

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: **A67-02191A**
Date Received: 7/18/1989
Receipt No: W003707
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: JACK W HAND
Address: 975 E INDIANHEAD RD
WEISER ID

208-549-0294

83672

OR

Name: MAIDA I HAND
Address: 975 E INDIANHEAD RD
WEISER ID

208-549-0294

83672

2. Date of Priority: AUG 23, 1949

3. Source: MONROE CREEK

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4	of 1/4	of 1/4	Lot	County
11N	05W	28	NW		SW		WASHINGTON

5. Description of diverting works:
DAM, 10' DEEP, 6" PIPE, 15 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.080		
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is 0.2 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 15 HEAD OF CATTLE

**SCANNED
MAY 10 2004**

**MICROFILMED
OCT 22 1996**

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	05W	28	SW SW	NW NW	IRR STOCK	8.0
Section Acres						8.0
Total Acres						8.0

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:
67-07003

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

MONROE CREEK IRRIGATION DISTR
Decree Plaintiff

DON DICKERSON, ET AL.
vs Decree Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number AL-1-02191ADate Received 7-18-89Receipt Number W003707

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JUL 18 1989

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Jack W. or Maida I. Hand Phone (208) 549-0294
Mailing Address 975 E. Indianhead Rd. Weiser, Idaho Zip 83672
2. Date of Priority (Only one (1) per claim) August 23, 1949
3. Source of water supply (a) Monroe Creek
which is tributary to (b) SNAKE RIVER
4. a. Location of existing point of diversion is: Township 11 N. Range 5 W. Section 28,
NW 1/4 of SW 1/4 of 1/4, Govt. Lot, 1 B.M., County of Washington.
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Dam, 10' deep, 6" pipe, 15 h.p. pump.

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HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month, and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4-1 to 10-31 amount 0.08 or 4"

For Stockwater purposes from 1-1 to 12-31 amount 0.02 or 1"

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.08 (cfs) and/or (b) 5" (acre feet)

8. Total consumptive use claimed is 3.0 x 8ac = .24 acre feet per annum.

9. Non-Irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater: 15 head of cattle

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
11N	5W	28							8										8
11N	5W	28							S										

Total number of acres irrigated 8

11. In which county (ies) are lands listed above as place of use located? Washington

12. Do you own the property listed above as place of use? Yes X No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
#67-7003 or None ()

14. Remarks:
Deeded off 3.20 acres to Daughter and 3 Granddaughters (.80 acres apiece)
Lots stand just as they were, in pasture and undeveloped.
I still irrigate and pasture cattle on said lots.

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Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Scale: 2 inches equals 1 mile

R-5 W

T
11
N

28

X

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Last Name _____

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use x Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 67-02191

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Jack W. Hand

Date July 17, 1989

Maida E. Hand

Date July 17, 1989

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/ Washington)

County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 17th day of July 19 89

SEAL

Notary Public Keith Chapman

Residing at Weiser, Idaho

My Commission Expires 8-6-91

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

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OCT 22 1989

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME

Hand, Jack & Maids

CI

IDENT. NO.

AB7-02191DATE RECEIVED 7-18-89 RECEIPT # 0003707 FEE PAID \$ 58 FEE REQ'D \$ 58

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	<u>X</u>		*
2. Is a priority date entered?	<u>X</u>		*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.			
	<u>X</u>		*
3. (a) Is a source entered?	<u>X</u>		*
(b) Is a tributary to entered? (if required)	<u>X</u>		
4. Is the legal description of the p.d. sufficient?	<u>X</u>		*
5. Is there a description of the diverting works?	<u>X</u>		
6. Are the water uses appropriate for the form? The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	<u>X</u>		*
Is the period of use included?	<u>X</u>		
Is a quantity claimed for each use?	<u>X</u>		*
7. Is a total quantity claimed entered?	<u>X</u>		
8. If required is a consumptive use entered?	<u>X</u>		
Is the consumptive use correct?	<u>X</u>		
9. Are the non-irrigation uses listed showing # of homes, hd. of stock?	<u>X</u>		*
Is multiple domestic, is single ownership indicated?	<u>X</u>		
10. Is (are) the place(s) of use and purpose(s) indicated?	<u>X</u>		*
11. Is (are) the county(ies) entered?	<u>X</u>		
12. Is the ownership of p.u. checked?	<u>X</u>		
13. Are other water rights listed or "none" indicated?	<u>X</u>		
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	<u>X</u>		
15. Is the basis of the claim indicated?	<u>X</u>		
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? If yes, compare claim w/existing right and attach proof report noting any differences in comments. If no, was water right no. found?	<u>X</u>		*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? (If yes, attach a proof report & complete number change) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	<u>X</u>		
18. If the claimant requested a monthly docket sheet, was the fee paid?	<u>X</u>		
19. Is the claim signed by the claimant, and is the signature appropriate?	<u>X</u>		*
20. Has the claim been signed, sealed, and dated by a notary?	<u>X</u>		*
21. Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date) If no, was an extension of time filed, & approved?	<u>X</u>		
22. Is the fee enclosed correct?			*

