

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: **A63-05169**
Date Received: 4/ 5/1990
Receipt No: C016100
Received By: _____

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

1. Name: GUY CANADAY 208-365-5160
Address: 1057 LILAC LANE
EMMETT ID 83617

2. Date of Priority: APR 1, 1944

3. Source: ASHLOCK GULCH Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	05W	28	SE	NE	SE		PAYETTE

5. Description of diverting works:
DAM, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is 66.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ UP TO 50 DAIRY OR BEEF CATTLE

MICROFILMED

JUL 25 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07N	05W	28	NE	SE		IRR	19.0
			NE	SE		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	19.0
					Total Acres	19.0

11. Place of use in counties: PAYETTE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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: _____

MICROFILMED
JUL 25 1994

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 _____

MICROFILMED
JUL 25 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
FEB 8 1993

DATE OF CLOSING: 10/26/92

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 7N Range 5W
Section 28, SE 1/4 of NE 1/4 of SE 1/4, Govt. Lot BM

Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet.

RECEIVED

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

FEB 9 1993
Department of Water Resources
Western Regional Office

☐ Water Right Number(s)
Assigned by IDWR:

A63-05169

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

MARCEL WANDERS
4250 HWY 95 PARMA, ID 83660

☐ New Owner/Claimant
(Purchaser):

GUY CANADAY

☐ New Mailing Address:

1057 LILAC LA. EMMETT, ID 83617

☐ New Telephone Number:

(208) 365 - 5160

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of
ownership, describe
proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New
Owner/Claimant(s)

Guy Canaday

Date 2/5/93

Date _____

☐ Signature of Former
Owner/Claimant(s):

Date _____

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 2-23-93 By: JAN

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 2-23-93 By: JAN

Claim Numbers of Split, if any:

MICROFILMED

JUL 25 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

copy

241078

P-21025, 500/104, 403 & 1200/105

WARRANTY DEED

For Value Received

MARCEL T. WANDERS and DeLYNN R. WANDERS, husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto

GUY P. CANADY and MAROLYN CANADY, husband and wife,

the grantee s, whose current address is 1057 Lilac Lane
Emmett, Idaho 83617

the following described premises, in Payette

County Idaho, to-wit:

See EXHIBIT A attached hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantee s, that the y are the owner s in fee simple of said premises; that they are free
from all incumbrances excepting reservations, easements, incumbrances,
restrictions and rights of way appearing of record and/or existing,

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

Dated: October 26, 1992

Marcel T. Wanders
Marcel T. Wanders

DeLynn R. Wanders
DeLynn R. Wanders

STATE OF IDAHO, COUNTY OF Payette
On this 26th day of October, 1992,
before me, a notary public in and for the said State, per-
sonally appeared

Marcel T. Wanders and
DeLynn R. Wanders

known to me to be the person whose name s are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Sheryl Meller
Payette
Notary Public
, Idaho

Residing at
Payette, Idaho

STATE OF IDAHO, COUNTY OF Payette
I hereby certify that this instrument was filed for record at
the request of Land Title Insurance Company

at 14 minutes past 12 o'clock P.M.,
this 27 day of October, 1992, in my office, and duly recorded in Book 48
of Deeds at Page 241078

LAURA L. STIGILE

Ex-Officio Recorder

By Patti Frates

Deputy.

Fees \$ 600
Mail to:

INSTRUMENT No.

241078

241078

EXHIBIT A

PARCEL I:

Land in Twp. 7 N. R. 5 W., B.M., Payette County, Idaho:

In Sec. 27: The NW $\frac{1}{4}$ SW $\frac{1}{4}$ EXCEPTING THEREFROM the following described parcel of land:

Beginning at the Southwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$;
thence North following the West side line 396 feet to
the Southerly side line of a certain drain ditch;
thence in a Southeasterly direction following said
Southerly side line of said drain ditch
approximately 780 feet to the point where the same
intersects the South side line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$;
thence West following said South side line
approximately 600 feet to the Point of Beginning;

ALSO,

The SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying Southerly of the right of way of the
Black Canyon Irrigation District Lateral A-20.4.

PARCEL II:

Land in Twp. 7 N. R. 5 W., B.M., Payette County, Idaho:

In Sec. 28: The NE $\frac{1}{4}$ SE $\frac{1}{4}$ EXCEPTING THEREFROM that portion conveyed to
the State of Idaho for highway right of way by Deed
recorded January 8, 1931, Fee #27657, in Book 9, Page
516, Deed Records of Payette County, Idaho;
AND EXCEPTING THEREFROM the following described parcel
of land:

Commencing at the Southwest corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$;
thence N. 89°48'45" E. along the Southerly boundary of
said NE $\frac{1}{4}$ SE $\frac{1}{4}$, 35.78 feet to the TRUE POINT OF
BEGINNING;
thence N. 0°04'00" W. parallel with the Westerly
boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, 466.33 feet;
thence S. 68°07'06" E. 17.76 feet;
thence S. 58°04'56" E. 225.18 feet;
thence S. 59°16'01" E. 379.08 feet;
thence S. 57°52'54" E. 271.66 feet to a point on the
Southerly boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$;
thence S. 89°48'45" W. along said Southerly boundary
763.01 feet to the True Point of Beginning;
FURTHER EXCEPTING THEREFROM the following described
parcel of land:
Beginning at the Southwest corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$;
thence N. 0°04'00" W. along the Westerly boundary of
said NE $\frac{1}{4}$ SE $\frac{1}{4}$, 480.82 feet;
thence S. 68°07'06" E. 38.58 feet;
thence S. 0°04'00" E. parallel with said Westerly
boundary 466.33 feet to a point on the Southerly
boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$;
thence S. 89°48'45" W. along said Southerly boundary
35.78 feet to the Point of Beginning.

PARCEL III:

Land in Twp. 7 N. R. 5 W., B.M., Payette County, Idaho:

In Sec. 28: That portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying East of Highway 95 and
South of the Black Canyon Irrigation District Lateral
A-204.41.

PARCEL IV:

Land in Twp. 7 N. R. 5 W., B.M., Payette County, Idaho:

In Sec. 28: A parcel of land in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly
described as follows:

Commencing at the Southeast corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$;
thence N. 0°04'00" W. along the Easterly boundary of
said NW $\frac{1}{4}$ SE $\frac{1}{4}$, 480.82 feet to the TRUE POINT OF
BEGINNING;
thence N. 68°07'06" W. 94.06 feet to a point on the
Easterly right of way boundary for U.S. Highway 95;
thence N. 13°48'14" E. along said right of way 363.93
feet to a point on said Easterly boundary of said
NE $\frac{1}{4}$ SE $\frac{1}{4}$;
thence S. 0°04'00" E. along said Easterly boundary
388.47 feet to the True Point of Beginning.

TOGETHER with any and all water, water rights, ditches, ditch rights,
minerals, mineral leases and any and all irrigation rights appurtenant
to said lands or in anywise connected therewith.

28/27

7N

19

FOO

Ashbrook

500

AL63-65169

19 Acres

NOT FILMED
AUG 21 1992

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: A63-05169

Date Received: 4/05/1990

Receipt No: Collo/06

Received By: B

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARCEL WANDERS 208-674-2088
Address: 4250 HWY 95
PARMA, ID 83660

OR

Name: DELYNN WANDERS 208-674-2088
Address: 4250 HWY 95
PARMA, ID 83660

2. Date of Priority: APR 01, 1944

3. Source: ASHLOCK GULCH Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	05W	28	SE	NE	SE		PAYETTE

5. Description of diverting works:
DAM, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is 66.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ UP TO 50 DAIRY OR BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
.07N	05W	28	NE	SE		IRR	19.0
			NE	SE		STOCK	

Section Acres 19.0

Total Acres 19.0

11. Place of use in counties: PAYETTE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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): Marc W. Winkler Date: 4-5-90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 5th day

of April 19 90

Anna Baumhoff
Notary Public

Seal

Residing at Anna Baumhoff, Notary Public
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 7, 1994

12/10/2006

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

RIGHT NUMBER: 63-5169
NAME AND ADDRESS: GUY CANADAY
1057 LILAC LN
EMMETT ID 83617

SOURCE: ASHLOCK GULCH TRIBUTARY: SNAKE RIVER

QUANTITY: 0.410 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/01/1946

POINT OF

DIVERSION: T07N R05W S28 SENESE Within PAYETTE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	0.380 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION in PAYETTE County

T07N R05W S28	NESE	18.00	T07N R05W S28	NWSE	1.00
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STOCKWATER in PAYETTE County

T07N R05W S28	NESE	T07N R05W S28	NWSE
---------------	------	---------------	------

19 ACRES TOTAL

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 50 range cattle.

09/30/2006

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: October 31, 2006

Water right number: 63-5169

GUY CANADAY

1057 LILAC LN

EMMETT ID 83617

Telephone Number: (208)365-5160

RECEIVED

OCT 16 2006

WATER RESOURCES
WESTERN REGION

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: 10/16/06

SIGNATURE:

Guy Canaday

Please print your name:

Guy CANADAY

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

10/12/2006

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

RIGHT NUMBER: 63-5169

NAME AND ADDRESS: GUY CANADAY
1057 LILAC LN
EMMETT ID 83617

SOURCE: ASHLOCK GULCH

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.410 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/01/1946

POINT OF DIVERSION:

T07N R05W S28 SENESE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.380 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION Within PAYETTE County

