

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-442 V1

WATER RIGHT NUMBER: 67-442 V1

|                   |                         |
|-------------------|-------------------------|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Original Owner    | EDWARD MANNING          |
|                   | , ID                    |
| Current Owner     | JACK SHAFFER            |
|                   | BOX 32                  |
|                   | INDIAN VALLEY, ID 83632 |
|                   | (208)256-4330           |

Priority Date: 06/01/1885

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          | 0.250 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.250 CFS             |                      |

Location of Point(s) of Diversion

|                     |                 |                                 |
|---------------------|-----------------|---------------------------------|
| LITTLE WEISER RIVER | NE1/4SE1/4NW1/4 | Sec. 36, 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 25  |    |    |    |      |    |    | 5.0 |    |    | 19.0 | 9.0 |    |     |    |    |    | 33.0   |
| 14N 01W 26  |    |    |    | 15.0 |    |    |     |    |    |      |     |    | 1.0 |    |    |    | 16.0   |

Total Acres: 49

Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
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. E62 This right when combined with Right No. 67-425 & 67-4277 shall provide no more than .02 cfs per acre.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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5. K06 This right is limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.

Remarks:Comments:

1. mcase 7/14/2004 POD

Comment: Updated shape

2. mcase 7/14/2004 POD

Comment: POD shape created using claim map. Claimed ditch name does not match decreed ditch name.

3. mcase 7/14/2004 POU

Comment: Updated Shape

4. mcase 7/14/2004 POU

Comment: POU shape created using claim map. Decreed 20 acres of irrigated land, claimed 49 acres with other associated water rights.

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:

| <u>Rate</u> | <u>Volume</u> | <u>Acres</u> |
|-------------|---------------|--------------|
| 1.08        |               | 54           |

Combined Water Rights: 67-425 , 67-442 , 67-4277

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  | 7/14/2004 7:54:14 AM      | mcase           |                           |                 | Active        |
| POD            | 7/14/2004 7:59:07 AM      | mcase           |                           |                 | Active        |
| Source         | 7/14/2004 8:01:02 AM      | mcase           |                           |                 | Active        |
| POU            | 7/14/2004 8:05:49 AM      | mcase           |                           |                 | Active        |
| Use            | 7/14/2004 8:06:03 AM      | mcase           |                           |                 | Active        |
| Season         | 7/14/2004 8:06:27 AM      | mcase           |                           |                 | Active        |
| Quantity       | 7/14/2004 8:06:39 AM      | mcase           |                           |                 | Active        |

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|               |                      |                       |        |
|---------------|----------------------|-----------------------|--------|
| Priority Date | 3/7/2006 10:16:27 AM | dnarsavage            | Active |
| POD           | 3/7/2006 10:25:24 AM | dnarsavage            | Active |
| Source        | 3/7/2006 10:44:28 AM | dnarsavage            | Active |
| POU           | 3/7/2006 10:45:42 AM | dnarsavage            | Active |
| Use           | 3/7/2006 10:51:47 AM | dnarsavage            | Active |
| Season        | 3/7/2006 10:53:32 AM | dnarsavage            | Active |
| Summary       |                      | 03/07/2006 dnarsavage | Active |
| Quantity      | 3/7/2006 10:56:18 AM | dnarsavage            | Active |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------|------------------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Source         | 7/14/2004 8:01:02 AM   | mcase           | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?                                                                                                                                                                                                                                                                                                                         |
| POU            | 7/14/2004 8:05:48 AM   | mcase           | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the Decree or License have a POU?<br>(No) 6. Can the claimed POU be verified using the water right file?                                                                                                                                                                                                                                                                                       |
| Use            | 7/14/2004 8:06:03 AM   | mcase           | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a Purpose of Use?<br>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?                                                                                                                                                                                                                                                                                                  |
| Priority Date  | 7/14/2004 7:54:13 AM   | mcase           | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required?                                                                           |
| Season         | 7/14/2004 8:06:27 AM   | mcase           | (Yes) 1. Is the basis of claim Decree or License?<br>(No) 4. Does the Decree or License have a Period of Use?<br>(No) 6. Is there evidence that there has been a change in the Period of Use?<br>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?<br>(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?<br>(Yes) 15. Is irrigation claimed as a Purpose of Use? |

