

May 16, 2007

JOE ADAMS
2268 MUNDY GULCH RD
INDIAN VALLEY ID 83632

RE: Potential Snake River Basin Adjudication (SRBA) claim for part of decreed right 67-452

Dear Mr. Adams:

Per our conversation yesterday, I am sending some documentation regarding decreed right 67-452. I have included two maps of the area. Each map shows your property and Grays Creek Ditch. It appears from the other rights in the area that Hall-Munday Ditch, which was the ditch of record in the decree, was incorporated into Grays Creek Ditch. I have labeled that on the map. We discussed yesterday that you have had trouble getting your water over the years. If you could mark where you got water and the path of your ditch(es) when you could get water, that would be most helpful.

I am also sending a partially completed notice of claim to a water right. If you decide that you do want to file on the 2 inches of 1887 water, you will need to review the claim and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and submit it to the SRBA court with the completed Motion to File a Late Notice of Claim form and the filing fee of \$204.00. I have also included a Motion to File a Late Notice of Claim form.

Please feel free to contact me at (208) 287-4907 with any questions.

Respectfully submitted,

Monica P. Van Bussum
Sr. Water Resource Agent
Adjudication Bureau

MEMORANDUM

TO: File

FROM: Monica Van Bussum

DATE: April 30, 2007

RE: Objection to recommendation for SRBA claim 67-452A

This memo serves as a record of my understanding of objection 67-452A.

Place of Use

Claim lists 6.2 acres in SESE of Sec 10. Agent doing the recommendation found 4.8 acres in SESE, which is the entire Mc Crumb taxlot in SESE. However, part of taxlot goes into SWSE and the taxlot as a whole is 6.3 acres. Presumably, it was the intent of the claimant to claim their entire taxlot, including SESE and SWSE, as irrigated ground.

Quantity

The claimed quantity is 0.41 cfs. Agent recommended 0.08 cfs per Roger Meyer's records. Roger was the Little Weiser River Water Master until 2006. The entire decreed amount for parent right 67-452 was 1.0 cfs. 0.86 cfs was recommended to 67-452B. If we add up claims to 67-452, 0.86 cfs (B) + 0.08 cfs (A) = 0.92 cfs, which leaves 0.08 cfs of the original decreed amount un-recommended.

Roger Meyer's records list Jim Hust and Joe Adams as receiving part of 67-452 (according to Roger's records, 67-452C and 67-452D, respectively) for 3 acres each. Delivery records show 0.04 cfs to Hust and Adams, accounting for the 0.08 cfs un-recommended. Jim Hust and Joe Adams did not file an SRBA claim at all. Also, Jim Hust and Joe Adams did not receive second round service advising them they might have a claim to part of 67-452.

Other elements

The other elements listed in the objection are all recommended as the claimant requested. Also, an NCAP was prepared on 4/6/2007 for the change of address mentioned.

Summation

If the Mc Crumbs want to pursue the additional acreage in SWSE, they will need to amend the claim. SWSE is within the decreed POU and is irrigated according to available imagery. It was presumably the intent of the claim to cover the whole Mc Crumb taxlot and POU.

I do not see a compelling reason to increase the quantity for 67-452A, particularly since the recommended 0.08 cfs would mimic the duty of water under Muir v. Allison (0.08 cfs gives 6.4 acres of water at 5/8 miner's inch per acre) and Water Master delivery records confirm this cfs.

11/11/2006

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

RIGHT NUMBER: 67-452B
NAME AND ADDRESS: ALLEN M BUCHANAN
PO BOX 14
INDIAN VALLEY ID 83632
VIVIAN L BUCHANAN
PO BOX 14
INDIAN VALLEY ID 83632

SOURCE: LITTLE WEISER RIVER TRIBUTARY: WEISER RIVER
QUANTITY: 0.840 CFS
PRIORITY DATE: 06/01/1887
POINT OF DIVERSION:

T14N R01W S15 SESE Within ADAMS County
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	0.840 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T14N R01W S10	NESW	18.00	T14N R01W S10	NESE	27.00
T14N R01W S10	NWSE	20.00	T14N R01W S10	SWSE	36.00
T14N R01W S10	SESE	23.00			

124 ACRES TOTAL

Right Nos. 67-424, 67-449, 67-452B, and 67-4303 are limited to the irrigation of a combined total of 124.0 acres in a single irrigation season.

