

07/17/2008

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4148 V1

WATER RIGHT NUMBER: 67-4148 V1

Owner Type Name and Address
 Original Owner JOSEPH D JAMES
 PO BOX 413
 COUNCIL, ID 83612
 Current Owner SANDRA J JAMES
 PO BOX 413
 COUNCIL, ID 83612
 (208)253-4729
 Priority Date: 01/01/1960
 Basis: Beneficial Use
 Status: Active

Source
 COTTONWOOD CREEK

Tributary
 WEISER RIVER

*The mill call you
 Fri afternoon. Has questions
 I explained the priority of decree
 & then she wants to know
 if any '92 acres or more.
 Also, are you trying to take
 the flood water?*

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.070 CFS	
IRRIGATION	03/15 to 11/15	1.420 CFS	
<u>Total Diversion:</u>		1.490 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK ADAMS County	NW1/4NE1/4NE1/4	Sec. 34, Twp 16N, Rge 01W, B.M.
COTTONWOOD CREEK ADAMS County	SW1/4SW1/4SW1/4	Sec. 26, Twp 16N, Rge 01W, B.M.
COTTONWOOD CREEK ADAMS County	NE1/4NW1/4NW1/4	Sec. 36, Twp 16N, 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	
16N	01W	27															37.0	38.0	75.0
16N	01W	34	17.0	37.0															54.0

Total Acres: 129

STOCKWATER same as IRRIGATIONConditions of Approval:

1. X02 Stockwater use is for 330 range cattle.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4148 V1

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. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Remarks:Comments:

1. csaxton 9/5/2006 EOP

Comment: No evidence of priority submitted supporting when additional acreage above decreed started being irrigated. Recommend as flood water in a PPU but limit to decreed number of acres only.

2. csaxton 9/5/2006 POD

Comment: POD claimed in section 27 is really close to the line, but with GPS was determined to be located in Section 26.

3. csaxton 9/5/2006 Diversion Rate

Comment: Diversion rate recommended at 3/8 inches per acre in order to bring use of this right and decreed right 67-309 up to one inch per acre.

4. mvanbussum 12/18/2006 NOE EOP

Comment: Per NOE correspondence from claimant, affidavit from Woodrow Jones provides evidence of priority to 1960 for additional acres. Recommend for 129 ac (irrigation found during review) with priority date first day of 1960. Removed acreage limiting conditions for PPU.

5. mvanbussum 12/18/2006 NOE Quantity

Comment: Initial recommendation was for 92 acres at 3/8 miners inch per acre. This recommendation will include the 92 acres at 3/8 miners inch and add 37 acres at 1 inch. $0.68 \text{ cfs (for 92 acres)} + 0.74 \text{ cfs (37 ac @ 1 in)} = 1.42 \text{ cfs}$.

6. mvanbussum 3/7/2008 Objection Review

Comment: During objection review, found 4.7 acres more that were found during field exam but for whatever reason were not included in recommended POU. Claimant wanted 11 acres in addition to recommended POU, as well as earlier priority date. Have no evidence to support earlier priority date, so wait until initial hearing to see if claimant wants the additional acres and to see if they have additional evidence of priority.

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:

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>
		92
Combined Water Rights: 67-309 , 67-4148		

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	9/5/2006 3:33:50 PM	csaxton			Active
Priority Date	9/5/2006 3:34:44 PM	csaxton			Active
POD	9/5/2006 3:55:19 PM	csaxton			Active
Source	9/5/2006 3:55:49 PM	csaxton			Active
POU	9/5/2006 3:58:21 PM	csaxton			Active
Use	9/5/2006 3:59:49 PM	csaxton			Active
Season	9/5/2006 4:01:42 PM	csaxton			Active
Quantity	9/5/2006 4:02:21 PM	csaxton			Active
Summary			09/05/2006	csaxton	Active

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	9/5/2006 3:33:54 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam on 7-20-06 by Misty Mount and Jennifer Dean.
POD	9/5/2006 3:47:13 PM	csaxton	Updated shape
General	9/5/2006 3:34:48 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Direct overlap with decreed water. Recommend one day after Muir vs. Allison.
POD	9/5/2006 3:48:15 PM	csaxton	Updated shape
POD	9/5/2006 3:49:46 PM	csaxton	Updated PLS
POD	9/5/2006 3:51:23 PM	csaxton	Updated shape
POD	9/5/2006 3:52:16 PM	csaxton	Updated PLS
POD	9/5/2006 3:53:22 PM	csaxton	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4148 V1

POD	9/5/2006 3:50:18 PM	csaxton	Updated shape
POD	9/5/2006 3:53:45 PM	csaxton	Updated PLS
POD	9/5/2006 3:55:23 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (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?
POU	9/5/2006 3:56:25 PM	csaxton	Updated shape for Active POU
POU	9/5/2006 3:58:25 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (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 13 - Field Exam on 7-20-06 by Misty Mount and Jennifer Dean.
Use	9/5/2006 3:59:53 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field Exam on 7-20-06 by Misty Mount and Jennifer Dean.
Season	9/5/2006 4:01:46 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (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 67-4148 V1

Quantity	9/5/2006 4:02:26 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (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 - See mannings calculations in file.
Summary	9/5/2006 4:04:59 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (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?
POD	9/5/2006 3:49:00 PM	csaxton	Updated shape
POD	9/5/2006 3:50:35 PM	csaxton	Updated PLS
POU	9/5/2006 3:56:36 PM	csaxton	Updated PLS for Active POU
Source	9/5/2006 3:55:53 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field Exam on 7-20-06 by Misty Mount and Jennifer Dean.

SubCase:

SubCase Number: 67-4148
 Class: 1
 SF5 Filed Date:
 Special Master Recom Signed Date:
 Attorney Assigned:
 Adjudication Agent: Craig Saxton
 Basis of Claim: Beneficial Use
 Date Filed: 8/2/2007 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4148 V1

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
16N	01W	27	SW		SE		IRR	38.0
			SE		SE		IRR	39.0
							Section Acres	77.0
		34	NE		NE		IRR	25.0
			NW		NE		IRR	38.0
							Section Acres	63.0
							Total Acres	140.0

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
67-00309

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-04148
Date Received: 11/17/1989
Receipt No: CO12911
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SANDRA J. JAMES 208-253-4729
Address: P.O. BOX 413
COUNCIL, ID 83612

2. Date of Priority: JUN 01, 1882

3. Source: COTTONWOOD CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16N	01W	27	SE	SE	SE		ADAMS
		34	NW	NE	NE		ADAMS
		36		NW	NW		ADAMS

5. Description of diverting works:
3 POINTS OF DIVERSION, 2 WITH HEADGATES, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	07/31	5.000		
STOCKWATER	01/01	12/31	0.070		

7. Total Quantity Appropriated is:
5.070 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 420.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/330 RANGE.

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: -1-

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Sandra J. James Date: 11-17-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of November 19 89 Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

AL - 04148

T16N
R1W

Cottonwood Stn

(Abandoned)

3027

Cottonwood

Mesa Stn

Cottonwood Stn

3322

34

35

36

3566

BM 3023

3

2

JEFF

MICROFILMED

100-3730952

RECEIVED

AUG 03 2007

DEPARTMENT OF
WATER RESOURCES

Q

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

A. Subcase 67-4148
(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: SANDRA J. JAMES

Address: P.O. BOX 413

Council, ID. 83612

Daytime Phone: 208-253-4729

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: SANDRA J. JAMES

Address: P.O. BOX 413

Council, ID. 83612

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 170 acres
4. ☒ **Priority Date**
Should be: 06/02/1882
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
☐ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** See attached documents
10 pages

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Adams)

Sandra J. James, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

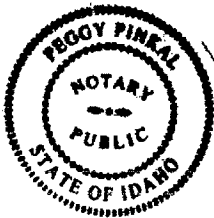
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Sandra J. James
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

August 2, 2007



Peggy Pinkal
Notary Public for Idaho

Residing at: Council

My Commission Expires: 9-28-12

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on August 2, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

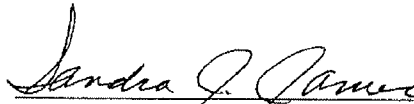
Name: NA
Address: _____

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

SRBA

Case No. 39576

Subcase 67-4148

E. REASONS SUPPORTING OBJECTIONS(S):

3. Quantity & 4. Priority Date:

On 09/13/2005 I responded to a form sent by the Idaho Department of Water Resources Adjudication Claim Report 67-4148. On that form it stated Total Acres 140 and under Remarks: This is a flood water right with a priority date of 06/02/1882, one day after Priority Date (above) (copy attached with mailing Attn: C. Saxton). Then on correspondence from Idaho Department of Water Resources Preliminary Recommendation Of Water Rights Acquired Under State Law, sent 11/14/2006, there was a Priority Date of 05/10/1918 and 129 Acres Irrigated (copy attached). I responded with Notice of Error Reply dated 12/11/2006 (copy attached). The following letters from Woody Jones, Jack Frasier & myself were sent as attachments, and were for irrigated acres and not Priority Date (copies attached). Then on 12/21/2006 I received Idaho Department of Water Resources Recommended Water Rights Acquired Under State Law with acreage of 129 acres, and priority date of 01/01/1960.

