

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: **A67-00721B**
Date Received: 10/17/1989
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: MICHAEL A BIDDINGER
Address: 837 JENKINS CREEK RD
WEISER ID

208-549-0424

83672

AND

Name: ROXANNE M BIDDINGER
Address: 837 JENKINS CREEK RD
WEISER ID

208-549-0424

83672

2. Date of Priority: APR 1, 1880

3. Source: MONROE CREEK

Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County
12N	05W	34	SE	SE	NW		WASHINGTON

5. Description of diverting works:

HEADGATE & GRAVITY DITCH; PUMP, PIPELINE, AND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.184		41.60
STOCKWATER	01/01	12/31	0.015		0.28

7. Total Quantity Appropriated is:

0.199 C.F.S. (and/or) 41.90 A.F.A.

8. Total consumptive use is 56.0 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER, 20 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	05W	34	SW	NE		IRR	16.0
Section Acres							16.0
Total Acres							16.0

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:
67-00720B

14. Remarks:

THE TOTAL AMOUNT OF WATER DIVERTED USING THIS RT. AND RT.
67-0720B SHALL NOT EXCEED 0.8 CFS OR 180 AF/YR.
OWNERSHIP CHANGED BY LH 6/27/94.
OWNERSHIP CHANGED BY LH 9/22/97.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

MONROE CREEK IRRIGATION DISTR
Decree Plaintiff

DON DICKERSON, ET AL.
vs Decree Defendant

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-721B

WATER RIGHT NUMBER: 67-721B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BARBARA ANN ALLEN 1240 MONROE CREEK RD WEISER, ID 83672
Original Owner	BUDDY R ALLEN 1240 MONROE CREEK RD WEISER, ID 83672
Original Owner	JOSEPH W SUMRALL SR 1240 MONROE CREEK RD WEISER, ID 83672 (208)549-2664
Original Owner	WILLIAM T PALLIS 1240 MONROE CREEK RD WEISER, ID 83672 (208)549-2180
Current Owner	MICHAEL A BIDDINGER 837 JENKINS CREEK RD WEISER, ID 83672 (208)549-0424
Current Owner	ROXANNE M BIDDINGER 837 JENKINS CREEK RD WEISER, ID 83672 (208)549-0424

Priority Date: 04/01/1880

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.015 CFS	0.28 AF
IRRIGATION	3/15 to 11/15	0.184 CFS	41.60 AF
	<u>Total Diversion:</u>	0.199 CFS	41.90 AF

Location of Point(s) of Diversion

MONROE CREEK	SE1/4SE1/4NW1/4	Sec. 34, 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	34			16.0														16.0

Total Acres: 16

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-721B

STOCKWATER same as IRRIGATION

Conditions of Approval:

Remarks:

1. General THE TOTAL AMOUNT OF WATER DIVERTED USING THIS RT. AND RT.
67-0720B SHALL NOT EXCEED 0.8 CFS OR 180 AF/YR.
OWNERSHIP CHANGED BY LH 6/27/94.
OWNERSHIP CHANGED BY LH 9/22/97.

Comments:

Dates and Other Information:

Claim Received Date: 10/17/1989
State or Federal: S
Mitigation Plan: False

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
SEP - 3 1997
 WATER RESOURCES
 WESTERN REGION

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 Number(s) A67-00720 and A67-00721
 Adjudication Claim Number(s) _____

2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) William T. Pallis
1240 Monroe Creek Rd. Weiser, Idaho 83672

4. New Owner/Claimant(s) Michael A. Biddinger and Roxanne M. Biddinger H&W
 Name connector (Check one): ☐ AND ☐ OR ☐ AND/OR
 New Mailing Address 837 Jenkins Creek Rd
 City, State and ZIP Code Weiser, Idaho 83672
 New Telephone Number (208) 549 - 0424

5. Date you acquired the property August 20, 1997

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 actually irrigated 15 Number and type of stock 20 head cattle and horses
 Diversion rate in CFS .02 Number of homes 1 Other uses _____
cubic feet per second
 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/Claimant(s) [Signature] Date 8-28-97
[Signature] Date 8-28-97

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
 For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond

CRP 870

HEL
22
28.2

NHEL
23
9.2

18
36.1

T600

T746

N-D

NHEL
9.2

NHEL
2
1.7

22.0

9
95.5

27 26
34 35

T1620

10.5

NHEL
17.9

NHEL
4
5.9

See Attached
Legal

Point Of Diversion

Sec 34 SENW T12N R5W

Source: Upper Monroe Creek Washington County Tributary to Snake RIVER

Conveyance by pipeline
from Monroe Creek to
Place Of Use.

