

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-431 V1

WATER RIGHT NUMBER: 67-431 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEGG FAMILY TRUST PO BOX 118 CAMBRIDGE, ID 83610 (208)256-4448
Original Owner	ALVIN Y LEGG PO BOX 118 CAMBRIDGE, ID 83610 (208)257-3547
Original Owner	L A THOMPSON , ZZ
Original Owner	KATHLEEN L LEGG PO BOX 118 CAMBRIDGE, ID 83610 (208)257-3547

Priority Date: 06/01/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WEISER RIVER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	1.700 CFS	
	<u>Total Diversion:</u>	1.700 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER	NE1/4SW1/4NW1/4	Sec. 23, Twp 14N, Rge 01W, B.M.
ADAMS 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	
14N	01W	3					29.0	31.0		39.0									99.0
							L 3	L 4											
15N	01W	34									39.0	28.0	30.0	28.0					125.0

Total Acres: 224

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-431 V1

1. E56 The rights listed below are limited to the irrigation of a combined total of 224 acres in a single irrigation season. Combined Right Nos.: 67-431, 67-4452, and 67-4454
2. E52 The rights listed below are limited to a total combined diversion rate of 4.28 cfs. Combined Right Nos.: 67-431, 67-4452, and 67-4454
3. 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.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. K06 This right is limited to the irrigation of 136.0 acres within the place of use described above in a single irrigation season.

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 67
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	7/13/2004 9:03:03 AM	mcase			Active
Source	7/13/2004 9:05:32 AM	mcase			Active
POD	7/13/2004 9:30:51 AM	mcase			Active
POU	7/13/2004 9:31:06 AM	mcase			Active
Use	7/13/2004 9:31:20 AM	mcase			Active
Season	7/13/2004 9:31:40 AM	mcase			Active
Quantity	7/13/2004 9:32:24 AM	mcase			Active
POU	11/10/2006 1:39:02 PM	csaxton			Active
Summary			11/10/2006	csaxton	Active

