

03/21/2006

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

RIGHT NUMBER: 67-457

NAME AND ADDRESS: ETHEL J PEARSON
2982 CUTLER RD
CAMBRIDGE ID 83610-5166

ROBIN L THORSEN
2982 CUTLER RD
CAMBRIDGE ID 83610-5166

SOURCE: LITTLE WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.300 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T14N R01W S9 SWNESE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 10/31

0.300 CFS

PLACE OF USE:

IRRIGATION Within ADAMS County

T14N R01W S04	SESW	24.00	T14N R01W S04	SWSE	7.00
T14N R01W S09	NWNE	12.00	T14N R01W S09	SWNE	22.00
T14N R01W S09	NENW	5.80			

70.8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 70.8 acres in a single irrigation season. Combined Right Nos.: 67-457, 67-458B, and 67-4276

This right is limited to the irrigation of 24.0 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

Use of this right is combined with storage water from C. Ben Ross Reservoir.

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



Idaho Department of Water Resources

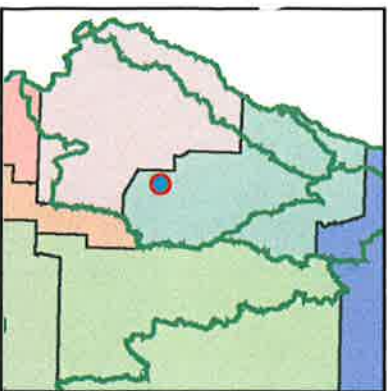
Adjudication Claim Number:

67-457, 67-458B, & 67-4276

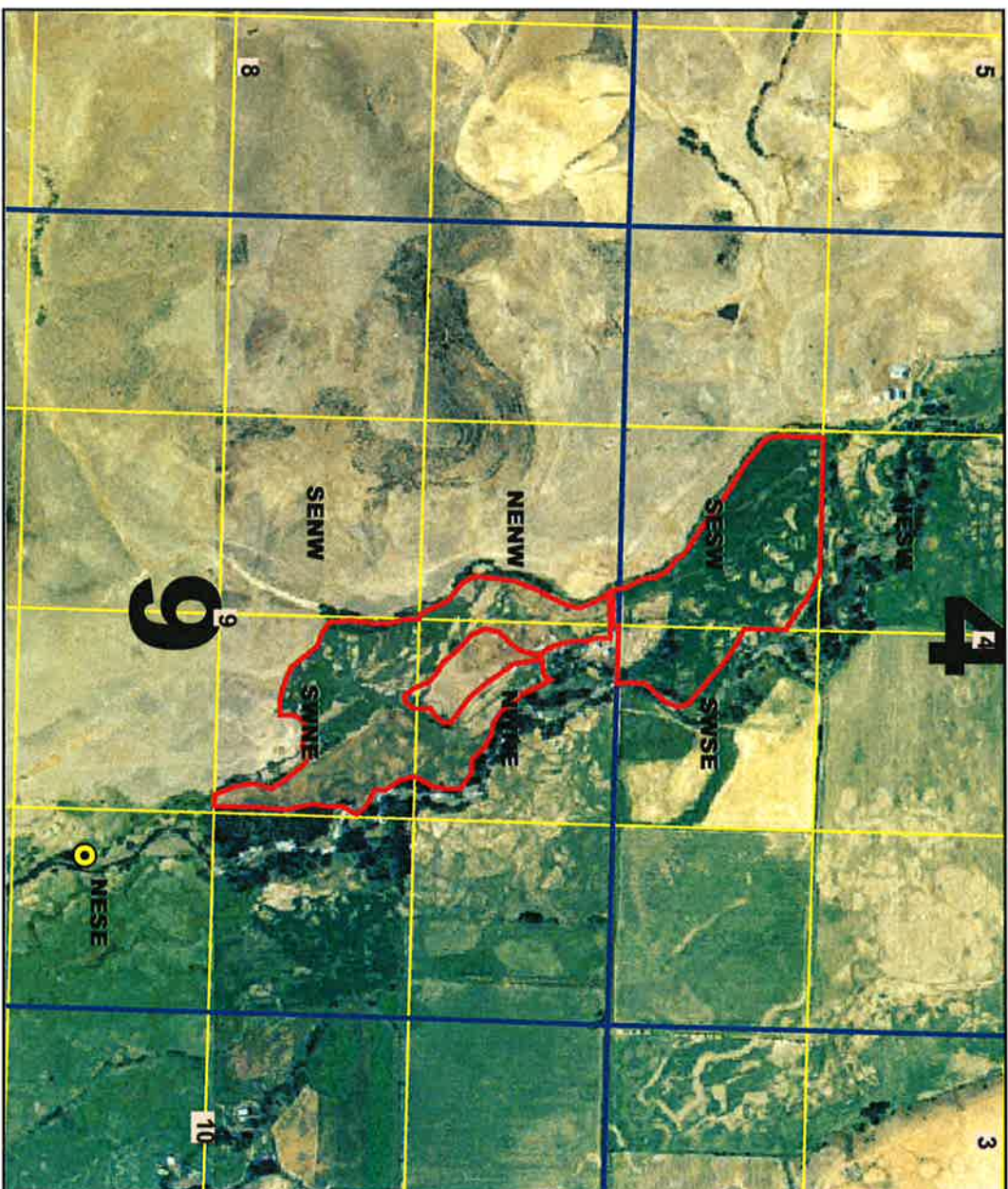
T14N R01W

Legend

- Point of Diversion
- Place of Use
- B67 sections.shp
- T14n01w.shp



Washington County
IDWR Basin 67



1320 0 1320 2640 3960 Feet

Prepared by C. Saxton
On Tuesday, March 21, 2006
1987 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-457 V1

WATER RIGHT NUMBER: 67-457 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	J D BAILEY
	, ID
Original Owner	DELBERT T OGLE 1039 W INDIAN VALLEY RD CAMBRIDGE, ID 83610 (208)256-4448
Current Owner	ETHEL J PEARSON 2982 CUTLER RD CAMBRIDGE, ID 83610-5166 (208)257-3541
Current Owner	ROBIN L THORSEN 2982 CUTLER RD CAMBRIDGE, ID 83610-5166 (208)257-3541

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	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER	SW1/4NE1/4SE1/4	Sec. 9,	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	4												24.0				7.0	31.0
14N	01W	9	12.0	22.0			5.8												39.8

Total Acres: 70.8

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-457 V1

Contacts	3/21/2006 8:28:27 AM	csaxton	Active
Priority Date	3/21/2006 8:28:55 AM	csaxton	Active
POD	3/21/2006 8:29:12 AM	csaxton	Active
Source	3/21/2006 8:29:52 AM	csaxton	Active
POU	3/21/2006 8:30:23 AM	csaxton	Active
Use	3/21/2006 8:31:38 AM	csaxton	Active
Season	3/21/2006 8:31:51 AM	csaxton	Active
Quantity	3/21/2006 8:32:18 AM	csaxton	Active
Summary		03/21/2006 csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	8/3/2005 1:04:48 PM	dnarsavage	Correlated PODID 624175 from SpatialDataID 363642 to SpatialDataID 342588
POD	8/3/2005 1:04:48 PM	dnarsavage	Correlated PODID 624175 from SpatialDataID 363642 to SpatialDataID 342588
POD	8/3/2005 1:04:49 PM	dnarsavage	Correlated PODID 624175 from SpatialDataID 363642 to SpatialDataID 342588
POD	8/3/2005 1:04:49 PM	dnarsavage	Correlated PODID 624175 from SpatialDataID 363642 to SpatialDataID 342588
Contacts	3/21/2006 8:28:54 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: FE by Roger Meyer on 11/12/05.
POD	3/21/2006 8:29:40 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (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? (No) 10. Is a POD remark and/or condition required?
General	3/21/2006 8:29:23 AM	csaxton	(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 67-457 V1

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. E56 The rights listed below are limited to the irrigation of a combined total of 70.8 acres in a single irrigation season. Combined Right Nos.: 67-457, 67-458B, and 67-4276
3. K06 This right is limited to the irrigation of 24.0 acres within the place of use described above in a single irrigation season.
4. W30 Use of this right is combined with storage water from C. Ben Ross Reservoir.
5. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Remarks:Comments:

1. csaxton 3/21/2006 POU

Comment: SESE of Section 4 is claimed under this right but is recommended under the waste water claim of 67-4273. In order to recommend SESE of Section 4 with live water, then waste water could not be recommended just based on how the system would have to work. If live Little Weiser water made it to SESE S.4, then it is not waste. It is either an enlargement, or a new appropriation of Little Weiser water. Thus, if it is waste water, then we can not say that live Little Weiser water made it to that POU.