Place Of USE:
15 Irrigated
Acres.

Approximate Center
Point of Sec 34

7.5

8.0 NHEL

5
NHEL

6
5.5 NHEL

6
5.4 NHEL

7
173.2

RUNDES

SHEEVE'S

5.8 NHEL

5
5.7

19.6 NHEL

1
NHEL
1.3

5
7.9 NHEL

3.3 NHEL

13A

25.9

13B

13.7

34 35
3 2

EXHIBIT "A"

RECEIVED

SEP - 3 1997

WATER RESOURCES
WESTERN REGION

FILE NO.: 100-97-5998

*The South 868.52 feet of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 12 North, Range 5 West of the Boise Meridian, Washington County, Idaho, lying Easterly of the base of a terrace escarpment. Together with a 12 foot wide ingress and utility easement along the North boundary of the South 868.52 feet of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the South 868.52 feet of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 34, Twp. 12 N., R. 5 W., B.M.

AND

All that part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 34, Twp. 12 N., R. 5 W., B.M., Washington County, Idaho, lying Northerly of Devil's Elbow Road (formerly U.S. Highway 95);

AND

All that part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 34, Twp. 12 N., R. 5 W., B.M., Washington County, Idaho, lying Easterly of the base of a terrace escarpment.

WARRANTY DEED

For Value Received

WILLIAM T. PALLIS, a single person

RECEIVED

SEP - 3 1997

WATER RESOURCES
WESTERN REGION

The grantor, do es hereby grant, bargain, sell and convey unto

JOHN A. BIDDINGER AND RUTH G. BIDDINGER, husband and wife AND
MICHAEL A. BIDDINGER AND ROXANNE BIDDINGER, husband and wife
the grantee s, whose current address is

the following described premises, in

WASHINGTON

County Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

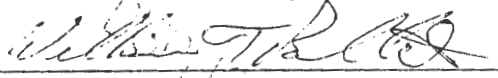
Together with all water, water rights, ditches and ditch rights appurtenant thereto and in anywise belonging.

Subject to all valid outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases, mineral reservations and mineral conveyances of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees their heirs and assigns forever. And the said Grantor do es hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

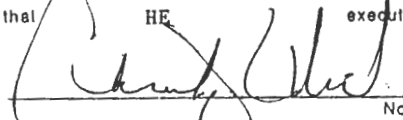
Dated: AUGUST 18, 1997


WILLIAM T. PALLIS

STATE OF IDAHO, COUNTY OF WASHINGTON
On this 18 day of AUGUST, 1997,
before me, a notary public in and for the said State, personally
appeared

WILLIAM T. PALLIS

known or identified to me to be the person whose name
subscribed to the within instrument, and acknowledged to me
that HE executed the same.


Notary Public
Residing at WEISER, Idaho
Comm. Expires 11/4/97

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at the
request of

at _____ minutes past _____ o'clock M.,
this _____ day of _____
19____, in my office, and duly recorded in Book
of Deeds at Page _____

Ex-Officio Recorder

By _____

Fees \$
Mail to:

INSTRUMENT NO.

ADDRESS SERVICE
REQUESTED

FIRST C



02 1A \$ 00.87
0004389393 NOV 17 2006
MAILED FROM ZIP CODE 83720

BIDD837 836722015 1605 13 11/20/06
FORWARD TIME EXP RTN TO SEND
BIDDINGER
1275 HIGHWAY 95
WEISER ID 83672-5507
RETURN TO SENDER
|||||

MICHAEL A BIDDINGER

ROXANNE M BIDDINGER
837 JENKINS CREEK RD
WEISER ID 83672

11/21/2006

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

RIGHT NUMBER: 67-721B

NAME AND ADDRESS: MICHAEL A BIDDINGER
837 JENKINS CREEK RD
WEISER ID 83672

ROXANNE M BIDDINGER
837 JENKINS CREEK RD
WEISER ID 83672

SOURCE: MONROE CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.199 CFS
41.900 AFY

Right Nos. 67-720B and 67-721B are limited to a total combined diversion rate of 0.32 cfs and to a total combined annual diversion volume of 72.0 AF for irrigation purposes.