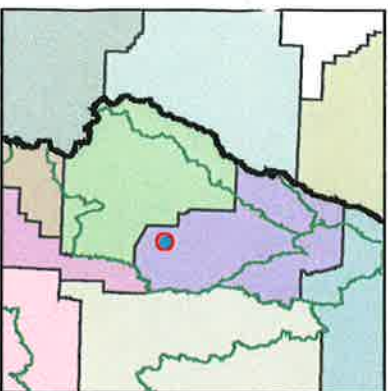
Idaho Department of Water Resources



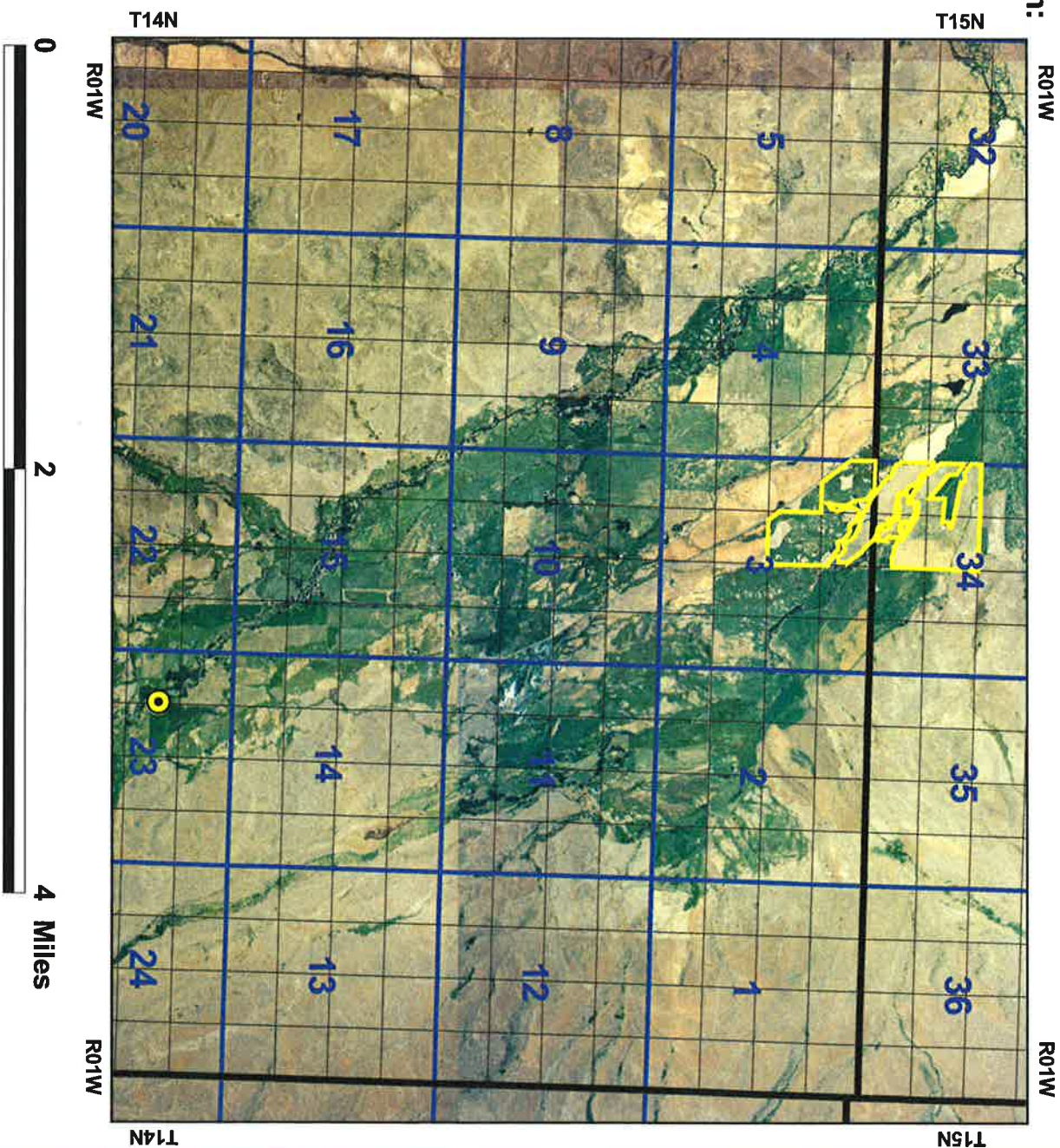
SRBA Recommendation:
67-431
(Irrigation)

