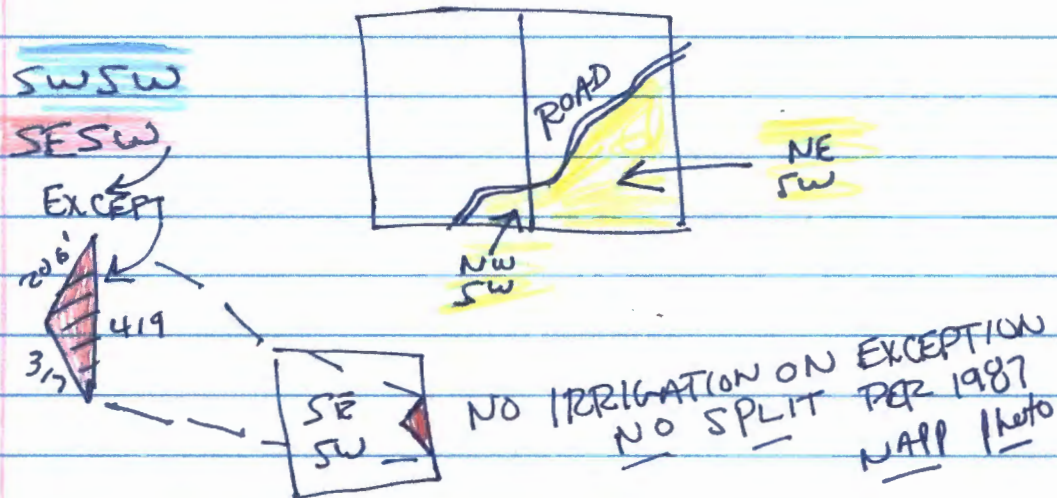
BLM
PER
WASHINGTON
ASSESSOR
5/11/02

FIELD WARRANTY DEED FROM Skow

T11N, R4W

S11 NESE, SESE (E $\frac{1}{2}$ SE)

S12 Portion of N $\frac{1}{2}$ SW EASTERLY OF EXISTING ROAD



S13 NWNW, NENW, SWNW, SENW (NW $\frac{1}{4}$)

NA → SWNE - PART LYING WESTERLY OF RIGHT OF WAY
OF LOWER CRANE ROAD
NOT ON WATER RIGHTS

S14 NENE, NWNE (N $\frac{1}{2}$ NE)
SENE

NOTE: BLM CLAIMED TRACTS WERE NOT LISTED ON WARRANTY DEED AND THOSE TRACTS WERE LEFT IN CLAIMANTS NAME FOR SPLIT PURPOSES AND ARE NOT A RECOMMENDATION
TRACTS: T11N, R4W, S11, SWSE & S13, SWSW

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: A67-00664B
Date Received: 10/20/1989
Receipt No: C012458
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: KENNETH R SKOW 208-549-1839
Address: 1025 LOWER CRANE CREEK RD
WEISER ID 83672
2. Date of Priority: APR 10, 1913
3. Source: LOWER CRANE CREEK Trib. to: WEISER RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 12N | 02W | 19 | NE | NE | | | WASHINGTON |
5. Description of diverting works:
FLOOD
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.130 | | |
7. Total Quantity Appropriated is:
0.587 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 52.5 Acre Feet Per Annum.
9. Non-irrigation uses:
S/300
10. Place of Use:
- | Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 11N | 04W | 12 | NW | SW | | IRR | 10.0 |
| | | | SW | SW | | IRR | 5.0 |

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	15.0
					Total Acres	15.0

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:
DEFENDANT IS ENTITLED TO SIXTH RIGHT TO WATERS OF SAID STREAM.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

J. N. HARRIS

Decree Plaintiff

JAMES K. MARTIN ET. AL.

vs Decree Defendant

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: A67-00664B

Date Received: 10/06/1989

Receipt No: C012458

Received By: DK

RECEIVED

OCT 20 1989

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: KENNETH R. SKOW 208-549-1839
Address: 1025 LOWER CRANE CREEK ROAD
WEISER, ID 83672