T07N R05W S28 NESE 18.00 T07N R05W S28 NWSE 1.00

STOCKWATER Within PAYETTE County

T07N R05W S28 NESE T07N R05W S28 NWSE

19 ACRES TOTAL

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

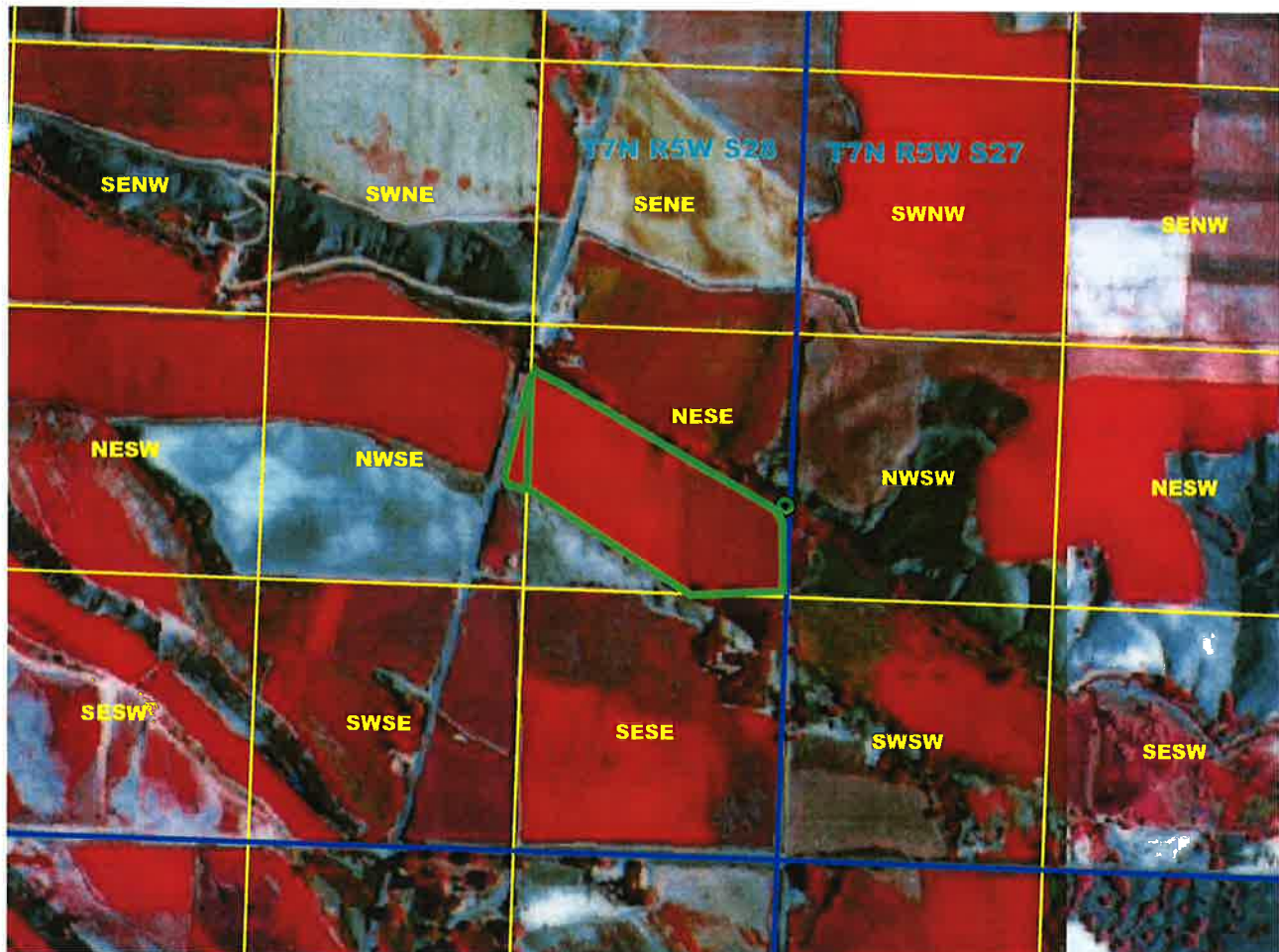
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
. Stockwater use is for 50 range cattle.



State of Idaho
Idaho Department of Water Resources
Western Region

T7N R5W SECTION(S) 28
WATER RIGHT(S) : 63-5169



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

Total Irrigated Acres = 19 acre(s)

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: October 2006



MEMORANDUM

TO: ADJUDICATION FILES 63-5169

FROM: DANIEL A. NELSON

DATE: 10/12/2006

SUBJECT: CLAIM REVIEW

This claim is based on a statutory claim that was originally claimed for 25 acres. The current owner only claimed 19 acres on their adjudication claim. There has only been 19 acres irrigated since 1987, so this seems correct.