Legend

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

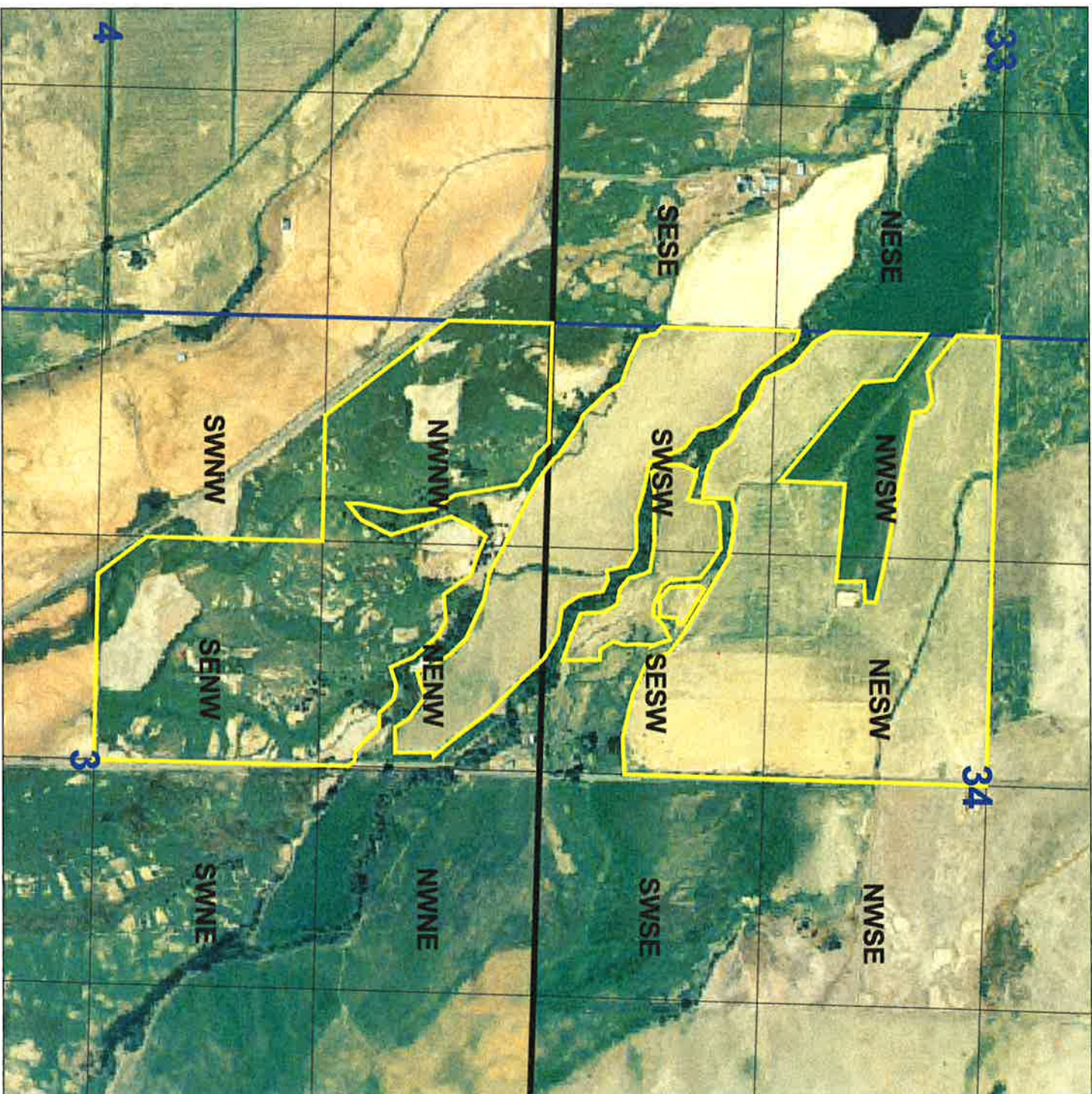
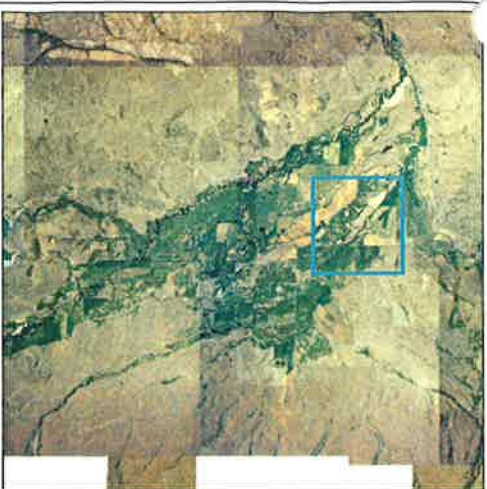


Adams County
IDWR Basin 67



Prepared by C. Saxton
On Friday, November 10, 2006
1987/88 Aerial Photography

67-431



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-431 V1

WATER RIGHT NUMBER: 67-431 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALVIN Y LEGG PO BOX 118 CAMBRIDGE, ID 83610 (208)257-3547
Original Owner	L A THOMPSON , ZZ
Current Owner	KATHLEEN L LEGG PO BOX 118 CAMBRIDGE, ID 83610 (208)257-3547

Priority Date: 06/01/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WEISER RIVER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	1.700 CFS	
	<u>Total Diversion:</u>	1.700 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER	NE1/4SW1/4NW1/4	Sec. 23, Twp 14N, Rge 01W, B.M.
ADAMS 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	
14N	01W	3					29.0	31.0		39.0									99.0
							L 3	L 4											
15N	01W	34									39.0	28.0	30.0	28.0					125.0

Total Acres: 224

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 224 acres in a single irrigation season. Combined Right Nos.: 67-431, 67-4452, and 67-4454
2. E52 The rights listed below are limited to a total combined diversion rate of 4.28 cfs. Combined Right Nos.: 67-431, 67-4452, and 67-4454

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-431 V1

3. 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.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. K06 This right is limited to the irrigation of 136.0 acres within the place of use described above in a single irrigation season.