This right is limited to the irrigation of 67.2 acres within the place of use described above in a single irrigation season.

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.

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

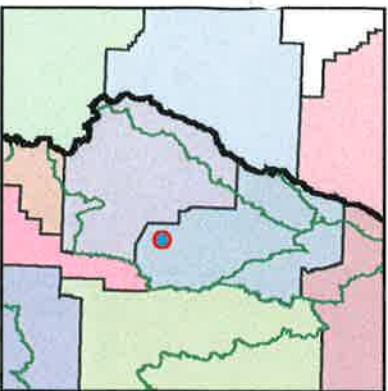
Idaho Department of Water Resources



SRBA Recommendation:
67-452B
 (Irrigation)

Legend

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

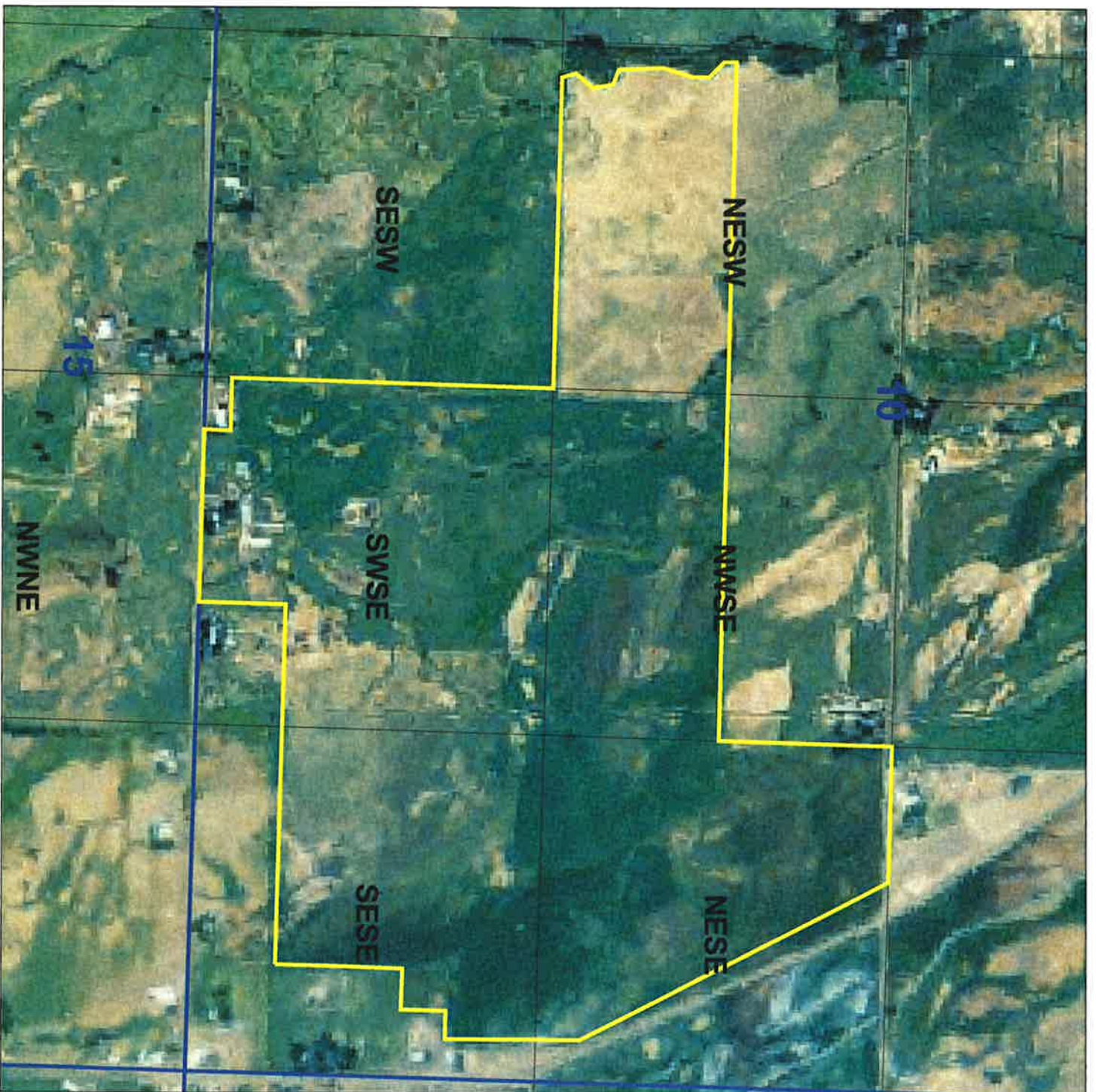


Adams County
 IDWR Basin 67



Prepared by C. Saxton
 On Saturday, November 11, 2006
 1987/88 Aerial Photography