2. Date of Priority: APR 10, 1913

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
12N	02W	19	NE	NE			WASHINGTON

5. Description of diverting works:
FLOOD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.130		

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

8. Total consumptive use is 52.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/300

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11N	04W	12	NW	SW		IRR	10.0
			SW	SW		IRR	5.0

Section Acres 15.0

A67-00664B

Page 1

Date: 10/06/89

MICROFILMED
AUG 05 1994

10. Place of Use: Continued

Total Acres 15.0

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:

DEFENDANT IS ENTITLED TO SIXTH RIGHT TO WATERS OF SAID STREAM.

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: 1

For Individuals:

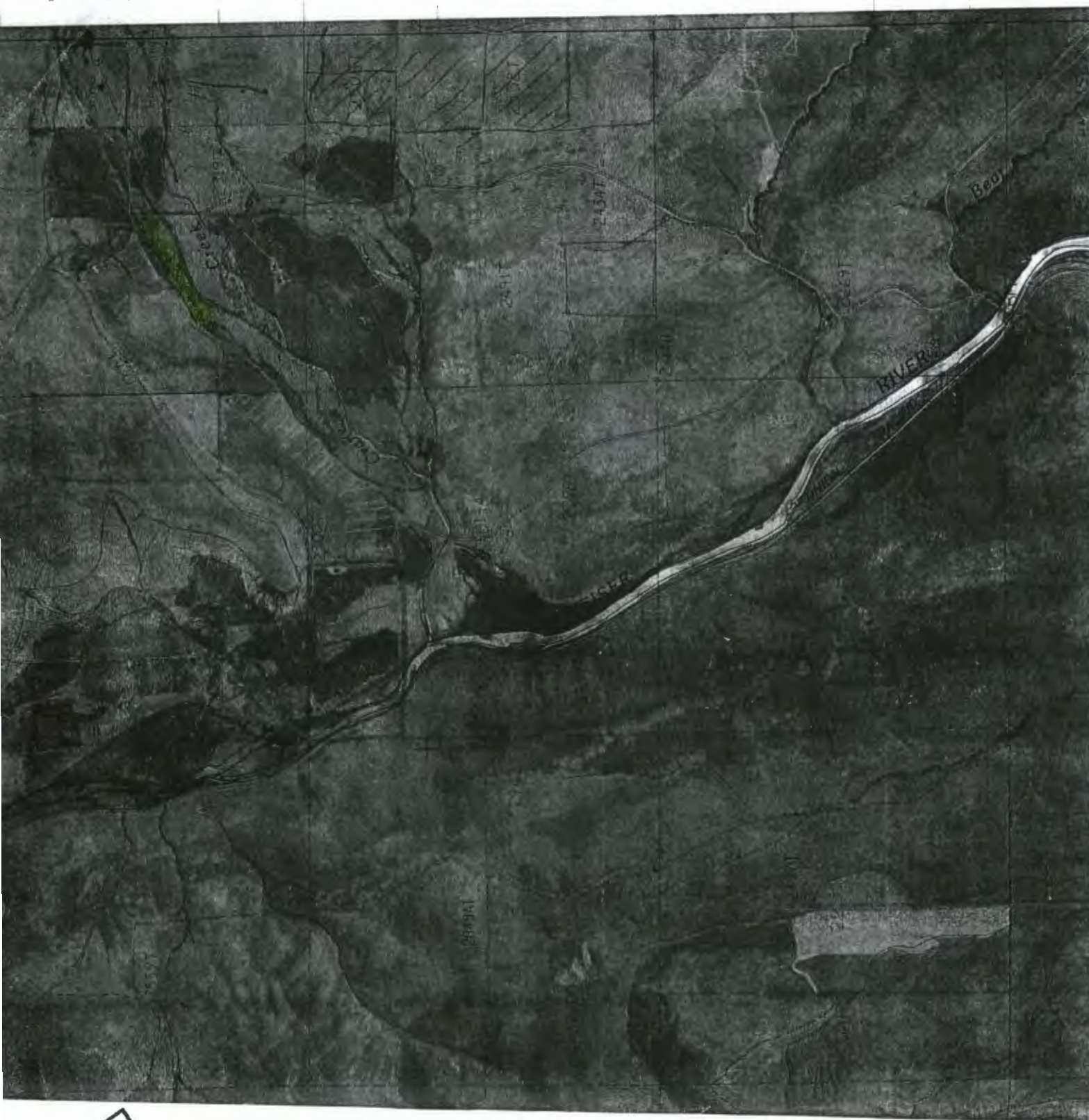
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Herbert A. Shaw* Date:
Date:

State of Idaho }
County of Washington } ss.

Subscribed and sworn (or affirmed) before me this 6 day
of Oct 19 89
Seal
Notary Public
BRUCE A. SCHULD, NOTARY PUBLIC
RESIDING AT BOISE, IDAHO
MY COMMISSION EXPIRES APRIL 11, 1996
Residing at
My Commission Expires

15acres



POOR ORIGINAL

MICROFILMED
AUG 05 1994

**STARTING
RIGHT
SIDE OF
FILE**

12/19/2006

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

RIGHT NUMBER: 67-664B

NAME AND ADDRESS: JOHN ERSKINE FIELD
1025 LOWER CRANE CREEK RD
WEISER ID 83672

MARY DENYSE FIELD
1025 LOWER CRANE CREEK RD
WEISER ID 83672

SOURCE: LOWER CRANE CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.270 CFS

PRIORITY DATE: 04/10/1913

POINT OF DIVERSION:

T11N R03W S7 SENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.270 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T11N R04W S12

NESW

11.00

T11N R04W S12

NWSW

2.70

13.7 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



Idaho Department of Water Resources

SRBA Recommendation:

67-664B

(Irrigation)

Legend

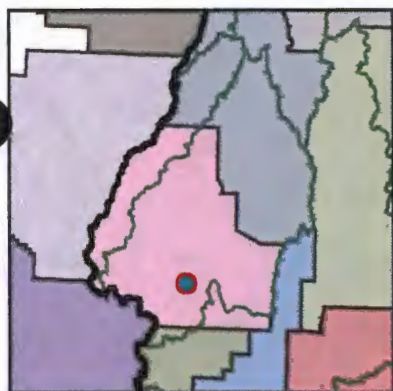
⊙ **Point of Diversion**