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number: 67
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	7/13/2004 9:03:03 AM	mcase			Active
Source	7/13/2004 9:05:32 AM	mcase			Active
POD	7/13/2004 9:30:51 AM	mcase			Active
POU	7/13/2004 9:31:06 AM	mcase			Active
Use	7/13/2004 9:31:20 AM	mcase			Active
Season	7/13/2004 9:31:40 AM	mcase			Active
Quantity	7/13/2004 9:32:24 AM	mcase			Active
POU	11/10/2006 1:39:02 PM	csaxton			Active
Summary			11/10/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	8/2/2005 4:05:10 PM	dnarsavage	Correlated PODID 623338 from SpatialDataID 363548 to SpatialDataID 342152

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-431 V1

POD	8/2/2005 4:05:11 PM	dnarsavage	Correlated PODID 623338 from SpatialDataID 363548 to SpatialDataID 342152
POU	11/10/2006 1:39:13 PM	csaxton	(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? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (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 8 - Recommended as PPU with other rights on ground that was not originally decreed. Description for Question 13 - Desktop Review
POU	11/10/2006 1:40:15 PM	csaxton	Updated shape for Active POU
Summary	11/10/2006 1:44:15 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 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?
POD	11/10/2006 1:37:47 PM	csaxton	Updated shape
POD	11/10/2006 1:38:14 PM	csaxton	Updated PLS
POU	11/10/2006 1:40:25 PM	csaxton	Updated PLS for Active POU
POD	7/13/2004 9:30:51 AM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-431 V1

POU	7/13/2004 9:31:07 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	7/13/2004 9:31:21 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? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Season	7/13/2004 9:31:40 AM	mcase	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (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?
Quantity	7/13/2004 9:32:25 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? (No) 8. Does the parent right have an annual diversion volume limit? (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?
Priority Date	7/13/2004 9:03:03 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?
Source	7/13/2004 9:05:32 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?
POD	8/2/2005 4:05:11 PM	dnarsavage	Correlated PODID 623338 from SpatialDataID 363548 to SpatialDataID 342152

Claim

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(ac)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	81	L	Decreed	Active	5/27/1910		60	LOST VALLEY IRRIGATION	LEGG, ALVIN	Claim	
67	431		Decreed	Active	1883-06-01	1.7		LITTLE WEISE IRRIGATION	LEGG, ALVIN	Claim	
67	469		Decreed	Active	1884-06-01	0.68		LITTLE WEISE IRRIGATION	LEGG, ALVIN	Claim	
67	471		Decreed	Active	1886-06-01	0.28		LITTLE WEISE IRRIGATION	LEGG, ALVIN	Claim	
67	2227		License	Active	3/24/1953	1.4		LITTLE WEISE IRRIGATION	LEGG, ALVIN	Claim	
67	4452		Statutory Clai	Active	6/1/1950	1.8		GRAYS CREE IRRIGATION	LEGG, ALVIN	Claim	
67	4454		Statutory Clai	Active	6/1/1939	3		LITTLE WEISE IRRIGATION	LEGG, ALVIN	Claim	