2. csaxton 3/21/2006 PPU

Comment: Recommended as PPU with 67-458B and 67-4276.

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:

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	7/21/2004 3:43:48 PM	mcase			Active
POD	7/21/2004 4:03:58 PM	mcase			Active
Source	7/21/2004 4:04:17 PM	mcase			Active
POU	7/22/2004 11:13:05 AM	mcase			Active
Use	7/22/2004 11:13:28 AM	mcase			Active
Quantity	7/22/2004 11:14:13 AM	mcase			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-457 V1

Source	3/21/2006 8:30:20 AM	csaxton	(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	3/21/2006 8:30:51 AM	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 Description for Question 13 - FE by Roger Meyer on 11/12/05.
POU	3/21/2006 8:31:14 AM	csaxton	Updated shape for Active POU
POU	3/21/2006 8:31:28 AM	csaxton	Updated PLS for Active POU
Use	3/21/2006 8:32:07 AM	csaxton	(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?
POD	3/21/2006 8:29:56 AM	csaxton	Updated shape
POD	3/21/2006 8:30:06 AM	csaxton	Updated PLS
Season	3/21/2006 8:32:19 AM	csaxton	(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 67-457 V1

Quantity	3/21/2006 8:32:47 AM	csaxton	(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?
Summary	3/21/2006 8:35:06 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?
Priority Date	7/21/2004 3:43:48 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?
POD	7/21/2004 4:03:58 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?
Source	7/21/2004 4:04:18 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-457 V1

POU	7/22/2004 11:13:05 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	7/22/2004 11:13:28 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?
Quantity	7/22/2004 11:14:14 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?

Water Supply Bank:

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>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	457		Decreed	Active	1885-06-01	0.3		LITTLE WEISE	IRRIGATION	PEARSON, E	Claim
67	458 B		Decreed	Active	1894-06-01	0.12		LITTLE WEISE	IRRIGATION	PEARSON, E	Claim
67	4273		Statutory C	Active	5/1/1968	0.14		WASTE WATE	IRRIGATION	PEARSON, E	Claim
67	4276		Statutory C	Active	5/1/1949	0.6		LITTLE WEISE	IRRIGATION	PEARSON, E	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>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	457		Decreed		1885-06-01	0.3	24	LITTLE WEISE	IRRIGATION	PEARSON, E	Recommendation
67	458 B		Decreed		1894-06-01	0.12	9.6	LITTLE WEISE	IRRIGATION	PEARSON, E	Recommendation
67	4276		B-use		5/1/1949	0.6	70.8	LITTLE WEISE	IRRIGATION	PEARSON, E	Recommendation
						1.02	70.8				
67	4273		B-use		5/1/1968	0.14	7	WASTE WATE	IRRIGATION	PEARSON, E	Recommendation
Total =						1.14	77				

Watermaster Records

<u>PARC</u>	<u>Name</u>	<u>67A #</u>	<u>Suffix</u>	<u>Date</u>	<u>CFS</u>	<u>Notes</u>
14N01	PEARSON, E	458		6/1/1894	0.12	10
14N01	PEARSON, E	457		6/1/1885	0.3	24

67 10167 Decreed Active 10/1/1950 0.12 GROUND WA DOMESTIC, STC PEARSON, E wrWaterRight

PD'd

Ready to go



Water Master



INDIAN VALLEY WATER DISTRICT 67A

Roger Meyer
3035 Cemetery Rd.
Cambridge, Idaho 83610
Phone (208) 257-3418
Cell (208) 741-0859
E-mail rjmeyer@ctcweb.net

November 14, 2005

This attachment is for Water Right Numbers 457, 458B and 4276. These water rights lay over top of each other along with 37 inches of water rights from C. Ben Ross Reservoir that is privately owned over and above their adjudicated rights.