□ **Place of Use**

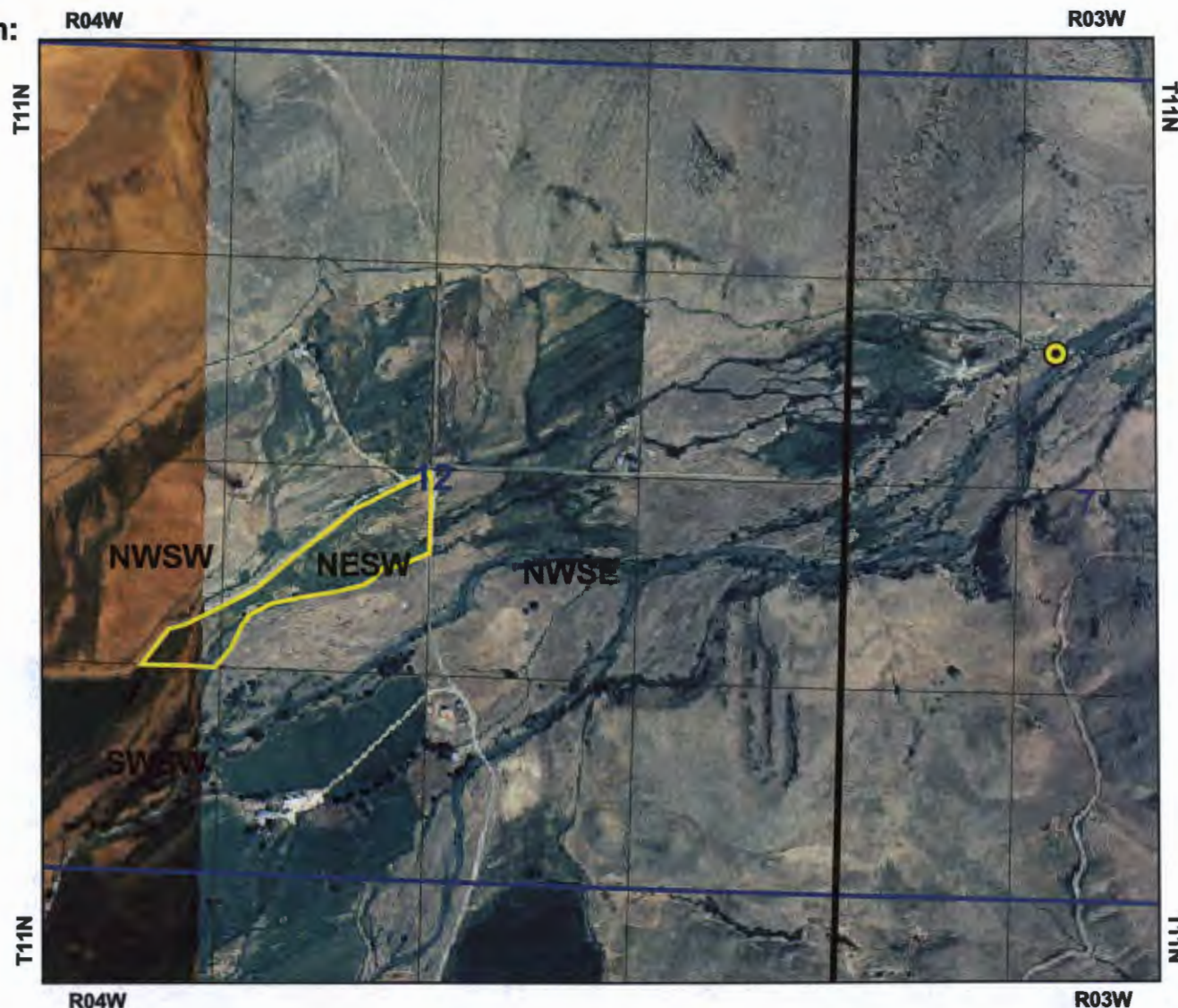
□ **Townships**

□ **PLS Sections**

□ **Quarter Quarters**



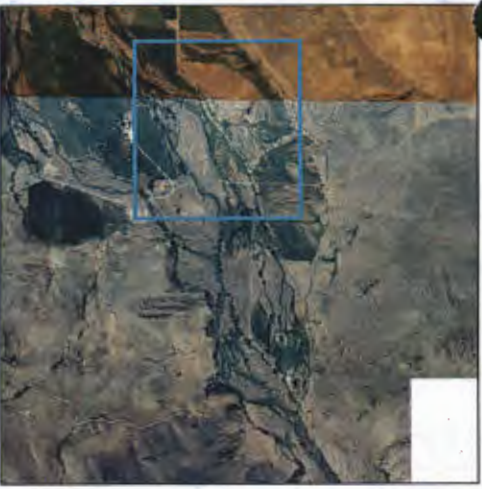
Washington County
IDWR Basin 67



0 0.5 1 Miles

Prepared by IDWR State Office
On Tuesday, December 19, 2006
1987/88 Aerial Photography

67-664B



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-664B V1

WATER RIGHT NUMBER: 67-664B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	G GRAHAM
	, ID
Original Owner	GEORGE W KIZER
	, ID
Original Owner	KENNETH R SKOW 1025 LOWER CRANE CREEK RD WEISER, ID 83672 (208)549-1839
Current Owner	JOHN ERSKINE FIELD 1025 LOWER CRANE CREEK RD WEISER, ID 83672 (208)549-0198
Current Owner	MARY DENYSE FIELD 1025 LOWER CRANE CREEK RD WEISER, ID 83672 (208)549-0198

Priority Date: 04/10/1913

Basis: Decreed

Status: Active

Source

LOWER CRANE CREEK

Tributary

WEISER RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Diversion Rate

0.270 CFS

Annual VolumeTotal Diversion:

0.270 CFS

Location of Point(s) of Diversion

LOWER CRANE CREEK

SE1/4NW1/4

Sec. 7, Twp 11N, Rge 03W, B.M.

