

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-724 V1

WATER RIGHT NUMBER: 67-724 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MONROE CREEK IRRIGATION DIST C/O GEORGE L CHANDLER 1116 HWY 95 WEISER, ID 83672 (208)549-1144

Priority Date: 04/01/1888

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>
IRRIGATION	3/15 to 11/15	15.060 CFS	1,749.00 AF
	<u>Total Diversion:</u>	15.060 CFS	1,749.00 AF

Location of Point(s) of Diversion

MONROE CREEK	NE1/4NW1/4	Sec. 28, Twp 11N, Rge 05W, B.M.
WASHINGTON County	(Rediversion)	
MONROE CREEK	SE1/4SW1/4	Sec. 10, Twp 11N, Rge 05W, B.M.
WASHINGTON County	(Rediversion)	
MONROE CREEK	NW1/4NW1/4	Sec. 22, Twp 11N, Rge 05W, B.M.
WASHINGTON County	(Rediversion)	
MONROE CREEK	SW1/4SE1/4	Sec. 21, Twp 11N, Rge 05W, B.M.
WASHINGTON County	(Rediversion)	
MONROE CREEK	NE1/4NE1/4	Sec. 21, Twp 11N, Rge 05W, B.M.
WASHINGTON County	(Rediversion)	
MONROE CREEK	SW1/4SE1/4	Sec. 10, Twp 11N, Rge 05W, B.M.
WASHINGTON County	(Rediversion)	
MONROE CREEK	SE1/4SW1/4	Sec. 22, 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	
11N	05W	3							X			X					X		

IDAHO DEPARTMENT OF WATER RESOURCES

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11N 05W 10		X	X	X	X		X				X				X	X	X	
11N 05W 15		X	X	X	X						X		X	X			X	
11N 05W 21		X			X	X							X	X		X	X	X
11N 05W 22								X										
11N 05W 28			X					X	X	X	X	X	X					
11N 05W 29		X			X									X	X			
12N 05W 34														X			X	
12N 05W 35								X		X	X							

Total Acres: 753

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. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. 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.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
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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>
Contacts	7/22/2005 1:02:54 PM	awarntje			Active
Priority Date	7/22/2005 1:06:24 PM	awarntje			Active
POU	7/22/2005 1:10:57 PM	awarntje			Active
POD	7/22/2005 1:12:07 PM	awarntje			Active
Source	7/22/2005 1:21:38 PM	awarntje			Active
Season	7/22/2005 1:21:41 PM	awarntje			Active
Use	7/22/2005 1:21:41 PM	awarntje			Active
Quantity	7/22/2005 1:21:42 PM	awarntje			Active
Priority Date	7/22/2005 2:11:17 PM	awarntje			Active
POD	7/22/2005 2:21:33 PM	awarntje			Active
Use	7/22/2005 2:24:38 PM	awarntje			Active
Season	7/22/2005 2:26:57 PM	awarntje			Active
POU	7/22/2005 2:34:02 PM	awarntje			Active
Source	7/22/2005 2:34:06 PM	awarntje			Active
Quantity	7/22/2005 2:34:07 PM	awarntje			Active
Summary			08/18/2006	csaxton	Active

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

Adjudication Recommendation Report 67-724 V1

Summary	8/18/2006 4:14:30 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? (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?
POD	7/22/2005 9:40:00 AM	awarntje	Updated shape
POD	7/22/2005 9:51:41 AM	awarntje	Updated shape
POD	7/22/2005 9:53:55 AM	awarntje	Updated shape
POU	7/22/2005 1:10:57 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (No) 2a. Is the POU required? (Yes) 14. Is a POU remark and/or condition required?
Season	7/22/2005 2:26:57 PM	awarntje	(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?
Source	7/22/2005 2:34:06 PM	awarntje	(Yes) 1. Is the basis of claim Decree or License?
General	7/22/2005 2:11:17 PM	awarntje	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-724 V1

Use	7/22/2005 2:24:38 PM	awarntje	(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	7/22/2005 9:38:34 AM	awarntje	Updated shape
POD	7/22/2005 9:40:40 AM	awarntje	Updated shape
POD	7/22/2005 9:46:16 AM	awarntje	Updated shape
Contacts	7/22/2005 1:02:55 PM	awarntje	(No) 1. Do you want to schedule an appointment? Comment for 1: Sufficient info in file
General	7/22/2005 1:06:24 PM	awarntje	(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?
Source	7/22/2005 1:21:38 PM	awarntje	(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?
Season	7/22/2005 1:21:42 PM	awarntje	(Yes) 1. Is the basis of claim Decree or License?
POD	7/22/2005 2:21:34 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (Yes) 10. Is a POD remark and/or condition required?
POD	7/22/2005 9:36:53 AM	awarntje	Updated shape
POD	7/22/2005 9:42:49 AM	awarntje	Updated shape
POD	7/22/2005 9:49:34 AM	awarntje	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-724 V1

POD	7/22/2005 1:12:07 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. 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?
Use	7/22/2005 1:21:41 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License?
Quantity	7/22/2005 1:21:42 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License?
POU	7/22/2005 2:34:02 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License?
Quantity	7/22/2005 2:34:07 PM	awarntje	(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?
POD	5/12/2006 8:20:14 AM	dnarsavage	Correlated PODID 653967 from SpatialDataID 373790 to SpatialDataID 341486

Water Supply Bank:

08/02/2005

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

RIGHT NUMBER: 67-724

NAME AND ADDRESS: MONROE CREEK IRRIGATION DIST
C/O GEORGE L CHANDLER
1116 HWY 95
WEISER ID 83672

SOURCE: MONROE CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 15.060 CFS
1,749.000 AFY

PRIORITY DATE: 04/01/1888

POINT OF DIVERSION:

T11N R05W S10 SESW Rediversion Within WASHINGTON County
T11N R05W S10 SWSE Rediversion Within WASHINGTON County
T11N R05W S21 NENE Rediversion Within WASHINGTON County
T11N R05W S21 SWSE Rediversion Within WASHINGTON County
T11N R05W S22 NWNW Rediversion Within WASHINGTON County
T11N R05W S28 NENW Rediversion Within WASHINGTON County
T12N R05W S22 SESW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	15.060 CFS 1,749.00 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:

753 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Water Right 67-724

1

Idaho Department of Water Resources



Monroe Creek Irrigation District



Legend

-  Monroe creek id.shp
-  Townships
-  Section Lines



0 2 4 Miles



T11N R05W

Prepared by D. Narsavage
On Tuesday, May 17, 2005
1987 Aerial Photography

Draft

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-724 V1

WATER RIGHT NUMBER: 67-724 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MONROE CREEK IRRIGATION DIST C/O GEORGE L CHANDLER 1116 HWY 95 WEISER, ID 83672 (208)549-1144