I object to the priority date of 01/01/1960 because date of use of water has already been established by decreed water right 67-309 dated 06/01/1882, and letters establish irrigated acreage.

Attachments re: Water Right Number: 67-4148: Idaho Department of Water Resources Adjudication Claim Report 67-4148 and mailing returned 9/13/2005, 2 pages, Idaho Department of Water Resources Preliminary Recommendation Of Water Rights Acquired Under State Law, dated 11/14/2006, 1 page, Notice of Error Reply dated 11/14/2006, 1 page, Letter from Jack Frasier, 1 page, Letter from Woody Jones, 1 page, Letter from Sandra J. James, 1 page, Idaho Department of Water Resources Recommended Water Rights Acquired Under State Law dated 12/21/2006, 1 page.

Returned 9/13/05

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4148

WATER RIGHT NUMBER: 67-4148

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOSEPH D JAMES PO BOX 413 COUNCIL, ID 83612
Current Owner	SANDRA J JAMES PO BOX 413 COUNCIL, ID 83612 (208)253-4729

Priority Date: 06/01/1882

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01	12/31	0.070 CFS	
IRRIGATION	4/01	7/31	5.000 CFS	
<u>Total Diversion:</u>			5.070 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK	NW1/4NE1/4NE1/4	Sec. 34, Twp 16N, Rge 01W, B.M.
ADAMS County		
COTTONWOOD CREEK	SE1/4SE1/4SE1/4	Sec. 27, Twp 16N, Rge 01W, B.M.
ADAMS County		
COTTONWOOD CREEK	NW1/4NW1/4	Sec. 36, Twp 16N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION Within ADAMS County

T16N R01W S27	SWSE	38.0	T16N R01W S27	SESE	39.0
T16N R01W S34	NENE	25.0	T16N R01W S34	NWNE	38.0

Total Acres: 140

STOCKWATER same as IRRIGATION.

Conditions of Approval:

Remarks:

This is a flood water right with a priority date of 06/02/1882 one day after priority date (above).



BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 1148 BOISE ID

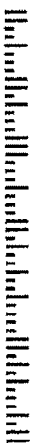
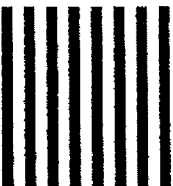
POSTAGE WILL BE PAID BY ADDRESSEE

SRBA STATE

IDAHO DEPARTMENT OF WATER RESOURCES
PO BOX 83720
BOISE ID 83707-9815

Attn: C. Saxton

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



11/14/2006

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

RIGHT NUMBER: 67-4148

NAME AND ADDRESS: SANDRA J JAMES
PO BOX 413
COUNCIL ID 83612

SOURCE: COTTONWOOD CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.750 CFS

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION:

T16N R01W S26 SWSWSW Within ADAMS County
T16N R01W S34 NWNENE Within ADAMS County
T16N R01W S36 NENWNW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.070 CFS
IRRIGATION	03/15 11/15	0.680 CFS

PLACE OF USE:

IRRIGATION in ADAMS County

T16N R01W S27	SWSE	37.00	T16N R01W S27	SESE	38.00
T16N R01W S34	NENE	17.00	T16N R01W S34	NWNE	37.00

STOCKWATER same as IRRIGATION

129 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 92.0 acres in a single irrigation season. Combined Right Nos.: 67-309 & 67-4148

This right is limited to the irrigation of 92.0 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 - Beneficial Use

Stockwater use is for 330 range cattle.

11/14/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-4148

SANDRA J JAMES

PO BOX 413

COUNCIL ID 83612

Telephone Number: (208)253-4729

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Irrigation acreage and water amount.

2. Describe the changes you wish to make in the proposed recommendation:

Change irrigated acreage from 92.0 acres to 140 acres.
Water amount for 140 acres.

3. Give a brief explanation as to why you disagree with these portions:

Irrigated land is around 140 acres. See attached letters from
Woody Jones, Jack Fraiser & myself.

____ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12/11/2006

SIGNATURE:

Sandra J. James

Please print your name: Sandra J. James

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

December 5, 2006

Jack Fraiser
2123 Airport Road
Council, ID 83612
(208) 253-4758

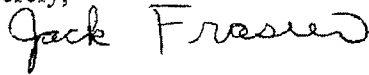
Department Of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098

Re: Sandra J. James – Right Numbers 67-309 & 67-4148

To Whom It May Concern;

My parents, John and Cleone Fraiser, started ranching on Cottonwood in 1954. From the conversations I heard my parents have regarding the surrounding places, the Snow place then and now the James place had first water rights on the creek and irrigated around 140 acres out of 160.

Sincerely,

A handwritten signature in cursive script that reads "Jack Fraiser".

Jack Frasier

December 5, 2006

Woody Jones
1493 W Slope Road
Emmett, ID 83617-9788
(208) 398-7696

Department Of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098

Re: Sandra J. James – Right Numbers 67-309 & 67-4148

To Whom It May Concern;

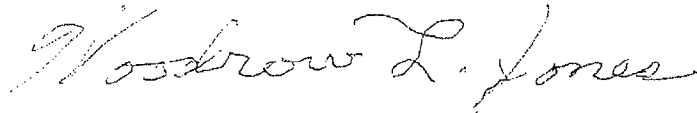
I moved to my ranch, the old Johnson place, on Cottonwood Creek in 1956 and then started leasing the Snow place in 1960 and leased it for 12 years until it was bought by Joseph and Sandra James in 1972.

At the time I started leasing all the land was irrigated (140 acres) except for around 20 acres of dry & waste land and all the ditches were well established.

In my conversation with the Snows, prior to leasing, we visited about the place and I was led to believe that the irrigated land had been that way for many years. They purchased the land from Beiers in 1946 or 1947.

Sincerely,

Woody Jones

A handwritten signature in cursive script that reads "Woodrow L. Jones". The signature is written in dark ink and is positioned to the right of the typed name "Woody Jones".

December 11, 2006

Sandra J. James
P.O. Box 413
Council, ID 83612

Department Of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098

Re: Water Rights - # 67-309 & # 67-4148
James Ranch
2255 Cottonwood Road
Council, ID 83612

To Whom It May Concern;

When my husband and I bought this place in 1972 I remember having talks with my Grandpa Shaw (William Shaw) about the history of this place. He was about 70 years old at the time and had grown up around this area so he had knowledge of the history of our place. He said that this was the best place on Cottonwood because of the water right and that most of the place was good irrigated farm and pasture ground.

Sincerely,

Sandra J. James

12/21/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-4148
NAME AND ADDRESS: SANDRA J JAMES
PO BOX 413
COUNCIL ID 83612
SOURCE: COTTONWOOD CREEK TRIBUTARY: WEISER RIVER
QUANTITY: 1.490 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1960
POINT OF
DIVERSION: T16N R01W S26 SWSWSW Within ADAMS County
T16N R01W S34 NWNENE Within ADAMS County
T16N R01W S36 NENWNW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.070 CFS
IRRIGATION	03/15 11/15	1.420 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T16N R01W S27	SWSE	37.00	T16N R01W S27	SESE	38.00
T16N R01W S34	NENE	17.00	T16N R01W S34	NWNE	37.00

STOCKWATER same as IRRIGATION

129 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 330 range cattle.

