

12/10/2006

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

RIGHT NUMBER: 67-439

NAME AND ADDRESS: RAMONA L ALLRED
926 GRAYS CREEK RD.
INDIAN VALLEY ID 83632

DAVID VON ALLRED
926 GRAYS CREEK RD
INDIAN VALLEY ID 93632

SOURCE: LITTLE WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 0.340 CFS

PRIORITY DATE: 06/01/1909

POINT OF DIVERSION:

T14N R01W S23 NESWNW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.340 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T14N R01W S02	SWSW	34.00	T14N R01W S03	SESE	38.00
T14N R01W S10	NENE	40.00	T14N R01W S11	NWNW	40.00

152 ACRES TOTAL

This right is limited to the irrigation of 27.2 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 152.0 acres in a single irrigation season. Combined Right Nos.: 67-439 and 67-14807

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

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



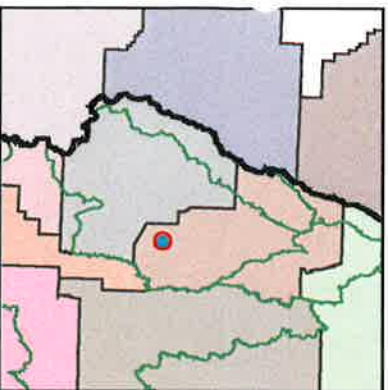
Idaho Department of Water Resources

SRBA Recommendation:

67-439
(Irrigation)

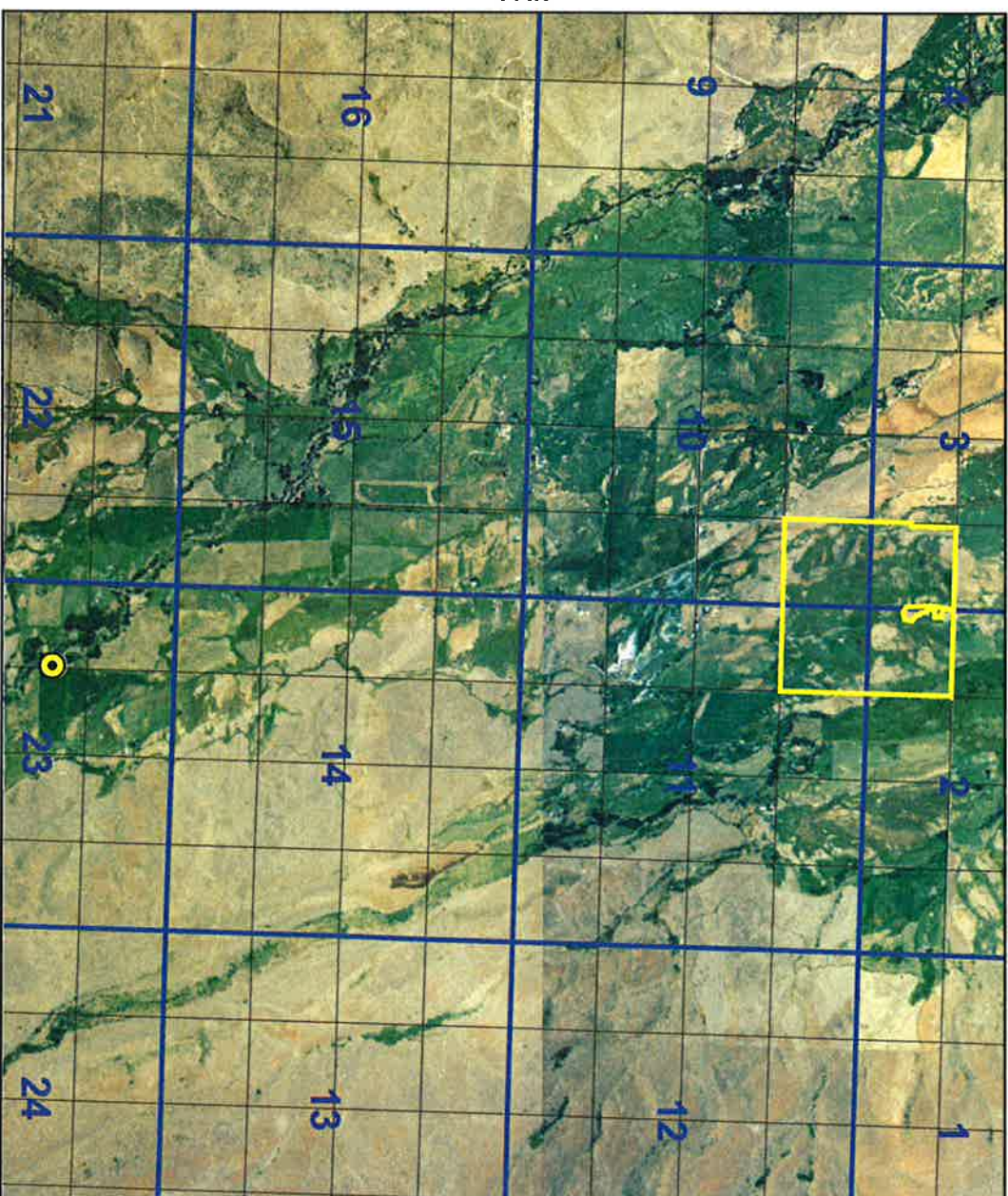
Legend

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



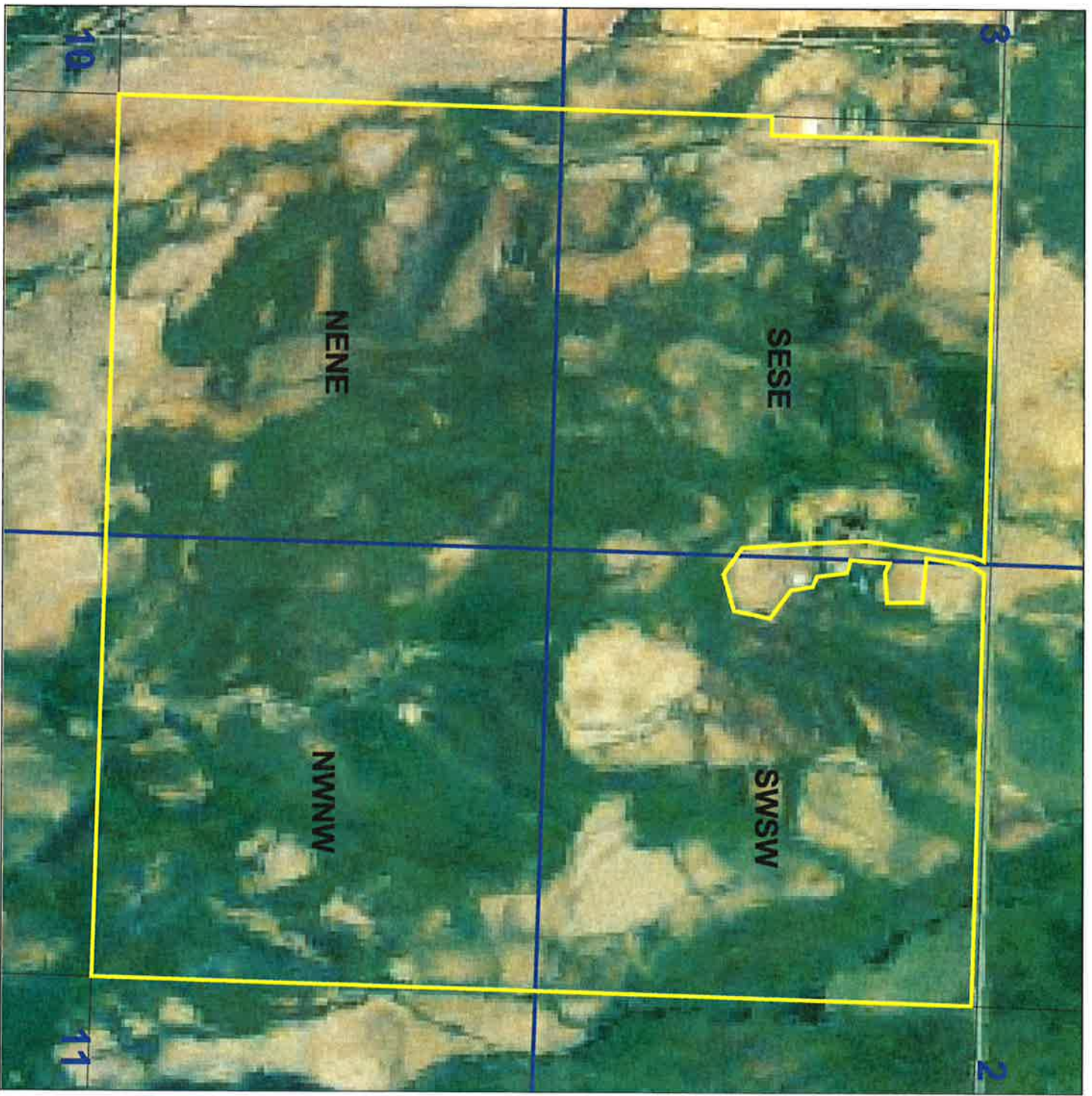
T14N

R01W



Prepared by IDWR State Office
On Sunday, December 10, 2006
1987/88 Aerial Photography

67-439



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-439 V1

WATER RIGHT NUMBER: 67-439 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RAMONA L ALLRED 926 GRAYS CREEK RD. INDIAN VALLEY, ID 83632 (208) 256-4440
Current Owner	DAVID VON ALLRED 926 GRAYS CREEK RD INDIAN VALLEY, ID 93632 (208) 256-4440
Original Owner	GEORGIA C WELLS 926 GRAYS CREEK RD INDIAN VALLEY, ID 83632
Original Owner	RICHARD H BARKER 926 GRAYS CREEK RD INDIAN VALLEY, ID 83632 (208)256-4425
Original Owner	F DAVID WELLS 926 GRAYS CREEK RD INDIAN VALLEY, ID 83632
Original Owner	ALICE M BARKER 926 GRAYS CREEK RD INDIAN VALLEY, ID 83632 (208)256-4425
Original Owner	JOHN WOODS

, ZZ

Priority Date: 06/01/1909

Basis: Decreed

Status: Active

Source

LITTLE WEISER RIVER

Tributary

WEISER RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 10/31

Diversion Rate

0.340 CFS

Annual VolumeTotal Diversion:

0.340 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		
				NE		NW		SW		SE		Totals

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-439 V1

14N 01W 2				34.0			34.0
14N 01W 3						38.0	38.0
14N 01W 10		40.0					40.0
14N 01W 11				40.0			40.0
Total Acres: 152							

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. K06 This right is limited to the irrigation of 27.2 acres within the place of use described above in a single irrigation season.
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. E56 The rights listed below are limited to the irrigation of a combined total of 152.0 acres in a single irrigation season. Combined Right Nos.: 67-439 and 67-14807

Remarks:Comments:

1. mcase 7/13/2004 POU

Comment: POU shape created using taxlots and claimed PLS. No claim map. Claimed POU extends into QQs not in decreed POU. Decreed for the irrigation of 11 acres. Claimed 152 acres with other associated rights. See memo about expanded POU.

2. mcase 7/13/2004 Quantity

Comment: Decreed .14 cfs. Claimed .34 cfs. for the irrigation of 152 acres. I recommended decreed rate of .14 cfs.

3. mcase 7/13/2004 POD

Comment: POD shape created using decreed and claimed ditch diversion. Claimed PLS does not match the named diversion. PLS updated.

4. csaxton 12/7/2006 POU

Comment: Acres claimed far exceed decreed acreage. Between rights 67-439 and 67-440 the claimed POU is decreed 0.34 cfs. 0.34 cfs @ 5/8 inch per acre is 27.2 acres. There do not appear to be any other decreed rights on the claimed POU. The ground however is covered with Mann Creek Irrigation water 67-2385.

5. csaxton 12/10/2006 PPU

Comment: The recommendation for this right was altered due to the NOE process when flood water claim 67-14807 was filed.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-439 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: 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 3:35:56 PM	mcase			Active
Source	7/13/2004 3:39:20 PM	mcase			Active
POU	7/13/2004 3:47:49 PM	mcase			Active
Use	7/13/2004 3:49:20 PM	mcase			Active
Season	7/13/2004 3:49:34 PM	mcase			Active
Quantity	7/13/2004 3:50:19 PM	mcase			Active
POD	7/13/2004 3:52:26 PM	mcase			Active
Contacts	8/7/2006 10:53:44 AM	dnarsavage			Active
Priority Date	8/7/2006 10:54:26 AM	dnarsavage			Active
POD	8/7/2006 10:54:41 AM	dnarsavage			Active
Source	8/7/2006 10:56:04 AM	dnarsavage			Active
POU	8/7/2006 10:56:26 AM	dnarsavage			Active
Use	8/7/2006 10:57:55 AM	dnarsavage			Active
Season	8/7/2006 10:58:17 AM	dnarsavage			Active
Quantity	8/7/2006 10:59:30 AM	dnarsavage			Active
Summary			08/07/2006	dnarsavage	Active
Summary			12/10/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	8/2/2005 4:05:12 PM	dnarsavage	Correlated PODID 623425 from SpatialDataID 363548 to SpatialDataID 342152
POD	8/2/2005 4:05:12 PM	dnarsavage	Correlated PODID 623425 from SpatialDataID 363548 to SpatialDataID 342152

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-439 V1

POD	8/2/2005 4:05:12 PM	dnarsavage	Correlated PODID 623425 from SpatialDataID 363548 to SpatialDataID 342152
POD	8/2/2005 4:05:12 PM	dnarsavage	Correlated PODID 623425 from SpatialDataID 363548 to SpatialDataID 342152
Use	7/13/2004 3:49:21 PM	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?
Quantity	7/13/2004 3:50:19 PM	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? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
Source	7/13/2004 3:39:20 PM	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	8/7/2006 10:54:41 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	8/7/2006 10:56:26 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?
POU	8/7/2006 10:57:01 AM	dnarsavage	Updated shape for Active POU
POU	8/7/2006 10:57:20 AM	dnarsavage	Edited Season Of Use
Contacts	8/7/2006 10:53:45 AM	dnarsavage	(No) 1. Do you want to schedule an appointment?
General	8/7/2006 10:54:26 AM	dnarsavage	Comment for 1: Desktop review (No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-439 V1

Source	8/7/2006 10:56:05 AM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	8/7/2006 10:57:30 AM	dnarsavage	Updated PLS for Active POU
Use	8/7/2006 10:57:55 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?
Season	8/7/2006 10:58:17 AM	dnarsavage	(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? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	8/7/2006 10:59:30 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? (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? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - I will cut

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-439 V1

Summary	8/7/2006 11:02:12 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? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (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?
POU	7/13/2004 3:40:04 PM	mcase	Created polygon from PLS
POU	7/13/2004 3:47:49 PM	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?
Priority Date	7/13/2004 3:35:56 PM	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?
Season	7/13/2004 3:49:34 PM	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?
POD	7/13/2004 3:52:27 PM	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?
POD	8/2/2005 4:05:12 PM	dnarsavage	Correlated PODID 623425 from SpatialDataID 363548 to SpatialDataID 342152
POU	12/10/2006 7:57:39 AM	csaxton	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-439 V1

POU	12/10/2006 7:57:48 AM	csaxton	Updated PLS for Active POU
Summary	12/10/2006 8:01:35 AM	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?

Water Supply Bank:

12/07/2006

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

RIGHT NUMBER: 67-439

NAME AND ADDRESS: RAMONA L ALLRED
PO BOX 6
HERALD CA 95638

DAVID VON ALLRED
PO BOX 6
HERALD CA 95638

SOURCE: LITTLE WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.340 CFS

PRIORITY DATE: 06/01/1909

POINT OF DIVERSION:

T14N R01W S23 NESEWN Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 10/31

0.340 CFS

PLACE OF USE:

IRRIGATION in ADAMS County

T14N R01W S11

NWNW

27.00

27 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Smith, Danni

To: 'FDWells@boisestate.edu'
Subject: 67-439

David Wells

Just a quick note, I realized Jan and agents are not working in Basin 67 currently. Basin 67 is scheduled for field and agent activity in late spring 2005. Therefore, I have printed the documents and placed in the claim file along with a copy of this correspondence. Once this claim is assigned to an agent, they will contact you to schedule an appointment. That way the agent will have an idea of the area and be able to be better prepared for your meeting. Sorry for any inconvenience.

-----Original Message-----

From: Smith, Danni
Sent: Monday, August 16, 2004 3:17 PM
To: 'FDWells@boisestate.edu'
Cc: Saxton, Glen; Shurte, Jan
Subject:



67-439 Claim.RTF



67-439

ecommendation.RT



67-440.RTF

David, The claim is what you filed, the Recommendation is a draft of what will go to the court. I glanced at the recommendation and the comments indicate missing decree place of use and the cfs amount changed to the original decree amount. However, 67-440 water right should have been combined to give you the cfs total as you claimed on 67-439. To make a long story short, since you can't make the meetings and they won't have the files anyway, you may want to call Jan Shurte at our Western Region Office (334-2190) and make an appointment to have her review this in the next few weeks. If you are totally confused call me at 327-7931. Sorry for the inconvenience.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-439

WATER RIGHT NUMBER: 67-439

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEORGIA C WELLS 926 GRAYS CREEK RD INDIAN VALLEY, ID 83632
Original Owner	RICHARD H BARKER 926 GRAYS CREEK RD INDIAN VALLEY, ID 83632 (208)256-4425
Current Owner	F DAVID WELLS 926 GRAYS CREEK RD INDIAN VALLEY, ID 83632
Original Owner	ALICE M BARKER 926 GRAYS CREEK RD INDIAN VALLEY, ID 83632 (208)256-4425
Original Owner	JOHN WOODS

, ZZ

Priority Date: 06/01/1909

Basis: Decreed

Status: Active

Source

LITTLE WEISER RIVER

Tributary

WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.340 CFS	
	<u>Total Diversion:</u>	0.340 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER

SW1/4SE1/4NW1/4

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	2											34.0						34.0
14N	01W	3															38.0		38.0
14N	01W	10	40.0																40.0
14N	01W	11					40.0												40.0

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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-439

Total Acres: 152

Conditions of Approval:

Remarks:

1. General THIS WATER RIGHT HAS BEEN COMBINED WITH WATER RIGHT NO. 67-00440.
OWNERSHIP CHANGED BY LH 8/25/94.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-439 V1

WATER RIGHT NUMBER: 67-439 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEORGIA C WELLS 926 GRAYS CREEK RD INDIAN VALLEY, ID 83632
Original Owner	RICHARD H BARKER 926 GRAYS CREEK RD INDIAN VALLEY, ID 83632 (208)256-4425
Current Owner	F DAVID WELLS 926 GRAYS CREEK RD INDIAN VALLEY, ID 83632
Original Owner	ALICE M BARKER 926 GRAYS CREEK RD INDIAN VALLEY, ID 83632 (208)256-4425
Original Owner	JOHN WOODS

ZZ

Priority Date: 06/01/1909

Basis: Decreed

Status:

<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	0.140 CFS	
	<u>Total Diversion:</u>	0.340 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

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-439 V1

Total Acres: 152

Conditions of Approval:

Remarks:

Comments:

1. mcase 7/13/2004 POU

Comment: Updated Shape

2. mcase 7/13/2004 POU

Comment: POU shape created using taxlots and claimed PLS. No claim map. Claimed POU extends into QQs not in decreed POU. Decreed for the irrigation of 11 acres. Claimed 152 acres with other associated rights. See memo about expanded POU.

3. mcase 7/13/2004 Quantity

Comment: Decreed .14 cfs. Claimed .34 cfs. for the irrigation of 152 acres. I recommended decreed rate of .14 cfs.

4. mcase 7/13/2004 POD

Comment: Updated shape

5. mcase 7/13/2004 POD

Comment: Updated PLS

6. mcase 7/13/2004 POD

Comment: POD shape created using decreed and claimed ditch diversion. Claimed PLS does not match the named diversion. PLS updated.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-440

WATER RIGHT NUMBER: 67-440

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ELIZABETH WOODS
	, ZZ

Priority Date: 06/01/1909

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	/ to /	0.200 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion
LITTLE WEISER RIVER

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	2											X						
14N	01W	11						X											

Conditions of Approval:Remarks:

- General THIS WATER CARRIED IN THE INDIAN VALLEY-GRAYS CREEK DITCH.

Comments:

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 67-440