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION:

T12N R05W S34 SESENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.015 CFS 0.28 AFY
IRRIGATION	03/15 11/15	0.184 CFS 41.60 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in WASHINGTON County

T12N R05W S34 SWNE 16.00

STOCKWATER same as IRRIGATION

16 ACRES TOTAL

Right Nos. 67-720 B and 67-721 B are limited to the irrigation of a combined total of 16 acres in a single irrigation season.

This right is limited to the irrigation of 9.2 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

Stockwater use is for 20 range cattle.



Idaho Department of Water Resources

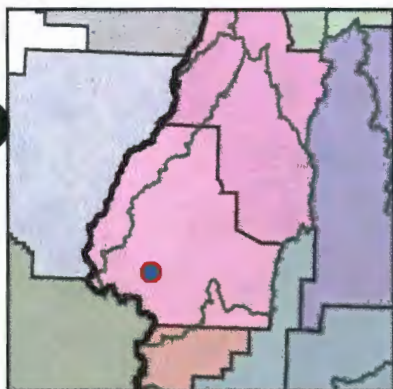
SRBA Recommendation:

67-721B

(Irrigation)

Legend

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



Washington County
IDWR Basin 67



Prepared by IDWR State Office
On Tuesday, November 21, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

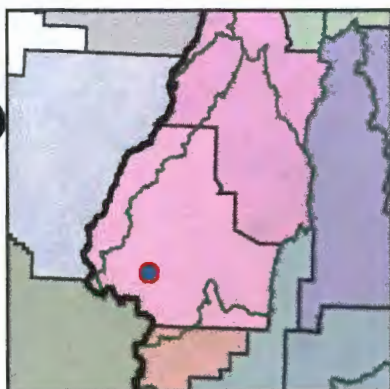
SRBA Recommendation:

67-721B

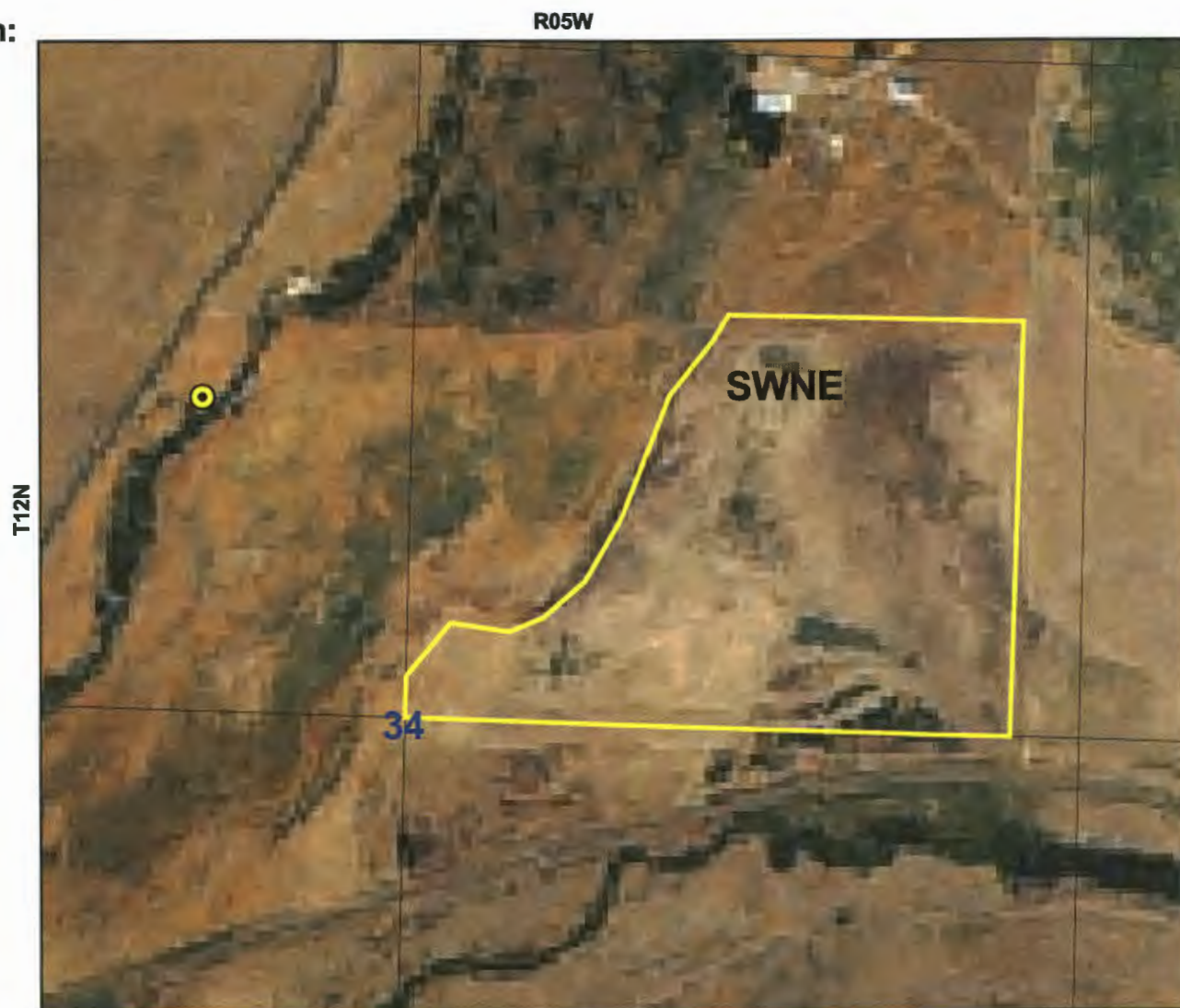
(Irrigation)