12/18/2006

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

RIGHT NUMBER: 67-4148

NAME AND ADDRESS: SANDRA J JAMES
PO BOX 413
COUNCIL ID 83612

SOURCE: COTTONWOOD CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 1.490 CFS

PRIORITY DATE: 01/01/1960

POINT OF DIVERSION:

T16N R01W S26 SWSWSW Within ADAMS County

T16N R01W S34 NWNENE Within ADAMS County

T16N R01W S36 NENWNW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.070 CFS
IRRIGATION	03/15 11/15	1.420 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T16N R01W S27	SWSE	37.00	T16N R01W S27	SESE	38.00
T16N R01W S34	NENE	17.00	T16N R01W S34	NWNE	37.00

STOCKWATER same as IRRIGATION

129 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 - Beneficial Use
Stockwater use is for 330 range cattle.



Idaho Department of Water Resources

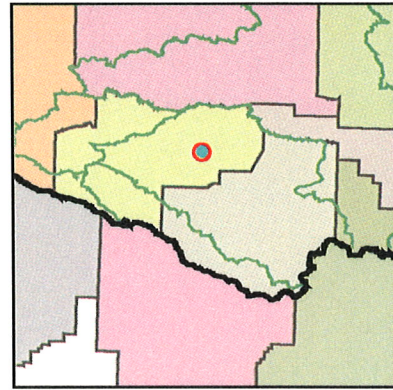
SRBA Recommendation:

67-4148

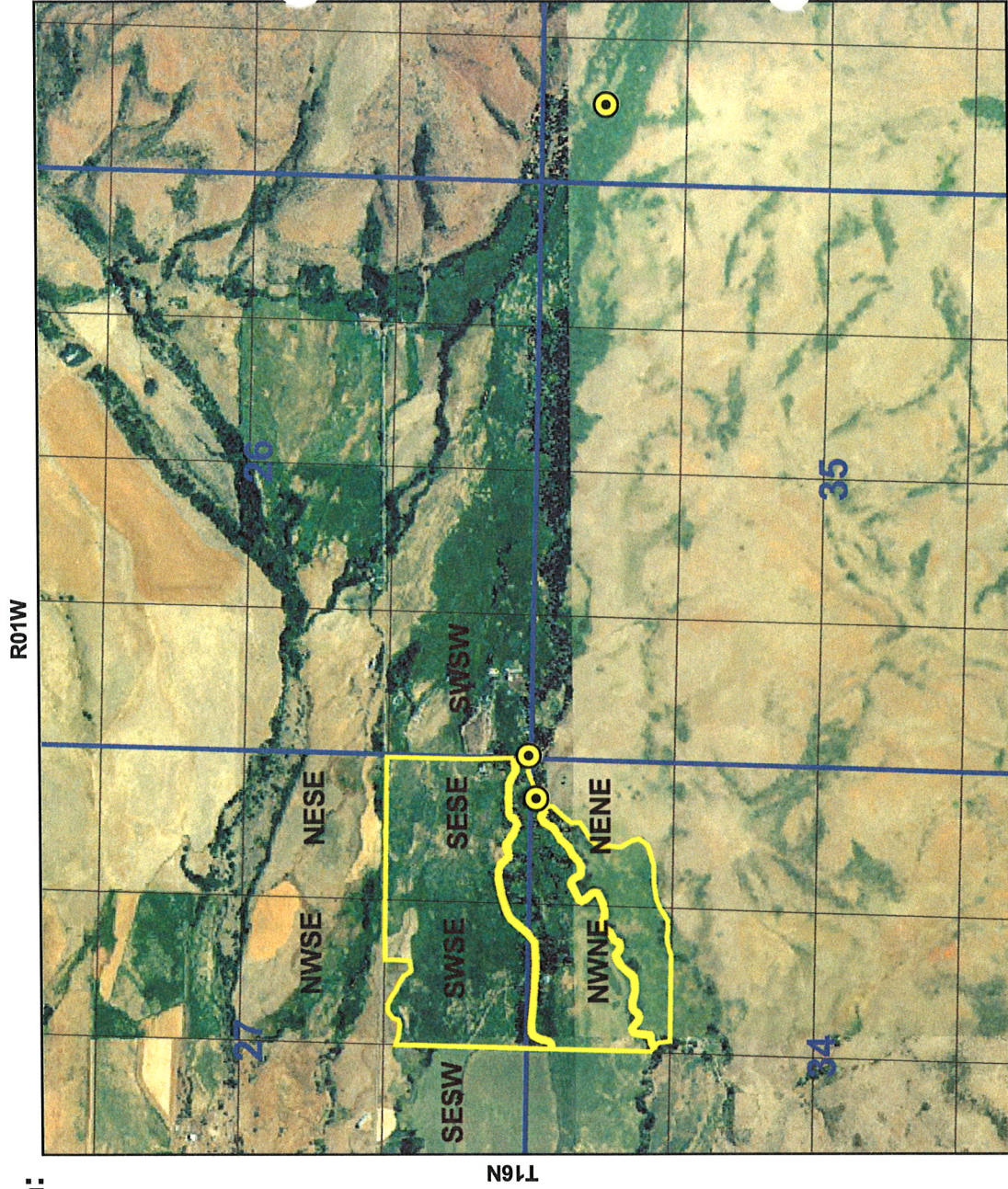
(Irrigation)