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|          |                      |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------|----------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Quantity | 7/14/2004 8:06:38 AM | mcase      | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?</p> <p>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?</p> <p>(No) 8. Does the parent right have an annual diversion volume limit?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p>                                                 |
| POD      | 7/14/2004 7:59:07 AM | mcase      | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a POD?</p> <p>(No) 5. Can the claimed POD be verified using the water right file?</p>                                                                                                                                                                                                                                                                                                                                                                                                          |
| Source   | 3/7/2006 10:44:29 AM | dnarsavage | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a source?</p> <p>(Yes) 5. Can the claimed source be verified using the water right file?</p> <p>(No) 11. Is a Source remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                            |
| Use      | 3/7/2006 10:51:47 AM | dnarsavage | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a Purpose of Use?</p> <p>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?</p> <p>(No) 13. Is a Purpose of Use remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                             |
| Season   | 3/7/2006 10:53:32 AM | dnarsavage | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(No) 4. Does the Decree or License have a Period of Use?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(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?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p> |

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|         |                      |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------|----------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary | 3/7/2006 10:56:07 AM | dnarsavage | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p> <p>(Yes) 5. Does this right have any combined use limits with other rights?</p> <p>(No) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(No) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p>                                                                                                                                                              |
| General | 3/7/2006 10:16:28 AM | dnarsavage | <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(Yes) 4. Is the basis of claim decree or license?</p> <p>(Yes) 5. Does the decree or license have a Priority Date?</p> <p>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?</p> <p>(Yes) 15. Is the basis of claim coded correctly?</p> <p>(No) 16. Is a Priority Date remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                                                        |
| POD     | 3/7/2006 10:25:24 AM | dnarsavage | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a POD?</p> <p>(No) 5. Can the claimed POD be verified using the water right file?</p> <p>(Yes) 6. Is there evidence that there has been a change in the POD?</p> <p>(Yes) 7. Can the change be verified as an accomplished transfer?</p> <p>(Yes) 9. Does the file contain all the necessary information to verify the POD?</p> <p>(No) 10. Is a POD remark and/or condition required?</p> <p>Description for Question 6 - Shaffer claimed a different POU and POD than what was decreed. He owns the old POU as well as the newly-claimed POU. It appears that he (or a previous owner) moved the irrigation from the original POU to add to another decreed POU (67-425). Shaffer claimed nothing in the originally-decreed POU.</p> |
| POU     | 3/7/2006 10:52:03 AM | dnarsavage | Edited Season Of Use                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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|          |                      |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------|----------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU      | 3/7/2006 10:45:43 AM | dnarsavage | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the Decree or License have a POU?<br>(No) 6. Can the claimed POU be verified using the water right file?<br>(Yes) 7. Is there evidence that there has been a change in the POU?<br>(Yes) 8. Can the claim be verified as an accomplished transfer?<br>(Yes) 13. Does the file contain all the necessary information to verify the POU?<br>(No) 14. Is a POU remark and/or condition required? |
| POU      | 3/7/2006 10:48:18 AM | dnarsavage | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| POD      | 3/7/2006 10:42:22 AM | dnarsavage | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Quantity | 3/7/2006 10:56:18 AM | dnarsavage | (Yes) 1. Is the basis of this claim a Decree or License?                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

Water Supply Bank:



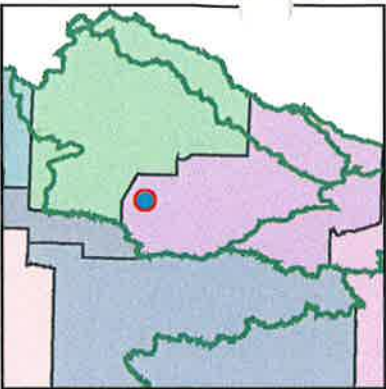
# Idaho Department of Water Resources

SRBA Recommendation:

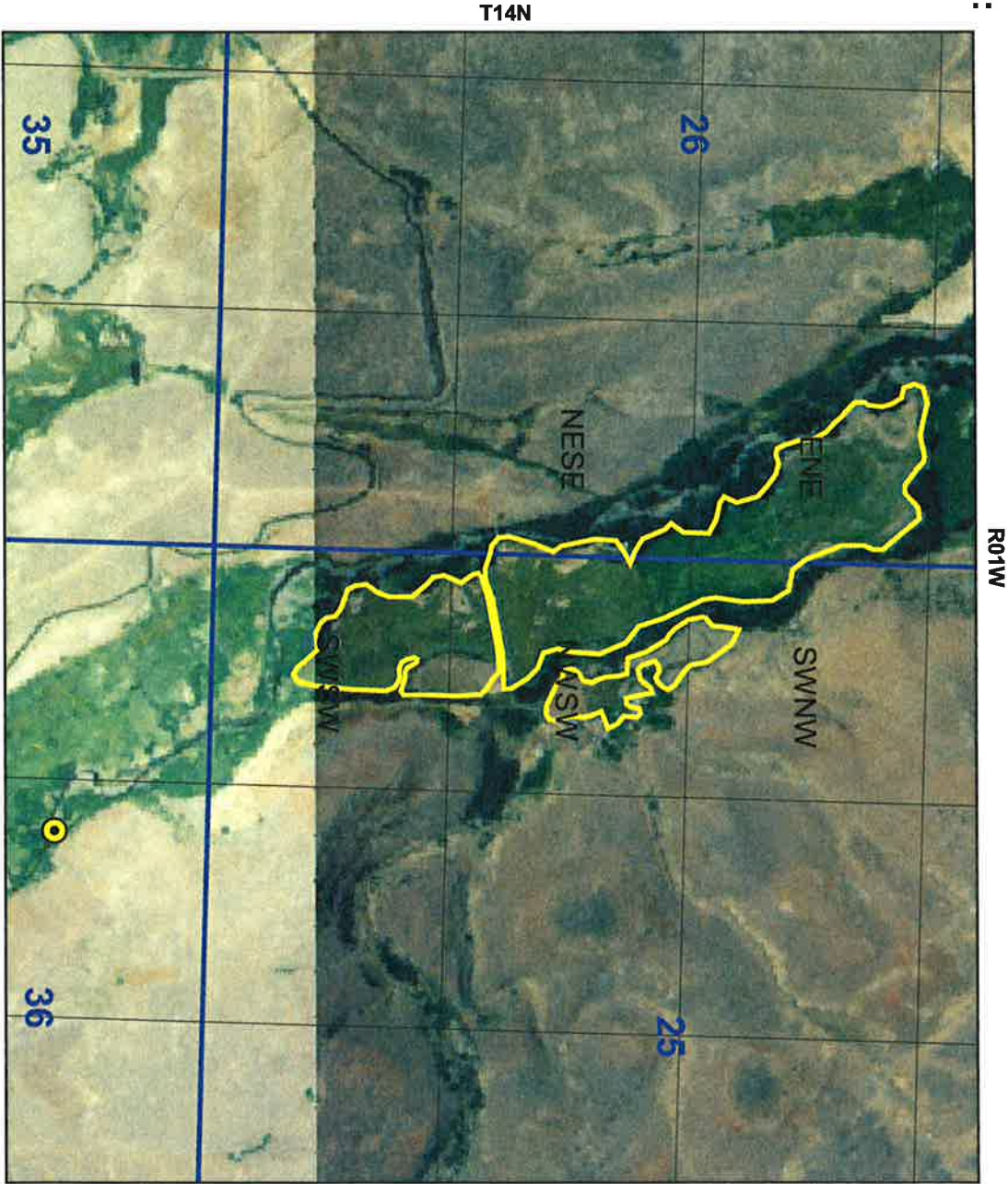
**67-442**

## Legend

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



Adams County  
IDWR Basin 67



Prepared by D. Narsavage  
On Wednesday, April 12, 2006  
1987/88 Aerial Photography