WASHINGTON 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	
11N	04W	12									11.0	2.7							13.7

Total Acres: 13.7

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-664B V1

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.

Remarks:Comments:

1. csaxton 5/12/2006 Disallow

Comment: My understanding is that the claimed POU is not actually irrigated, rather water just seeps and flows through there. Water is not actually applied to the ground. In addition, the claimed POU is within the decreed POU, but evidence indicates that the claimed POU was not part of the actual decreed POU. Reference U2 air photo 6173-75-131 taken on 6-8-1975.

2. csaxton 5/12/2006 Copied From Claim (1)

Comment: DEFENDANT IS ENTITLED TO SIXTH RIGHT TO WATERS OF SAID STREAM.

3. csaxton 5/12/2006 Copied From Claim (2)

Comment: Ownership changed by DB 5/28/2002

4. csaxton 12/19/2006 NOE

Comment: Per NOE changed recommendation from disallowed to valid. Diversion rate claimed was confusing but felt the intent was to claim 0.587 cfs so I recommended 1 inch per acre for POU found.

5. csaxton 12/19/2006 NOE - POD

Comment: Feel the claimed POD is incorrect. Recommended POD where water leaves Crane Creek and enters a ditch system.

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:

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			05/12/2006	csaxton	Active
Summary			05/12/2006	csaxton	Active
Summary			12/19/2006	csaxton	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-664B V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	12/19/2006 6:01:38 PM	csaxton	Updated shape for Active POU
POU	12/19/2006 6:01:45 PM	csaxton	Updated PLS for Active POU
POD	12/19/2006 6:05:56 PM	csaxton	Updated PLS
POU	12/19/2006 6:06:31 PM	csaxton	Edited Season Of Use
POD	12/19/2006 6:05:42 PM	csaxton	Updated shape
Summary	12/19/2006 6:12:01 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? (No) 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?
Summary	5/12/2006 2:50:31 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 4. Is any portion of the claim be recommended? (No) 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?
Summary	5/12/2006 2:50:38 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 4. Is any portion of the claim be recommended? (No) 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?;

Split History of 67-664

Water Right History

Decreed

67-664	Kiser
0.587	cfs
29.36	ac

Claim History

67-664	Kiser
0.587	
29.36	

67-664A	Beams
	0.2
	10
67-664B	Field
	0.587
	15

67-664C	Coonse
	0.587
	67

Sum CFS =	1.374
Sum Acre=	92

Extra CFS =	-0.787
Extra Acre=	-62.64

Recommendation

67-664A	Beams	C/O to Anderson Needed
	0.15	
	7.6	

67-664B	Field
	27
	13.7

67-664C	Coonse	Temporary Status
	0	
	0	

Sum CFS =	27.152
Sum Acre=	21.3

Extra CFS =	-26.565
Extra Acre=	8.06

Page #	Parcel Number	Name	Water in Inches	File #	Original Own	Priority Date
6	11N04W121800	CRANE CREEK LLC	29.00	664	G. Kiser	8/10/1913

Last update 12-19-06 (csaxton)

11/14/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 08 2006

DEPARTMENT OF
WATER RESOURCES

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: 67-664B

JOHN ERSKINE FIELD
1025 LOWER CRANE CREEK RD
WEISER ID 83672
Telephone Number: (208)549-0198

MARY DENYSE FIELD
1025 LOWER CRANE CREEK RD
WEISER ID 83672
Telephone Number: (208)549-0198