Legend

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



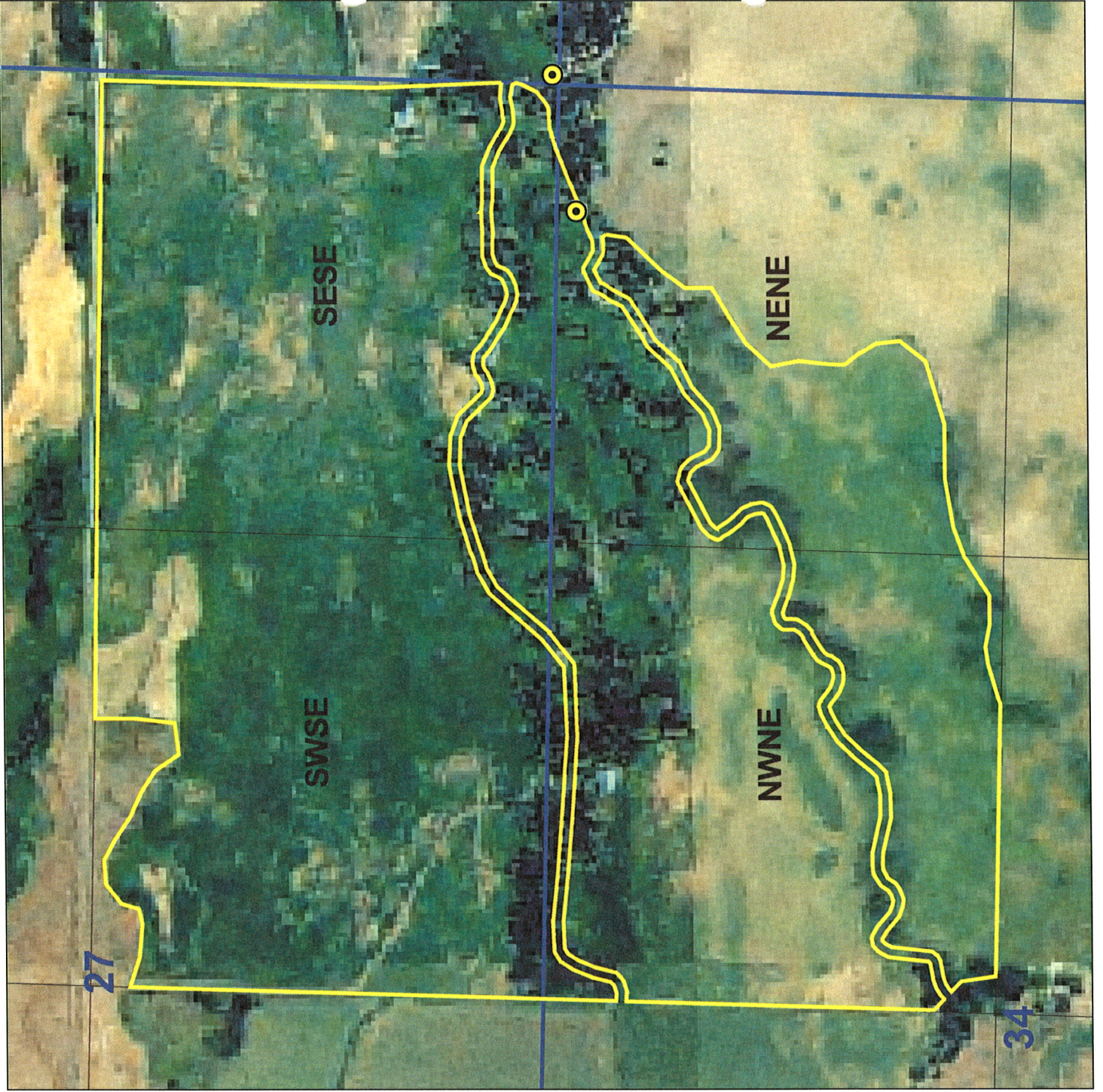
Adams County
IDWR Basin 67



0 0.7 1.4 Miles

Prepared by IDWR State Office
On Monday, December 18, 2006
1987/88 Aerial Photography

67-4148



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4148 V1

WATER RIGHT NUMBER: 67-4148 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOSEPH D JAMES PO BOX 413 COUNCIL, ID 83612
Current Owner	SANDRA J JAMES PO BOX 413 COUNCIL, ID 83612 (208)253-4729

Priority Date: 01/01/1960

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.070 CFS	
IRRIGATION	03/15 to 11/15	1.420 CFS	
	<u>Total Diversion:</u>	1.490 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK ADAMS County	NW1/4NE1/4NE1/4	Sec. 34, Twp 16N, Rge 01W, B.M.
COTTONWOOD CREEK ADAMS County	SW1/4SW1/4SW1/4	Sec. 26, Twp 16N, Rge 01W, B.M.
COTTONWOOD CREEK ADAMS County	NE1/4NW1/4NW1/4	Sec. 36, Twp 16N, 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	
16N	01W	27															37.0	38.0	75.0
16N	01W	34	17.0	37.0															54.0

Total Acres: 129

STOCKWATER same as IRRIGATIONConditions of Approval:

1. X02 Stockwater use is for 330 range cattle.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4148 V1

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.

Remarks:Comments:

1. csaxton 9/5/2006 EOP

Comment: No evidence of priority submitted supporting when additional acreage above decreed started being irrigated. Recommend as flood water in a PPU but limit to decreed number of acres only.

2. csaxton 9/5/2006 POD

Comment: POD claimed in section 27 is really close to the line, but with GPS was determined to be located in Section 26.

3. csaxton 9/5/2006 Diversion Rate

Comment: Diversion rate recommended at 3/8 inches per acre in order to bring use of this right and decreed right 67-309 up to one inch per acre.

4. mvanbussum 12/18/2006 NOE EOP

Comment: Per NOE correspondence from claimant, affidavit from Woodrow Jones provides evidence of priority to 1960 for additional acres. Recommend for 129 ac (irrigation found during review) with priority date first day of 1960. Removed acreage limiting conditions for PPU.

5. mvanbussum 12/18/2006 NOE Quantity

Comment: Initial recommendation was for 92 acres at 3/8 miners inch per acre. This recommendation will include the 92 acres at 3/8 miners inch and add 37 acres at 1 inch. $0.68 \text{ cfs (for 92 acres)} + 0.74 \text{ cfs (37 ac @ 1 in)} = 1.42 \text{ cfs}$.

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:

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>
		92

Combined Water Rights: 67-309 , 67-4148

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>
Contacts	9/5/2006 3:33:50 PM	csaxton			Active
Priority Date	9/5/2006 3:34:44 PM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4148 V1

POD	9/5/2006 3:55:19 PM	csaxton	Active
Source	9/5/2006 3:55:49 PM	csaxton	Active
POU	9/5/2006 3:58:21 PM	csaxton	Active
Use	9/5/2006 3:59:49 PM	csaxton	Active
Season	9/5/2006 4:01:42 PM	csaxton	Active
Quantity	9/5/2006 4:02:21 PM	csaxton	Active
Summary		09/05/2006 csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	9/5/2006 3:33:54 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam on 7-20-06 by Misty Mount and Jennifer Dean.
POD	9/5/2006 3:47:13 PM	csaxton	Updated shape
General	9/5/2006 3:34:48 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Direct overlap with decreed water. Recommend one day after Muir vs. Allison.
POD	9/5/2006 3:48:15 PM	csaxton	Updated shape
POD	9/5/2006 3:49:46 PM	csaxton	Updated PLS
POD	9/5/2006 3:51:23 PM	csaxton	Updated shape
POD	9/5/2006 3:52:16 PM	csaxton	Updated PLS
POD	9/5/2006 3:53:22 PM	csaxton	Updated shape
POD	9/5/2006 3:50:18 PM	csaxton	Updated shape
POD	9/5/2006 3:53:45 PM	csaxton	Updated PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4148 V1

POD	9/5/2006 3:55:23 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (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?
POU	9/5/2006 3:56:25 PM	csaxton	Updated shape for Active POU
POU	9/5/2006 3:58:25 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (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 13 - Field Exam on 7-20-06 by Misty Mount and Jennifer Dean.
Use	9/5/2006 3:59:53 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field Exam on 7-20-06 by Misty Mount and Jennifer Dean.
Season	9/5/2006 4:01:46 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (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 67-4148 V1

Quantity	9/5/2006 4:02:26 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (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 - See mannings calculations in file.
Summary	9/5/2006 4:04:59 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (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?
POD	9/5/2006 3:49:00 PM	csaxton	Updated shape
POD	9/5/2006 3:50:35 PM	csaxton	Updated PLS
POU	9/5/2006 3:56:36 PM	csaxton	Updated PLS for Active POU
Source	9/5/2006 3:55:53 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field Exam on 7-20-06 by Misty Mount and Jennifer Dean.

Water Supply Bank:

11/14/2006

NOTICE OF ERROR
REPLY

RECEIVED
DEC 13 2006
DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-4148

SANDRA J JAMES

PO BOX 413

COUNCIL ID 83612

Telephone Number: (208)253-4729

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Irrigation acreage and water amount.

2. Describe the changes you wish to make in the proposed recommendation:

Change irrigated acreage from 92.0 acres to 140 acres.
Water amount for 140 acres.

3. Give a brief explanation as to why you disagree with these portions:

Irrigated land is around 140 acres. See attached letters from
Woody Jones, Jack Fraiser & myself.

____ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12/11/2006

SIGNATURE:

Sandra J. James

Please print your name: Sandra J. James

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 13 2006

December 11, 2006

Sandra J. James
P.O. Box 413
Council, ID 83612

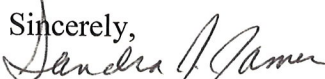
RECEIVED
DEC 13 2006
DEPARTMENT OF
WATER RESOURCES

Department Of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098

Re: Water Rights - # 67-309 & # 67-4148
James Ranch
2255 Cottonwood Road
Council, ID 83612

To Whom It May Concern;

When my husband and I bought this place in 1972 I remember having talks with my Grandpa Shaw (William Shaw) about the history of this place. He was about 70 years old at the time and had grown up around this area so he had knowledge of the history of our place. He said that this was the best place on Cottonwood because of the water right and that most of the place was good irrigated farm and pasture ground.

Sincerely,

Sandra J. James

SCANNED
DEC 13 2006

December 5, 2006

Jack Fraiser
2123 Airport Road
Council, ID 83612
(208) 253-4758

RECEIVED
DEC 13 2006
DEPARTMENT
WATER RESOURCES

Department Of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098

Re: Sandra J. James – Right Numbers 67-309 & 67-4148

To Whom It May Concern;

My parents, John and Cleone Fraiser, started ranching on Cottonwood in 1954. From the conversations I heard my parents have regarding the surrounding places, the Snow place then and now the James place had first water rights on the creek and irrigated around 140 acres out of 160.