The diversion rate was claimed on the statutory claim for 0.50 cfs for irrigation of 25 acres or one minor inch per acre or 0.02 cfs. The adjudication claim carried over the 0.50 cfs, but clarified the number of acres irrigated to 19. I performed a field exam on this property on 10/12/2006 and found that in fact 19 acres were being irrigated. During my field exam on this property I used the Manning Equation to determine the capacity of the ditch being used for irrigation. The ditch has the capacity to deliver 3.04 cfs, therefore, this claim will be limited by department standards. The department standard for irrigation use is 0.02 cfs or one minor inch per acre, so the diversion rate claim will be reduced to 0.38 cfs for the 19 acres being irrigated.

The priority date of this claim was originally claimed for 4/1/1944. During the review of this claim I sent a letter to the claimant on 4/19/2006 request proof of priority. No proof of priority was returned to me, and this claim was sent out in the preliminary report as being recommended to be disallowed. Upon receiving the preliminary report mailing, the owner came to my office on 10/10/2006 with an affidavit stating that the dam for this water right was built in 1946. In order for this system to operate properly, the water in the channel would need to be backed up to get it to the top of the field. Therefore, the priority date of this right will be advanced to the beginning of the irrigation season in 1946 or 3/1/1946.

During our 10/10/2006 meeting, the owner stated that he has never run cattle on this property. However, he also informed me that previous owner did run cattle on the property. The claim was filed in 1990 and the current owner purchased the property in 1992, therefore, the stockwater portion of this claim cannot be removed. I asked the current owner how the previous owner watered the cattle, and he told me they drank directly out of the creek and the ditch. Therefore, the stockwater portion of this claim will be recommended as standard stockwater and limited to 0.03 cfs claimed.

I found that the acres being irrigated are not all in the NESE, and that corner of the field goes into the NWSE. Approximately, 1 acre is in the NWSE. The total acres irrigated is still 19 acres, it is simply re-arranged to match the 1987 aerial photography showing what is actually being done.

This water source is the only water used on this property, so there are no irrigation conditions or remarks needed on this claim. The condition or remark needed is that stockwater is for 50 head of cattle. And standard codes limiting the stockwater use to 13,000 gallons per day, and the statement saying it is not determination of historic beneficial use.

Whereas the current owner has supplied all of the necessary information, this claim will be set back to active and recommended as described above.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5169 V1

WATER RIGHT NUMBER: 63-5169 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GUY CANADAY 1057 LILAC LN EMMETT, ID 83617 (208)365-5160
Original Owner	MARCEL WANDERS 4250 HWY 95 PARMA, ID 83660 (208)674-2088
Original Owner	DELYNN WANDERS 4250 HWY 95 PARMA, ID 83660 (208)674-2088

Priority Date: 03/01/1946

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
ASHLOCK GULCH	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.380 CFS	
STOCKWATER	01/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.410 CFS	

Location of Point(s) of Diversion

ASHLOCK GULCH	SE1/4NE1/4SE1/4	Sec. 28, Twp 07N, Rge 05W, B.M.
PAYETTE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
07N	05W	28													18.0	1.0			19.0	

Total Acres: 19

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
07N	05W	28													X	X				

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-5169 V1

Conditions of Approval:

1. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. X02 Stockwater use is for 50 range cattle.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5169 V1

Comments:

1. dnelson 9/14/2006 Original Claim Review

Comment: I wrote a letter requesting evidence of priority to the claimant on 4/25/ 2006 and received no response. I checked the Payette County tax records available to our office, and it appears as though they still own this property. The letter was not returned. Therefore, I assume they are no longer interested in pursuing this claim. I have recommended this claim as disallowed due to no beneficial use found.

2. dnelson 10/12/2006 Final Claim Review

Comment: This claim is based on a statutory claim that was originally claimed for 25 acres. The current owner only claimed 19 acres on their adjudication claim. There has only been 19 acres irrigated since 1987, so this seems correct.

The diversion rate was claimed on the statutory claim for 0.50 cfs for irrigation of 25 acres or one minor inch per acre or 0.02 cfs. The adjudication claim carried over the 0.50 cfs, but clarified the number of acres irrigated to 19. I performed a field exam on this property on 10/12/2006 and found that in fact 19 acres were being irrigated. During my field exam on this property I used the Manning Equation to determine the capacity of the ditch being used for irrigation. The ditch has the capacity to deliver 3.04 cfs, therefore, this claim will be limited by department standards. The department standard for irrigation use is 0.02 cfs or one minor inch per acre, so the diversion rate claim will be reduced to 0.38 cfs for the 19 acres being irrigated.

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Page 2
63-5169

I found that the acres being irrigated are not all in the NESE, and that corner of the field goes into the NWSE. Approximately, 1 acre is in the NWSE. The total acres irrigated is still 19 acres, it is simply re-arranged to match the 1987 aerial photography showing what is actually being done.

This water source is the only water used on this property, so there are no irrigation conditions or remarks needed on this claim. The condition or remark needed is that stockwater is for 50 head of cattle. And standard codes limiting the stockwater use to 13,000 gallons per day, and the statement saying it is not determination of historic beneficial use.

