

11/20/2006

NOTICE OF ERROR  
REPLY

RECEIVED

DEC 07 2006

WATER RESOURCES  
WESTERN REGION

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: 67-4413

RUSSELL ALLEN  
PO BOX K  
COUNCIL ID 83612  
Telephone Number: (208) 253-4313

MARYANN ALLEN  
PO BOX K  
COUNCIL ID 83612  
Telephone Number: (208) 253-4313

DAYTIME 208 253 4502

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

*Please let me know how many shares  
0.030 CFS equals*

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

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

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-30-06 SIGNATURE: *Maryann Allen*  
Please print your name Maryann Allen

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

11/15/2006

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

RIGHT NUMBER: 67-4413  
NAME AND ADDRESS: RUSSELL ALLEN  
PO BOX K  
COUNCIL ID 83612  
  
MARYANN ALLEN  
PO BOX K  
COUNCIL ID 83612

SOURCE: FORT HALL CREEK                      TRIBUTARY: WEISER RIVER  
QUANTITY: 0.030 CFS  
PRIORITY DATE: 03/01/1947  
POINT OF DIVERSION:

T17N R01W S23 NWNWSW Within ADAMS County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/15 11/15          | 0.030 CFS       |

PLACE OF USE: IRRIGATION in ADAMS County

T17N R01W S23                      NWSW                      1.00

1 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.

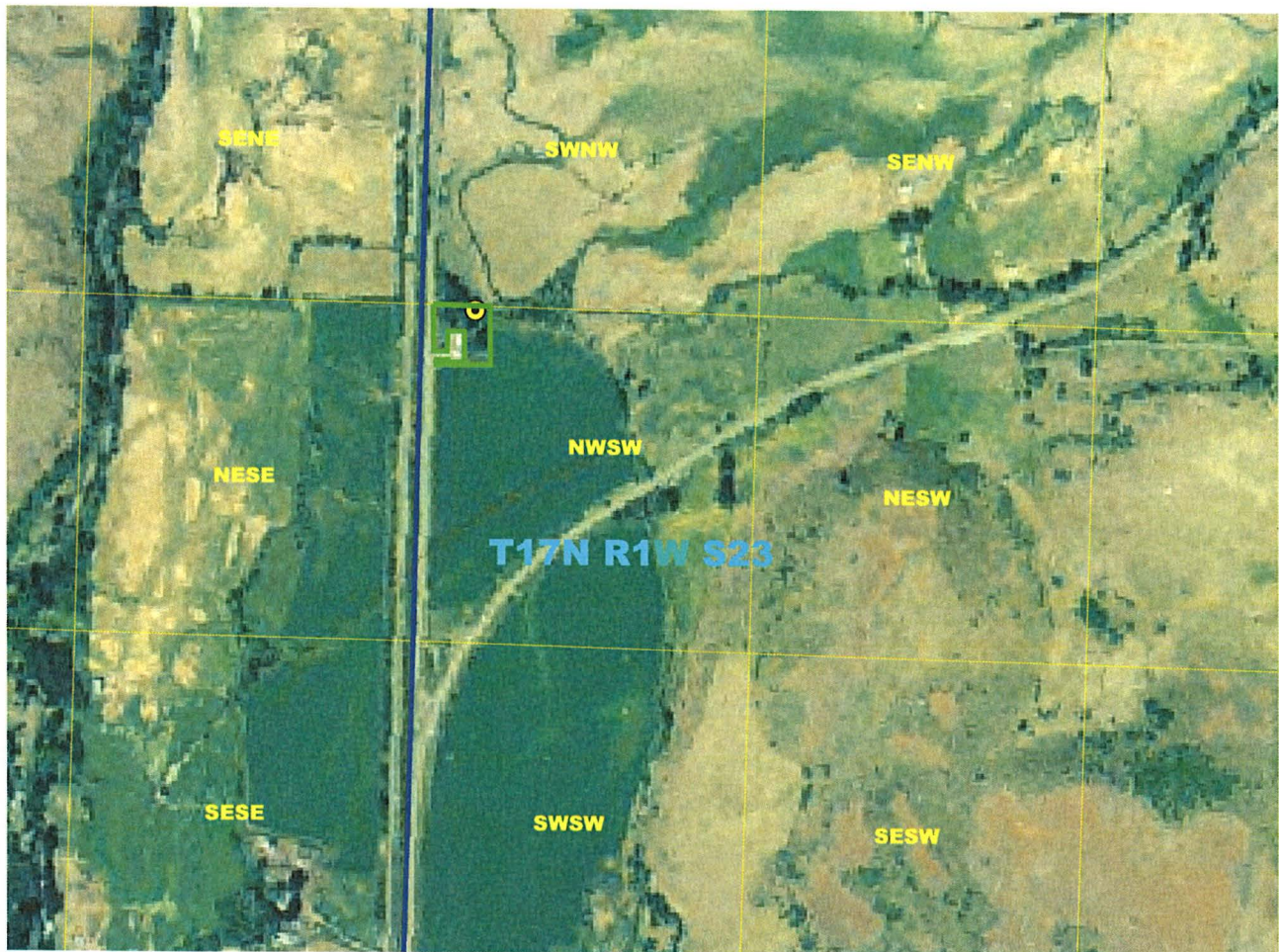
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Farmers Canal Water Users Association.