Sincerely,

Jack Fraiser

Jack Frasier

SCANNED
DEC 13 2006

RECEIVED
DEC 13 2006
DEPARTMENT OF
WATER RESOURCES

December 5, 2006

Woody Jones
1493 W Slope Road
Emmett, ID 83617-9788
(208) 398-7696

Department Of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098

Re: Sandra J. James – Right Numbers 67-309 & 67-4148

To Whom It May Concern;

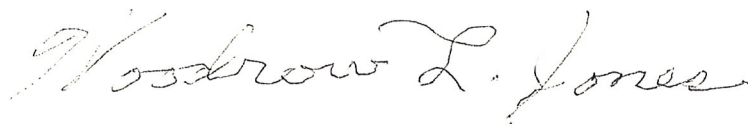
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At the time I started leasing all the land was irrigated (140 acres) except for around 20 acres of dry & waste land and all the ditches were well established.

In my conversation with the Snows, prior to leasing, we visited about the place and I was led to believe that the irrigated land had been that way for many years. They purchased the land from Beiers in 1946 or 1947.

Sincerely,

Woody Jones

A handwritten signature in cursive script that reads "Woodrow L. Jones". The signature is written in dark ink and is positioned to the right of the typed name "Woody Jones".

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 67-4148Owner: Sandra James Phone No. 253-4729Current Address: 2255 Cottonwood Rd.

- ☒ No change NAME IS THE SAME - however she has remarried + her new last name is SANDRA HAREN - but she doesn't want to change her name on the claim.
- ☐ NEW OWNER
- ☐ No change Address
- ☒ NEW ADDRESS P.O. Box 154
- ☐ How long owned property? 1972

Accompanied by: Sandra Haren -**PRIORITY DATE**

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

She will look for EOP for the extra acres not covered by the decree *Source: Cottonwood Creek Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

3 POD's

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
			SE	SE	27	16N	1W		A0017656
			NE	NE	34	16N	1W		A0014033
			NW	NW	36	16N	1W		A0014030 - Lester Cr. Pod

share w/ 309
(& many others)

Description of diverting works

all are gravity flow**OVERLAP REVIEW**Other water rights with the same point of diversion: in relation to this claim is 67-309

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

NO**WATER USES**☒ No change☐ Different UsesUse IRR From 3/15 To 11/15 Amount 1.64 CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 67-309

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:
NO

Delivery System Narrative: There is a headgate (marked on map) diverting water off the Lester Cr. POD (A0014030)

All 3 POD'S are gravity fed diversions. At #2 the diversion splits & part runs through a headgate & the rest flows over a weir.

At #3 - when the water is high enough water is diverted & runs through a headgate and irrigates the southern piece of land.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 7-19-06

FIELD EXAMINER: M. Mount J Deen

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-4148

RECEIVED
SEP 14 2005
Department of Water Resources

WATER RIGHT NUMBER: 67-4148

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOSEPH D JAMES PO BOX 413 COUNCIL, ID 83612
Current Owner	SANDRA J JAMES PO BOX 413 COUNCIL, ID 83612 (208)253-4729

Priority Date: 06/01/1882

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.070 CFS	
IRRIGATION	4/01 to 7/31	5.000 CFS	
	<u>Total Diversion:</u>	5.070 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK	NW1/4NE1/4NE1/4	Sec. 34, Twp 16N, Rge 01W, B.M.
ADAMS County		
COTTONWOOD CREEK	SE1/4SE1/4SE1/4	Sec. 27, Twp 16N, Rge 01W, B.M.
ADAMS County		
COTTONWOOD CREEK	NW1/4NW1/4	Sec. 36, Twp 16N, Rge 01W, B.M.
ADAMS County		

Place of UseIRRIGATION Within ADAMS County

T16N R01W S27	SWSE	38.0	T16N R01W S27	SESE	39.0
T16N R01W S34	NENE	25.0	T16N R01W S34	NWNE	38.0

Total Acres: 140

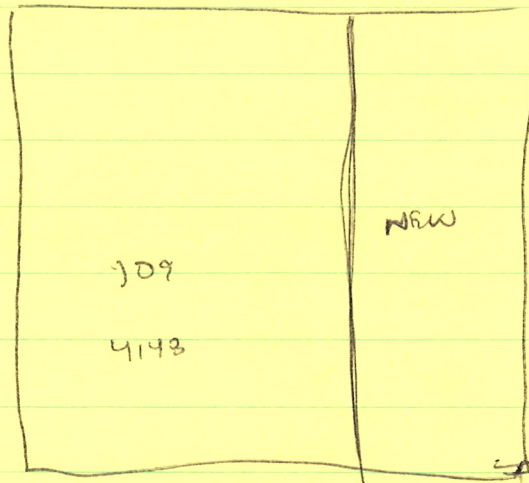
STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

This is a flood water right with a priority date of 06/02/1882 one day after Priority date (above).

SCANNED

SEP 15 2005

67-4143 - SANDRA JAMES 253-4729
- USE AS FLOOD WATER ON ~~TOP~~ TOP OF
67-309



67-4148

overlap w/ 67-309 deemed for 92.8 ac @ $5/8"$

claimed 140 Acres

unclaimed cfs - will cut back to $1"/\text{Acre}$.

* Verify PON & POD

* NEED EOP for extra acres

Capacity measurements Wed or Thurs.