Legend

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



Washington County
IDWR Basin 67



0 0.1 0.2 Miles

Prepared by IDWR State Office
On Tuesday, November 21, 2006
1987/88 Aerial Photography

Adjudication Recommendation Report 67-721B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BARBARA ANN ALLEN 1240 MONROE CREEK RD WEISER, ID 83672
Original Owner	BUDDY R ALLEN 1240 MONROE CREEK RD WEISER, ID 83672
Original Owner	JOSEPH W SUMRALL SR 1240 MONROE CREEK RD WEISER, ID 83672 (208)549-2664
Original Owner	WILLIAM T PALLIS 1240 MONROE CREEK RD WEISER, ID 83672 (208)549-2180
Current Owner	MICHAEL A BIDDINGER 837 JENKINS CREEK RD WEISER, ID 83672 (208)549-0424
Current Owner	ROXANNE M BIDDINGER 837 JENKINS CREEK RD WEISER, ID 83672 (208)549-0424

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.015 CFS	0.28 AF
IRRIGATION	03/15 to 11/15	0.184 CFS	41.60 AF
	<u>Total Diversion:</u>	0.199 CFS	41.90 AF

<u>Location of Point(s) of Diversion</u>		
MONROE CREEK	SE1/4SE1/4NW1/4	Sec. 34, Twp 12N, Rge 05W, B.M.
WASHINGTON County		

Place of Use
IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-721B V1

Total Acres: 16

STOCKWATER same as IRRIGATIONConditions of Approval:

1. E60 Right Nos. 67-720B and 67-721B are limited to a total combined diversion rate of 0.32 cfs and to a total combined annual diversion volume of 72.0 AF for irrigation purposes.
2. 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.
3. S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. E55 Right Nos. 67-720 B and 67-721 B are limited to the irrigation of a combined total of 16 acres in a single irrigation season.
5. K06 This right is limited to the irrigation of 9.2 acres within the place of use described above in a single irrigation season.
6. X02 Stockwater use is for 20 range cattle.

Remarks:Comments: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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.24	54	12

Combined Water Rights: 67-720B , 67-721B

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	5/18/2006 9:14:11 AM	dnarsavage			Active
POD	5/18/2006 9:14:25 AM	dnarsavage			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-721B V1

Source	5/18/2006 9:16:24 AM	dnarsavage	Active
POU	5/18/2006 9:16:39 AM	dnarsavage	Active
Use	5/18/2006 9:17:26 AM	dnarsavage	Active
Season	5/18/2006 9:17:59 AM	dnarsavage	Active
Quantity	5/18/2006 9:19:27 AM	dnarsavage	Active
Summary	05/18/2006	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	5/18/2006 9:14:25 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?
POU	5/18/2006 9:17:06 AM	dnarsavage	Updated shape for Active POU
POU	11/21/2006 3:05:32 PM	csaxton	Updated shape for Active POU
POU	11/21/2006 3:05:40 PM	csaxton	Updated PLS for Active POU
POD	5/18/2006 9:16:13 AM	dnarsavage	Updated shape
Source	5/18/2006 9:16:25 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	5/18/2006 9:16:39 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? (Yes) 14. Is a POU remark and/or condition required?
Use	5/18/2006 9:17:27 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-721B V1