State of Idaho  
Idaho Department of Water Resources  
Western Region

**T17N R1W SECTION(S) 23**  
**WATER RIGHT(S) : 67-4413**



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

**Total Irrigated Acres = 1 acre(s)**

**GIS Place of Use Illustration**  
**1987 NAPP Photography**  
**Prepared by: Dan Nelson**  
**Date: November 2006**



## **MEMORANDUM**

TO: ADJUDICATION FILE 67-4413

FROM: DANIEL A. NELSON

DATE: 11/15/06

SUBJECT: CLAIM REVIEW

This claim is based on a statutory claim for irrigation of 1 acre. The claim requests a diversion rate of 0.10 cfs, but the maximum allowable per department standards is an inch and a half or 0.03 cfs per acre. The system is a pump and sprinkler system directly from the creek, so there would be no ditch loss. Therefore, I am recommending this claim for 0.03 cfs for one acre of irrigation in the NWSW. This is a surface water right, so no volume limitation is required.

The claim lists a priority date of 1/1/1930, but the affidavit supplied only could support irrigation use as of the beginning of the irrigation season in 1947. I have corrected the priority date to 3/1/1947. The only remaining issue is to add the condition that Farmers Canal Water Users Association water is also used on this property.

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4413 V1

WATER RIGHT NUMBER: 67-4413 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                              |
|-------------------|----------------------------------------------------------------------|
| Original Owner    | MICHAEL CHADWELL<br>PO BOX 182<br>COUNCIL, ID 83612<br>(208)253-6874 |
| Original Owner    | G LESTER GOULD<br>STAR RT<br>COUNCIL, ID 83612                       |
| Current Owner     | RUSSELL ALLEN<br>PO BOX K<br>COUNCIL, ID 83612<br>(208) 253-4313     |
| Original Owner    | HELEN L GOULD<br>STAR RT<br>COUNCIL, ID 83612                        |
| Current Owner     | MARYANN ALLEN<br>PO BOX K<br>COUNCIL, ID 83612<br>(208) 253-4313     |
| Original Owner    | JAYNE CHADWELL<br>PO BOX 182<br>COUNCIL, ID 83612<br>(208)253-6874   |

Priority Date: 03/01/1947

Basis: Beneficial Use

Status: Active

| <u>Source</u>   | <u>Tributary</u> |
|-----------------|------------------|
| FORT HALL CREEK | WEISER RIVER     |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15          | 0.030 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.030 CFS             |                      |

Location of Point(s) of Diversion

|                 |                 |                                 |
|-----------------|-----------------|---------------------------------|
| FORT HALL CREEK | NW1/4NW1/4SW1/4 | Sec. 23, Twp 17N, 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 |        |
| 17N | 01W | 23  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 1.0    |

Total Acres: 1

IDAHO DEPARTMENT OF WATER RESOURCES  
 Adjudication Recommendation Report 67-4413 V1

Conditions of Approval:

1. W67 Use of this right is combined with water from Farmers Canal Water Users Association.
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. dnelson 11/15/2006 Claim Review

Comment: This claim is based on a statutory claim for irrigation of 1 acre. The claim requests a diversion rate of 0.10 cfs, but the maximum allowable per department standards is an inch and a half or 0.03 cfs per acre. The system is a pump and sprinkler system directly from the creek, so there would be no ditch loss. Therefore, I am recommending this claim for 0.03 cfs for one acre of irrigation in the NSW. This is a surface water right, so no volume limitation is required.

The claim lists a priority date of 1/1/1930, but the affidavit supplied only could support irrigation use as of the beginning of the irrigation season in 1947. I have corrected the priority date to 3/1/1947. The only remaining issue is to add the condition that Farmers Canal Water Users Association water is also used on this property.

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: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       | 11/15/2006 7:53:34 AM     | dnelson         |                           |                 | Active        |
| Priority Date  | 11/15/2006 7:55:15 AM     | dnelson         |                           |                 | Active        |
| POD            | 11/15/2006 7:56:26 AM     | dnelson         |                           |                 | Active        |
| POU            | 11/15/2006 8:01:50 AM     | dnelson         |                           |                 | Active        |
| Source         | 11/15/2006 8:01:51 AM     | dnelson         |                           |                 | Active        |
| Use            | 11/15/2006 8:01:52 AM     | dnelson         |                           |                 | Active        |
| Season         | 11/15/2006 8:01:54 AM     | dnelson         |                           |                 | Active        |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-4413 V1

|               |                       |         |        |
|---------------|-----------------------|---------|--------|
| Quantity      | 11/15/2006 8:01:55 AM | dnelson | Active |
| Contacts      | 11/15/2006 8:06:53 AM | dnelson | Active |
| Priority Date | 11/15/2006 8:07:26 AM | dnelson | Active |
| POD           | 11/15/2006 8:08:25 AM | dnelson | Active |
| Source        | 11/15/2006 8:08:51 AM | dnelson | Active |
| POU           | 11/15/2006 8:13:57 AM | dnelson | Active |
| Use           | 11/15/2006 8:14:41 AM | dnelson | Active |
| Season        | 11/15/2006 8:17:07 AM | dnelson | Active |
| Quantity      | 11/15/2006 8:18:03 AM | dnelson | Active |
| Summary       | 11/15/2006            | dnelson | Active |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------|------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU            | 11/15/2006 8:10:03 AM  | dnelson         | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Use            | 11/15/2006 8:14:42 AM  | dnelson         | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the Purpose of Use?<br>(Yes) 11. Does the file contain all the necessary information to verify the Water Use?<br>(No) 13. Is a Purpose of Use remark and/or condition required?<br>Description for Question 10,11,12 - Claim File is adequate for verification of water use.                                                                                                         |
| Season         | 11/15/2006 8:17:07 AM  | dnelson         | (No) 1. Is the basis of claim Decree or License?<br>(No) 2. Is the basis of claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the Period of Use?<br>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?<br>(No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?<br>(Yes) 15. Is irrigation claimed as a Purpose of Use?<br>(No) 18. Is a Period of Use remark and/or condition required? |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-4413 V1