Recommendation

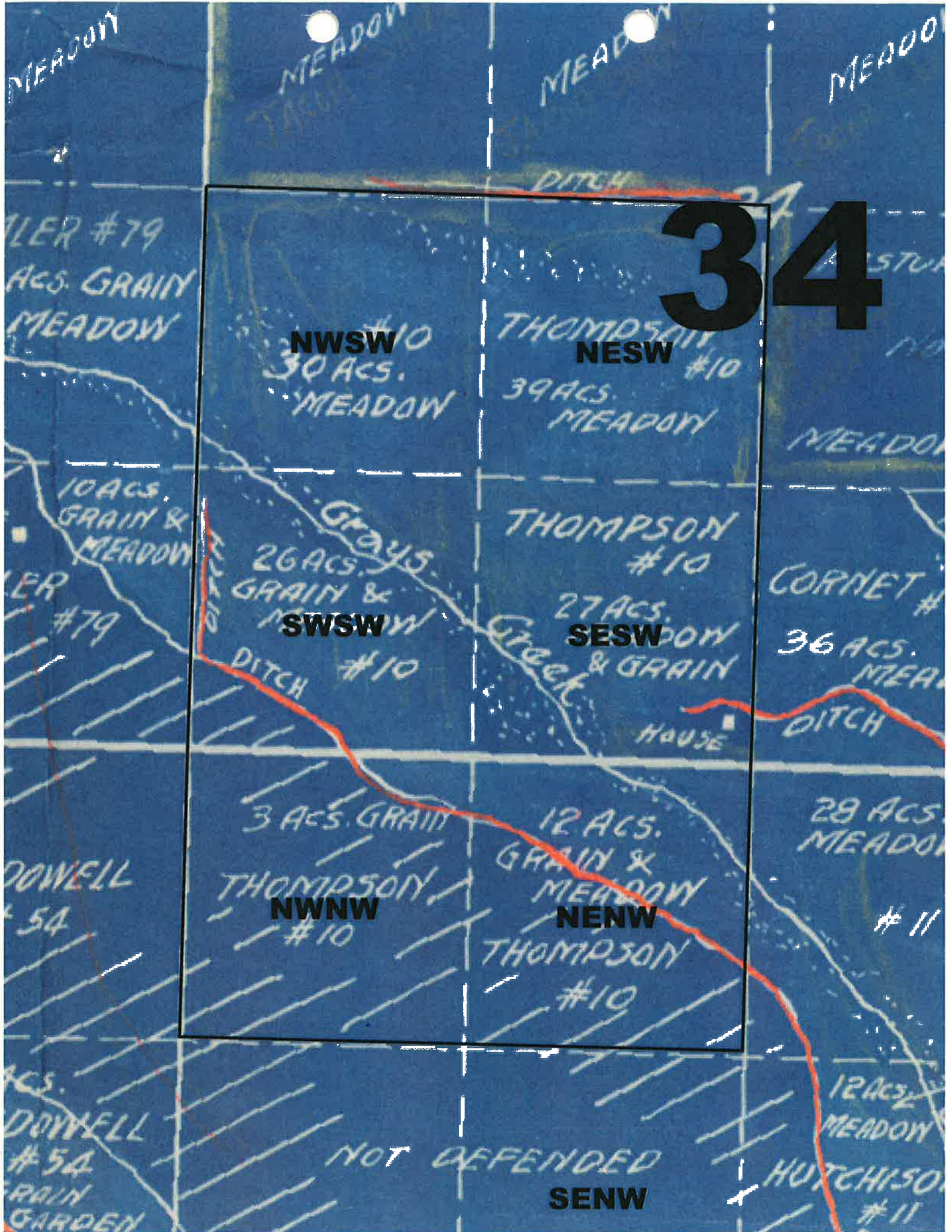
<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(ac)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	81	L	Decreed	Disallowed	5/27/1910		60	LOST VALLEY IRRIGATION	LEGG, ALVIN	Recommendation	
67	469		Decreed	Disallowed	1884-06-01	0.68		LITTLE WEISE IRRIGATION	LEGG, ALVIN	Recommendation	
67	471		Decreed		1886-06-01	0.28	162.4	LITTLE WEISE IRRIGATION	LEGG, ALVIN	Recommendation	
67	4452		B-use	Active	6/1/1950	1.8	125	GRAYS CREE IRRIGATION	LEGG, ALVIN	Recommendation	
67	431		Decreed	Active	1883-06-01	1.7	136	LITTLE WEISE IRRIGATION	LEGG, ALVIN	Recommendation	
67	4454		B-use	Active	6/1/1939	1.98	99	LITTLE WEISE IRRIGATION	LEGG, ALVIN	Recommendation	
						3.68	224	0.0164 per acre			
67	2227		License	Active	3/24/1953	1.23	60	LITTLE WEISE IRRIGATION	LEGG, ALVIN	Recommendation	