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OCT 22 1990

- | | YES | NO |
|---|---------------|---------------|
| 23. Is this claim being rejected and returned to claimant? . . . | <u> </u> | <u>X</u> |
| 24. Can this claim be data entered? | <u>X</u> | <u> </u> |
| 25. Was claim modified? | <u> </u> | <u>X</u> |
| If yes, do modifications require notification to claimant? . . . | | |
| Note: Modifications made must be explained in comments stating where the information for any changes was found. | | |

Claim reviewed by: JH Date 7-28-93

Claim data entered by: Date

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: Basis of Claim shown as a Beneficial Use, should
be Decreed. Claiming less acreage than on Decree. Prog.
Report attached.

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
✓ 67-2191A					
✓ 67-7003A					
✓ 67-7213					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *Ø*
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Maida I Hand

975 E. Indianhead Rd Weiser, ID 83672

4. New Owner/Claimant(s)

Karen N. OWEN

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

975 E. Indianhead Rd.

City, State and ZIP Code

Weiser ID 83672

New Telephone Number

(208) 549-8756

5. Date you acquired the property

4 / 26 / 2004

SCANNED

MAR 27 2007

RECEIVED

RECEIVED

MAR 23 2007

WATER RESOURCES
WESTERN REGION

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Karen W. Owen
(include title if applicable)

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

For Office Use Only
 Received by DB Date 3-23-07 Fee 0
 Received by _____ Date _____ Receipt No. _____
 Processed by SA AJ Date 4-3-07 WR _____ Date _____

NCAP prepared 4-3-07-M

QUITCLAIM DEED

93502

For Value Received

Maida I Hand, a widow

hereby conveys, releases, remises and forever quits claim unto Karen N. Owen a married woman as her sole and separate property 995 E Indianhead Rd Weiser ID 83672 and Rita Lee Owen a married woman as her sole and separate property 317 S 1400 W Murtaugh ID 83344 the following premises, to-wit:

The following described property located in Washington County, State of Idaho:

A parcel situated in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 28 and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, Township 11 North, Range 5 West of the Boise Meridian and more particularly described as follows:

Commencing at the Northwest corner of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 28, Township 11 North, Range 5 West Boise Meridian; Thence N 89° 59' 05" E along the North Boundary of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 105.5 feet to the TRUE POINT OF BEGINNING.

Thence Continue N 89° 59' 05" E a distance of 263.85 feet;

Thence S 5° 46' 05" W a distance of 146.20 feet;

Thence N 89° 59' 05" E a distance of 149.05 feet;

Thence N 5° 46' 05" E a distance of 146.20 feet;

Thence N 89° 59' 05" E a distance of 205.64 feet which point is S 89° 59' 05" W 599.86 feet from the Northeast corner of Section 28;

Thence S 0° 06' E a distance of 440.0 feet;

Thence N 89° 59' 05" W a distance of 752.92 feet plus or minus to the center of Monroe Creek;

Thence N 35° 25' E a distance of 17.0 feet more or less;

Thence N 26° 37' E a distance of 176.3 feet;

Thence N 17° 0' W a distance of 101.5 feet;

Thence N 19° 40' E a distance of 195.1 feet to THE TRUE POINT OF BEGINNING.

RESERVING AND EXCEPTING to the Grantor the right to the use of said premises and a life Estate therein for as long as the Grantor shall live.