Priority Date: 04/01/1888

Basis: Decreed

Status:

<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>
IRRIGATION	3/15 to 11/15	15.060 CFS	1,749.00 AF
	<u>Total Diversion:</u>	15.060 CFS	1,749.00 AF

Location of Point(s) of Diversion

MONROE CREEK	NE1/4NW1/4	Sec. 28, Twp 11N, Rge 05W, B.M.
WASHINGTON County	(Rediversion)	
MONROE CREEK	SE1/4SW1/4	Sec. 10, Twp 11N, Rge 05W, B.M.
WASHINGTON County	(Rediversion)	
MONROE CREEK	NW1/4NW1/4	Sec. 22, Twp 11N, Rge 05W, B.M.
WASHINGTON County	(Rediversion)	
MONROE CREEK	SW1/4SE1/4	Sec. 21, Twp 11N, Rge 05W, B.M.
WASHINGTON County	(Rediversion)	
MONROE CREEK	NE1/4NE1/4	Sec. 21, Twp 11N, Rge 05W, B.M.
WASHINGTON County	(Rediversion)	
MONROE CREEK	SW1/4SE1/4	Sec. 10, Twp 11N, Rge 05W, B.M.
WASHINGTON County	(Rediversion)	
MONROE CREEK	SE1/4SW1/4	Sec. 22, 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	
11N	05W	3							X			X	X	X	X		X	X	

IDAHO DEPARTMENT OF WATER RESOURCES

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11N 05W 10		X	X	X	X		X					X					X	X	X	
11N 05W 15		X	X	X	X							X		X	X			X		
11N 05W 21		X			X	X								X		X	X	X		
11N 05W 22								X												
11N 05W 28			X				X	X	X	X		X	X							
11N 05W 29		X			X											X	X			
12N 05W 34																X			X	
12N 05W 35									X				X	X						

Total Acres: 753

Conditions of Approval:

1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
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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.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-724 V1

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>
Contacts	7/22/2005 1:02:54 PM	awarntje			
Priority Date	7/22/2005 1:06:24 PM	awarntje			
POU	7/22/2005 1:10:57 PM	awarntje			
POD	7/22/2005 1:12:07 PM	awarntje			
Source	7/22/2005 1:21:38 PM	awarntje			
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Use	7/22/2005 1:21:41 PM	awarntje			
Quantity	7/22/2005 1:21:42 PM	awarntje			
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Season	7/22/2005 2:26:57 PM	awarntje			
POU	7/22/2005 2:34:02 PM	awarntje			
Source	7/22/2005 2:34:06 PM	awarntje			
Quantity	7/22/2005 2:34:07 PM	awarntje			

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	7/22/2005 9:40:00 AM	awarntje	Updated shape
POD	7/22/2005 9:51:41 AM	awarntje	Updated shape
POD	7/22/2005 9:53:55 AM	awarntje	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

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POU	7/22/2005 1:10:57 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (No) 2a. Is the POU required? (Yes) 14. Is a POU remark and/or condition required?
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Use	7/22/2005 2:24:38 PM	awarntje	(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	7/22/2005 9:38:34 AM	awarntje	Updated shape
POD	7/22/2005 9:40:40 AM	awarntje	Updated shape
POD	7/22/2005 9:46:16 AM	awarntje	Updated shape
Contacts	7/22/2005 1:02:55 PM	awarntje	(No) 1. Do you want to schedule an appointment?

Comment for 1: Sufficient info in file

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-724 V1

General	7/22/2005 1:06:24 PM	awarntje	(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?
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POD	7/22/2005 2:21:34 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (Yes) 10. Is a POD remark and/or condition required?
POD	7/22/2005 9:36:53 AM	awarntje	Updated shape
POD	7/22/2005 9:42:49 AM	awarntje	Updated shape
POD	7/22/2005 9:49:34 AM	awarntje	Updated shape
POD	7/22/2005 1:12:07 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. 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?
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Quantity	7/22/2005 1:21:42 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License?
POU	7/22/2005 2:34:02 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License?

IDAHO DEPARTMENT OF WATER RESOURCES

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Quantity	7/22/2005 2:34:07 PM	awarntje	(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?
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Water Supply Bank:

RECEIVED

SEP 02 1987

Department of Water Resources

Kim R. Lindquist
WALKER & LINDQUIST
Attorneys at Law
232 East Main Street
Post Office Box 828
Weiser, Idaho 83672
(208) 549-0390

Attorneys for Plaintiff and
Third Party Defendant

Filed May 19, 1987 ^{pm}
MARY KAUTZ 9:00 A.M.
Clerk District Court

By Virginia Nickerson P.M.

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF WASHINGTON COMPAR.

MONROE CREEK IRRIGATION DISTRICT,)

Plaintiff,)

vs.)

CLAUD GANN and EVELYN GANN,)
husband and wife,)

Defendants.)

Case No. 8077

JUDGMENT

-----)
CLAUD GANN and EVELYN GANN,)
husband and wife,)

Third Party Plaintiffs,)

vs.)

MANN CREEK IRRIGATION DISTRICT,)
and LAWSON HOWLAND, Watermaster)
of Water District No. 67 of the)
State of Idaho,)

Third Party Defendants.)

Comes now Judge Dennis Goff, in the above-entitled matter
and enters a judgment in the above-referenced case, ~~entering the~~
JUDGMENT * dm *

JUL 24 1996

Judgment entered on the 2nd day of April, 1987, and filed on the 3rd day of April, 1987, to read as follows:

Modified Judgment

On August 14, 1986, the date and time set for trial in the above-entitled matter, the parties, represented by their attorneys, stated in open court that all parties had reached a settlement. Plaintiffs/Third-Party Defendants were present and represented by attorney Kim R. Lindquist, Defendants/Third-Party Plaintiffs were represented by attorney William F. Gigray, Jr., and the Department of Water Resources was represented by Don Shaft and Deputy Attorney General Phillip J. Rassier.

IT IS HEREBY ORDERED pursuant to an agreement entered into in open court subsequently committed to writing by the parties and hereby approved by the Court as follows:

That a modified judgment be entered by incorporating in full by reference the Agreement, dated the 13th day of April, 1987, executed by the parties hereto, a copy of which is attached hereto and hereby made a part hereof, which Agreement shall become the entire judgment between the parties hereto.

The Court hereby approves, adopts and decrees the said Agreement to be the final judgment between the parties binding in all effects.