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

disallowing of claim

2. Describe the changes you wish to make in the proposed recommendation:

allow

3. Give a brief explanation as to why you disagree with these portions:

This is a decreed right we had 5.264 CFS before the recommendation - now 4.10 CFS - This is the taking of water. This is an active decreed right

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/6/06

SIGNATURE: Mary Denyse Field

Please print your name: Mary Denyse Field

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

*Changed Rec
to Valid and
not Disallowed.*

*✓ Gosh
12-19-06*

SCANNED

DEC 11 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-664B V1

WATER RIGHT NUMBER: 67-664B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	G GRAHAM
	, ID
Original Owner	GEORGE W KIZER
	, ID
Original Owner	KENNETH R SKOW 1025 LOWER CRANE CREEK RD WEISER, ID 83672 (208)549-1839
Current Owner	JOHN ERSKINE FIELD 1025 LOWER CRANE CREEK RD WEISER, ID 83672 (208)549-0198
Current Owner	MARY DENYSE FIELD 1025 LOWER CRANE CREEK RD WEISER, ID 83672 (208)549-0198

Priority Date: 04/10/1913

Basis:

Status: **Disallowed**

<u>Source</u>	<u>Tributary</u>
LOWER CRANE 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	0.130 CFS	
	<u>Total Diversion:</u>	0.587 CFS	

Location of Point(s) of Diversion

LOWER CRANE CREEK	NE1/4NE1/4	Sec. 19, Twp 12N, Rge 02W, B.M.
WASHINGTON 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	
11N	04W	12																	15.0

Total Acres: 15

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

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1. P06 **Recommended as Right No. 67-664A.**
2. P16 Recommended as Right No. 67-664A: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.

Remarks:Comments:

1. csaxton 5/12/2006 Disallow
Comment: My understanding is that the claimed POU is not actually irrigated, rather water just seeps and flows through there. Water is not actually applied to the ground. In addition, the claimed POU is within the decreed POU, but evidence indicates that the claimed POU was not part of the actual decreed POU. Reference U2 air photo 6173-75-131 taken on 6-8-1975.
2. csaxton 5/12/2006 Copied From Claim (1)
Comment: DEFENDANT IS ENTITLED TO SIXTH RIGHT TO WATERS OF SAID STREAM.
3. csaxton 5/12/2006 Copied From Claim (2)
Comment: Ownership changed by DB 5/28/2002

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:
 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			05/12/2006	csaxton	Disallowed
Summary			05/12/2006	csaxton	Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

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Summary	5/12/2006 2:50:31 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 4. Is any portion of the claim be recommended? (No) 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?
Summary	5/12/2006 2:50:38 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 4. Is any portion of the claim be recommended? (No) 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?

Water Supply Bank:

Claim

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Vol	Source	Water Use(s)	Owner(s)	Source Table
67	663	A	Decreed	Active	4/10/1913	0.08			LOWER CRANE	IRRIGATION	FIELD, JOHN	wrAdjudicationClaim
67	664	B	Decreed	Active	4/10/1913	0.59			LOWER CRANE	IRRIGATION	FIELD, JOHN	wrAdjudicationClaim
67	4501	A	Beneficial Use	Active	7/1/1940	0.8	30		CRANE CREEK	IRRIGATION	FIELD, JOHN	wrAdjudicationClaim
67	4503		Statutory Claim	Active	3/15/1919	3	165		CRANE CREEK	IRRIGATION	FIELD, JOHN	wrAdjudicationClaim
67	10650		Decreed	Active	4/10/1913	0.47	46		LOWER CRANE	IRRIGATION	FIELD, JOHN	wrAdjudicationClaim
67	14310		Decreed	Active	4/10/1913	0.33	35		LOWER CRANE	IRRIGATION	FIELD, JOHN	wrAdjudicationClaim
67	14312		Decreed	Active	4/9/1920			275.7	NORTH CRANE	IRRIGATION	FIELD, JOHN	wrAdjudicationClaim
67	14314		Decreed	Active	4/9/1920			194.9	NORTH CRANE	IRRIGATION	FIELD, JOHN	wrAdjudicationClaim