|          |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------|-----------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Quantity | 11/15/2006 8:18:04 AM | dnelson | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is the basis of claim a posted notice?</p> <p>(No) 7. Is a flow measurement required?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p> <p>(No) 12. Is a Quantity remark or condition required?</p> <p>Description for Question 7 - Below mandatory measurement requirement of 0.21 cfs.</p>    |
| Summary  | 11/15/2006 8:20:28 AM | dnelson | <p>(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?</p> <p>(No) 5. Does this right have any combined use limits with other rights?</p> <p>(Yes) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(No) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p> |
| POU      | 11/15/2006 8:01:50 AM | dnelson | <p>(No) 1. Is the basis of this claim a Decree or License?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Use      | 11/15/2006 8:01:53 AM | dnelson | <p>(No) 1. Is the basis of this claim a Decree or License?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Quantity | 11/15/2006 8:01:55 AM | dnelson | <p>(No) 1. Is the basis of this claim a Decree or License?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Contacts | 11/15/2006 8:06:53 AM | dnelson | <p>(No) 1. Do you want to schedule an appointment?</p> <p>Comment for 1: Below standard requiring a field exam</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| General  | 11/15/2006 8:07:26 AM | dnelson | <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(No) 4. Is the basis of claim decree or license?</p> <p>(No) 7. Is the basis of claim a Application or Permit?</p> <p>(No) 8. Is the basis of claim a posted notice?</p> <p>(No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use?</p> <p>(Yes) 12. Does the claim file contain sufficient evidence of Priority Date?</p> <p>Description for Question 12/13 - Affidavit from neighbor.</p>                                        |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-4413 V1

|          |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------|-----------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POD      | 11/15/2006 8:08:26 AM | dnelson | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the POD?</p> <p>(Yes) 9. Does the file contain all the necessary information to verify the POD?</p> <p>(No) 10. Is a POD remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                  |
| Source   | 11/15/2006 8:08:51 AM | dnelson | <p>(No) 1. Is the basis of claim Decree or License?</p> <p>(No) 2. Is the basis of claim an Application or Permit?</p> <p>(No) 6. Is the basis of claim a Posted Notice?</p> <p>(No) 7. Is there evidence that there has been a change in the source?</p> <p>(Yes) 10. Does the file contain all the necessary information to verify the source?</p> <p>(No) 11. Is a Source remark and/or condition required?</p> <p>Description for Question 10 - Maps clearly show source</p>                                                                                                                                                                                                                               |
| Contacts | 11/15/2006 7:53:34 AM | dnelson | <p>(No) 1. Do you want to schedule an appointment?</p> <p>Comment for 1: Claim is below the mandatory verification requirement.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| General  | 11/15/2006 7:55:16 AM | dnelson | <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(No) 4. Is the basis of claim decree or license?</p> <p>(No) 7. Is the basis of claim a Application or Permit?</p> <p>(No) 8. Is the basis of claim a posted notice?</p> <p>(No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use?</p> <p>(Yes) 12. Does the claim file contain sufficient evidence of Priority Date?</p> <p>(Yes) 15. Is the basis of claim coded correctly?</p> <p>(No) 16. Is a Priority Date remark and/or condition required?</p> <p>Description for Question 12/13 - Affidavit from neighbor.</p> |
| POD      | 11/15/2006 7:55:55 AM | dnelson | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Source   | 11/15/2006 8:01:51 AM | dnelson | <p>(No) 1. Is the basis of claim Decree or License?</p> <p>(No) 2. Is the basis of claim an Application or Permit?</p> <p>(No) 6. Is the basis of claim a Posted Notice?</p> <p>(No) 7. Is there evidence that there has been a change in the source?</p> <p>(Yes) 10. Does the file contain all the necessary information to verify the source?</p> <p>Description for Question 10 - Maps in file clearly show source of water.</p>                                                                                                                                                                                                                                                                           |
| Season   | 11/15/2006 8:01:54 AM | dnelson | (No) 1. Is the basis of claim Decree or License?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-4413 V1

|     |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----|-----------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POD | 11/15/2006 7:56:26 AM | dnelson | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the POD?<br>(Yes) 9. Does the file contain all the necessary information to verify the POD?<br>(No) 10. Is a POD remark and/or condition required?                                                                                                          |
| POD | 11/15/2006 8:08:14 AM | dnelson | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| POU | 11/15/2006 8:13:58 AM | dnelson | (No) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2b. Is the POU required?<br>(No) 3. Is the basis of claim a Application or Permit?<br>(No) 7. Is there evidence that there has been a change in the POU?<br>(Yes) 13. Does the file contain all the necessary information to verify the POU?<br>(No) 14. Is a POU remark and/or condition required?<br>Description for Question 13 - 1987 Aerial photography and maps in file. |

Water Supply Bank:



**NWSW  
1 ACRE**

**T17N R1W S23  
67-4413  
1987 AERIAL PHOTO**

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4413

WATER RIGHT NUMBER: 67-4413

| <u>Owner Type</u> | <u>Name and Address</u>                                              |
|-------------------|----------------------------------------------------------------------|
| Original Owner    | MICHAEL CHADWELL<br>PO BOX 182<br>COUNCIL, ID 83612<br>(208)253-6874 |
| Original Owner    | G LESTER GOULD<br>STAR RT<br>COUNCIL, ID 83612                       |
| Current Owner     | RUSSELL ALLEN<br>PO BOX K<br>COUNCIL, ID 83612<br>(208) 253-4313     |
| Original Owner    | HELEN L GOULD<br>STAR RT<br>COUNCIL, ID 83612                        |
| Current Owner     | MARYANN ALLEN<br>PO BOX K<br>COUNCIL, ID 83612<br>(208) 253-4313     |
| Original Owner    | JAYNE CHADWELL<br>PO BOX 182<br>COUNCIL, ID 83612<br>(208)253-6874   |

OK per  
ownership  
change.

Priority Date: ~~01/01/1930~~

Basis: Statutory Claim

Status: Active

19<sup>th</sup> 3-1-1947 Per affidavit

Source

FORT HALL CREEK

Tributary

WEISER RIVER

Beneficial Use

IRRIGATION

From To  
3/15 to 11/15

Diversion Rate

0.100 CFS

Annual VolumeTotal Diversion:~~0.100 CFS~~

0.03 CFS

max  
allowable  
per  
acre.

Location of Point(s) of Diversion

FORT HALL CREEK  
ADAMS County

NW1/4NW1/4SW1/4

Sec. 23, Twp 17N, 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 |        |
| 17N | 01W | 23  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 1.0    |

Total Acres: 1

OK

Farmers canal also used on this  
ground

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-4413

WATER RIGHT NUMBER: 67-4413

| <u>Owner Type</u> | <u>Name and Address</u>                        |
|-------------------|------------------------------------------------|
| Current Owner     | HELEN L GOULD<br>STAR RT<br>COUNCIL, ID 83612  |
| Current Owner     | G LESTER GOULD<br>STAR RT<br>COUNCIL, ID 83612 |

Priority Date: 01/01/1930

Basis: Statutory Claim

Status: Active

| <u>Source</u>   | <u>Tributary</u> |
|-----------------|------------------|
| FORT HALL CREEK | WEISER RIVER     |

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| IRRIGATION              | 5/01 to 7/01          | 0.100 CFS             |                      |
| <u>Total Diversion:</u> |                       | 0.100 CFS             |                      |

Location of Point(s) of Diversion

|                 |            |                                 |
|-----------------|------------|---------------------------------|
| FORT HALL CREEK | NW1/4SW1/4 | Sec. 23, Twp 17N, 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 |        |
| 17N | 01W | 23  |    |    |    |    |    |    |    |    |    | 1.0 |    |    |    |    |    |    | 1.0    |

Total Acres: 1

Conditions of Approval:Remarks:Comments:Dates and Other Information:

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: **A67-04413**  
Date Received: 11/22/1989  
Receipt No: C012975  
Received By: \_\_\_\_\_

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name: RUSSELL ALLEN 208-253-4313  
Address: PO BOX K  
COUNCIL ID 83612

AND

Name: MARYANN ALLEN 208-253-4313  
Address: PO BOX K  
COUNCIL ID 83612

2. Date of Priority: JAN 1, 1930

3. Source: FORT HALL CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 17N      | 01W   | 23      | NW     | NW     | SW     |     | ADAMS  |

5. Description of diverting works:  
PUMP & SPRINKLERS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.100 |      |        |

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

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:

**MICROFILMED**

**AUG 05 1994**

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 17N      | 01W   | 23      | NW     | SW     |     | IRR | 1.0   |

**SCANNED**

10. Place of Use: Continued

|               |     |
|---------------|-----|
| Section Acres | 1.0 |
| Total Acres   | 1.0 |

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:  
FARMERS CANAL

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: \_\_\_\_\_

**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): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

MICROFILMED  
AUG 05 1994



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type  
(see instructions on back of page)

OCT 01 1992

DATE OF CLOSING: 7-9-92

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township \_\_\_\_\_ Range \_\_\_\_\_  
Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_  
Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_  
If you have additional legal descriptions, please attach separate sheet.

RECEIVED  
OCT - 2 1992

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) \_\_\_\_\_ Well - A6711278  
Assigned by IDWR: \_\_\_\_\_ Irrigation - A6704413
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Jayne Chadwell  
PO Box 366  
Council, ID 83612
- ☐ New Owner/Claimant (Purchaser): RUSSELL & MARYANN ALLEN
- ☐ New Mailing Address: P.O. Box K  
COUNCIL, IDAHO
- ☐ New Telephone Number: (208) 253-4313
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: See Attached Deed  
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s): Russell Allen Date \_\_\_\_\_  
Maryann Allen Date \_\_\_\_\_
- ☐ Signature of Former Owner/Claimant(s): Jayne Chadwell Date \_\_\_\_\_  
Date \_\_\_\_\_

(Signature of former claimant(s) is not required if proof of ownership is attached.)

## FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10-7-92 By: JH

Further Action Needed:

Further Action Taken

Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry

Date: 10-7-92 By: JH

Claim Numbers of Split, if any:

MICROFILMED

AUG 05 1994

Original to be mailed to Idaho Department of Water Resources  
Copies to Former Owner and New Owner

# WARRANTY DEED

RECEIVED  
OCT - 2 1992

Department of Water Resources  
Western Regional Office

For Value Received JAYNE E. HEATH, aka JAYNE ELIZABETH CHADWELL,  
aka JAYNE E. CHADWELL, a married woman as her sole  
and separate property

the grantor, do hereby grant, bargain, sell and convey unto

RUSSELL R. ALLEN and MARYANN ALLEN, husband and wife

the grantees, whose current address is Box K, Council, Idaho 83612

the following described premises, in Adams County, Idaho, to-wit:

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho  
Section 23: A parcel of land in the Northwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$   
DESCRIBED AS FOLLOWS:

COMMENCING at a point on the East-West centerline of Section 23,  
where the same is intersected by the East line of the rights of way  
of former U.S. Highway 95, now Fruitvale Road;  
thence East along said center line, 208.7 feet to a point;  
thence South, parallel to the West line of Section 23, 208.7 feet  
to a point;  
thence West, 208.7 feet to a point on the East line of former U.S. Highway 95, now Fruitvale Road;  
thence North, on the East line of the right of way of former U.S. Highway 95, now Fruitvale Road, 208.7 feet to the PLACE OF BEGINNING.

EXCEPTING the right of way of former U.S. Highway 95, now Fruitvale Road.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that they are free from all incumbrances except for all easements of record, rights of way, matters visible, and all matters of record and title,

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: July 9, 1992

Jayne E. Heath  
Jayne E. Heath

STATE OF IDAHO  
COUNTY OF Adams

On this 9th day of July, in the year 1992, before me, a Notary Public, personally appeared JAYNE E. HEATH, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Michael Fisk  
Notary Public  
Residing at 1044 Council, Idaho.  
Commission expires: 10/7/94

STATE OF IDAHO, COUNTY OF ADAMS

I hereby certify that this instrument was filed for record at the request of Timberline Title & Escrow

at 59 minutes past 10 o'clock AM.,  
this 9 day of July  
1992, in my office, and duly recorded in Book ----  
of Deeds at page ----

Michael Fisk

Ex-Officio Recorder

By Sarah J. Wilson  
Deputy

Fees \$ 3.00  
Mail to:

INSTRUMENT NO.

82280

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: A67-04413  
Date Received: 11/22/1989  
Receipt No: 6012975  
Received By: RLT

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: MICHAEL CHADWELL 208-253-6874  
Address: P.O. BOX 182  
COUNCIL, ID 83612

OR  
Name: JAYNE CHADWELL 208-253-6874  
Address: P.O. BOX 182  
COUNCIL, ID 83612

2. Date of Priority: JAN 01, 1930

3. Source: FORT HALL CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 17N      | 01W   | 23      | NW     | NW     | SW  |     | ADAMS  |

5. Description of diverting works:  
PUMP & SPRINKLERS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.100  |      |        |

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

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 17N           | 01W   | 23      | NW SW      |     | IRR | 1.0   |
| Section Acres |       |         |            |     |     | 1.0   |
| Total Acres   |       |         |            |     |     | 1.0   |

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:  
FARMERS CANAL

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): X *Jayne Chadwell* Date: X 11/22/89  
\_\_\_\_\_  
Date: \_\_\_\_\_

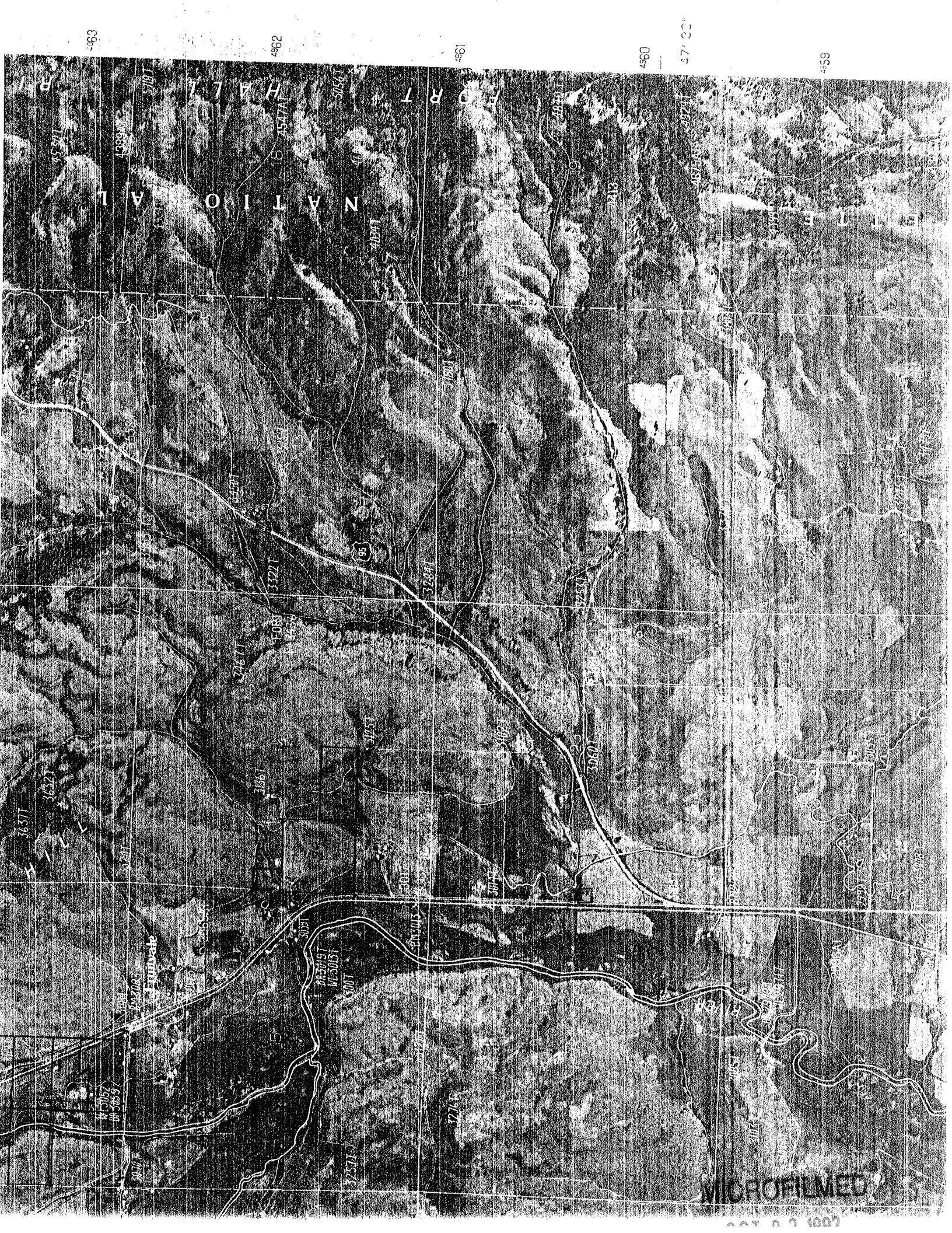
State of Idaho )  
County of ada ) SS.