W/R # 457 has 0.30 CFS = 15"

458B has 0.12 CFS = 6"

4276 has 0.60 CFS = 30"

Total of 51" which = 81.6 Acres

C. Ben Ross Reservoir = 37" 37 Acres

Total of 88" 118.6 Acres

The POD for this water is the South Ogle Ditch #A0016781 which is on map 67-457 section 4 and 9 (14NO1W9NESE). This also gets re-useable water from above Munday Gulch Rd that comes out of the Anderson ditch across Mike Johnson, Ron Dunham and Peggy Shelton's properties. This water dumps into the ditches from the South Ogle Ditch which runs down and crosses the Ogle Road that irrigates the 20 or so acres NW of Ogle Rd. This in turn dumps into the Little Weiser River and the Underwood Ditch that is used to irrigate the 7 acres on water Right # 67-4273

Roger Meyer

67-457 Ethel Pearson 2982 Luther Rd 257-3541
Robin Thorsen 257-2541

POD #A0016781 South Ogle Ditch.
14N01W9NESE

POW. See Map
they HAVE 0.3 CFS Deereed water.
THAT'S 15" of water. they ~~also~~ ALSO
HAVE 9" of C. Ben Ross water in Section
9 GIVES them A total of 24" of water
 $24" \times 1.6 (5/8)$ PER ACRE = 38.4 ACRES. C. Ben
Ross GIVES them 1" PER ACRE.
 $15" = 24$ ACRES. $9" = 9$ ACRES = 33 ACRES
they are CLAIMING 30 ACRES.

it is FLOOD IRR.

PRJ/DATE. 6/1/1885

457	15
458B	6
4270	21
	33.6
	ACRES
	~~4270~~

90

46
34 1/2
8

Contacts Data Entry Form

Claim Number: 67-457

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	J D BAILEY			ID		
Original Owner	DELBERT T OGLE	1039 W INDIAN VALLEY RD	CAMBRIDGE	ID	83610	(208)256-4448
Current Owner	ETHEL J PEARSON	2982 CUTLER RD	CAMBRIDGE	ID	83610-516	(208)257-3541
Current Owner	ROBIN L THORSEN	2982 CUTLER RD	CAMBRIDGE	ID	83610-516	(208)257-3541

Date of Field Exam: 11-12-05 Time: 10:00Accompanied By: Ethel Pearson Phone Number: 1-208-257-3541Relationship to Claimant: Owner

Directions to Property (if different from above) and/or update owner information:

Reviewer: Date: 11-12-05

Priority Date Data Entry Form

Claim Number 67-457

Claimed Priority Date: 6/1/1885

Claimed Basis: Decreed

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date: 6/1/1885

Water Right Basis: Decreed

Recommended Priority Date ____

Recommended Basis _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Decreed

Reviewer:

[Signature]

Date:

11-12-05

Point of Diversion and Source Data Entry Form

Claim Number 67-457

Claimed Point of Diversion and Source

T14N R01W S9 SWNESE Within ADAMS County Source: LITTLE WEISER RIVER WEISER RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source	<u>Little Weiser River</u>	Tributary To	<u>Weiser River</u>

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
14N	01W	9	SW	NE SE	ADAMS	South Eagle Ditch # A0016781

Other rights from this POD? yes

Document how the POD and Source were verified:

Reviewer:

Date: 11-12-05

Place Of Use Data Entry Form

Claim Number 67-457

Claimed Place Of Use

T14N R01W S04	NESW	7.0	T14N R01W S04	SESW	26.0
T14N R01W S04	SWSE	14.0	T14N R01W S09	NWNE	5.0
T14N R01W S09	SWNE	20.0	T14N R01W S09	NENW	5.0

Total Acres 77

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T14N R01W S04	SESW	T14N R01W S04	SWSE
---------------	------	---------------	------

Total Acres

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
Water Right #s 457, 458 B, 4276 & 4273								
All owned by each other. See write up								

Total Acres

Document how the POU was verified:

Reviewer:



Date: 11-12-05

Purpose of Use Data Entry Form

Claim Number 67-457

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
ICR	0	200 HEAD		0

Document how the Purpose of Use was verified:

Reviewer:



Date: 11-12-05

Period of Use and Quantity Data Entry Form

Claim Number 67-457

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.3	

Overall Diversion Rate 0.3 Overall Diversion Volume

☒ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	/	/	0.3	

Overall Diversion Rate 0.3 Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: 

Date: 11-12-05

Idaho Department of Water Resources

T14N, R01W S4 & 9
Water Right No: 67-457

