

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: A67-00717
Date Received: 10/04/1989
Receipt No: 1004930
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHARON K. DRIESSEN 208-549-3113
Address: 1564 MONROE CREEK ROAD
WEISER, ID 83672

2. Date of Priority: APR 01, 1880

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	05W	10	SW	NW	NE		WASHINGTON

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.420		320.00

7. Total Quantity Appropriated is:
1.420 C.F.S. (and/or) 320.00 A.F.A.

8. Total consumptive use is 213.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
12N	05W	14	NW	NW		IRR	22.0
			SW	NW		IRR	14.0
			NW	SW		IRR	20.0

A67-00717

Page 1

Date: 10/04/89

SCANNED
APR 07 2004

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OCT 01 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	05W	14	SW SW		IRR	15.0
Section Acres						71.0
Total Acres						71.0

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:
67-00713

14. Remarks:

PUMP REDIVERSION FROM DITCH IN SWNW, SEC.14, T12N, R05W.
CLAIMANT IS FILING FOR 04/01/1880 PRIORITY DATE BASED ON THE
ATTACHED DECREE. CLAIMANT NOW OWNS BOTH RANCHES INVOLVED IN
THE DECREE WHICH SPLIT THE ENTIRE WATERS OF MONROE CREEK
EQUALLY BETWEEN THE PARTIES. TO DATE THERE HAVE BEEN NO FILINGS
SUBSTANTIATING ANY RIGHTS PRIOR TO OR EQUAAL TO THIS RIGHT.
AFFADAVIT FROM DON DANIELS IS ATTACHED REGARDING HOW THE RIGHTS
WERE HISTORICALLY USED.

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

MONROE CREEK IRRIGATION DISTRI
Decree Plaintiff

vs

DON DICKERSON, 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: 4

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): Sharon L. Quessen Date: 1-10/12/89
_____ Date: _____

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 13 day
of Oct 19 89 Bruce A. Schuld
Notary Public

Seal

Residing at _____
My Commission Expires BRUCE A. SCHULD, NOTARY PUBLIC
RESIDING AT BOISE, IDAHO
MY COMMISSION EXPIRES APRIL 11, 1995

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AFFIDAVIT OF WATER USE

Dated this 3rd day of Oct., 1989

I, Don Daniels, previously owned the property that now belongs to Sharon Driessen. During the entire time that I was in possession of that property, from 11/64 to 2/77, I blocked off all of Monroe Creek, before it left my property and I used the water for irrigation. I did this in accordance with the Decreed Water Right that is filed and dated March 16, 1903.

According to the Decree attached, I had use of "all" of the water in Monroe Creek, and as did the owners prior to me, I blocked the water off and used it all.

There is not enough water in Monroe Creek to satisfy all of the Affidavits that were submitted when the Water Resource Board came in and started to adjudicate. The only Decreed water right on that end of the Creek takes precedence over any Affidavit submitted and it is my belief that because of the attached Decree, all of the water legally belongs to what is now the Sharon Driessen property.



Don D Daniels

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OCT 01 1992

DISTRICT OF THE STATE OF IDAHO, IN AND FOR WASHINGTON COUNTY.

Mark Parker

Plaintiff

-vs-

Judgment by the Court.

Elizabeth D. Yardley, Administra-
trix of the Estate of Thomas
D. Yardley, deceased.

Defendant.

See 41 Ex. 1 for land desc.

This cause came on regularly for trial on the 11th day of March, 1903, Lot L. Feltham appearing as Counsel for the Plaintiff and Frank Harris, appearing as Counsel for the Defendant.

Whereupon witnesses on the part of the Plaintiff and Defendant were duly sworn and examined and the evidence being closed the cause was submitted to the Court for consideration and decision and after due deliberation thereon, findings of fact and conclusions of law being waived by the ~~Respect~~ respective parties orally in open Court, the Court orders that Judgment be entered herein that the waters flowing in Monroe Creek at the point where the Yardley Ditch taps the same shall be divided equally between the Plaintiff and the defendant and each party shall pay his own costs.

