

May 18, 1999

RECEIVED

MAY 26 1999

WATER RESOURCES
WESTERN REGION

To: Sally Sherman

From: Danni Smith

Subject: SRBA claims 67-10723, 67-10724, 67-10725, A67-00420, A67-00448, A67-04290,
A67-07297, & A67-10723

Telephone Conversation with David Veselka this afternoon. First he strongly complimented you on the courteous and well written letters you had sent to his parents and himself. Great Job!

Your recent letter stated his parents had told you he currently owned the property you had sent a change of address on. He stated he owns the property through a contract purchase and he is still making payments to his parents. On reviewing the three(3) claims addressed in your letter, I noticed he and his parents are listed as "and/or" owners. Explained claimants with a "vested interest" in the property could claim the water rights. He at this point has decided not to change the ownership, but leave in the three names. Nothing has been filed with the assessor at this point in time to show he is in sole ownership of the property. Will keep the form for future reference.

The additional claims listed above are irrigation claims in his name only. I sent copies to him today. I also confirmed he still has Box 35 in Indian Valley, so no address change is required.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-448 V1

WATER RIGHT NUMBER: 67-448 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CORA HUTCHINSON
	, ID
Current Owner	DAVE R VESELKA
	BOX 35
	INDIAN VALLEY, ID 83632
	(208)256-4303

Priority Date: 06/01/1875

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	0.450 CFS	
	<u>Total Diversion:</u>	0.450 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	14											37.0	18.0					55.0

Total Acres: 55

Conditions of Approval:

1. K06 This right is limited to the irrigation of 36 acres within the place of use described above in a single irrigation season.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

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Comments:

1. mcase 7/19/2004 POD

Comment: Updated shape

2. mcase 7/19/2004 POD

Comment: Updated PLS

3. mcase 7/19/2004 POD

Comment: POD shape created using claimed PLS description and ditch diversion. I wonder if the water really comes from the ditch that runs right through the POU. That POD is in T14N R01W S23 SWNW.

4. mcase 7/19/2004 POU

Comment: Updated Shape

5. mcase 7/19/2004 POU

Comment: POU shape created using claim map. Overlaps with 67-7297. Decreed .45 cfs for the irrigation of 36 acres. Claimed .45 cfs for the irrigation of 55 acres with other associated 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:

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	7/19/2004 11:33:33 AM	mcase			Active
POD	7/19/2004 12:46:20 PM	mcase			Active
Source	7/19/2004 12:46:30 PM	mcase			Active
POU	7/19/2004 12:59:48 PM	mcase			Active
Use	7/19/2004 12:59:57 PM	mcase			Active
Season	7/19/2004 1:00:48 PM	mcase			Active
Quantity	7/19/2004 1:02:14 PM	mcase			Active
POU	3/10/2006 2:21:58 PM	dnarsavage			Active
Priority Date	3/10/2006 2:23:43 PM	dnarsavage			Active
POD	3/10/2006 2:29:16 PM	dnarsavage			Active

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Source	3/10/2006 2:30:55 PM	dnarsavage	Active
Use	3/10/2006 2:31:13 PM	dnarsavage	Active
Season	3/10/2006 2:31:33 PM	dnarsavage	Active
Season	3/10/2006 2:32:29 PM	dnarsavage	Active
Quantity	3/10/2006 2:33:20 PM	dnarsavage	Active
Summary		03/10/2006 dnarsavage	Active
Summary		03/10/2006 dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	3/10/2006 2:20:16 PM	dnarsavage	Updated shape for 0
POU	3/10/2006 2:20:17 PM	dnarsavage	Updated shape for 0
POU	3/10/2006 2:20:14 PM	dnarsavage	Updated shape for 0
POU	3/10/2006 2:20:15 PM	dnarsavage	Updated shape for 0
POU	3/10/2006 2:20:16 PM	dnarsavage	Updated shape for 0
POU	3/10/2006 2:20:18 PM	dnarsavage	Updated shape for 0
POU	3/10/2006 2:20:20 PM	dnarsavage	Updated shape for 0
General	3/10/2006 2:23:43 PM	dnarsavage	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