Dated: Apr. 26, 2004

Instrument # 193502

WEISER, WASHINGTON, IDAHO

2004-04-26 02:23:00 No. of Pages: 1

Recorded for: KAREN OWEN

SHARON WIDNER

Ex-Officio Recorder Deputy Sharon Widner

Index to: DEED

Maida I. Hand
MAIDA I. HAND

STATE OF IDAHO, COUNTY OF

On this 26th day of April, 192004 before me, a notary public in and for said State, personally appeared

Maida I. Hand

I, Sharon Widner, do hereby certify that the person named above has executed the same.

NOTARY PUBLIC
STATE OF IDAHO

Residing at Weiser, Id, Idaho
Comm. Expires 2-18-09

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 _____ Deputy.
Fees \$ _____
Mail to: _____

INSTRUMENT No.

SCANNED

MAR 27 2007

04/03/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-2191A

NAME AND ADDRESS: KAREN N OWEN
975 E INDIANHEAD RD
WEISER ID 83672

SOURCE: MONROE CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.080 CFS
36.00 AFY

The rights listed below are limited to a total combined diversion rate of 0.16 cfs and to a total combined annual diversion volume of 36 AF for irrigation purposes. Combined Right Nos.: 67-7003A, 67-2191A, 67-7213.

PRIORITY DATE: 08/23/1949

POINT OF
DIVERSION:

T11N R05W S28 NWSW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
-----------------------	----------------------	-----------------

IRRIGATION	03/15 11/15	0.080 CFS 36.00 AFY
------------	-------------	------------------------

The use of water for irrigation under this right may begin as early as March 1 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 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

T11N R05W S28 NWSW 8.00

8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 8 acres in a single irrigation season. Combined Right Nos.: 67-7003A, 67-2191A, 67-7213.

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

The following rights are diverted through point of diversion described above: 67-2191A, 67-7003A, 67-7003B, 67-14524, 67-14526, 67-14528, 67-14638, 67-14639, 67-14640, 67-14641.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2191A V1

WATER RIGHT NUMBER: 67-2191A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KAREN N OWEN 975 E INDIANHEAD RD WEISER, ID 83672 (208)549-8756
Directors Report Owner	JACK W HAND 975 E INDIANHEAD RD WEISER, ID 83672 (208)549-0294
Directors Report Owner	MAIDA I HAND 975 E INDIANHEAD RD WEISER, ID 83672 (208)549-0294
Original Owner	JACK W HAND RT 2 BOX 257C WEISER, ID 83672

Priority Date: 08/23/1949

Basis: Decreed

Status: Active

Source

MONROE CREEK

Tributary

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	0.080 CFS	36.00 AF
	<u>Total Diversion:</u>	0.080 CFS	36.00 AF

Location of Point(s) of Diversion

MONROE CREEK

NW1/4SW1/4

Sec. 28, Twp 11N, 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	28																	8.0

Total Acres: 8

Conditions of Approval:

1. F06 The following rights are diverted through point of diversion described above: 67-2191A, 67-7003A, 67-7003B, 67-14524, 67-14526, 67-14528, 67-14638, 67-14639, 67-14640, 67-14641.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2191A V1

2. E61 The rights listed below are limited to a total combined diversion rate of 0.16 cfs and to a total combined annual diversion volume of 36 AF for irrigation purposes. Combined Right Nos.: 67-7003A, 67-2191A, 67-7213.
3. S47 The use of water for irrigation under this right may begin as early as March 1 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 irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. 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.
5. E56 The rights listed below are limited to the irrigation of a combined total of 8 acres in a single irrigation season. Combined Right Nos.: 67-7003A, 67-2191A, 67-7213.

Remarks:

Comments:

1. mcase 6/21/2004 Period of Use

Comment: Claimed Period of Use is shorter than Decreed Period of Use. I recommended the claimed Period of Use, which is shorter than the standard Season of Use.

2. mcase 6/21/2004 Water Use

Comment: Claimed Stockwater, no stockwater decreed. Other rights in same decree have stockwater specified. Did not recommend stockwater use.

3. mcase 6/21/2004 POU

Comment: Claimed POU pls description does not match decreed PLS description. The taxlot data shows a parcel belonging to the claimant in the decreed location. I created a shape using that taxlot shape.

4. mcase 6/21/2004 Quantity

Comment: Claimed only .01 cfs per acre. Decreed right is .02 cfs/acre.

5. jdean 9/19/2006 POU

Comment: POU was updated to reflect overlap with 67-7213. Acres increased from 7.5 to 8.

6. jdean 9/19/2006 Quantity

Comment: The diversion rate for this recommendation was increased to reflect proportionality in the split. A volume limitation was also added based on the decree for 67-2191.

7. csaxton 11/18/2006 Diversion Rate

Comment: More acres originally claimed then were decreed so the diversion rate was spread thinner than originally decreed when split. This right should be amended to add a greater diversion rate. I cannot recommend a greater diversion rate than claimed.

Water Supply Bank:

12/05/2006

RECEIVED
DEC 12 2006
DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 13, 2006

Water right number: 67-2191A

JACK W HAND
975 E INDIANHEAD RD
WEISER ID 83672
Telephone Number: (208)549-0294

MAIDA I HAND
975 E INDIANHEAD RD
WEISER ID 83672
Telephone Number: (208)549-0294

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 12-7-06 SIGNATURE: Maider I. Hand

Please print your name: MAIDA I HAND

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

SCANNED
DEC 13 2006

RECEIVED

NOV 21 2006

DEPARTMENT
WATER RESOURCES

11/14/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-2191A

JACK W HAND
975 E INDIANHEAD RD
WEISER ID 83672
Telephone Number: (208)549-0294

MAIDA I HAND
975 E INDIANHEAD RD
WEISER ID 83672
Telephone Number: (208)549-0294

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE:

11-18-06

SIGNATURE:

Maida I. Hand

Please print your name:

MAIDA I. HAND

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

SCANNED

NOV 24 2006

11/18/2006

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

RIGHT NUMBER: 67-2191A

NAME AND ADDRESS: JACK W HAND
975 E INDIANHEAD RD
WEISER ID 83672

MAIDA I HAND
975 E INDIANHEAD RD
WEISER ID 83672

SOURCE: MONROE CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.080 CFS
36.000 AFY

The rights listed below are limited to a total combined diversion rate of 0.16 cfs and to a total combined annual diversion volume of 36 AF for irrigation purposes. Combined Right Nos.: 67-7003A, 67-2191A, 67-7213.

PRIORITY DATE: 08/23/1949

POINT OF DIVERSION:

T11N R05W S28 NWSW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.080 CFS

36.00 AFY

The use of water for irrigation under this right may begin as early as March 1 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 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

T11N R05W S28 NWSW 8.00

8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 8 acres in a single irrigation season. Combined Right Nos.: 67-7003A, 67-2191A, 67-7213.

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

The following rights are diverted through point of diversion described above: 67-2191A, 67-7003A, 67-7003B, 67-14524, 67-14526, 67-14528, 67-14638, 67-14639, 67-14640, 67-14641.



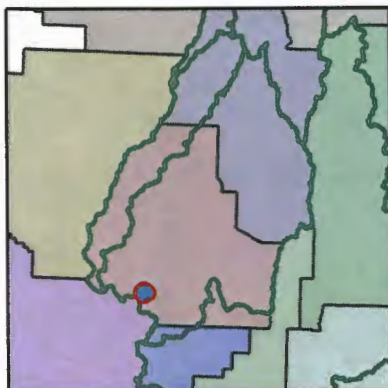
Idaho Department of Water Resources

SRBA Recommendation:

67-2191A

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 J. Dean
On Tuesday, September 19, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2191A V1

WATER RIGHT NUMBER: 67-2191A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JACK W HAND 975 E INDIANHEAD RD WEISER, ID 83672 (208)549-0294
Current Owner	MAIDA I HAND 975 E INDIANHEAD RD WEISER, ID 83672 (208)549-0294
Original Owner	JACK W HAND RT 2 BOX 257C WEISER, ID 83672

Priority Date: 08/23/1949

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	03/15 to 11/15	0.0810 CFS	36.00 AF
	<u>Total Diversion:</u>	0.0810 CFS	36.00 AF

Location of Point(s) of Diversion

MONROE CREEK	NW1/4SW1/4	Sec. 28, Twp 11N, 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	28																	8.0

Total Acres: 8

Conditions of Approval:

- F06 The following rights are diverted through point of diversion described above: 67-2191A, 67-7003A, 67-7003B, 67-14524, 67-14526, 67-14528, 67-14638, 67-14639, 67-14640, 67-14641.
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2191A V1

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2191A 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: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.15	33.75	7.5

Combined Water Rights: 67-2191A , 67-7003A

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.2	38.8	8

Combined Water Rights: 67-2191A , 67-7003A , 67-7213

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	6/21/2004 8:29:06 AM	mcase			Active
POD	6/21/2004 8:29:25 AM	mcase			Active
Source	6/21/2004 8:29:34 AM	mcase			Active
POU	6/21/2004 8:30:57 AM	mcase			Active
Use	6/21/2004 8:31:50 AM	mcase			Active
Use	6/21/2004 8:35:11 AM	mcase			Active
Season	6/21/2004 8:35:19 AM	mcase			Active
Season	6/21/2004 8:41:12 AM	mcase			Active
POU	6/21/2004 9:10:53 AM	mcase			Active
Quantity	6/21/2004 9:48:01 AM	mcase			Active
Priority Date	5/26/2006 9:58:52 AM	dnarsavage			Active
POD	5/26/2006 9:59:19 AM	dnarsavage			Active
Source	5/26/2006 10:11:53 AM	dnarsavage			Active
POU	5/26/2006 10:12:06 AM	dnarsavage			Active
Use	5/26/2006 10:12:30 AM	dnarsavage			Active
Season	5/26/2006 10:13:47 AM	dnarsavage			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2191A V1

Quantity	5/26/2006 10:19:45 AM	dnarsavage	Active
Summary	05/26/2006	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	1/13/2004 10:39:31 AM	awarntje	Edited shape boundary
Use	6/21/2004 8:31:49 AM	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?
POU	5/26/2006 10:12:06 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?
Use	5/26/2006 10:12:31 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?
POU	5/26/2006 10:24:40 AM	dnarsavage	Updated shape for Active POU
General	5/26/2006 9:58:52 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	5/26/2006 9:59:20 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?
POD	5/26/2006 10:11:20 AM	dnarsavage	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2191A V1

Season	5/26/2006 10:13:47 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	5/26/2006 10:19:46 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 - Current standards equal decreed amounts and claimed amounts.
Summary	5/26/2006 10:21:34 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?
Source	5/26/2006 10:11:54 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2191A V1

Priority Date	6/21/2004 8:29:05 AM	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? (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	6/21/2004 8:29:25 AM	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	6/21/2004 8:29:34 AM	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?
POU	6/21/2004 8:30:57 AM	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? (No) 6. Can the claimed POU be verified using the water right file?
Use	6/21/2004 8:35:10 AM	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? (No) 5. Can the claimed Purpose of Use be verified using the water right file?
Season	6/21/2004 8:35:18 AM	mcase	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (No) 5. Can the claimed Period of Use be verified using the water right file? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2191A V1

Season	6/21/2004 8:41:12 AM	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) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 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?
POU	6/21/2004 9:10:51 AM	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? (No) 6. Can the claimed POU be verified using the water right file? (No) 7. Is there evidence that there has been a change in the POU?
Quantity	6/21/2004 9:47:59 AM	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?

Water Supply Bank:

Split history for Decreed Right 29-02191

WR History\

Adjudication Claim History

Recommendation

67-02191 Hand
0.6 cfs
41 ac
185 af

0.014634
4.512195

67-02191 Hand
0.6
41
185

67-02191A Hand
0.8
8
N/A

67-02191B Holt, Richard
0.6
62
N/A

67-02191A Hand
0.8
8
0

67-14524 Holt, Richard
0.45
47
0

67-02191A Hand
0.8
8
0

67-14524 Holt, Richard
0.45
47
0

67-14636 Holt, Charlene
0.03
3
0

67-14637 Sales Unlimited
0.12
12
0

Sum CFS =	1.4
Sum Acre =	70
Sum AF =	0

Extra CFS =	-0.8
Extra ac =	-29
Extra AF =	185

67-02191A Hand	0.08
	8
	36

Should amend to 0.12

67-14524 Holt, Richard	0.44
	30
	135

Should amend to 0.48

67-14636 Holt, Charlene	0
	0
	0

67-14637 Sales Unlimited	0
	0
	0

Sum CFS =	0.52
Sum Acre =	38
Sum AF =	171

Extra CFS =	0.08
Extra ac =	3
Extra AF =	13.6

*Last updated 11-18-06 (csaxton)

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