Claim

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(ac)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	2192			Closed						LEGG, ALVIN wrWaterApplication	
67	4454		Statutory Clai	Active	6/1/1939	3		LITTLE WEISE IRRIGATION	LEGG, ALVIN	wrWaterRight	
67	10166		Decreed	Active	4/1/1969	0.09		GROUND WA` DOMESTIC,`	LEGG, ALVIN	wrWaterRight	
67	10170		Decreed	Active	4/1/1930	0.06		GROUND WA` DOMESTIC,`	LEGG, ALVIN	wrWaterRight	
67	2192			Relinquished						LEGG, ALVIN wrWaterPermit	

Water Master Records 67-A, Roger Meyer

<u>PARCEL #</u>	<u>Name</u>	<u>67A #</u>	<u>Date</u>	<u>CFS</u>	<u>Notes</u>
15N01W3448	LEGG, ALVIN	431	6/1/1883	1.7	136
15N01W3123	STINNET, RI	471	6/1/1886	0.28	Pine Creek Ranch 22 Ac



34

NWSW

NESW

SWSW

SESW

NWNW

NENW

SENW

NOT DEFENDED

Burger Ditch.

May Burger

19

June 1, 1883-67 0418

Indian Valley Grays Creek Ditch.

Fred Anderson

38

June 1, 1875-67 0419-Ab. 125

Thomas Hutchinson

25

June 1, 1883-67 0420

Anna Hutchinson

30

June 1, 1883-67 0421

J W Corriell

18

June 1, 1883-67 0422

America Lindsay

12

June 1, 1883-67 0423

J I Linder

17

June 1, 1883-67 0424-Ab. 125

Edward Manning

25

June 1, 1883-67 0425

Elisabeth Anderson

25

June 1, 1883-67 0426

G W Lewis

97

June 1, 1883-67 0427

Cora Hutchinson

41

June 1, 1883-67 0428 T-2368

Ella Imler

35

June 1, 1883-67 0429

Georgine Ludwig

50

June 1, 1883-67 0430

L A Thompson

85

June 1, 1883-67 0431

A L Hutchinson

45

June 1, 1883-67 0432

Richard Johnson

100

June 1, 1883-67 0433

John H Kilgore

50

June 1, 1883-67 0434

Robert Cornett

22

June 1, 1883-67 0435

William Hutchinson

26

June 1, 1883-67 0436

A W Gordon

25

May 1, 1901-67 0437

J W Meeneely, sub for John Leitchliester

13

June 1, 1902-67 0438

John Woods

7

June 1, 1909-67 0439

Elisabeth Woods

10

June 1, 1909-67 0440

Woods Lindsay Ditch

Anna Hutchinson

8

June 1, 1885-67 0441

Edward Manning

12

June 1, 1885-67 0442

D K Lindsay

46

June 1, 1885-67 0443 T-Ab. 125

J W Corriell

8

June 1, 1886-67 0444

S T Logan

17

June 1, 1895-67 0445

America Lindsay Ditch.

America Lindsay

12

June 1, 1875-67 0446

Cora Hutchinson

22

June 1, 1875-67 0448

J I Linder

37

June 1, 1877-67 0449

O L Byers

22

June 1, 1881-67 0450

R G Martin

33

June 1, 1901-67 0451

Hall Munday Ditch.

J I Linder

50

June 1, 1887-67 0452

Albert McDowell

19

June 1, 1889-67 0453

Joslin Ditch.

H I Joslin

17

June 1, 1887-67 0454

King Hill Ditch.

Georgine Ludwig

(King Hill Creek)

87

June 1, 1885-67 0455

Richard Johnson

(King Hill Creek)

7

June 1, 1885-67 0456

L A THOMPSON: [The Southwest Quarter Section 34, Township 15 North, and Lots 3 and 4 Section 3, Township 14 North, Range 1 West Boise Meridian.]

A L HUTCHINSON: [The Southeast Quarter of the Southeast Quarter, Section 34, Township 15 North, and Lot 1, the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter Section 3] Township 14 North, Range 1 West Boise Meridian.]

RICHARD JOHNSON: [The Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter, Section 2; the East half of the Northwest Quarter, and the West half of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter, Section 11, Township 14 North, Range 1 West Boise Meridian.]

JOHN H KILGORE: [The Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter Section 2, Township 14 North, Range 1 West Boise Meridian.]

ROBERT CORNETT: [The Southwest Quarter of the Southeast Quarter, Section 34, Township 14 North, Range 1 West Boise Meridian.]

WILLIAM HUTCHINSON: [The Northwest Quarter of the Northeast Quarter, the Southwest Quarter of the Northeast Quarter and the West half of the Southeast Quarter, Section 3, Township 14 North, Range 1 West Boise Meridian.]

A W GORDON: [The Southwest Quarter of the Northeast Quarter of Section 10, Township 14 North, Range 1 West Boise Meridian.]

J W MEINBERLY: [The Southeast Quarter of the Southwest Quarter, Section 11, and the North half of the Northwest Quarter Section 14, Township 14 North, Range 1 West Boise Meridian.]

JOHN WOODS: [10 acres in the Southwest corner of the Northwest Quarter of the Northwest Quarter, Section 11, Township 14 North, Range 1 West Boise Meridian.]

ELIZABETH WOODS: [The Southwest Quarter of the Southwest Quarter Section 2 and 30 acres in the Northwest Quarter of the Northwest Quarter Section 11, Township 14 North, Range 1 West Boise Meridian.]

ANNA HUTCHINSON: [Gray's Creek Ditch: The North half of the Southeast Quarter and the West half of the Southwest Quarter of the Southeast Quarter, Section 23, Township 14 North, Range 1 West Boise Meridian.]

ANNA HUTCHINSON: [Woods-Lindsay Ditch: The Southeast Quarter of the Southwest Quarter, Section 23, Township 14 North, Range 1 West Boise Meridian.]

D K LINDSAY: [The North half of the Northeast Quarter, the North half of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter, Section 22, Township 14 North, Range 1 West Boise Meridian.]

J W CORRIELL: [The Southwest Quarter of the Northwest Quarter Section 23, Township 14 North, Range 1 West Boise Meridian.]

B T LOGAN: [The East half of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter, Section 26, Township 14 North, Range 1 West Boise Meridian.]

O L BYERS: [The East half of the Northeast Quarter, the Northwest Quarter of the Northeast Quarter, Section 14, and the Southwest Quarter of the Southeast Quarter, Section 11, Township 14 North, Range 1 West Boise Meridian.]

E C MARTIN: [The Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter, Section 11, Township 14 North, Range 1 West Boise Meridian.]

JUL 24 1998

LITTLE WEISER.

Thomas Hutchinson	25	June 1, 1883
Anna Hutchinson	30	" " "
J. W. Corriell	18	" " "
America Lindsay	12 ¹ 28	" " 1875
	112	" " 1883
J. I. Linder	17 37 ¹ 50	" " " 1877 " " 1887
Edward Manning	25 12 ¹	" " 1883 " " 1885
Elizabeth Anderson	25	" " 1883
G. W. Lewis	97	" " "
S. T. Logan	17	" " 1895
Annie Carson	35	" " "
J. W. Corriell	8	" " 1886
M. D. K. Lindsay	46	" " 1885
Leander Lindsay	17	" " "
Cora Hutchinson	22 ¹ 4 ¹	" " 1875 " " 1883
Ella Imler	35	" " "
Georgine Ludwig	50 87	" " " 1885 " " 1885
L. A. Thompson	85	" " 1883
A. L. Hutchinson	45	" " "
Richard Johnson	100 7	" " " 1885 " " 1883
John H. Kilgore	50	" " "
Matilda Snow	26	" " "
Ellis Snow	29	" " "
E. H. Richardson	29	" " 1885
O. L. Byers	22	" " 1881
J. W. Frasier	31	" " 1895
Willette L. Frasier	42	" " "
E. G. Martin	33	" " 1901
May Burger	19	" " 1883

RECORDED
JUL 24 1896