General	5/18/2006 9:14:11 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?
Season	5/18/2006 9:17:59 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	5/18/2006 9:19:27 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? (Yes) 12. Is a Quantity remark or condition required? Description for Question 10 - Decreed & claimed amounts equal current standards
Summary	5/18/2006 9:23:16 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? (Yes) 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?

Split history for Decreed Right 67-00721

WR

Claimed

67-00721	Sumrall Sr.
irr cfs	0.46
ac	23
irr af	104
stock cfs	.04
stock af	.7

67-00721	Phallis*
irr cfs	0.46
ac	23
irr af	104
stock cfs	.04
stock af	.7

Rate per acre = 0.02
Vol per acre = 4.522

67-00721A	Sheely
irr cfs	0.23
ac	20
irr af	52
stock cfs	0.02
stock af	0.35

67-00721B	Biddinger
irr cfs	0.184
ac	16
irr af	41.6
stock cfs	0.015
stock af	0.28

67-00721C	Quaid
irr cfs	0.046
ac	4
irr af	13.54
stock cfs	0.005
stock af	0.07

Sum CFS =	0.46
Sum Acre =	40
Sum AF =	107.14
Sum St cfs =	0.04
Sum St af =	0.7

Extra CFS =	0
Extra Acre =	-17
Extra AF =	-3.14
Extra St cfs =	0
Extra AF =	0

67-00721A	Sheely
irr cfs	0.23
ac	11.5
irr af	52
stock cfs	0.02
stock af	0.35

67-00721B	Biddinger
irr cfs	0.184
ac	9.2
irr af	41.6
stock cfs	0.015
stock af	0.28

67-00721C	Quaid
irr cfs	0.046
ac	2.3
irr af	10.4
stock cfs	0.005
stock af	0.07

Sum CFS =	0.46
Sum Acre =	23
Sum AF =	104
Sum St cfs =	0.04
Sum St af =	0.7

Extra CFS =	0
Extra Acre =	0
Extra AF =	0
Extra St cfs =	0
Extra AF =	0

* Original claim filed by Sumrall Sr, then c/o to Allen, then c/o to Phallis

Last updated 11-20-06 (csaxton)

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

PROPOSED FINDING OF WATER RIGHTS - MONROE CREEK DRAINAGE

SURFACE WATER

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE FROM - TO	AMOUNT ACRE FEET PER ANNUM	MAXIMUM RATE OF DIVERSION (cfs)	POINT OF DIVERSION	PLACE OF USE AND LANDS IRRIGATED (acres)	BASIS OF RIGHT AND REMARKS
67-0720	SUMRALL, Joseph W., Sr. Route 2, Box 149 Weiser, Idaho	4- 1-1888	Stockwater	1/1 12/31	0.7	0.04	SE $\frac{1}{4}$ SE $\frac{1}{4}$, S.22 T12N, R5W	Sec. 34 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 18.0	Beneficial Use 50 Head Stock
		4- 1-1888	Irrigation	3/15 11/15	140.0	0.62	Same as above	SE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.0	Source: Monroe Creek
					140.7	0.66		NE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.0 T12N, R5W	
								31.0	
The total amount of water diverted using this right and right 67-0721 shall not exceed 0.8 cfs or 180 AF/year.									
67-0721	SUMRALL, Joseph W., Sr. Route 2, Box 149 Weiser, Idaho	4- 1-1880	Stockwater	1/1 12/31	0.7	0.04	NE $\frac{1}{4}$ NW $\frac{1}{4}$, S.27 T12N, R5W	Sec. 34 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10.0	Beneficial Use 50 Head Stock
		4- 1-1880	Irrigation	3/15 11/15	104.0	0.46	Same as above	SE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.0	Source: Monroe Creek
					104.7	0.50		NE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.0 T12N, RW	
								23.0	
The total amount of water diverted using this right and right 67-0720 shall not exceed 0.8 cfs or 180 AF/year.									
67-7240	THORSON, Freeland and/or Diana Route 2 Weiser, Idaho	3-10-1975	Stockwater	1/1 12/31	20.0		NE $\frac{1}{4}$ NW $\frac{1}{4}$, S.12 T13N, R6W	Sec. 1 SE $\frac{1}{4}$ SW $\frac{1}{4}$	Permit 100 Head Stock
		3-10-1975	Fish and Wildlife	1/1 12/31	20.0 20.0			Sec. 12 NE $\frac{1}{4}$ NW $\frac{1}{4}$ T13N, R6W	Dam and Pond Source: Monroe Creek