Water Master Delivery Records

Page #	Parcel Number	Name	Water In Inches	File #	Original Owner	Priority Date
6	11N04W126000	FIELD	9.50	660	J. Martin	8/10/1913
6	11N04W126000	FIELD	13.50	671	W. Theurer	8/10/1913

Recommendation

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Vol	Source	Water Use(s)	Owner(s)	Source Table
67	4501	A	Base	Active	3/1/1943	0.3	112.8		CRANE CREEK	IRRIGATION	FIELD, JOHN	Recommendation
67	10650 (660, 671)		Decreed	Active	4/10/1913	0.47	23.4		CRANE CREEK	IRRIGATION	FIELD, JOHN	Recommendation
67	4503		Base	Active	3/1/1943	3	205		CRANE CREEK	IRRIGATION	FIELD, JOHN	Recommendation
67	14310 (665)		Decreed	Active	4/10/1913	0.33	16.5		CRANE CREEK	IRRIGATION	FIELD, JOHN	Recommendation
						4.1	205					205
67	663	A	Decreed	Disallowed	4/10/1913	0			LOWER CRANE	IRRIGATION	FIELD, JOHN	Recommendation
67	664	B	Decreed	Active	4/10/1913	0	0		LOWER CRANE	IRRIGATION	FIELD, JOHN	Recommendation
67	14312		Beneficial Use	Disallowed	4/9/1920			0	NORTH CRANE	IRRIGATION	FIELD, JOHN	Recommendation
67	14314		Decreed	Disallowed	4/9/1920			0	NORTH CRANE	IRRIGATION	FIELD, JOHN	Recommendation

WR

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Vol	Source	Water Use(s)	Owner(s)	Source Table
67	664		Decreed	Active	4/10/1913	0.59	29.5		LOWER CRANE	IRRIGATION	GRAHAM, G	(wrWaterRight
67	665		Decreed	Active	4/10/1913	0.44	22		LOWER CRANE	IRRIGATION	GRAHAM, G	(wrWaterRight
67	660		Decreed	Active	4/10/1913	0.2	10		LOWER CRANE	IRRIGATION	SKOW, MORC	(wrWaterRight
67	671		Decreed	Active	4/10/1913	0.27	13.5		LOWER CRANE	IRRIGATION	THEURER, W	wrWaterRight
67	7141			Active	4/5/2000		2		GROUND WATER	DIVERSION	FIELD, JOHN	wrWaterPermit

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

J N Harris,

Plaintiff,

vs

DECREE.

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

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 Grane 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 date enter, adjudge and decree:

First: That Grane 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 $\frac{1}{4}$ NE $\frac{1}{4}$, 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 severally 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,

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by means of which there were diverted for the irrigation and cultivation of a portion of the lands of these defendants 23.43 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 granters 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 $\frac{1}{4}$ SE $\frac{1}{4}$ 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 44.89 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

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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 $\frac{1}{2}$ SW $\frac{1}{4}$ 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, Tripflow, 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 $\frac{1}{4}$ SE $\frac{1}{4}$ 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 W 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.
67-0671
- 67-0661 Third right, Wash Hinge defendant, 9.45 miners inches.
- 67-0662 Fourth right, George W Tripflow, Applegate Brothers, and O A Purcell, Defendants, Tripflow 44.88 miners inches, Applegate Brothers 18.47 miners inches and Purcell 42.25 miners inches.
67-0672 67-0673
- 67-0663 Fifth right, Ed Wilburn, 4 miners inches.
- 67-0664 Sixth right, George W Kiser, 29.36 miners inches.

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67-0465

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

2294 S 100

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 Hinze, George Kiser, Ed Wilburn, George W Triplow, 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 Daniel Smith
Deputy

Received and filed for record in the office
of the State Engineer at Boise, Idaho, at
9:40 A. M. MAY 14 1913
J. P. King
State Engineer

RECORDED
JUL 24 1936