DATED this 18 day of May, 1987.


Dennis E. Goff, District Judge

AGREEMENT

This Agreement was entered into by Monroe Creek Irrigation District (hereafter "Monroe District"), The Mann Creek Irrigation District (hereafter "Mann District") Claud and Evelyn Gann, husband and wife, (hereafter "the Ganns") and the Idaho State Department of Water Resources (hereafter the "Department").

The Monroe District is situated in the Monroe Creek drainage, which creek is a tributary to the Weiser River, and then into the Snake River. See the map designated as Exhibit A which is attached hereto and hereby incorporated by reference herein. The Monroe Creek drainage is the watershed immediately to the west of the Mann Creek drainage (see Exhibit A), the waters of which are also utilized by the Monroe District. The Mann District is located in the Mann Creek drainage. See Exhibit A.

Historically, the waters of Mann Creek have been utilized by the Monroe District by means of the Lolley Ditch which diverts a portion of the Mann Creek waters south into the Barton Reservoir. See Exhibit A. The Barton Reservoir provides off-stream storage for the waters of both Mann Creek and Monroe Creek. The capacity of the Barton Reservoir is approximately one thousand acre feet. Similarly, the waters of Monroe Creek are diverted by means of a diversion ditch referred to as the Verbeck Ditch which takes the waters in a southeasterly direction into the afore-referenced Lolley Ditch, which in turn carries those waters to the Barton Reservoir. See Exhibit A.

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In 1967 the Mann Creek Reservoir (also known as Spangler

Reservoir) was constructed for the storage of the waters of Mann Creek. Since the Lolley Ditch is downstream of the Mann Creek Reservoir, the Lolley Ditch also re-diverts the water which is released from storage from the Mann Creek Reservoir. See Exhibit A.

The natural flows of Monroe Creek and Mann Creek are not sufficient to supply the irrigation requirements of some crops throughout the irrigation season. The natural flows must be supplemented with stored waters or other more reliable sources to furnish irrigation water throughout the irrigation season; hence, the construction and utilization of the Mann Creek and Barton Reservoirs.

The Ganns own the following described real property located in Washington County, Idaho, to wit:

Township 11 North, Range 5 West of the Boise Meridian:
Section 2: S $\frac{1}{2}$ NE $\frac{1}{4}$, Lots 3 and 4: SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Township 12 North, Range 5 West of the Boise Meridian
Section 35: All that part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying southerly of the right of way of the North and South Highway; the East 20 rods of the W $\frac{1}{2}$ SW $\frac{1}{4}$; and E $\frac{1}{2}$ SW $\frac{1}{4}$;

Township 12 North, Range 5 West of the Boise Meridian:
Section 34: SE $\frac{1}{4}$
Section 35: The West 60 rods of the W $\frac{1}{2}$ SW $\frac{1}{4}$

The Ganns are presently, as of the date of this Agreement, irrigating parts of the following described property, which is also located in Washington County, and which is part of the above described property. Said irrigated property is in the following tracts designated as Parcels 1, 2 and 3:

Parcel 1: The E½ of the SE¼ of Section 34,
T12N. R5W, B.M.

Parcel 2: West 60 rods of W½ of SW¼ of Section 35,
T12N, R5W, B.M.

Parcel 3: East 20 rods of W½ of SW¼ of Section 35,
T12N, R5W, B.M.

Parcels 1, 2 and 3 are depicted in Exhibit B attached hereto and hereby incorporated by reference herein. The map attached as Exhibit C and hereby incorporated herein provides additional orientation as to the Ganns' lands in relation to the afore-referenced ditches, reservoirs and Monroe District. The Ganns' property is not within the boundaries of the either Mann District or Monroe District. See Exhibit A. The Ganns' property is located immediately down-ditch of the point of discharge of the Verbeck Ditch into the Lolley Ditch. See Exhibit A. Moreover, the Ganns' three parcels contain the following amount of irrigated acreage as measured by the Department on October 1, 1984: Parcel 1--18 acres; Parcel 2--35 acres; Parcel 3--1 acre; totalling 54 acres.

The water rights of the Monroe Irrigation District as to the Monroe and Mann Creek waters are derived from the following adjudications: Monroe Creek has been adjudicated by the litigation entitled Monroe Creek Irrigation District vs. Don Dickerson, et al, Washington County Case No. 6836 (commonly referred to as the "Monroe Creek Decree"). As a result of this adjudication, the Monroe District through its predecessor, the Monroe Irrigation Company, was decreed water rights Number 67-0724 and 67-2032.

The waters of Mann Creek have been adjudicated by means of two supplementary adjudications, the first entitled Thomas Shannon, et al vs. Thomas M. Higgenbotham, et al, Washington County Case No. 238, Book 3 (commonly referred to as the "Shannon Decree"); and the second litigation entitled E. V. Jefferson, et al vs. Thomas M. Higgenbotham, et al, Washington County Case No. 1238 (commonly referred to as the "Mann Creek Decree"). By virtue of these adjudications, the Monroe District acquired a formal water right as to a portion of the waters in that creek. As a result of the Mann Creek adjudications, the Mann District was decreed specific rights in the waters of Mann Creek.

By virtue of the Monroe Creek Decree, the Ganns were decreed water right Number 67-0722 which allowed for a 1.36 cubic feet per second. Neither the afore-described land owned by the Ganns nor prior owners were named in either of the Mann Creek adjudications.

A predecessor of the Ganns started diverting water for irrigation from the Lolley Ditch on parcels 1, 2 and 3 for the 1942 irrigation season and perhaps as early as the 1937 irrigation season. Such irrigation continued until the fall of the 1970 irrigation season, one year prior to the first storage of Mann Creek water in Spangler Reservoir. Any Mann or Monroe Creek water diverted by this predecessor from the Lolley Ditch was supplemental to the use of Monroe Creek water under the Ganns' right number 67-0722 as subsequently decreed in the Monroe Creek Decree. Since 1972, the Ganns have irrigated the afore-described

acreage. A maximum rate of flow of 0.02 cubic feet per second per acre of irrigated land at the field is reasonably required for the flood irrigation of land on the Ganns' property. Since 1972 the irrigation method on the Ganns' property has been sprinklers. The maximum rate of flow measured by the Department on October 1, 1984, was 0.79 cubic feet per second (39.5 miner' inches) or 0.0146 cubic feet per second per acre for 54 acres of irrigated land.

The water rights on the Mann Creek and Monroe Creek are subject to regulation by the water master of Water District No. 67 of the State of Idaho.