theoretical calculation
3.03 cfs
from
15" pipe

① Tag# A0014030 (previously tagged) Lester Cr. Ditch

2309013
1501135 > GPS coordinates

② Tag# A0017656

2307147
1501401 >

Alvie Yantis - (cell phone)
741-0214

③ Tag# A0014033

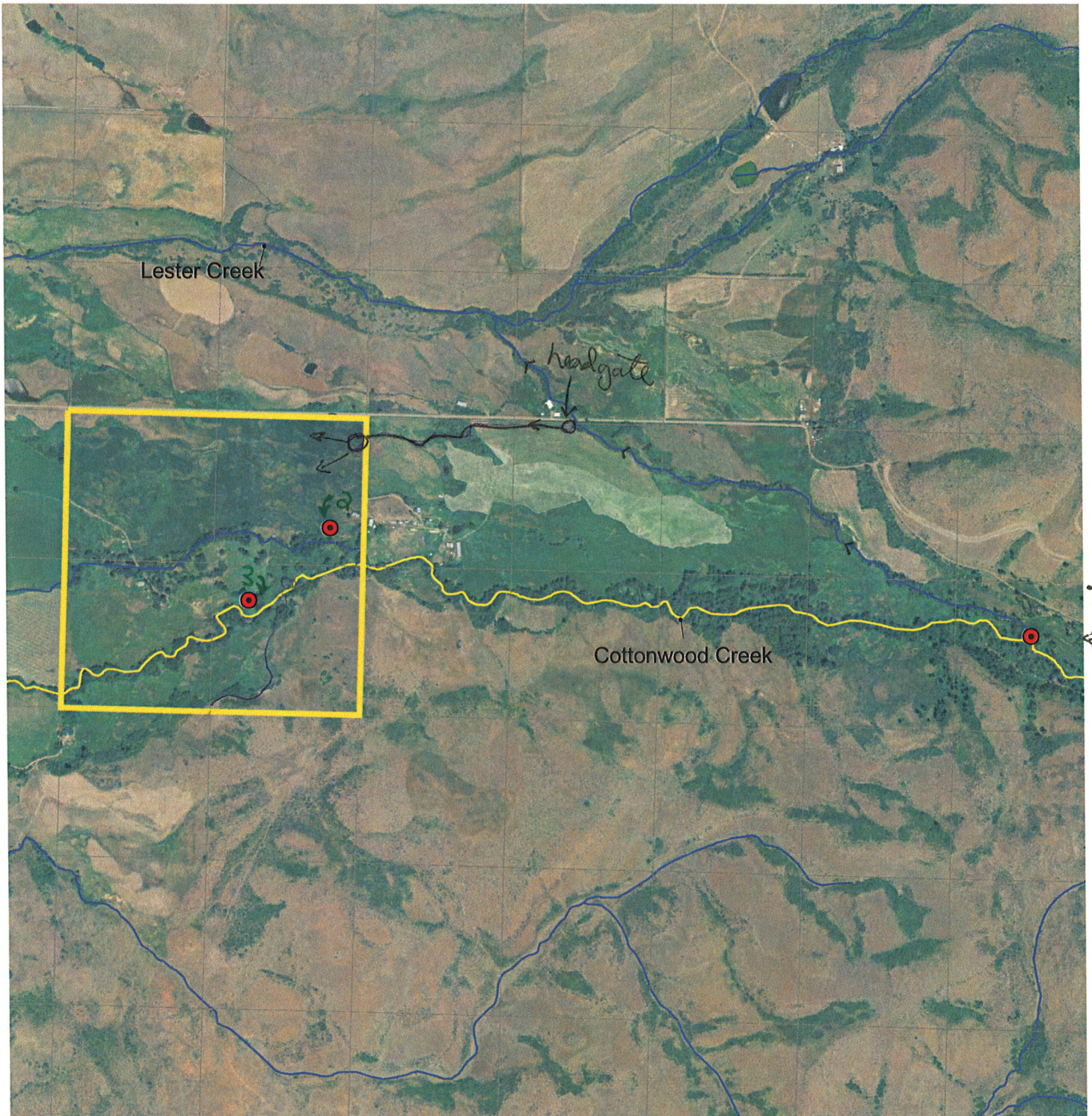
2307112
1501338 >

92.8 ac @ $5/8"$
140 ac @ $1"$
→ 47.2 ac need
92.8 ac need $3/8"$ full $1"$
= .70
1.64 cfs - rec

Dept. of
IDA Water Resources
322 E. Front St.
P.O. Box # 83720 - ?
Boise ID, 83712

Idaho Department of Water Resources

2004 imagery



① A0014030

claimed 140 AC GIS shape = approx ~~137~~ 140 AC

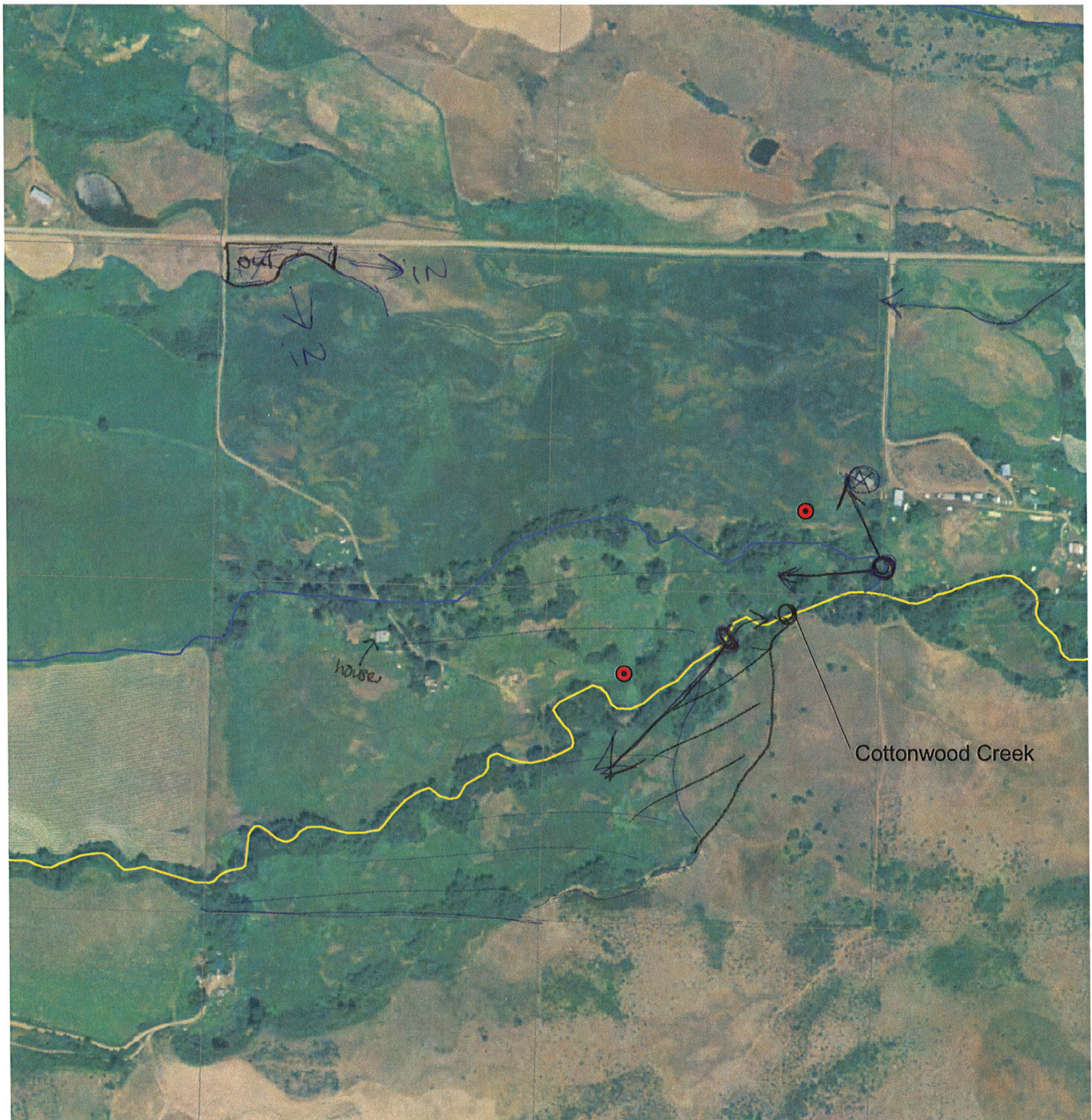
67-4148 James property
Verify pou and pod

- 67_4148_claim_pod.shp
- 67_4148_claim_pou.shp
- GCDB16N01W GCDB
- ▬ B-67streams.shp



Idaho Department of Water Resources

2004 Imagery



land around the house is irrigated

67-4148 James property
Verify pou and pod



67-4148 #3.JPG
7/19/2006 12:53:55 AM



Cottonwood Cr. ↑

Diversion to
Lester Cr. ↗

tag#
A0014030

GPS coord. =
2309013
1501135

on map = pt 1

* we took a
Manning's on
this ditch *

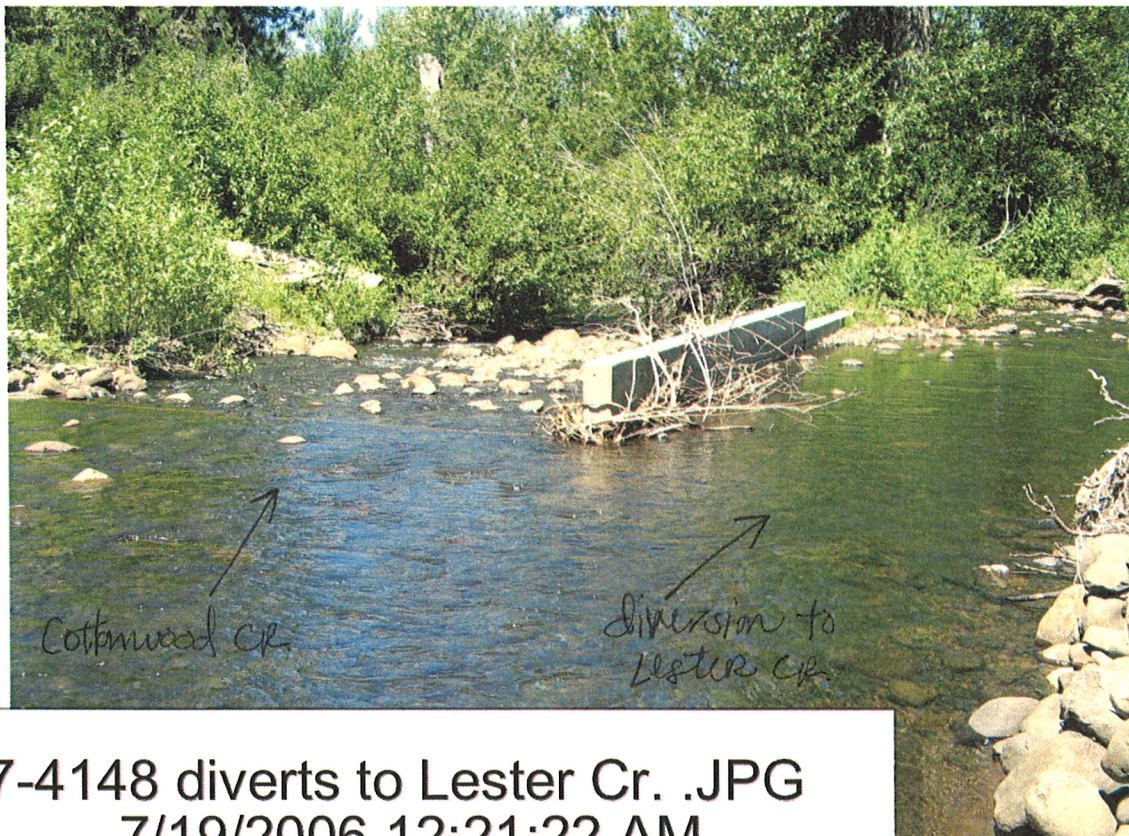
67-4148 also known as Lester Cr. POD (is diverted off Cottonwood Cr..JPG
7/19/2006 12:21:26 AM