Whereas the current owner has supplied all of the necessary information, this claim will be set back to active and recommended as described above.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5169 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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			04/04/2006	scurtis	Active
Summary			09/14/2006	dnelson	Active
Contacts	10/12/2006 3:43:56 PM	dnelson			Active
Priority Date	10/12/2006 3:49:16 PM	dnelson			Active
POD	10/12/2006 3:50:19 PM	dnelson			Active
Source	10/12/2006 3:52:20 PM	dnelson			Active
POU	10/12/2006 3:54:23 PM	dnelson			Active
Use	10/12/2006 3:55:45 PM	dnelson			Active
Season	10/12/2006 3:56:47 PM	dnelson			Active
Quantity	10/12/2006 3:57:39 PM	dnelson			Active
Summary			10/12/2006	dnelson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	4/4/2006 6:29:37 AM	scurtis	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5169 V1

Summary	9/14/2006 1:26:27 PM	dnelson	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (Yes) 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?
POU	10/12/2006 3:53:49 PM	dnelson	Updated shape for Active POU
POU	10/12/2006 3:54:18 PM	dnelson	Updated shape for Active POU
General	10/12/2006 3:49:16 PM	dnelson	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit from former owner.
POD	10/12/2006 3:50:06 PM	dnelson	Updated shape
POD	10/12/2006 3:50:19 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (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?
Source	10/12/2006 3:52:20 PM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field exam by Agent.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5169 V1

POU	10/12/2006 3:54:24 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field exam by Agent.
Contacts	10/12/2006 3:43:57 PM	dnelson	(Yes) 1. Do you want to schedule an appointment? (No) 2. Do you want to update the field exam contact information? Contact Person: GUY CANADAY - Contact Phone Number: 674-2088 Date of Field Exam: 10/12/2006 10:00 AM Directions to Property:
Use	10/12/2006 3:55:45 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (Yes) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field Exam by Agent
Season	10/12/2006 3:56:46 PM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (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? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5169 V1

Quantity	10/12/2006 3:57:40 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Field exam by Agent using the Mannings Equation.
Summary	10/12/2006 3:59:10 PM	dnelson	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 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?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5169

WATER RIGHT NUMBER: 63-5169

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GUY CANADAY 1057 LILAC LN EMMETT, ID 83617 (208)365-5160
Original Owner	MARCEL WANDERS 4250 HWY 95 PARMA, ID 83660 (208)674-2088
Original Owner	DELYNN WANDERS 4250 HWY 95 PARMA, ID 83660 (208)674-2088

Priority Date: 04/01/1944

Basis: Beneficial Use

Status: Active

Source

ASHLOCK GULCH CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

STOCKWATER

From To

3/15 to 11/15

1/01 to 12/31

Diversion Rate

0.500 CFS

0.030 CFS

Total Diversion:

0.530 CFS

Annual Volume

0.38 CFS

103 CFS

0.41 CFS.

Location of Point(s) of Diversion

ASHLOCK GULCH CREEK

PAYETTE County

SE1/4NE1/4SE1/4

Sec. 28, Twp 07N, Rge 05W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
07N	05W	28	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	19.0
															18				19.0

Total Acres: 19

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
07N	05W	28	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															X				

use is: ~~stockwater limited to in stream~~
 use.
 N-code
 X02 50 Head cattle.

use developed in 1946
 per affidavit.

original statutory claim
 for 25 acres at 0.02 cfs/acre.
 only 19 acres being
 irrigated. reduce to
 $0.02 \text{ cfs/acre} \times 19 = 0.38 \text{ cfs}$

NO
 volume
 surface water

103 CFS
 STOCKWATER

OK.

ADDITIONAL INFORMATION NEEDED FOR IRRIGATION FIELD EXAMS

Field Examiners, please complete the following checklist. Mark "unknown" or N/A if information doesn't apply or information is unavailable.

IF CURRENT OWNER DOES NOT MATCH PROOF REPORT PLEASE GIVE NEW OWNER CHANGE OF OWNERSHIP FORM TO COMPLETE.

1.) Pump information:

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
NO pump					

2.) Lift (distance from pump to water) N/A

3.) How was lift determined (well log, measurement, owner)? N/A

4.) Pressure against pump (this is checked using the owner's psi gauge, your gauge, or an estimate by owner) N/A

5.) Was a measurement made? yes If no can a measurement be made at a latter time? _____

6.) What type of measurement device was used? Mannings

7.) Is there a pump curve available for pump? N/A

8.) Please fill out the following:

Number of sprinklers _____

Sprinkler nozzle size _____

Number of Pivots (include gpm rating for each pivot) _____

FURROW IRRIG.