Wherefore, by reason of the law and the premises aforesaid, it is ordered, adjudged and decreed that the plaintiff and defendant shall each be entitled to and shall receive one half of the flow of water in Monroe Creek, in Washington County, State of Idaho, at the point on said Creek where the ditch leading to the Thomas L. Yardley farm taps said Monroe Creek and said water flow shall at said point be ^{divided} ~~divided~~ equally between the parties in this case by suitable appliance, the plaintiff receiving his share to be again turned into said Monroe Creek and the Defendant receiving her share in her said ditch, and that each party shall pay all costs by him incurred in this case.

Judgment rendered this 16th day of March, 1903.

Geo. H. Stewart,
Judge.

Filed March 16th, 1903.

Frank E. Smith, Clerk.

Book "B" Page 245.

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OCT 01 1992

Notice is hereby given that I the undersigned citizen of the United States have this day located and taken up a water right of four hundred inches under a four inch pressure and to be taken out at a certain point on Monroe Creek Just above the foot of the grade where Harri Palmer and Perino is hawling wood from being on the east side of said Monroe Creek or left hand bank to be conveyed in a ditch a distance of two miles and to be used for Irrigation purposes this 31st day of Decem 1883

Thomas L Yardley

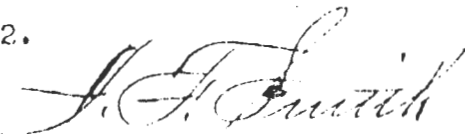
Recorded at the request of T L Yardley December 31st A D 1883

I. M. Hart
Recorder.

STATE OF IDAHO, |
County of Washington. | ss.

I, I. F. Smith, Ex-officio Recorder
in and for the County of Washington, in the State of Idaho, and as such the custodian of the records of said county, do hereby certify that the annexed and foregoing is a full, true and correct copy of the record of the claim of water right of T. L. Yardley dated the 31st. day of Decembe 1883 and filed for record on that day, as the same appears in Book one of Water Rights, at Page 95, Records of said County.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said office, at Weiser, the seat of said County, this 2nd. day of August, A. D. 1902.



Ex-officio County Recorder.

DITCH NOTICE

To all whom it may concern

Notice is hereby given that I Mark Parker of Washington County Idaho Territory do Record the following water right said water ditch to be taken out of Monroe Creek about one half mile above the old Shaw or Verbeck place on Said creek with a capacity of One hundred inches said ditch will be about onexmi~~m~~ and one half feet on the bottom and one foot in depth

Weiser City Idaho Sept 11th 1883

Mark Parker

Recorded at the request of M Parker Sept 11th 1883 at 3 o'clock P M

I. M. Hart

Recorder.

STATE OF IDAHO, |
County of Washington. | ss.

I, I. F. Smith, Ex-officio Recorder in and for the County of Washington, in the State of Idaho, and as such the ~~xxx~~ custodian of the records of said county, do hereby certify that the above and foregoing is a full, true and correct copy of the record of the water claim of Mark Parker, dated the and filed for record Sept. 11th A. D. 1883, as the same appears in Book one of Water Rights, at Page 84, of the records of said County.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said office, at Weiser, the seat of said County, this second day of August, A. D. 1902.

I. F. Smith
Ex-officio County Recorder.

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OCT 11 1992

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-717 V1

WATER RIGHT NUMBER: 67-717 V1

Owner Type Name and Address
 Current Owner SHARON K DRIESSEN
 5353 ELLENS FERRY
 BOISE, ID 83703
 (208)331-0627

Priority Date: 05/01/1964

Basis: Decreed

Status: Active

Source Tributary
 MONROE CREEK WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.420 CFS	320.00 AF
	<u>Total Diversion:</u>	1.140 CFS	320.00 AF

Location of Point(s) of Diversion

MONROE CREEK SW1/4NW1/4NE1/4 Sec. 10, Twp 12N, Rge 05W, 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	
12N	05W	14						17.0	13.0			18.0	9.0						57.0

Total Acres: 57

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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-717 V1

Comments:

1. mcase 6/16/2004 Priorit Date
Comment: Did not claim decreed priority date. Obtain amended claim.
2. mcase 6/16/2004 POD
Comment: POD shape not created. Not on map in claim file.
3. mcase 6/16/2004 POU
Comment: Updated Shape
4. mcase 6/16/2004 POU
Comment: Updated PLS
5. mcase 6/16/2004 POU
Comment: POU generated from PLS description because claim map had no clear field boundaries.
6. mcase 6/16/2004 Period of Use
Comment: Decreed Period of Use is longer than the standard Season 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:
 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	6/16/2004 3:21:55 PM	mcase			Active
POD	6/16/2004 3:24:10 PM	mcase			Active
Source	6/16/2004 3:25:21 PM	mcase			Active
POU	6/16/2004 3:26:08 PM	mcase			Active
Use	6/16/2004 3:42:37 PM	mcase			Active
Season	6/16/2004 3:43:50 PM	mcase			Active
Quantity	6/16/2004 3:44:16 PM	mcase			Active
Priority Date	5/11/2006 9:32:00 AM	dnarsavage			Active
POD	5/11/2006 9:32:11 AM	dnarsavage			Active
Source	5/11/2006 9:35:49 AM	dnarsavage			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-717 V1

POU	5/11/2006 9:36:27 AM	dnarsavage	Active
Use	5/11/2006 9:37:56 AM	dnarsavage	Active
Season	5/11/2006 9:38:37 AM	dnarsavage	Active
Quantity	5/11/2006 9:39:20 AM	dnarsavage	Active
Summary	05/11/2006	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
General	5/11/2006 9:32:00 AM	dnarsavage	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	5/11/2006 9:34:00 AM	dnarsavage	Updated shape
POU	5/11/2006 9:36:55 AM	dnarsavage	Updated shape for Active POU
Use	5/11/2006 9:37:56 AM	dnarsavage	(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?
POD	5/11/2006 9:32:12 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	5/11/2006 9:35:49 AM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	5/11/2006 9:36:28 AM	dnarsavage	(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? (No) 14. Is a POU remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-717 V1

POU	5/11/2006 9:39:46 AM	dnarsavage	Updated PLS for Active POU
Summary	5/11/2006 9:42:30 AM	dnarsavage	(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? (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?
Season	5/11/2006 9:38:37 AM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (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? (No) 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? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	5/11/2006 9:39:20 AM	dnarsavage	(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? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - Decreed and claimed same as current requirements
POD	6/16/2004 3:24:13 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
Source	6/16/2004 3:25:25 PM	mcase	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-717 V1

Priority Date	6/16/2004 3:21:58 PM	mcase	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (No) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
POU	6/16/2004 3:26:12 PM	mcase	(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?
POU	6/16/2004 3:39:54 PM	mcase	Created polygon from PLS
Season	6/16/2004 3:43:53 PM	mcase	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 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?
Quantity	6/16/2004 3:44:19 PM	mcase	(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? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? Description for Question 10 - Diversion decreed for 320 AF.
Use	6/16/2004 3:42:40 PM	mcase	(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?

Water Supply Bank:



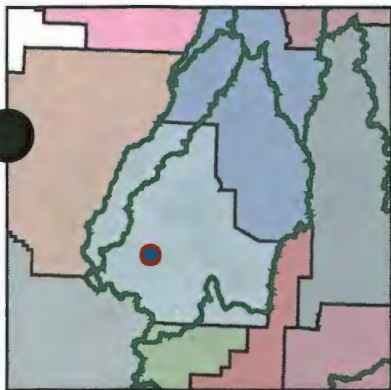
Idaho Department of Water Resources

SRBA Recommendation:

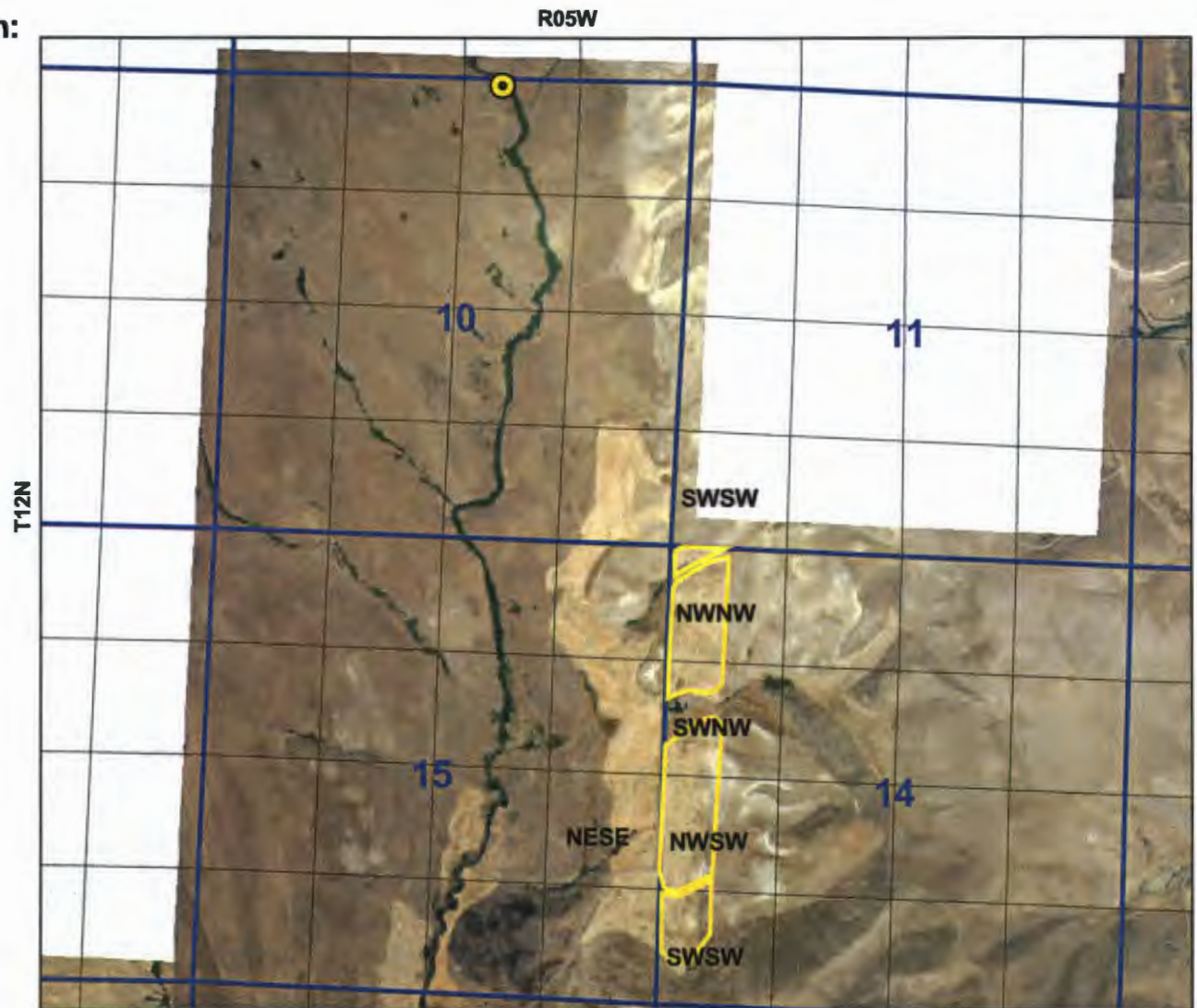
67-717

Legend

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



Washington County
IDWR Basin 67



0 0.8 1.6 Miles

Prepared by D. Narsavage
On Thursday, May 11, 2006
1987/88 Aerial Photography

67-717