Subscribed and sworn (or affirmed) before me this 22nd day  
of November 19 89

*Helen Harrington*  
Notary Public

Seal

Helen Harrington, Notary Public  
Residing at Residing at Boise, Idaho  
My Commission Expires December 1, 1994



493

492

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459

NATIONAL

FORT

F. 100

FUNDAL

MICROFILMED

1007

RECEIVED

SEP 15 2005

Department of Water Resources

IN THE MATTER OF )  
NOTICE OF CLAIM TO )  
A WATER RIGHT NO. (S) )

AFFIDAVIT

67-4413 )  
State of Idaho )  
County of Adams )

Margaret Merk being first duly sworn,

deposes and says: I Margaret Merk of Fruitvale Idaho have been a  
witness since 1947 to the irrigation by runoff, flood and ditch water to  
the property now owned by Russell and Maryann Allen. I know that the water  
was used as early as 1930 but I have witnessed its use since 1947

Margaret E Merk

2671 - W.F. Road

Fruitvale Idaho - 83612

208-253-4751

Margaret E Merk  
(Signature)

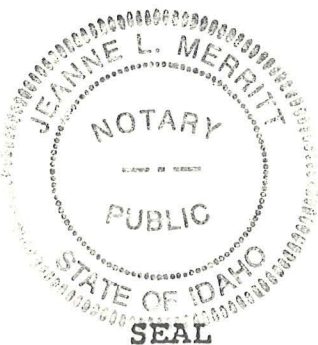
Subscribed and sworn to before me this  
day 14 of September, 2005.

Jeanne L Merritt Expires 3/13/08  
(Notary Public)

Residing at Council 30 83612.