67-452B



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-452B V1

WATER RIGHT NUMBER: 67-452B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALLEN M BUCHANAN PO BOX 14 INDIAN VALLEY, ID 83632 (208)256-4320
Current Owner	VIVIAN L BUCHANAN PO BOX 14 INDIAN VALLEY, ID 83632 (208)256-4320
Original Owner	J I LINDER , ID

Priority Date: 06/01/1887

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	0.840 CFS	
	<u>Total Diversion:</u>	0.840 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER ADAMS County	NE1/4SW1/4NW1/4	Sec. 23, Twp 14N, Rge 01W, B.M.
LITTLE WEISER RIVER ADAMS County	SE1/4SE1/4	Sec. 15, Twp 14N, Rge 01W, B.M.

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	10									18.0				27.0	20.0	36.0	23.0	124.0

Total Acres: 124

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. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-452B V1

3. E55 Right Nos. 67-424, 67-449, 67-452B, and 67-4303 are limited to the irrigation of a combined total of 124.0 acres in a single irrigation season.
4. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
5. K06 This right is limited to the irrigation of 67.2 acres within the place of use described above in a single irrigation season.

Remarks:Comments:

1. mcase 7/20/2004 Quantity

Comment: Parent right decreed for 1 cfs for the irrigation of 80 acres. Claimed all 1 cfs for the irrigation of 54 acres. 67-452A claimed .41 cfs. for the irrigation of 6.2 acres (I recommended .12cfs.).

2. mcase 7/20/2004 POD

Comment: No Claimed POD - the one in the file was added to complete the file in order to enter it into the data base. POD shape was created using the diversion point of the nearest canal. Needs to be double checked.

3. csaxton 11/11/2006 PPU

Comment: Recommend as PPU with flood water. 67-4303 claims all the acres in the PPU and from the FE in file 67-4303 all the water appears to be used in a common system. Plus there is more than enough decreed water to cover the acres irrigated.

4. csaxton 11/11/2006 POD

Comment: Neither of the recommended PODs are what was originally decreed.

5. csaxton 11/11/2006 Diversion Rate

Comment: Recommended diversion rate taken from water master records.

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: 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>
1.04		52

Combined Water Rights: 67-424 , 67-449 , 67-452B

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	7/20/2004 11:23:20 AM	mcase			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-452B V1

Source	7/20/2004 11:23:51 AM	mcase	Active
POU	7/20/2004 11:57:48 AM	mcase	Active
POU	7/20/2004 12:33:15 PM	mcase	Active
Use	7/20/2004 12:33:24 PM	mcase	Active
Season	7/20/2004 12:34:02 PM	mcase	Active
Quantity	7/20/2004 12:34:12 PM	mcase	Active
POD	7/20/2004 12:50:51 PM	mcase	Active
Priority Date	7/31/2006 1:24:37 PM	dnarsavage	Active
POD	7/31/2006 1:24:46 PM	dnarsavage	Active
Source	7/31/2006 1:26:15 PM	dnarsavage	Active
POU	7/31/2006 1:26:30 PM	dnarsavage	Active
Use	7/31/2006 1:29:24 PM	dnarsavage	Active
Season	7/31/2006 1:29:50 PM	dnarsavage	Active
Quantity	7/31/2006 1:30:30 PM	dnarsavage	Active
Summary	07/31/2006	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	8/2/2005 4:05:13 PM	dnarsavage	Correlated PODID 623796 from SpatialDataID 363548 to SpatialDataID 342152
POD	8/2/2005 4:05:13 PM	dnarsavage	Correlated PODID 623796 from SpatialDataID 363548 to SpatialDataID 342152
POD	8/2/2005 4:05:13 PM	dnarsavage	Correlated PODID 623796 from SpatialDataID 363548 to SpatialDataID 342152
Priority Date	7/20/2004 11:23:21 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	7/20/2004 11:23:52 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-452B V1