diversion
←

on map =
pt. # 2
regular stream
channel flow
→ pict. shows
low water
level.

67-4148 diversion #2.JPG
7/19/2006 12:41:06 AM



pt. #1

67-4148 diverts to Lester Cr. .JPG
7/19/2006 12:21:22 AM

MANNING EQUATION CHANNEL CAPACITY RESULTS

Today's date:	8/30/2006
File Number:	67-4148
Claimant:	Sandra James
Channel measured:	Lester Creek Ditch
Date of measurement:	7/20/2006
Location of diversion:	
1) TRS:	16N 01W 36 NWNW
2) POD name (if known):	Lester Creek (from Cottonwood Creek)
3) GPS file name:	0
4) GPS tag name:	A0010430
Calculation prepared by:	Jennifer Dean
Comments about the measurement:	Measured by Jennifer Dean and Misty Mount.
The results of the calculation are:	
The area for this cross section is:	20.335 square feet
The wetted perimeter is:	19.955 feet
The hydraulic radius is:	1.019 feet
The channel length is:	100.000 feet
The slope is:	0.010 ft/ft
The roughness coefficient is:	0.095
The flow velocity is:	1.577 ft/sec
The rate of flow is:	32.059 cfs

MANNING EQUATION CHANNEL CAPACITY DATA ENTRY

****User enters data ONLY in gray shaded areas unless noted otherwise.**

Today's date:	8/30/2006
File Number:	67-4148
Claimant:	Sandra James
Channel measured:	Lester Creek Ditch
Date of measurement:	7/20/2006
Location of diversion:	
1) TRSQQ:	16N 01W 36 NWNW
2) POD name (if known):	Lester Creek (from Cottonwood Creek)
3) GPS file name:	
4) GPS tag number:	A0010430
Calculation prepared by:	Jennifer Dean
Comments about the measurement:	Measured by Jennifer Dean and Misty Mount.

Rod Readings

Basis (make one bold):	high water mark	ditch capacity
Location notes:	This measurement is between the high water mark and the maximum that the ditch can hold. If the water level rises 0.15 feet it will spill over back into Cottonwood Creek. From depth measurements at the diversion structure, it seems that the high water mark is about 0.25 feet below the level where we took our measurement. See field exam sheet.	

Number	Rod Reading	Distance	Width*	Depth**	Area	Perimeter***
1	4.27	0	0	0.07	0	0
2	4.4	1	1	0.2	0.135	1.008414597
3	4.63	2	1	0.43	0.315	1.026109156
4	4.75	3	1	0.55	0.49	1.007174265
5	5.12	4	1	0.92	0.735	1.066255129
6	5.28	5	1	1.08	1	1.012719112
7	5.38	6	1	1.18	1.13	1.004987562
8	5.64	7	1	1.44	1.31	1.033247308
9	5.66	8	1	1.46	1.45	1.00019998
10	5.67	9	1	1.47	1.465	1.000049999
11	5.7	10	1	1.5	1.485	1.000449899
12	5.62	11	1	1.42	1.46	1.003194896
13	5.67	12	1	1.47	1.445	1.00124922
14	5.63	13	1	1.43	1.45	1.00079968
15	5.53	14	1	1.33	1.38	1.004987562
16	5.5	15	1	1.3	1.315	1.000449899
17	5.3	16	1	1.1	1.2	1.019803903
18	5.18	17	1	0.98	1.04	1.007174265
19	5.09	18	1	0.89	0.935	1.004041832
20	4.4	19	1	0.2	0.545	1.214948559
21	4.2	19.5	0.5	0	0.05	0.538516481

Slope Data

Basis (make one bold):	high water mark	ditch capacity
Level Readings:		
	upstream	downstream
Length of channel:	50	50 feet
Stadia:	5.05	6.05

Determining Roughness Coefficient

(from Roughness Coefficient worksheet Value column)

CHANNEL MATERIAL	0.028
SURFACE IRREGULARITY	0.01
VARIATIONS IN SIZE AND SHAPE OF X-SECTION	0.01
CHANNEL OBSTRUCTIONS	0.015
VEGETATION	0.02
DEGREE OF MEANDERING	1.15

MANNING EQUATION CHANNEL CAPACITY FIELD EXAM FORM

Today's date:	
File Number:	
Claimant:	
Channel measured:	
Date of measurement:	
Location of diversion:	
1) TRSQQ:	
2) POD name (if known):	
3) GPS file name:	
4) GPS tag number:	
Calculation prepared by:	
Comments about the measurement:	

7/20
67-4148
Sandra James
Lester Cr. POD - off cottonwood Cr.
7/20

refer to file

Jan (misty)

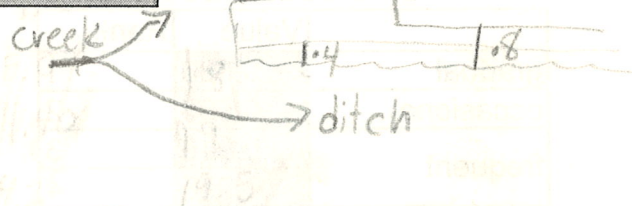
At POD high water
mark .4
max water
mark .8

Rod Readings

Basis (mark one):	high water mark	ditch capacity
Location notes:		

Number	Rod Reading	Distance
1	4.71	0
2	4.45	1
3	4.23	2
4	4.75	3
5	5.12	4
6	5.28	5
7	5.38	6
8	5.64	7
9	5.85	8
10	5.67	9
11	5.70	10
12	5.62	11
13	5.67	12
14	5.63	13
15	5.53	14
16	5.50	15
17	5.30	16
18	5.18	17

5.09 18
4.40 19
4.20 19.5



dist 9.5' 1.3ft tape height
.65ft water level

Slope Data

Basis (mark one):	high water mark	ditch capacity
-------------------	-----------------	----------------

Level Readings:

Length of channel:		feet
	upstream	downstream
Stadia:	30	50

5.05 6.05

Lester Cr. POD.