In conjunction with the building of the Spangler Reservoir by the U.S. Bureau of Reclamation (hereafter the "Bureau"), the Bureau holds State water right license No. R-696/67-2386 with a priority date of December 14, 1940 for the year-round storage of 10,000 acre feet of the waters of Mann Creek in the Spangler Reservoir for purposes of irrigation. The Bureau also holds state water right license No. R-1182/67-2389 with a priority date of January 30, 1964 for the purpose of the year-round storage of 5,000 acre feet of the waters of Mann Creek in the Spangler Reservoir for purposes of irrigation.

The Monroe District entered into Contract No. 14-06-100-5204 with the Bureau on December 28, 1964, for the use of 1,600 acre feet of storage water from the Spangler Reservoir on lands within the Monroe District service area. The Bureau delivers the contract storage water to the Monroe District through the Lolley

Ditch. Since the Lolley Ditch was of insufficient capacity to deliver Monroe District's prior water rights and the water purchased from the Bureau, the Bureau enlarged the Lolley Ditch. The Bureau completed the Lolley Ditch enlargement in May of 1967.

The Mann District entered into contract No. 14-06-100-5203 with the Bureau on January 18, 1965, for the use of storage water from Spangler Reservoir on lands within the Mann District service area.

The Bureau began storing water in Spangler Reservoir in March of 1967. The Reservoir was filled by June 15, 1967. The Bureau delivered its first water to the Monroe District during March of 1967.

The Ganns have no contract or agreement with the Bureau for use of storage water from the Spangler Reservoir. Moreover, the Ganns have no contract or agreement with either the Monroe District or the Mann District for use of storage water from the Spangler Reservoir.

In 1982, the Monroe District filed suit against the Ganns, seeking to enjoin the Ganns from taking the Irrigation District's storage water from the Lolley Ditch as that water was conveyed through the Lolley Ditch to the Barton Reservoir. The Ganns, in turn, counterclaimed against the Monroe District claiming a right to take that water on theories of adverse possession and/or an ancient water right acquired by one of Ganns' predecessors as to the waters of Mann Creek. The Ganns also complained against and joined in the same lawsuit the water master of Water District No.

67. and the Mann District. In so doing, the Ganns requested a supplemental adjudication, under Idaho Code §42-1405, of their rights to the use of waters of Mann Creek and Monroe Creek. In conjunction with that suit, the director of the Department filed a Report in the Nature of Proposed Findings of Water Rights a copy of which is attached hereto for reference. Following extensive negotiations, however, the parties to that lawsuit have reached a settlement, the terms of which are memorialized by this Agreement.

The Ganns agree to forego, and hereby waive, any and all claims of water rights of whatsoever nature against the Monroe District and Mann District and against the waters of Monroe Creek and Mann Creek not previously adjudicated to the property owned by the Ganns as that property is specifically described herein, and grant judgment to said Water Districts in the afore-referenced litigation.

In addition, the Ganns shall pay to the Monroe District FIFTEEN THOUSAND DOLLARS (\$15,000.00) as follows: FIVE THOUSAND DOLLARS (\$5,000.00) down upon the execution of this Agreement, receipt of which is hereby acknowledged by the Monroe District: FIVE THOUSAND DOLLARS (\$5,000.00) on or before July 15, 1987; and the remaining balance of FIVE THOUSAND DOLLARS (\$5,000.00) on or before December 1, 1987. The balance shall not accrue interest.

In exchange, the water districts hereby acknowledge a flood water right corresponding to the Ganns' property as described

herein in Mann Creek water dating after the most recent adjudication of Mann Creek as described herein. Department records reveal that the Bureau storage water rights and one other irrigation right (Permit 67-2393) are the only water rights established on Mann Creek since that adjudication. The amount of the flood water right shall be limited to the 54 acres referenced herein in an amount of water per acre corresponding to the practice in the area and attributable to that of the Monroe District's acres. The full description of the Gann's water right is set forth in Exhibit D, attached hereto and incorporated herein by this reference.

The Monroe District shall annex the Gann property previously described on Page 2 of this Agreement pursuant to the statutory procedures set forth in Idaho Code §42-3218. For purposes of annexation, it must be noted that said Gann property exists in close proximity to the Monroe District and is contiguous to the Barton Reservoir and Lolley feeder ditch as owned and utilized by the Monroe District as afore-described. By virtue of its proximity and contiguity to the Monroe District and Barton Reservoir, the Gann property is legally contiguous to the Monroe District boundaries for annexation purposes. P r o v i d e d , however, the said annexation shall not entitle the Ganns or their property as afore-described to the same water rights presently enjoyed by the Monroe District. Rather, in conjunction with the annexation, the Monroe District shall make available to the Ganns a portion of its 1,600 acre feet of Mann Creek Reser-

voir stored water allocated to them annually pursuant to the afore-referenced contract with the Bureau. What allows Monroe Creek District to make the annexation and this grant is the fact that in an average water year the Monroe District does not utilize all of its 1,600 acre feet of stored water, leaving a balance undrawn behind the Mann Creek Reservoir Dam. The grant to the Ganns pertains to a portion of that excess storage water existing in an average year. The grant, as made possible by the annexation, does not correspond to any portion of storage water actually utilized by the Monroe District in a given year. However, in years of water shortage, which have been experienced since the construction of the dam, no such excess exists. Therefore, the grant to the Ganns shall be inferior, secondary and subject to the existing adjudicated and storage water rights and water usage of the Monroe District. All existing rights, whether adjudicated, storage or otherwise, enjoyed by the Monroe District and all water usage presently applied by the users of the Monroe District shall be superior to the grant to the Ganns. If there is storage water in excess of that presently needed for the irrigating of lands presently irrigated within the Monroe District, the Ganns may benefit to the extent of the grant provided for herein. However, if there is insufficient water in any given year or at any given time to meet the complete needs and rights of the Monroe District as they presently exist, the Ganns shall shut off completely or reduce in favor of the rights of Monroe Creek as they presently exist.

MONROE CREEK DISTRICT

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The presently existing rights of Monroe Creek, whether adjudicated, storage or otherwise as above-referenced, shall hereafter be referred to as "Primary Rights". That storage water in excess of the Primary Rights, as utilized by the Ganns pursuant to the grant provided herein or by other members of the Monroe District as hereinafter referenced, shall hereafter be referred to as "Secondary Rights".