POU	7/20/2004 12:33:15 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	7/20/2004 12:33:24 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	7/20/2004 12:34:12 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?
POD	7/20/2004 12:50:51 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?
Season	7/20/2004 12:34:03 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	11/11/2006 7:20:13 AM	csaxton	Updated shape
POD	11/11/2006 7:20:22 AM	csaxton	Updated PLS
POU	11/11/2006 7:20:55 AM	csaxton	Updated PLS for Active POU
POU	11/11/2006 7:20:47 AM	csaxton	Updated shape for Active POU
POU	7/20/2004 11:57:49 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?
POU	7/31/2006 1:26:58 PM	dnarsavage	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-452B V1

Source	7/31/2006 1:26:15 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?
POU	7/31/2006 1:27:29 PM	dnarsavage	Updated PLS for Active POU
Use	7/31/2006 1:29:25 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?
General	7/31/2006 1:24:37 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?
POU	7/31/2006 1:26:31 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? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	7/31/2006 1:27:22 PM	dnarsavage	Edited Season Of Use
Season	7/31/2006 1:29:50 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-452B V1

Quantity	7/31/2006 1:30:31 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?
POD	7/31/2006 1:24:46 PM	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?
Summary	7/31/2006 1:39:02 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? (Yes) 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?

Water Supply Bank:

11/11/2006

Claim

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority De</u>	<u>Rate(cfs)</u>	<u>Volume(ac)</u>	<u>Source</u>	<u>Water Use Owner(s)</u>	<u>Source Table</u>
67	424		Decreed	Active	1883-06-0*	0.34		LITTLE W	IRRIGATIC BUCHANAN, ALLE	Claim
67	449		Decreed	Active	1877-06-0*	0.75		LITTLE W	IRRIGATIC BUCHANAN, ALLE	Claim
67	452 B		Decreed	Active	1887-06-0*	1		LITTLE W	IRRIGATIC BUCHANAN, ALLE	Claim
67	4303		Statutory C	Active	1883-06-0*	2.2		LITTLE W	IRRIGATIC BUCHANAN, ALLE	Claim

Recommendation

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority De</u>	<u>Rate(cfs)</u>	<u>Acres</u>	<u>Source</u>	<u>Water Use Owner(s)</u>	<u>Source Table</u>
67	424		Decreed	Active	1883-06-0*	0.34	27.2	LITTLE W	IRRIGATIC BUCHANAN, ALLE	Recommendation
67	449		Decreed	Active	1877-06-0*	0.75	60	LITTLE W	IRRIGATIC BUCHANAN, ALLE	Recommendation
67	452 B		Decreed	Active	1887-06-0*	0.84	67.2	LITTLE W	IRRIGATIC BUCHANAN, ALLE	Recommendation
						1.93	124			
67	4303		B-use	Active	5/10/1918	0.55	124	LITTLE W	IRRIGATIC BUCHANAN, ALLE	Recommendation
						2.48	124	= 1" per acre		

WR

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority De</u>	<u>Rate(cfs)</u>	<u>Volume(ac)</u>	<u>Source</u>	<u>Water Use Owner(s)</u>	<u>Source Table</u>
67	4303		Statutory C	Active	1883-06-0*	2.2		UNNAMEC	IRRIGATIC BUCHANAN, VIVIA W	WaterRight
67	11455		Decreed	Active	5/20/1900	0.07		GROUND	DOMESTIC BUCHANAN, ALLE W	WaterRight

Water Master Records

<u>PARCEL Name</u>	<u>67A #</u>	<u>Date</u>	<u>CFS</u>	<u>Notes</u>
N01W1051 BUCHANA	424	6/1/1883	0.34	27
N01W1051 BUCHANA	449	6/1/1877	0.75	60
N01W1051 BUCHANA	452A	6/1/1887	0.84	67

N01W1051 BUCHANA	452A	6/1/1887	0.84	67
N01W1091 MCCRUM	452B	6/1/1887	0.08	6
N01W1092 HUST, JIM	452C	6/1/1887	0.04	3
N01W1084 ADAMS, J	452D	6/1/1887	0.04	3

Ok (csaxton 11-10-06 - actually SRBA claim 67-452A)