Determining Roughness Coefficient

(from Roughness Coefficient worksheet Value column)

CHANNEL MATERIAL	
SURFACE IRREGULARITY	
VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION	
CHANNEL OBSTRUCTIONS	
VEGETATION	
DEGREE OF MEANDERING	

MANNING EQUATION CHANNEL CAPACITY RESULTS

Today's date:	8/30/2006
File Number:	67-4148
Claimant:	Sandra James
Channel measured:	Cottonwood Creek
Date of measurement:	7/20/2006
Location of diversion:	
1) TRS:	16N 1W 27 SESE
2) POD name (if known):	0
3) GPS file name:	0
4) GPS tag name:	A0017656
Calculation prepared by:	Jennifer Dean
Comments about the measurement:	0
The results of the calculation are:	
The area for this cross section is:	16.425 square feet
The wetted perimeter is:	17.650 feet
The hydraulic radius is:	0.931 feet
The channel length is:	100.000 feet
The slope is:	0.011 ft/ft
The roughness coefficient is:	0.095
The flow velocity is:	1.556 ft/sec
The rate of flow is:	25.564 cfs

MANNING EQUATION CHANNEL CAPACITY DATA ENTRY

****User enters data ONLY in gray shaded areas unless noted otherwise.**

Today's date:	8/30/2006
File Number:	67-4148
Claimant:	Sandra James
Channel measured:	Cottonwood Creek
Date of measurement:	7/20/2006
Location of diversion:	
1) TRSQQ:	16N 1W 27 SESE
2) POD name (if known):	
3) GPS file name:	
4) GPS tag number:	A0017656
Calculation prepared by:	Jennifer Dean
Comments about the measurement:	

Rod Readings

Basis (make one bold):	high water mark	ditch capacity
Location notes:	Water was at a very low level so measurement was taken that included a significant portion that was not covered by water at the time of the field exam.	

Number	Rod Reading	Distance	Width*	Depth	Area	Perimeter**
1	4.84	0	0	0	0	0
2	5.22	1	1	0.38	0.19	1.06976633
3	5.41	2	1	0.57	0.475	1.017889974
4	5.66	3	1	0.82	0.695	1.030776406
5	6.02	4	1	1.18	1	1.06282642
6	5.94	5	1	1.1	1.14	1.003194896
7	6.55	6	1	1.71	1.405	1.171366723
8	6.59	7	1	1.75	1.73	1.00079968
9	6.74	8	1	1.9	1.825	1.011187421
10	6.66	9	1	1.82	1.86	1.003194896
11	6.42	10	1	1.58	1.7	1.028396811
12	5.83	11	1	0.99	1.285	1.161077086
13	5.58	12	1	0.74	0.865	1.030776406
14	5.56	13	1	0.72	0.73	1.00019998
15	5.41	14	1	0.57	0.645	1.011187421
16	5.24	15	1	0.4	0.485	1.014347081
17	4.99	16	1	0.15	0.275	1.030776406
18	4.93	17	1	0.09	0.12	1.001798383

Slope Data

Basis (make one bold):	high water mark	ditch capacity
-------------------------------	------------------------	----------------

Level Readings:

	upstream	downstream
Length of channel:	50	50 feet
Stadia:	6.32	7.42

Determining Roughness Coefficient

(from Roughness Coefficient worksheet Value column)

CHANNEL MATERIAL	0.028
SURFACE IRREGULARITY	0.005
VARIATIONS IN SIZE AND SHAPE OF X-SECTION	0.005
CHANNEL OBSTRUCTIONS	0.015
VEGETATION	0.03
DEGREE OF MEANDERING	1.15

MANNING EQUATION CHANNEL CAPACITY RESULTS

Today's date:	8/30/2006
File Number:	67-4148
Claimant:	Sandra James
Channel measured:	South Ditch from Cottonwood Creek
Date of measurement:	7/20/2006
Location of diversion:	
1) TRS:	16N 01W 34 NENE
2) POD name (if known):	South Ditch
3) GPS file name:	0
4) GPS tag name:	A0014033
Calculation prepared by:	Jennifer Dean
Comments about the measurement:	Measured by Jennifer Dean and Misty Mount
The results of the calculation are:	
The area for this cross section is:	2.335 square feet
The wetted perimeter is:	5.829 feet
The hydraulic radius is:	0.401 feet
The channel length is:	100.000 feet
The slope is:	0.012 ft/ft
The roughness coefficient is:	0.095
The flow velocity is:	0.923 ft/sec
The rate of flow is:	2.155 cfs

MANNING EQUATION CHANNEL CAPACITY DATA ENTRY

****User enters data ONLY in gray shaded areas unless noted otherwise.**

Today's date:	8/30/2006
File Number:	67-4148
Claimant:	Sandra James
Channel measured:	South Ditch from Cottonwood Creek
Date of measurement:	7/20/2006
Location of diversion:	
1) TRSQQ:	16N 01W 34 NENE
2) POD name (if known):	South Ditch
3) GPS file name:	
4) GPS tag number:	A0014033
Calculation prepared by:	Jennifer Dean
Comments about the measurement:	Measured by Jennifer Dean and Misty Mount

Rod Readings

Basis (make one bold):	high water mark	ditch capacity
Location notes:	When the water is high enough water is diverted and runs through a headgate and irrigates the southern piece of land.	

Number	Rod Reading	Distance	Width*	Depth**	Area	Perimeter***
1	6.69	0	0	0.04	0	0
2	7.01	0.5	0.5	0.36	0.1	0.593632883
3	7.09	1	0.5	0.44	0.2	0.506359556
4	7.04	1.5	0.5	0.39	0.2075	0.502493781
5	7.21	2	0.5	0.56	0.2375	0.528109837
6	7.38	2.5	0.5	0.73	0.3225	0.528109837
7	7.36	3	0.5	0.71	0.36	0.50039984
8	7.19	3.5	0.5	0.54	0.3125	0.528109837
9	6.94	4	0.5	0.29	0.2075	0.559016994
10	6.99	4.5	0.5	0.34	0.1575	0.502493781
11	6.94	5	0.5	0.29	0.1575	0.502493781
12	6.65	5.5	0.5	0	0.0725	0.578013841
13			0	0	0	0
14			0	0	0	0
15			0	0	0	0
16			0	0	0	0
17			0	0	0	0
18			0	0	0	0

Slope Data

Basis (make one bold):	high water mark	ditch capacity
Level Readings:		
	upstream	downstream
Length of channel:	50	50 feet
Stadia:	6.99	8.18

Determining Roughness Coefficient

(from Roughness Coefficient worksheet Value column)

CHANNEL MATERIAL	0.028
SURFACE IRREGULARITY	0.005
VARIATIONS IN SIZE AND SHAPE OF X-SECTION	0.005
CHANNEL OBSTRUCTIONS	0.015
VEGETATION	0.03
DEGREE OF MEANDERING	1.15

Dist.

Rod

0

4.84

1

5.22

2

5.41

3

5.66

4

6.02

5

5.94

6

6.55

7

6.59

8

6.74

9

6.66

10

6.42

11

5.83

12

5.58

13

5.56

14

5.41

15

5.24

16

4.99

17

4.93

50 up 6.32

50 down 7.42

Dist

Rod

0

6.69

.5

7.01

1

7.09

1.5

7.04

2

7.21

2.5

7.38

3

7.36

3.5

7.19

4

6.94

4.5

6.99

5

6.94

5.5

6.65

50 up 6.99

50 down 8.18

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that JOSEPH D. JAMES &/or SANDRA J. JAMES
(name of claimant)
of Box 413, Council, ID, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows: (Lester Creek omitted per phone call 12-10-75 R.W.H.)

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Cottonwood Creek
tributary to Weiser River

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>5.0</u>	Use	<u>Irrigation</u>	Period of Use:	From	<u>April 1</u>	To	<u>July 31</u>
Amount	<u>0.07</u>	Use	<u>Stock</u>	Period of Use:	From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Amount	<u> </u>	Use	<u> </u>	Period of Use:	From	<u> </u>	To	<u> </u>
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 5.07 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1882

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)

SE ¼ SE ¼, Sec. 27 Twp. 16N Rge. 1W B. M. County of Adams

Additional points of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, T.16N, R.1W, B.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34, T.16 N., R.1W Adams County

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Gravity diversions from above points

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 150

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

Stock water 330 Head beef cattle

- (7) If you are claiming water as a member of an organization, list name of organization: _____

State of Idaho)
) ss.
County of Ada)

Sworn to before me this 9th day of December, 1975.

Received by CLS Date 12-9-75 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by RW N Date 12-9-75 _____ claimant by: _____
\$10.00 fee received by CLS Date 12-4-75 #1392 _____
Approved for publication by CLS 12-30-75 OK _____
Published in Adams County Leader _____
Dates Dec. 18 & 25 CLS 12-11-75 _____