JUL 24 1996

MEMORANDUM

September 8, 1997

TO: CLAIM FILE NOS. A67-00720 & A67-00721

FROM: JAN SHURTE

RE: CHANGE OF OWNERSHIP SPLITS

Due to a phone conversation concerning a split on the above two claims, I discovered there is a change of ownership pending now that splits the claims, plus two more to come in. Since I now know how the property has been split and have recently received the second split, I went ahead and reviewed the claims to see how to split these. Problems come up with the fact that the two water rights decreed are limited to .80 cfs & 180 af when they are combined together. The Monroe Ck decree was issued at 1" per acre and 4.5 af per acre, therefore, the acres are limited to 40. One right covers 31 acres and another covers 23 acres. I am assuming that there are duplicate acres between these two, however, the total being irrigated at that time was 40. So, I have done the splits based on a total of 40 acres.

1st split - Sheely's acquired 20 acres of the original rights. In order to pro-rate the amount of cfs per each right (they both have different priority dates) I used the total number of acres allowed under both rights - 40 acres - and divided that by the total number of acres decreed on each right which then gave me the percentage of total acres decreed under each right. I then multiplied that percentage times the total acquired. This gave me the percentage of the total acquired which applied to that decreed number of acres. This was then multiplied by the .02 cfs per acre per the Monroe Creek decree. The splits are as follows:

A67-00720A - .31 cfs calculated taking the number of acres decreed divided by the total acres irrigated at that time = $31 \div 40 = .775$ X the 20 acres acquired = 15.5 acres to be covered at .02 cfs per acre or .31 cfs.

A67-00721A - .23 cfs calculated using the same calculation above with 23 acres $\div 40 = .575$ X 20 acres = 11.5 acres to be covered at .02 cfs per acre or .23 cfs.

These two rights would then be limited to 20 acres, .40 cfs and 90 af when they are used together.

2nd split - Biddinger's acquired 16 acres of the original rights. Based on the above calculation their split is as follows:

A67-00720B - .25 cfs calculated using $.775 \times 16$ acres = 12.4 acres to be covered at .02 cfs per acre or .25 cfs.

A67-00721B - .184 cfs calculated using $.575 \times 16$ acres = 9.2 acres to be covered at .02 cfs per acre or .184 cfs.

These two right would then be limited to 16 acres, .32 cfs and 72 af when they are used together.

3rd split - Not yet submitted - Quade's aquired 4 acres of the original rights. Based on the above calculation their split is:

A67-00720C - .06 cfs calculated using $.775 \times 4$ acres = 3.1 acres to be covered at .02 cfs per acre or .06 cfs.

A67-00721C - .046 cfs calculated using $.575 \times 4$ acres = 2.3 acres to be covered at .02 cfs per acre or .046 cfs.

These two right would then be limited to 4 acres, .08 cfs and 18 af when they are used together.

Totals:

A67-00720A	- .31 cfs	- 20 acres
A67-00720B	- .25 cfs	- 16 acres
A67-00720C	- .06 cfs	- 4 acres
Total	- .62 cfs	- 40 acres

A67-00721A	- .23 cfs	- 20 acres
A67-00721B	- .184 cfs	- 16 acres
A67-00721C	- .046 cfs	- 4 acres
Total	- .46 cfs	- 40 acres

Dividing up the stockwater will be based on the percentage of cfs compared to the total. This will be divided as follows:

A67-00720A	- .02 cfs for 25 hd
A67-00721A	- .02 cfs for 25 hd

A67-00720B	- .015 cfs for 20 hd
A67-00721B	- .015 cfs for 20 hd

A67-00720C	- .005 cfs for 5 hd
A67-00721C	- .005 cfs for 5 hd

Totals	- .04 cfs for 50 hd - 00720 right
	.04 cfs for 50 hd - 00721 right