9.) Please outline all acres irrigated on attached aerial photo. DONE

10.) Please clearly mark all points of diversion on map and GPS. DONE

11.) Please clearly mark all mainlines, ditches, and other conveyances.

12.) Pictures taken of place of use and point of diversion. _____ DONE

13.) Please show where and how water from other sources are diverted into the irrigation system. See ~~Revised~~ Final Chair's Re

See ~~Review~~ Final Chair's Review

FIELD EXAMINERS NOTES (descriptions, other uses, questions, ect.)

mean
FOR
NOTES.

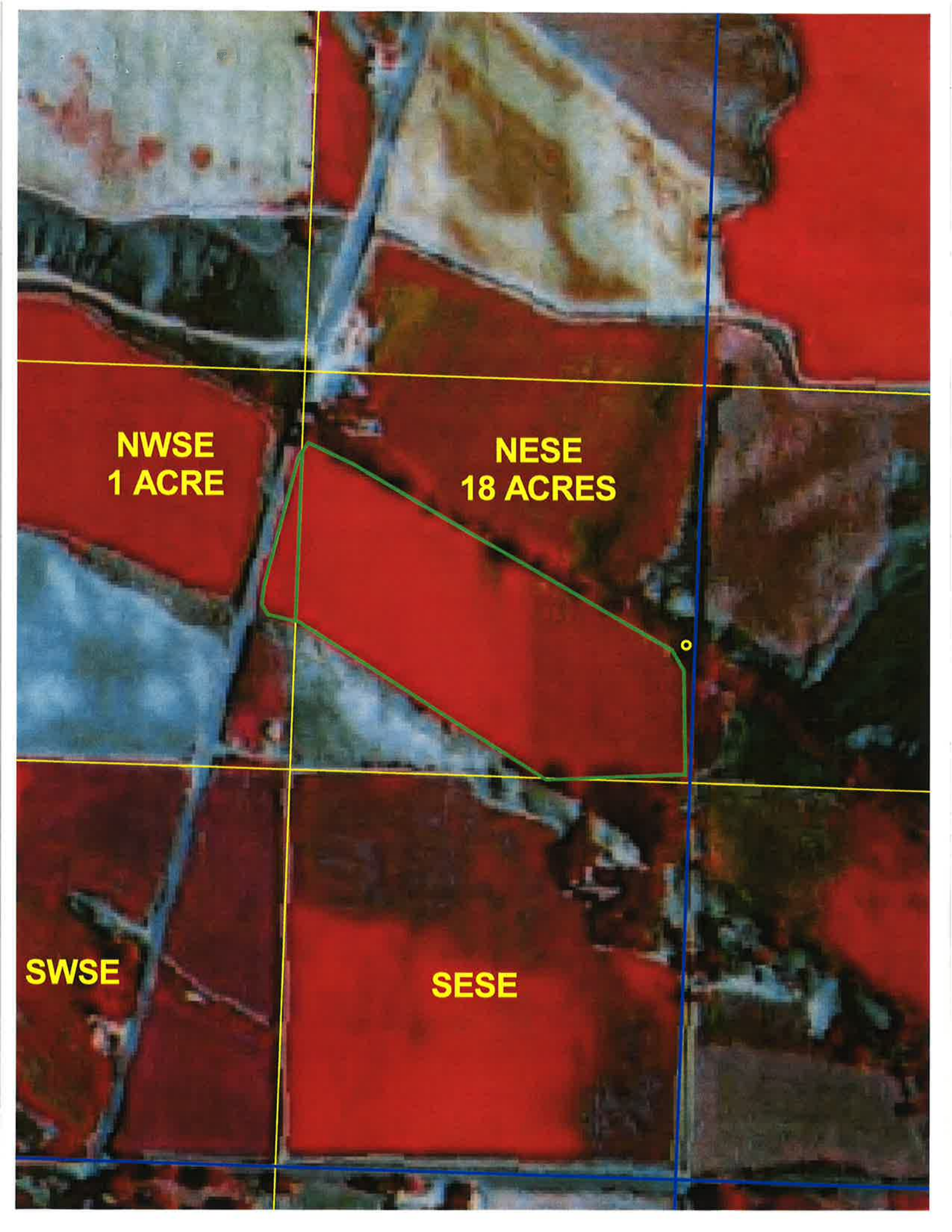
Transect 1	Transect 2	Transect 3
0 - 0	0 - 0	0 - ~~4.2~~ 0
.5 - .65	.5 - .25	.5 - ~~.65~~ .42
1 - .9	1 - .63	1 - .69
1.5 - .9	1.5 - .94	1.5 - .96
2 - .91	2 - 1.10	2 - 1.11
2.5 - .69	2.5 - 1.0	2.5 - 1.06
3 - .56	3 - .80	3 - .82
3.5 - .49	3.5 - .63	3.5 - .60
4 - .35	4.0 - 0	4 - .30
4.3 - 0		4.4 0
	UP Stream	4.22
	DOWN Stream	4.45
	100 FT	

NO CATTLE

ROW CROPS
ONLY

DATE EXAM CONDUCTED _____

FIELD EXAMINER _____



**NWSE
1 ACRE**

This is an aerial photograph overlaid with a grid and red-shaded regions. A yellow grid is visible across the image. A large, irregularly shaped area in the upper-middle section is shaded red and outlined with a green border. To its left is a smaller red-shaded area. Below these are two more red-shaded areas. A blue line runs vertically through the right side of the image, and a blue line runs horizontally across the bottom. A small yellow circle is located on the right side of the large red-shaded area, near the vertical blue line.