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Adjudication Recommendation Report 67-448 V1

POD	3/10/2006 2:29:17 PM	dnarsavage	(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? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required? Description for Question 6 - 67-448 was decreed out of America Lindsay Ditch. At some time after the decree but before the present day, the names of the ditches now named "Grays Creek Ditch" and "America Lindsay Ditch" were switched. Although Veselka now gets water from what is now called America Lindsay Ditch, his right was decreed out of what is now Grays Creek Ditch (and what used to be America Lindsay Ditch), hence this is an accomplished transfer. Good grief.
Summary	3/10/2006 2:35:43 PM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (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?
Summary	3/10/2006 2:38:05 PM	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? (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

3/10/2006 2:20:14 PM

dnarsavage

Updated shape for 0

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POU	3/10/2006 2:20:15 PM	dnarsavage	Updated shape for 0
POU	3/10/2006 2:20:17 PM	dnarsavage	Updated shape for 0
POU	3/10/2006 2:20:18 PM	dnarsavage	Updated shape for 0
POU	3/10/2006 2:20:20 PM	dnarsavage	Updated shape for 0
POU	3/10/2006 2:20:21 PM	dnarsavage	Updated shape for 0
POU	3/10/2006 2:20:21 PM	dnarsavage	Updated shape for 0
POU	3/10/2006 2:20:22 PM	dnarsavage	Updated shape for 0
POD	3/10/2006 2:30:10 PM	dnarsavage	Updated shape
POU	3/10/2006 2:31:52 PM	dnarsavage	Edited Season Of Use
Season	3/10/2006 2:31:34 PM	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	3/10/2006 2:33:21 PM	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?
POU	3/10/2006 2:17:55 PM	dnarsavage	Updated shape for Active POU
POU	3/10/2006 2:20:09 PM	dnarsavage	Updated shape for Active POU
POU	3/10/2006 2:20:13 PM	dnarsavage	Updated shape for 67 4290
POU	3/10/2006 2:20:17 PM	dnarsavage	Updated shape for 0
POU	3/10/2006 2:20:19 PM	dnarsavage	Updated shape for 0
POU	3/10/2006 2:20:19 PM	dnarsavage	Updated shape for 0

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POU	3/10/2006 2:21:59 PM	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? (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? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - POU claimed as a permissible place of use with 67-4290 & -7297 Description for Question 13 - Aerial photos, maps provided by claimant, and discussions with claimant
Source	3/10/2006 2:30:55 PM	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?
Use	3/10/2006 2:31:14 PM	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	3/10/2006 2:32:30 PM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use?
Priority Date	7/19/2004 11:33:34 AM	mcase	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	7/19/2004 12:46:20 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? (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?

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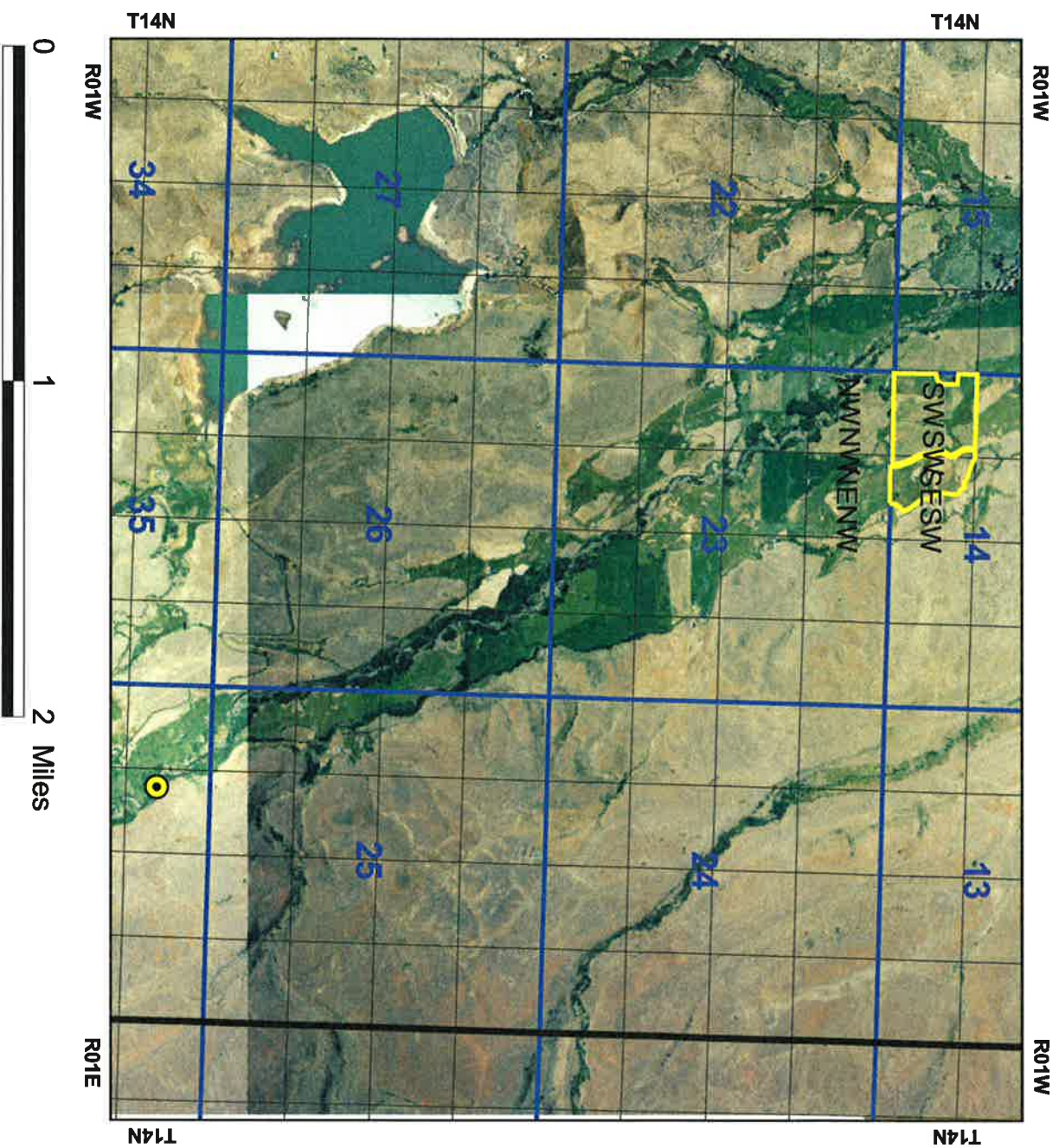
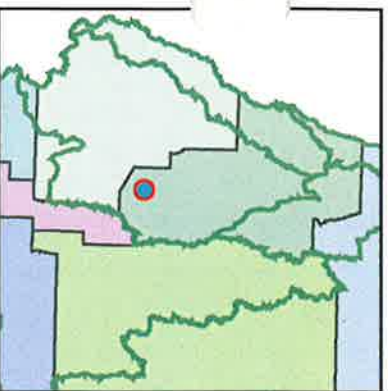
Adjudication Recommendation Report 67-448 V1

Source	7/19/2004 12:46:31 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?
POU	7/19/2004 12:59:48 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? (No) 7. Is there evidence that there has been a change in the POU?
Use	7/19/2004 12:59:57 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?
Season	7/19/2004 1:00:48 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?
Quantity	7/19/2004 1:02:15 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? (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?

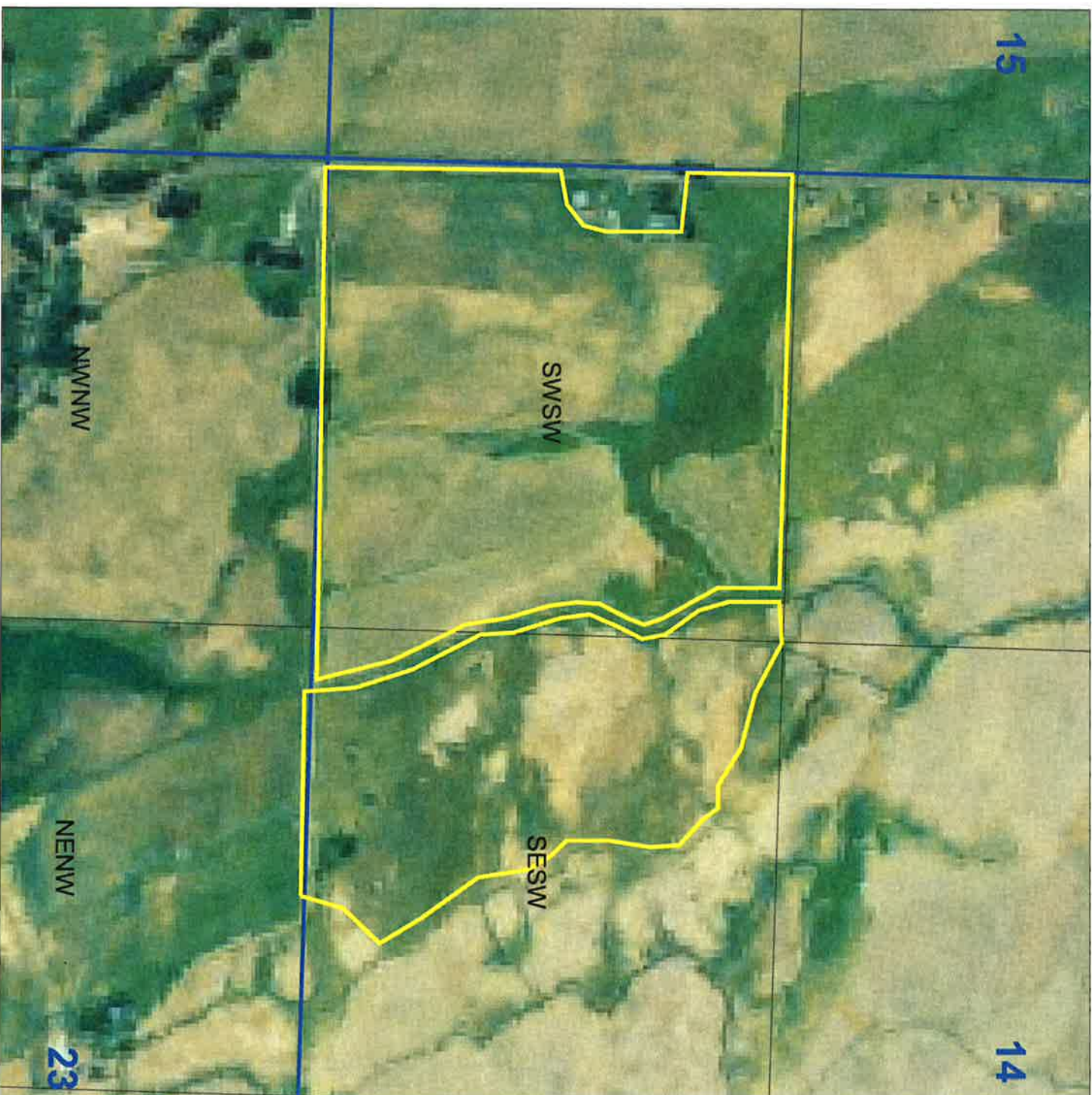
Water Supply Bank:

67-448

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



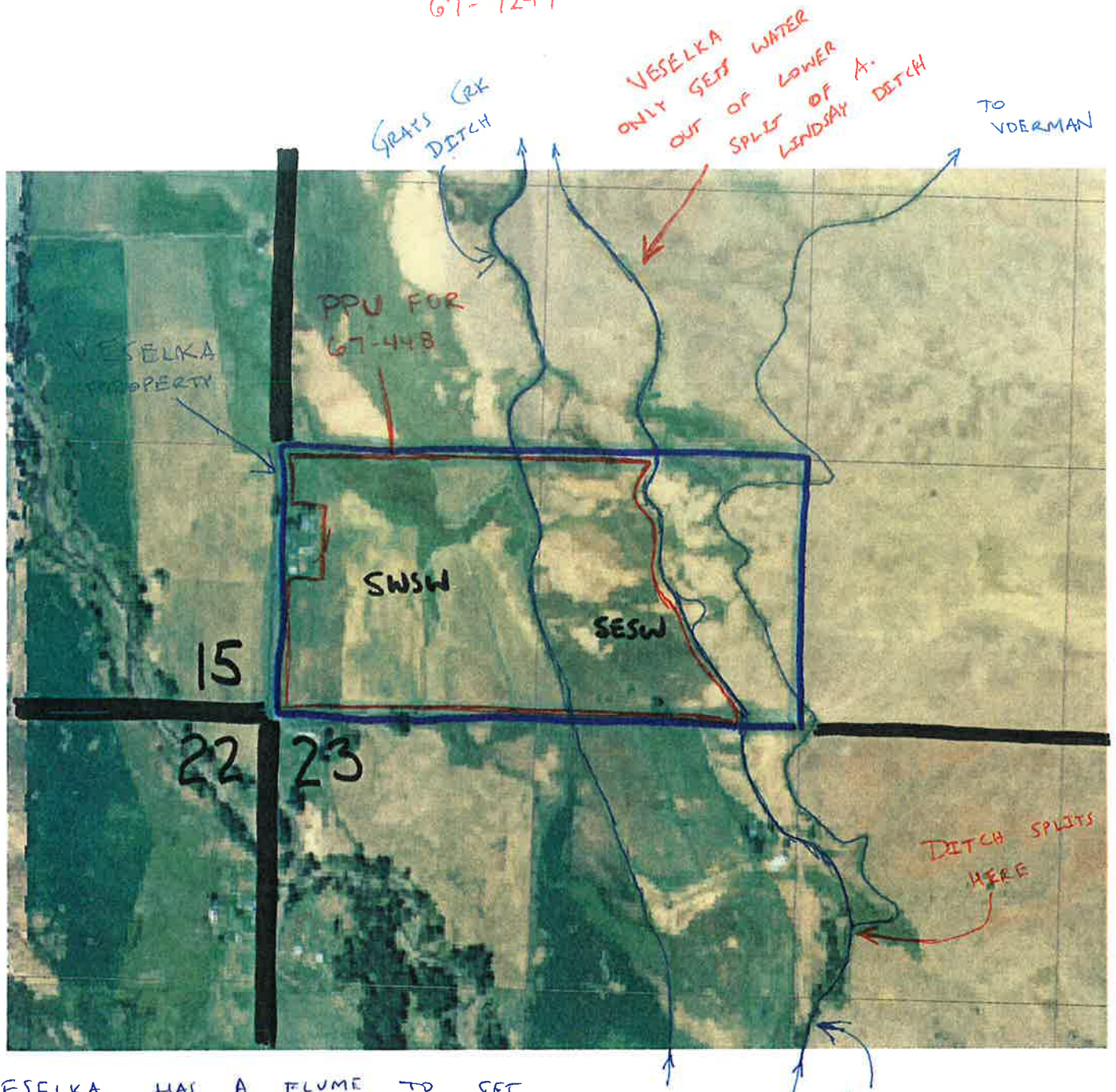
**Prepared by D. Narsavage
On Monday, March 13, 2006
1987/88 Aerial Photography**



67-448

67-4290

67-7297



VESELKA HAS A FLUME TO GET
WATER ACROSS GRAYS CRK DITCH.

AMERICA
LINDSAY
DITCH

THIS INFO WAS GLEANED FROM A CONVERSATION
WITH DAVE VESELKA - 12/02/05 ~~DLN~~ DLN