The grant to the Ganns and its foundational distinction between the superior, Primary Rights of the Monroe District as they presently exist and the inferior, Secondary Rights of the Ganns corresponding to this grant shall be further achieved as follows:

For purposes of this Agreement and the grant to the Ganns, and in any given year, the period of "flood water" shall be deemed to be that period of time after the water begins flowing over the glory hole at the Mann Creek Dam, at which point in time the Mann Creek Reservoir shall be deemed filled. During such flood water period, any water in the Lolley Ditch shall be deemed flood water. Once the water ceases flowing over the glory hole at the dam, the flood water period is deemed to end and usage of the "storage water" is deemed to begin. During the storage water use period, all water flowing through the Lolley Ditch, from which the Ganns would take, shall be deemed storage water. Provided, however, if in any given year there is insufficient water to fill the dam with enough water to satisfy the present rights of the Monroe District, neither flood water nor storage

water shall be deemed to exist and the Ganns shall be entitled to no water beyond their Monroe Creek adjudicated water as previously referenced.

The Gann grant shall correspond and be limited to the 54 acres previously referenced herein, with the corresponding amount of water per acre to be measured and supplied in conformity with the current practices of the Monroe District. The Ganns shall be responsible for the construction and maintenance of a measuring device at the point they take water from the Lolley Ditch for purposes of monitoring by the Monroe District. Moreover, the Ganns shall be assessed on an acreage basis for the grant in an amount and in a way identical to the assessment for Primary Right acres and all other Secondary Rights shall be assessed in the same manner.

The satisfaction of Primary Rights and the extent and availability of Secondary Rights, in any given year and at any given time shall be determined by the board of directors of Monroe District by means of measurement and monitoring presently available with regard to the Mann Creek water storage and the Monroe District storage system and as otherwise reasonable and acceptable in the area. If there is insufficient water storage in any given year or at any given time to satisfy the Primary Rights in their entirety, as determined by the Monroe Creek District Board, the Ganns and any other Secondary Right users shall shut off completely and immediately as directed by the Monroe Creek District Board, which direction shall be in writing.

Secondary water rights above and beyond that granted to the Ganns hereby, shall not exceed the average of the last three years carry-over storage less a reasonable cushion of 200 acre feet, and shall be made available for acquisition by the present members of Monroe Creek District, excluding the Ganns. The date of priority of secondary water rights shall be the date of acquisition. Subsequent secondary water users shall be determined and approved by the Monroe Creek Irrigation District Board. Provided further, that the Monroe Creek Irrigation District Board will limit grants to secondary water right users in such a manner that there will be adequate water for both Primary Rights and Secondary Rights in order of priority in a normal year of precipitation. The amount of cushion retained by the District, as above-referenced, may be altered or amended by the District Board at any regular meeting called for that purpose.

In connection with real property owned by Ganns, and particularly with respect to Parcels 1, 2 and 3 above set forth, the Department of Transportation of the State of Idaho is relocating U.S. Highway 95. The relocation of U.S. Highway 95 as presently proposed will pass through and bisect Parcel 1, 2 and 3 involved in this Agreement. The number of acres that will be involved in the highway relocation is unknown. With respect to the possible condemnation of the Gann property for the relocation of U.S. Highway 95 and as it applies to Parcels 1, 2 and 3, it is agreed by the Monroe Creek Irrigation District that the Ganns may change the place of application of water as presently being

utilized to a like number of acres to be determined by Ganns out of their other real property herein described, in the event of such condemnation.

Each party agrees to bear its own costs and attorney fees incurred in the afore-referenced litigation; provided, however, the attorney fee incurred by the Mann District shall be paid by the Monroe District out of the Gann proceeds referenced herein. Moreover, the costs and attorney fees incurred in the drafting and finalization of this Agreement shall be handled in the same fashion.

DATED this 13th day of April, 1987.

Approved by

Lary C. Walker
Lary C. Walker,
Attorney for the District

MONROE CREEK IRRIGATION DISTRICT

By George L. Chandler
George L. Chandler, Chairman

Approved by

Wm. F. Gignay, Jr.
Wm. F. Gignay, Jr.
Attorney for Ganns

Claud Gann
Claud Gann
Evelyn Gann
Evelyn Gann

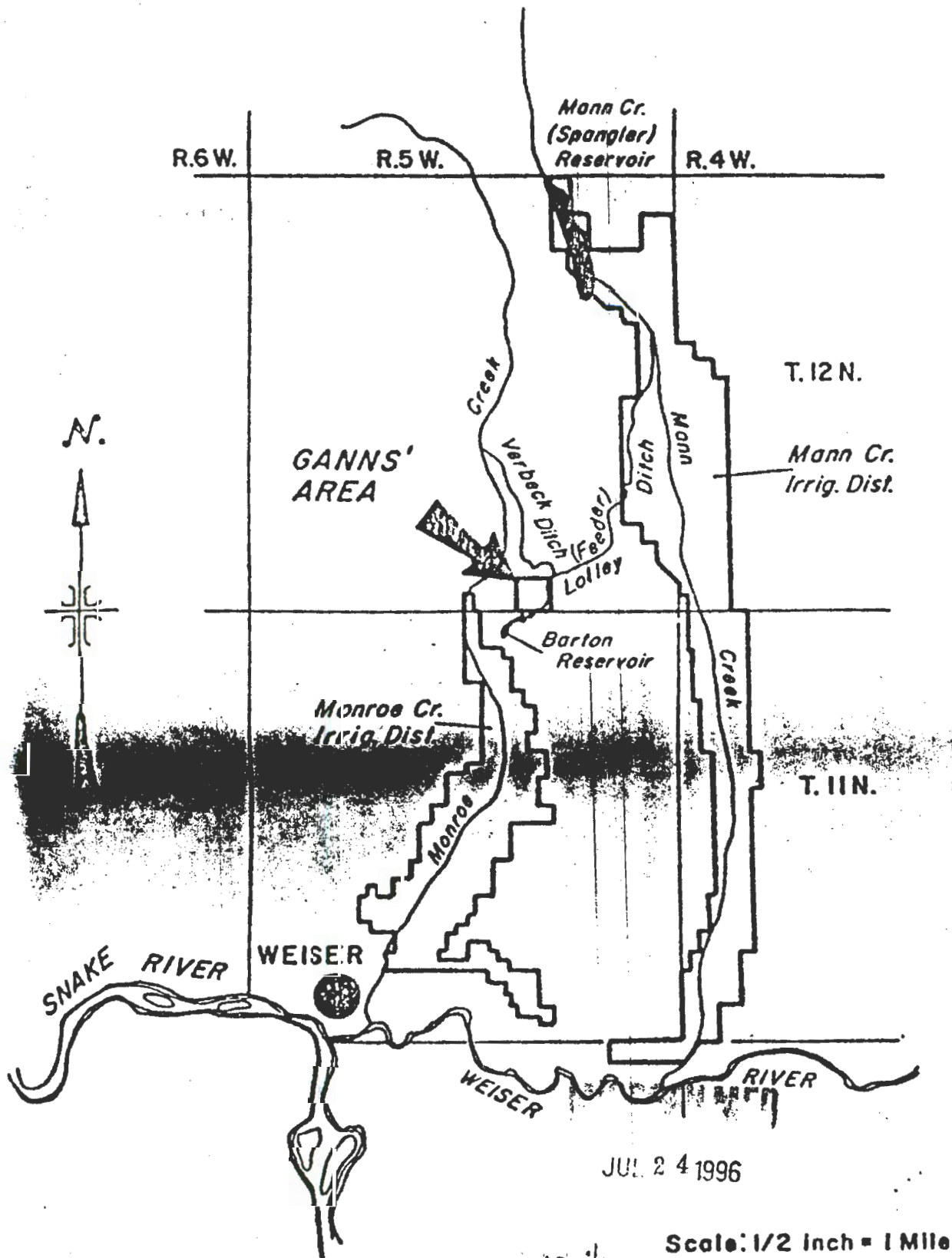
Approved by

Dick J. Passin
Idaho State Department of
Water Resources

RECORDED

MAP III. AREA OF CONCERN

EXHIBIT "A"



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR

WASHINGTON COUNTY

PROPOSED FINDING OF WATER RIGHTS

IN THE

MONROE CREEK DRAINAGE BASIN

CIVIL CASE NO. 6836

FILED
JUL 24 1996

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
67-0712*	MILLER, Albert K. Route 2, Box 154 Weiser, Idaho	1- 1-1920	Stockwater	1/1 12/31	0.7	0.04	NW $\frac{1}{4}$ NE $\frac{1}{4}$, S.21 T12N, R5W	Sec. 21 NW $\frac{1}{4}$ NE $\frac{1}{4}$ T12N, R5W	Beneficial Use 50 Head Stock Source: Spring
67-2196	MILLER, Albert K. Route 2, Box 154 Weiser, Idaho	11-28-1949	Irrigation	3/15 11/15	216.0	0.96	SE $\frac{1}{4}$ NW $\frac{1}{4}$, S.22 NE $\frac{1}{4}$ NE $\frac{1}{4}$, S.21 T12N, R5W	Sec. 22 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 18.0 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 25.0 Sec. 21 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.0 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.0 T12N, R5W 48.0	License Source: Chicken and Monroe Creeks
67-0724	MONROE CREEK IRRIGATION	4- 1-1888	Irrigation	3/15 11/15	1749.0	15.06	Sec. 10 SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21 NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22 NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29 NE $\frac{1}{4}$ SE $\frac{1}{4}$ T11N, R5W	Sec. 3 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.0 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 13.0 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 18.0 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.0 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 23.0 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 30.0 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 3.0 Sec. 10 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.0 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 33.0 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 28.0 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 11.0 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 5.0 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 5.0 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 27.0 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 26.0	Beneficial Use Source: Monroe Creek

* The total amount of water diverted under rights 67-0709, 67-0710, 67-0711 and 67-0712 shall not exceed 0.04 cfs or 0.7 AF/year.

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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
67-0724	MONROE CREEK IRRIGATION CO. (cont'd.)							Sec. 15	
								NW $\frac{1}{4}$ NE $\frac{1}{4}$	33.0
								SW $\frac{1}{4}$ NE $\frac{1}{4}$	37.0
								NE $\frac{1}{4}$ SW $\frac{1}{4}$	17.0
								SW $\frac{1}{4}$ SW $\frac{1}{4}$	20.0
								SE $\frac{1}{4}$ SW $\frac{1}{4}$	24.0
								NW $\frac{1}{4}$ SE $\frac{1}{4}$	27.0
								Sec. 21	
								NE $\frac{1}{4}$ NE $\frac{1}{4}$	14.0
								SW $\frac{1}{4}$ NE $\frac{1}{4}$	4.0
								SE $\frac{1}{4}$ NE $\frac{1}{4}$	31.0
								SE $\frac{1}{4}$ SW $\frac{1}{4}$	18.0
								NE $\frac{1}{4}$ SE $\frac{1}{4}$	22.0
								NW $\frac{1}{4}$ SE $\frac{1}{4}$	32.0
								SW $\frac{1}{4}$ SE $\frac{1}{4}$	25.0
								Sec. 22	
								NW $\frac{1}{4}$ NW $\frac{1}{4}$	4.0
								Sec. 28	
								NW $\frac{1}{4}$ NE $\frac{1}{4}$	17.0
								NE $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
								NW $\frac{1}{4}$ NW $\frac{1}{4}$	21.0
								SW $\frac{1}{4}$ NW $\frac{1}{4}$	38.0
								SE $\frac{1}{4}$ NW $\frac{1}{4}$	27.0
								NE $\frac{1}{4}$ SW $\frac{1}{4}$	10.0
								NW $\frac{1}{4}$ SW $\frac{1}{4}$	20.0
								Sec. 29	
								SE $\frac{1}{4}$ NE $\frac{1}{4}$	28.0
								T11N, RSW	753.0

JUL 24 1996

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
67-2032	MONROE CREEK IRRIGATION COMPANY	4-12-1909	Diversion to Storage	9/15	5/15	---	20.0	SE $\frac{1}{4}$ SW $\frac{1}{4}$, S.22 T12N, R5W	Same as Right 67-0724	License Source: Monroe Creek
		4-12-1909	Storage for Irrigation	1/1	12/31	1000.0	---			
		4-12-1909	Irrigation	3/15	11/15	1000.0	---			
						1000.0	20.0			
			Point of injection into Mann Creek Feeder Ditch: SW $\frac{1}{4}$ NW $\frac{1}{4}$ - Sec. 35, T12N, R5W. Place of storage: Barton Reservoir - Dam located in SW $\frac{1}{4}$ NE $\frac{1}{4}$ - Sec. 3, T11N, R5W. Point of injection into Monroe Creek: SE $\frac{1}{4}$ NW $\frac{1}{4}$ - Sec. 10, T11N, R5W. Points of redirection from Monroe Creek: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ - Sec. 10; NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ - Sec. 21; NW $\frac{1}{4}$ NW $\frac{1}{4}$ - Sec. 22; NE $\frac{1}{4}$ SE $\frac{1}{4}$ - Sec. 29, T11N, R5W.							
67-0705	NEWKIRK, Clifford and/or Dorothy Route 2 Weiser, Idaho	4- 1-1938	Stockwater	1/1	12/31	0.6	0.04	SW $\frac{1}{4}$ NE $\frac{1}{4}$, S.35 T12N, R5W	Sec. 35 SW $\frac{1}{4}$ NE $\frac{1}{4}$ T12N, R5W	Beneficial Use 40 Head Stock Source: Spring
67-0726	ROUNDTREE, Ross Route 2 Weiser, Idaho	4- 1-1880	Irrigation	3/15	11/15	90.0	0.40	NE $\frac{1}{4}$ NW $\frac{1}{4}$, S.27 T12N, R5W	Sec. 27 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 6.0 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.0 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 13.0 T12N, R5W 20.0	Beneficial Use Source: Monroe Creek

MINNAPOLIS
JUL 24 1996

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF WASHINGTON

MONROE CREEK IRRIGATION DISTRICT,)
Plaintiff,)
- vs. -)
DON DICKERSON, et al.)
Defendants.)

CIVIL NO. 6836
PROPOSED FINDING OF WATER
RIGHTS
(TENTATIVE)

The above-entitled cause was initiated as a private water right litigation. Under provisions of Section 42-1401, Idaho Code, the District Court requested the Department of Water Resources to undertake preparation of a proposed finding of water rights in the Monroe Creek Watershed. On November 26, 1971, District Judge Robert B. Dunlap, authorized the Department to commence an investigation and determination of the various rights to the use of the water of the Monroe Creek and its surface tributaries, such waters lying or being used within Washington County.

An Order of Joinder and an Order requiring the filing of claims to a Water Right signed on the 28th of January, 1975 made approximately 48 land owners and possible water users in the Monroe Creek drainage parties to the adjudication and required the filing of claims. Forty-one (41) claims of water right were submitted to the Department.

Based upon the claims submitted, the files and records of the Department and the Court and the examination of the surface water use in the Monroe Creek Watershed in Washington County, the Department of Water Resources recommends these findings of fact, conclusions of law and decree of surface water rights in which the following definitions apply:

- a. "Director" means the Director of the Department of Water Resources.
- b. "Department" means the Idaho Department of Water Resources.

"License" indicates the right has been initiated through the Department with appropriate statutory proof submitted in the past with subsequent examination by the Department. The license is "prima facie" evidence of the water right.

"Decree" indicates that the right has been adjudicated in a court of law prior to this general determination of water rights.

- m. "Domestic purposes" is defined as water for household use or livestock and water used for all other purposes including irrigation of up to one-half ($\frac{1}{2}$) acre of land in connection with said household where total use is not in excess of 13,000 gallons per day. [Idaho Code, 42-230(d).]

FINDINGS OF FACT

1. Monroe Creek lies within Washington County, State of Idaho, with its confluence with the Weiser River near Weiser, Idaho, and with its source comprised of tributaries in the surrounding mountains and hills. There are periods during each year when the amount of water flowing in Monroe Creek and its tributaries is insufficient to meet and satisfy the various demands by claimants of appropriative rights.
2. Beneficial use rights from surface water sources are those rights which were commenced by diversion and application of the water for a beneficial use prior to May 20, 1971. All other rights to the use of water must have been initiated by an application filed with the Department of Water Resources. The only exception to this is for domestic or stockwater wells where total use does not exceed 13,000 gallons per day pursuant to Section 42-227, Idaho Code.
3. The irrigation requirement is found to be 4.5 acre feet per acre per calendar year from all sources of supply. The normal irrigation season is from March 15th to November 15th of each year. Consumptive use or evapotranspiration of water from the land and crops is a total of 2.65 AF/acre per growing season of which precipitation normally furnishes 0.25 acre feet per acre, giving a net consumptive irrigation requirement of 2.4 AF/acre to be applied from some water source. The balance of 2.1 AF/acre (4.5 acre feet/acre minus 2.4 acre feet/acre) reflects application losses.
4. The amount of water required for stockwatering purposes is found to be 12 gallons of water per day per head for range cattle and horses, and 2 gallons per day per head for sheep. For domestic or household use, the requirement is 1,000 gallons of water per day per household.
5. This proposed finding of water rights on Monroe Creek and tributaries includes rights initiated by application and permit from the Department of Water Resources. Applications are subject to a permit being issued by the Department together with the requirements of the permit. The permit rights are subject to the requirement that proof of beneficial use of the water must be submitted to the Department and the right will be limited to and confirmed by such license as may subsequently be issued by the Department.

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
67-0712*	MILLER, Albert K. Route 2, Box 154 Weiser, Idaho	1- 1-1920	Stockwater	1/1 12/31	0.7	0.04	NW $\frac{1}{4}$ NE $\frac{1}{4}$, S.21 T12N, R5W	Sec. 21 NW $\frac{1}{4}$ NE $\frac{1}{4}$ T12N, R5W	Beneficial Use 50 Head Stock Source: Spring
67-2196	MILLER, ALBERT K. Route 2, Box 154 Weiser, Idaho	11-28-1949	Irrigation	3/15 11/15	216.0	0.96	SE $\frac{1}{4}$ NW $\frac{1}{4}$, S.22 NE $\frac{1}{4}$ NE $\frac{1}{4}$, S.21 T12N, R5W	Sec. 22 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 18.0 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 25.0 Sec. 21 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.0 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.0 T12N, R5W 48.0	License Source: Chicken and Monroe Creeks
67-0724	MONROE CREEK IRRIGATION	4- 1-1888	Irrigation	3/15 11/15	1749.0	15.06	Sec. 10 SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21 NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22 NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29 NE $\frac{1}{4}$ SE $\frac{1}{4}$ T11N, R5W	Sec. 3 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.0 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 13.0 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 18.0 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.0 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 23.0 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 30.0 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 3.0 Sec. 10 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.0 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 33.0 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 28.0 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 11.0 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 5.0 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 5.0 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 27.0 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 26.0	Beneficial Use Source: Monroe Creek

* The total amount of water diverted under rights 67-0709, 67-0710, 67-0711 and 67-0712 shall not exceed 0.04 cfs or 0.7 AF/year.

NOV 01 1989

approved

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

MONROE CREEK IRRIGATION DIST. (208) 549-1144
Name of Claimant C/O GEORGE L. CHANDLER Phone Number
1116 HWY 95 WEISER ID 83672
Mailing Address City State Zip
WASHINGTON 10-19-89
County(s) where place of use is located Date claim originally due
A67-00634, A67-00724, A67-02032
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

The Chandlers have been in (2) two times to complete their
claims. During that time and after I have worked on
them in my spare time and now have them completed
for pay & signing. PLEASE GRANT THIS EXTENSION OF
TIME. - Ron Howerton.

Claimant requests an extension to x Monroe Creek Irrigation Dist Claim 19 89

x George L Chandler x 10-27- 19 89
Signature Date of request

x Chairman
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [x granted] [] denied] for the following reasons:

and if granted the filing deadline is extended to November 20 19 89
Signed this 4 day of November 19 89

Director or his designated agent

DAVID B. SHAW

RECEIVED

NOV 06 1989

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

MICROFILMED
OCT 22 1996

Department of Water Resources
Western Regional Office

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: A67-00724
Date Received: 11/14/1989
Receipt No: W006688
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MONROE CREEK IRRIGATION DIST. 208-549-1144
Address: C/O GEORGE L. CHANDLER
1116 HWY 95
WEISER, ID 83672

2. Date of Priority: APR 01, 1888

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
11N	05W	10		SE	SW	R	WASHINGTON
				SW	SE	R	WASHINGTON
		21		NE	NE	R	WASHINGTON
				SW	SE	R	WASHINGTON
		22		NW	NW	R	WASHINGTON
		28		NE	NW	R	WASHINGTON
12N	05W	22		SE	SW		WASHINGTON

5. Description of diverting works:
HEADGATES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	15.060		1749.00

7. Total Quantity Appropriated is:
15.060 C.F.S. (and/or) 1749.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

SCANNED
APR 08 2004

A67-00724

Page 1

Date: 05/14/90

MICROFILMED
OCT 01 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11N	05W	3	SW		NW		IRR	18.0
			NE		SW		IRR	3.0
			NW		SW		IRR	13.0
			SW		SW		IRR	4.0
			SE		SW		IRR	23.0
			NW		SE		IRR	3.0
			SW		SE		IRR	30.0
			Section Acres					94.0
		10	NE		NE		IRR	1.0
			NW		NE		IRR	33.0
			SW		NE		IRR	28.0
			SE		NE		IRR	11.0
			NE		NW		IRR	20.0
			NE		SW		IRR	5.0
			NE		SE		IRR	5.0
			NW		SE		IRR	27.0
			SW		SE		IRR	26.0
			Section Acres					156.0
		15	NE		NE		IRR	15.0
			NW		NE		IRR	33.0
			SW		NE		IRR	37.0
			SE		NE		IRR	15.0
			NE		SW		IRR	17.0
			SW		SW		IRR	20.0
			SE		SW		IRR	24.0
			NW		SE		IRR	27.0
			Section Acres					188.0
		21	NE		NE		IRR	14.0
			SW		NE		IRR	4.0
			SE		NE		IRR	31.0
			SE		SW		IRR	18.0
			NE		SE		IRR	22.0
			NW		SE		IRR	32.0
			SW		SE		IRR	25.0
			Section Acres					146.0
		22	NW		NW		IRR	4.0
			Section Acres					4.0
		28	NW		NE		IRR	17.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	05W	28	NE	NW		IRR	34.0
			NW	NW		IRR	21.0
			SW	NW		IRR	38.0
			SE	NW		IRR	27.0
			NE	SW		IRR	10.0
			NW	SW		IRR	20.0
						Section Acres	167.0
		29	SE	NE		IRR	28.0
						Section Acres	28.0
						Total Acres	783.0

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A67-02032, A67-00634

14. Remarks:

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: _____

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 _____

RECEIVED

NOV 14 1989

Department of Water Resources
Western Regional Office

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: A67-00724
Date Received: 11-14-89
Receipt No: W006688
Received By: -----

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1. Name: MONROE CREEK IRRIGATION DIST. 208-549-1144
Address: C/O GEORGE L. CHANDLER
1116 HWY 95
WEISER, ID 83672

2. Date of Priority: APR 01, 1888

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

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			SW	SE		R	WASHINGTON
		21	NE	NE		R	WASHINGTON
			SW	SE		R	WASHINGTON
		22	NW	NW		R	WASHINGTON
		28	NE	NW		R	WASHINGTON
12N	05W	22	SE	SW			WASHINGTON

5. Description of diverting works:
HEADGATES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	15.060		1749.00

7. Total Quantity Appropriated is:
15.060 C.F.S. (and/or) 1749.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A67-00724

Page

1

Date: 10/18/89

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OCT 01 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	05W	3	SW	NW		IRR	18.0
			NE	SW		IRR	3.0
			NW	SW		IRR	13.0
			SW	SW		IRR	4.0
			SE	SW		IRR	23.0
			NW	SE		IRR	3.0
			SW	SE		IRR	30.0
			Section Acres				94.0
		10	NE	NE		IRR	1.0
			NW	NE		IRR	33.0
			SW	NE		IRR	28.0
			SE	NE		IRR	11.0
			NE	NW		IRR	20.0
			NE	SW		IRR	5.0
			NE	SE		IRR	5.0
			NW	SE		IRR	27.0
			SW	SE		IRR	26.0
			Section Acres				156.0
		15	NE	NE		IRR	15.0
			NW	NE		IRR	33.0
			SW	NE		IRR	37.0
			SE	NE		IRR	15.0
			NE	SW		IRR	17.0
			SW	SW		IRR	20.0
			SE	SW		IRR	24.0
			NW	SE		IRR	27.0
			Section Acres				188.0
		21	NE	NE		IRR	14.0
			SW	NE		IRR	4.0
			SE	NE		IRR	31.0
			SE	SW		IRR	18.0
			NE	SE		IRR	22.0
			NW	SE		IRR	32.0
			SW	SE		IRR	25.0
			Section Acres				146.0
		22	NW	NW		IRR	4.0
			Section Acres				4.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	05W	28	NW	NE		IRR	17.0
			NE	NW		IRR	34.0
			NW	NW		IRR	21.0
			SW	NW		IRR	38.0
			SE	NW		IRR	27.0
			NE	SW		IRR	10.0
			NW	SW		IRR	20.0
		29	SE	NE		IRR	28.0
						Section Acres	28.0
						Total Acres	783.0

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? NO

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A67-02032, A67-00634

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

MONROE CREEK IRRIGATION DISTRI
Decree Plaintiff

DON DICKERSON, ET AL.
Decree Defendant

vs

MICROFILMED

OCT 01 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Chairman of
Title
Monroe Creek Irrigation District, that I have signed the foregoing
Organization
document in the space below as Chairman of
Title
Monroe Creek Irrigation District and that the statements contained in the
Organization
foregoing document are true and correct.

Greg L. Charles
Signature of Authorized Agent

Chairman
Title and Organization

11-7-89
Date

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 7 day
of November 19 85
Bauman J. Davis
Notary Public

Seal

Residing at Wenatchee
My Commission Expires 9-16-92