**NESE
18 ACRES**

SWSE

SESE

MANNING EQUATION CHANNEL CAPACITY RESULTS

10-12-2006

File Number: 63-5169

Claimant: Guy Canaday

Channel measured: Irrigation Ditch

Date of measurement: 10/12/2006

Measurement location:

I measured the ditch at the top of the field.

Calculation prepared by: Dan Nelson

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 100 feet.

The upstream and downstream rod readings are 4.22 and 4.45 feet.

The channel cross section is 2.78 ft-sq.

The wetted perimeter is 4.87 feet.

The hydraulic radius is 0.57 feet.

The slope is 0.0023

The roughness coefficient is 0.0450

The flow velocity is 1.093 ft/sec.

The rate of flow is 3.04 cfs.

CROSS SECTION NUMBER 1

For File Number 63-5169 for the Irrigation Ditch

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.65	0.65	0.50
3	0.90	0.90	1.00
4	0.90	0.90	1.50
5	0.91	0.91	2.00
6	0.69	0.69	2.50
7	0.56	0.56	3.00
8	0.49	0.49	3.50
9	0.35	0.35	4.00
10	0.00	0.00	4.30

The area for this cross section is 2.69 square feet
and the wetted perimeter is 4.93 feet.

CROSS SECTION NUMBER 2

For File Number 63-5169 for the Irrigation Ditch

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.25	0.25	0.50
3	0.63	0.63	1.00
4	0.94	0.94	1.50
5	1.10	1.10	2.00
6	1.00	1.00	2.50
7	0.82	0.82	3.00
8	0.63	0.63	3.50
9	0.00	0.00	4.00

The area for this cross section is 2.68 square feet
and the wetted perimeter is 4.68 feet.

CROSS SECTION NUMBER 3

For File Number 63-5169 for the Irrigation Ditch

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.42	0.42	0.50
3	0.69	0.69	1.00
4	0.96	0.96	1.50
5	1.11	1.11	2.00
6	1.06	1.06	2.50
7	0.82	0.82	3.00
8	0.60	0.60	3.50
9	0.30	0.30	4.00
10	0.00	0.00	4.40

The area for this cross section is 2.96 square feet
and the wetted perimeter is 5.00 feet.

MANNING'S "n" (roughness coefficient)

BASIC "n" CHANNEL MATERIAL				CHANNEL OBSTRUCTIONS			
earth	.020	✓	(1)	negligible	.000	✓	(1)
rock	.025		(2)	minor	.010		(2)
fine gravel	.024		(3)		.015		(3)
coarse gravel	.028		(4)	appreciable	.020		(4)
					.030		(5)
				severe	.040		(6)
					.050		(7)
					.060		(8)
SURFACE IRREGULARITY				VEGETATION			
smooth	.000		(1)	low	.005		(1)
minor	.005	✓	(2)		.010		(2)
moderate	.010		(3)	medium	.015		(3)
severe	.020		(4)		.020	✓	(4)
					.025		(5)
				high	.030		(6)
					.040		(7)
					.050		(8)
				very high	.060		(9)
					.075		(10)
					.100		(11)
VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION				DEGREE OF MEANDERING			
gradual	.000	✓	(1)	minor	1.00	✓	(1)
occasional	.005		(2)	appreciable	1.15		(2)
frequent	.010		(3)	severe	1.30		(3)
	.015		(4)				

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 10/12/2006

FILE NUMBER 63-5169



The photo above is of the point of diversion on Ashlock Gulch. The headgate and the cement structure backs the water up and sends it down the ditch at the top of the photo. The ditch goes up the field to the south, and then turns west and irrigates by furrow irrigation back down to the gulch.

The photo below shows the place of use.





P10

Mead. Pond.

AFFIDAVIT

Arvin Goff being first duly sworn,
deposes and says: I bought that Property in 194

deposes and says: I bought that Property in 1942
and built the dam in about 1946 before
that there wasn't as much water and
I used canvas dams.