SCANNED

SEP 15 2005





# Idaho Department of Water Resources

Adjudication Claim Number: **67-4413**

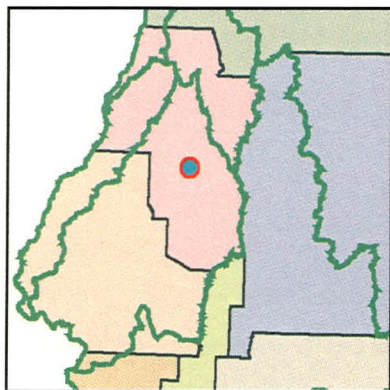
T17N R01W

## Legend

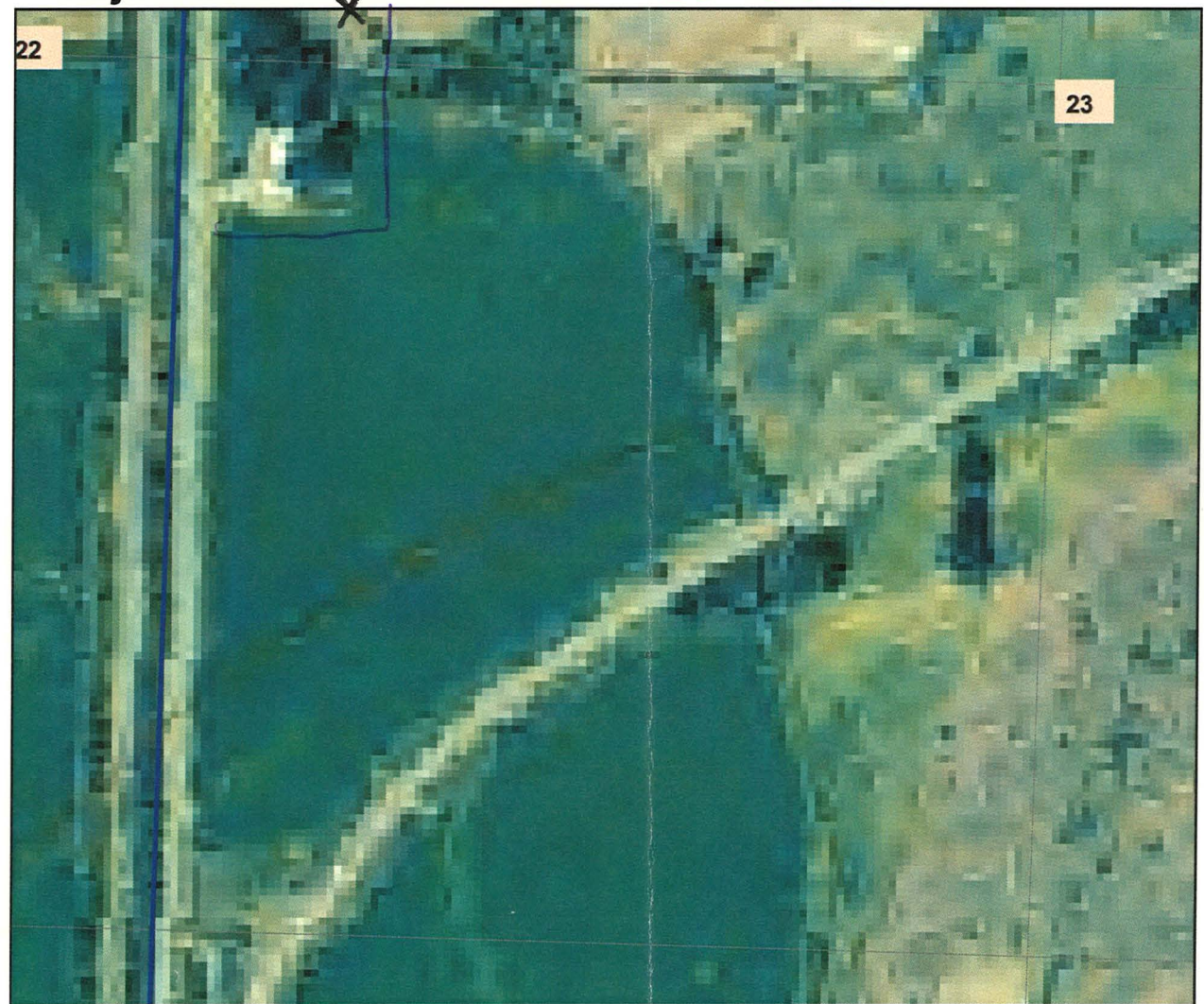
SCANNED

SEP 1 5 2005

- PLS Sections
- GCDBQuarter Quarters



Adams County  
IDWR Basin 67



0 0.1 0.2 Miles

Prepared by M. Van Bussum  
On Thursday, September 1, 2005  
1987 Aerial Photography



State of Idaho

# DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

August 30, 2005

67-4413

Russell & Maryann Allen

PO BOX K

COUNCIL, ID 83612

**RESPONSE DEADLINE**  
**SEPTEMBER 16, 2005**

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number(s) shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The priority date, has not been claimed and the

Enclosed  
The pamphlet describes the requirement. A map shows the location of lands in the area. If you have a claim on the location of wells or other priority. This will affect

**PLEASE NOTE**  
be disallowed. It will be based on statements from individuals

Please submit the above, referencing the enclosed pamphlet, envelope to assure

enclosed pamphlet, please contact this office. You can contact the Basin 67 team via e-mail at [B67questions@IDWR.idaho.gov](mailto:B67questions@IDWR.idaho.gov). If you wish to call, our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the Adjudication.

Sincerely,

Craig L. Saxton  
Sr. Water Resource Agent  
Adjudication Bureau

Enclosures

SCANNED

SEP 15 2005

287 4914

## CONVERSATIONAL MEMORANDUM

Date: September 13, 2005

To: File 67-4413

From: Craig L. Saxton

Subject: Evidence of priority

Spoke with Maryanne Allen – Wk: 253-4502, Hm: 253-4313. She wanted to know what we need for evidence of priority. We went over it and she is going to find someone that can write an affidavit supporting priority date.

We discussed how her neighbors, Shumway, had decreed rights and border her on three corners of her property and she doesn't have any decreed rights. But it sounds like since Shumway claimed all of the decreed rights, she isn't interested in pursuing a portion of them for her property.

Evidence will be send in after the deadline of September 16, 2005 and I told her there was no problem with that.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

October 21, 1992

Re: Notices of Claim to a Water Right No.'s A67-04413 & A67-11278

Russell Allen  
Maryann Allen  
P.O. Box K  
Council, ID 83612

Mr. & Mrs. Allen:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

*Jan Shurte by Jd*

JAN SHURTE  
WATER RIGHT SUPERVISOR  
ADJUDICATION SECTION

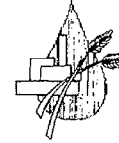
JS:lh  
Enclosure

SCANNED  
APR 14 2004

MICROFILMED  
AUG 05 1994

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that G. LESTER &/OR HELEN L. GOULD  
(Name of Claimant)  
Star Route, Council 1, ID 83612 Telephone No. 253-4715  
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1930

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)  
Fort Hall Creek tributary to Weiser River

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

| Quantity                | (cfs, gpd, AFA) | Use                   | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive)        |               |
|-------------------------|-----------------|-----------------------|-------------------------------------|-------------------------------|---------------|
|                         |                 |                       |                                     | (Mo., Day)                    | (Mo., Day)    |
| Quantity <u>.10 cfs</u> |                 | Use <u>irrigation</u> |                                     | Period of Use From <u>5/1</u> | To <u>7/1</u> |
| Quantity _____          |                 | Use _____             |                                     | Period of Use From _____      | To _____      |
| Quantity _____          |                 | Use _____             |                                     | Period of Use From _____      | To _____      |
| Quantity _____          |                 | Use _____             |                                     | Period of Use From _____      | To _____      |
| Quantity _____          |                 | Use _____             |                                     | Period of Use From _____      | To _____      |

(4) .10 cfs TOTAL QUANTITY USED.  
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
NW 1/4 SW 1/4, Sec. 23 Twp. 17N Rge. 1W B.M., County of Adams  
Additional points of diversion: \_\_\_\_\_

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. Describe any changes in the system and give the date of the change. Original diverting works was a gravity ditch, now is a pump and sprinklers

(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.

| T   | R  | SEC. | NE1/4 |       |       |       | NW1/4 |       |       |       | SW1/4 |       |       |       | SE1/4 |       |       |       | TOTAL |
|-----|----|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
|     |    |      | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 |       |
| 17N | 1W | 23   |       |       |       |       |       |       |       |       | 1     |       |       |       |       |       |       |       | 1     |
|     |    |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
|     |    |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
|     |    |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
|     |    |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
|     |    |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
|     |    |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
|     |    |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
|     |    |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |

No. of acres 1

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

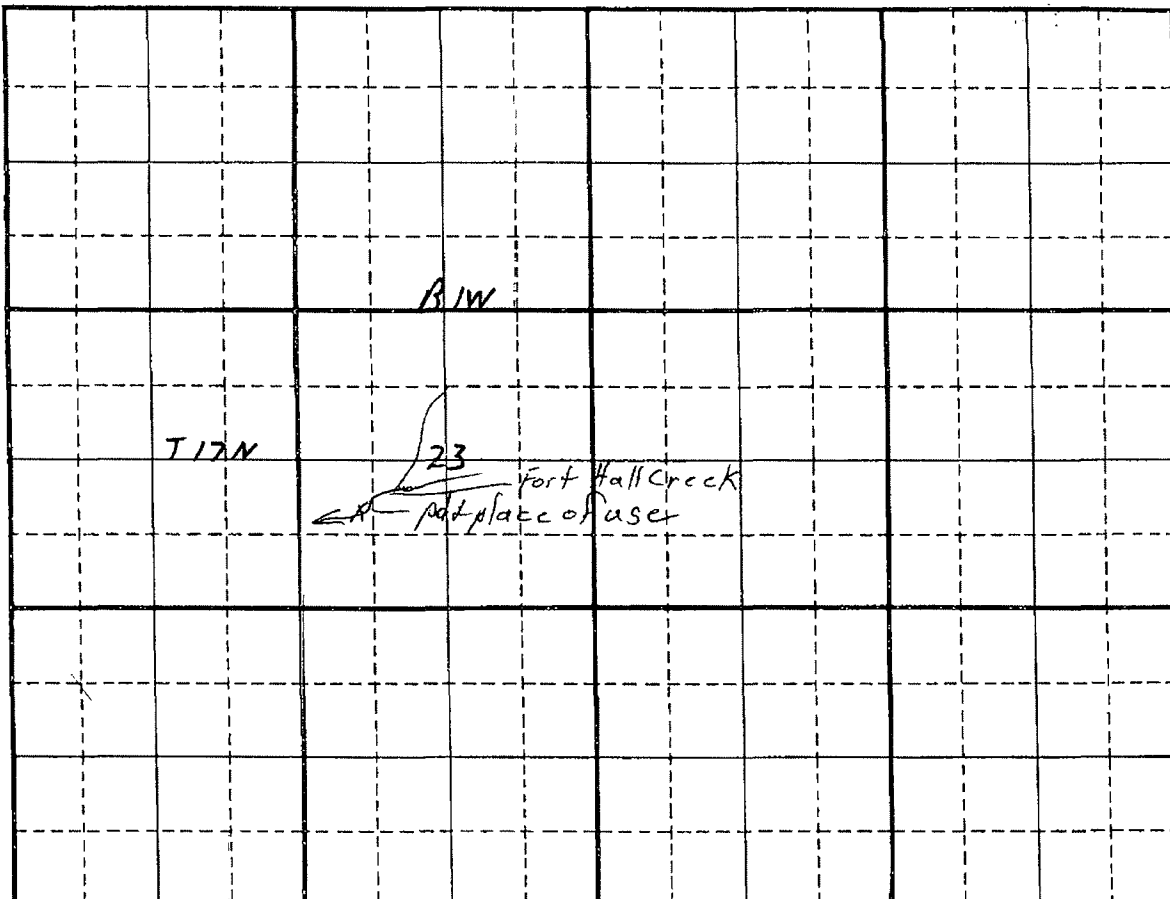
\_\_\_\_\_

\_\_\_\_\_

NOTE: Include here the type and number of stock watered: \_\_\_\_\_

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

(8) Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

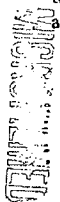


Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of Ada ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.



Sworn to before me this 2 day of March, 1982.

S. Lester Gould  
(Claimant)

Nancy M. Northway  
Notary Public  
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by 625 Date 3/2/82 Exception filed by: \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by 625 Date 3/4/82  
\$20.00 fee received by 625 Date 3/2/82 # 21970  
Published in Adams County Leader  
Dates 3/11 & 3/13/82