I fished on the water in the well
and also on the water in the drain

Rosie Gaff
Arvin Gaff

(Signature)

Subscribed and sworn to before me this 14 day of March, 1996

Michelle M. Helling
(Notary Public)

Residing at San Francisco, CA
My Commission Expires 12/8/96



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

October 12, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

GUY CANADAY
1057 LILAC LANE
EMMETT ID 83617

**RE: REVIEW OF SRBA RECOMMENDATION FOR WATER RIGHT
63-5169 AND FIELD EXAM**

Dear Mr. Canaday:

Enclosed you will find a copy of the recommendation I made concerning your Snake River Basin Adjudication (SRBA) claim 63-5169. I have also enclosed my memo and notes from my field exam. I have recommended that you receive 0.38 cfs for irrigation and 0.03 cfs for stockwater of 50 head of cattle for a total of 0.41 cfs. I also found that you are irrigating 18 acres in the NESE and 1 acre in the NWSE. The field goes over the forty-acre legal tract line. This still is still within the legal description of your property.

If you have any questions or concerns please contact me at the above address. If you disagree with my findings, please contact me as soon as possible to see if we can correct anything that may be in error. If you agree with everything on this updated recommendation, please return the form sent to you earlier, agreeing to the updated recommendation.

Respectfully,

Daniel A. Nelson
Senior Agent
Western Region Office - IDWR



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

April 19, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GUY CANADAY
1057 LILAC LANE
EMMETT ID 83617

RE: EVIDENCE OF PRIORITY

Snake River Basin Adjudication Claim No(s): A63-5169

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated printout of the claim(s) for your reference only, it is not necessary to return this printout. You indicated, when this claim was filed, that the water right(s) was based on a "Statutory Claim" or "Beneficial Use" of the water.

Water rights of this type are established by historical beneficial use of the water, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources, since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled, **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

Page 2
Canaday

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you will be receiving a call from us in order to set-up an appointment for a field exam.

The required evidence supporting the priority date(s) requested and the aerial photo needs to be returned to me by May 12, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

If you have any questions or concerns, please contact me at the above address.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson", with a stylized flourish at the end.

Daniel A. Nelson
Senior Agent
Western Region Office - IDWR

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-5169

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 23, 1993

Re: Notice of Claim to a Water Right No. A63-05169

Guy Canaday
1057 Lilac Lane
Emmett, ID 83617

Mr. & Mrs. Canaday:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:l
Enclosure

cc: Marcel Wanders

MICROFILMED
JUL 25 1994

Receipt Details for ID C016100

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
4/5/1990 3:41:07 PM	4/5/1990	State	\$94.00	Check
Payer		WANDERS, MARCEL OR DELYNN		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1284			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$94.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	5169		\$69.00	Claim
63	21916		\$25.00	Claim

[Print Report](#)

09/14/2006

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

RIGHT NUMBER: 63-5169

NAME AND ADDRESS: GUY CANADAY
1057 LILAC LN
EMMETT ID 83617

SOURCE: ASHLOCK GULCH CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.530 CFS

PRIORITY DATE: 04/01/1944

POINT OF DIVERSION:

T07N R05W S28 SENESE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.500 CFS
STOCKWATER	1/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION Within PAYETTE County

T07N R05W S28 NESE 19.00

STOCKWATER Within PAYETTE County

T07N R05W S28 NESE

19 ACRES TOTAL

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

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5169 V1

WATER RIGHT NUMBER: 63-5169 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GUY CANADAY 1057 LILAC LN EMMETT, ID 83617 (208)365-5160
Original Owner	MARCEL WANDERS 4250 HWY 95 PARMA, ID 83660 (208)674-2088
Original Owner	DELYNN WANDERS 4250 HWY 95 PARMA, ID 83660 (208)674-2088

Priority Date: 04/01/1944

Basis:

Status: **DISALLOWED**

Source
ASHLOCK GULCH CREEK

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.500 CFS	
STOCKWATER	1/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.530 CFS	

Location of Point(s) of Diversion

ASHLOCK GULCH CREEK SE1/4NE1/4SE1/4 Sec 28, Twp 07N, Rge 05W, B.M.
PAYETTE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N	05W	28													19.0				19.0

Total Acres: 19
STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N	05W	28													X				

CANCLED
 Evidence reviewed
 10-10-06
 OF PRIORITY 4

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-5169 V1

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. P13 No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.
3. P03 No beneficial use found.

Remarks:Comments:

1. dnelson 9/14/2006 Claim Review

Comment: I wrote a letter requesting evidence of priority to the claimant on 4/25/ 2006 and received no response. I checked the Payette County tax records available to our office, and it appears as though they still own this property. The letter was not returned. Therefore, I assume they are no longer interested in pursuing this claim. I have recommended this claim as disallowed due to no beneficial use found.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Summary			04/04/2006	scurtis	Disallowed
Summary			09/14/2006	dnelson	Disallowed

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
Summary	4/4/2006 6:29:37 AM	scurtis	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5169 V1

Summary	9/14/2006 1:26:27 PM	dnelson	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (Yes) 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?
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Water Supply Bank: