

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4452 V1

WATER RIGHT NUMBER: 67-4452 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	KATHLEEN L LEGG PO BOX 118 CAMBRIDGE, ID 83610 (208)257-3547
Original Owner	ALVIN Y LEGG PO BOX 118 CAMBRIDGE, ID 83610 (208)257-3547
Current Owner	LEGG FAMILY TRUST PO BOX 118 CAMBRIDGE, ID 83610 (208)256-4448

Priority Date: 06/01/1950

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GRAYS CREEK	LITTLE WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	1.800 CFS	
	<u>Total Diversion:</u>	1.800 CFS	

Location of Point(s) of Diversion

GRAYS CREEK	L3 (NE1/4NE1/4NW1/4)	Sec. 3,	Twp 14N,	Rge 01W, B.M.
ADAMS County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	01W	34																	

Total Acres: 125

Conditions of Approval:

1. E52 The rights listed below are limited to a total combined diversion rate of 4.28 cfs.
Combined Right Nos.: 67-431, 67-4452, and 67-4454
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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4452 V1

3. E56 The rights listed below are limited to the irrigation of a combined total of 224 acres in a single irrigation season. Combined Right Nos.: 67-431, 67-4452, and 67-4454

Remarks:Comments:

1. csaxton 11/10/2006 Priority Date

Comment: Evidence of priority submitted is 1921 tax assessment map that shows irrigation of the POU. The problem is that there is decreed water from the Little Weiser River on this ground so I can not say if Grays creek water was used to irrigate the ground as well or not. The Muir v. Allison decree does not list Grays creek as a source so it could have been used and not recognized by the decree. Grays creek runs through the claimants property so it would seem logical to me that if they were irrigating the ground with Little Weiser river water in which the POD is several miles from the POU, they would use Grays creek water when available. The claimants claimed a 1950 priority date and based on the information above, I do not think it unreasonable to assume that this is a valid water right with a valid priority date.

2. csaxton 11/10/2006 Quantity

Comment: Notes in the claim and on the statutory claim state that the delivery system is from a 5 HP pump. According to theoretical calculations, if the lift is less than 15 feet, with an open discharge, a 5 HP pump can divert the amount of water claimed.

Claimant claimed far less than one inch per acre.

3. csaxton 11/10/2006 Assumption

Comment: It is my assumption that the Grays creek water is flood water that is used before Little Weiser River water is turned into the ditch system.

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>
Summary			11/10/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	11/10/2006 1:50:09 PM	csaxton	Updated PLS for Active POU



Idaho Department of Water Resources

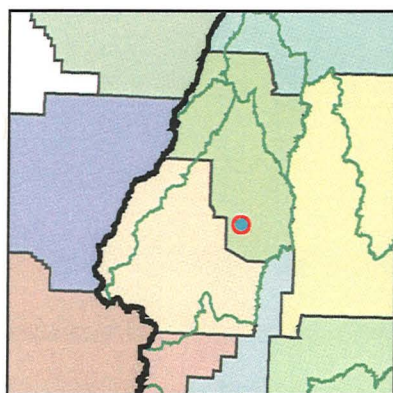
SRBA Recommendation:

67-4452

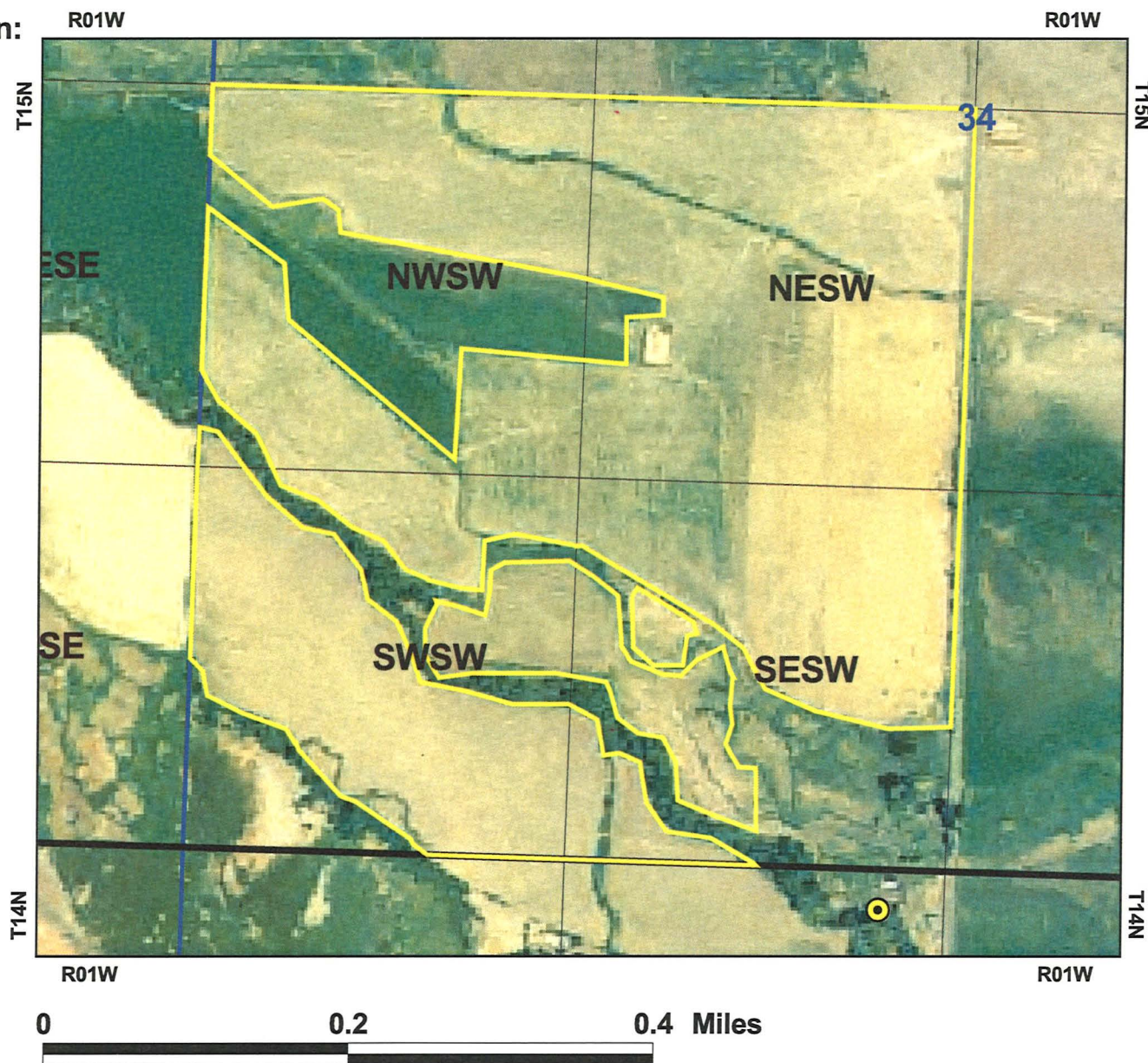
(Irrigation)

Legend

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



Adams County
IDWR Basin 67



Prepared by C. Saxton
On Friday, November 10, 2006
1987/88 Aerial Photography

Adjudication Recommendation Report 67-4452 V1

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Current Owner	KATHLEEN L LEGG PO BOX 118 CAMBRIDGE, ID 83610 (208)257-3547
Current Owner	ALVIN Y LEGG PO BOX 118 CAMBRIDGE, ID 83610 (208)257-3547

Status: Active

<u>Source</u>	<u>Tributary</u>
GRAYS CREEK	LITTLE WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	1.800 CFS	
	<u>Total Diversion:</u>	1.800 CFS	

<u>Location of Point(s) of Diversion</u>			
GRAYS CREEK	L3 (NE1/4NE1/4NW1/4)	Sec. 3,	Twp 14N, Rge 01W, B.M.
ADAMS County			

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
15N	01W	34									39.0	28.0	30.0	28.0					125.0

Conditions of Approval:

1. E52 The rights listed below are limited to a total combined diversion rate of 4.28 cfs.
Combined Right Nos.: 67-431, 67-4452, and 67-4454
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. E56 The rights listed below are limited to the irrigation of a combined total of 224 acres in a single irrigation season. Combined Right Nos.: 67-431, 67-4452, and 67-4454

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4452 V1

Comments:

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Comment: Notes in the claim and on the statutory claim state that the delivery system is from a 5 HP pump. According to theoretical calculations, if the lift is less than 15 feet, with an open discharge, a 5 HP pump can divert the amount of water claimed.

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Comment: It is my assumption that the Grays creek water if flood water that is used before Little Weiser River water is turned into the ditch system.

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: AND

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>
Summary			11/10/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	11/10/2006 1:50:09 PM	csaxton	Updated PLS for Active POU
POU	11/10/2006 1:50:01 PM	csaxton	Updated shape for Active POU
POD	11/10/2006 2:13:18 PM	csaxton	Updated shape
POD	11/10/2006 2:13:32 PM	csaxton	Updated PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4452 V1

Summary	11/10/2006 2:27:30 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?
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Water Supply Bank:

Claim

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Volume(af)	Source	Water Use(s)	Owner(s)	Source Table
67	81	L	Decreed	Active	5/27/1910			60 LOST VALLEY IRRIGATION	LEGG, ALVIN	Claim	
67	431		Decreed	Active	1883-06-01	1.7		LITTLE WEISE IRRIGATION	LEGG, ALVIN	Claim	
67	469		Decreed	Active	1884-06-01	0.68		LITTLE WEISE IRRIGATION	LEGG, ALVIN	Claim	
67	471		Decreed	Active	1886-06-01	0.28		LITTLE WEISE IRRIGATION	LEGG, ALVIN	Claim	
67	2227		License	Active	3/24/1953	1.4		LITTLE WEISE IRRIGATION	LEGG, ALVIN	Claim	
67	4452		Statutory Clai	Active	6/1/1950	1.8		GRAYS CREE IRRIGATION	LEGG, ALVIN	Claim	
67	4454		Statutory Clai	Active	6/1/1939	3		LITTLE WEISE IRRIGATION	LEGG, ALVIN	Claim	

Recommendation

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Volume(af)	Source	Water Use(s)	Owner(s)	Source Table
67	81	L	Decreed	Disallowed	5/27/1910			60 LOST VALLEY IRRIGATION	LEGG, ALVIN	Recommendation	
67	469		Decreed	Disallowed	1884-06-01	0.68		LITTLE WEISE IRRIGATION	LEGG, ALVIN	Recommendation	
67	471		Decreed		1886-06-01	0.28	162.4	LITTLE WEISE IRRIGATION	LEGG, ALVIN	Recommendation	
Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	4452		B-use	Active	6/1/1950	1.8	125	GRAYS CREE IRRIGATION	LEGG, ALVIN	Recommendation	
67	431		Decreed	Active	1883-06-01	1.7	136	LITTLE WEISE IRRIGATION	LEGG, ALVIN	Recommendation	
67	4454		B-use	Active	6/1/1939	1.98	99	LITTLE WEISE IRRIGATION	LEGG, ALVIN	Recommendation	
						3.68	224	0.0164 per acre			
67	2227		License	Active	3/24/1953	1.23	60	LITTLE WEISE IRRIGATION	LEGG, ALVIN	Recommendation	

Claim

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Volume(af)	Source	Water Use(s)	Owner(s)	Source Table
67	2192			Closed						LEGG, ALVIN wrWaterApplication	
67	4454		Statutory Clai	Active	6/1/1939	3		LITTLE WEISE IRRIGATION	LEGG, ALVIN wrWaterRight		
67	10166		Decreed	Active	4/1/1969	0.09		GROUND WA DOMESTIC, :	LEGG, ALVIN wrWaterRight		
67	10170		Decreed	Active	4/1/1930	0.06		GROUND WA DOMESTIC, :	LEGG, ALVIN wrWaterRight		
67	2192			Relinquished						LEGG, ALVIN wrWaterPermit	

Water Master Records 67-A, Roger Meyer

PARCEL #	Name	67A #	Date	CFS	Notes
15N01W3448	LEGG, ALVIN	431	6/1/1883	1.7	136
15N01W3123	STINNET, RI	471	6/1/1886	0.28	Pine Creek Ranch 22 Ac

67-431

Decree

1.70 cts = 85 in = 136 ac @ 5/8 inch to the acre

14N 01W 3 NENW (Lot 3)
NWNW (Lot 4)

15N 01W 34 all SW

So claim 67-4452 overlaps 67-431

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-4452

WATER RIGHT NUMBER: 67-4452

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KATHLEEN L LEGG PO BOX 118 CAMBRIDGE, ID 83610 (208)257-3547
Current Owner	ALVIN Y LEGG PO BOX 118 CAMBRIDGE, ID 83610 (208)257-3547

Priority Date: 06/01/1950

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
GRAYS CREEK	LITTLE WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.800 CFS	
	<u>Total Diversion:</u>	1.800 CFS	

Location of Point(s) of Diversion

GRAYS CREEK	NE1/4NE1/4NW1/4	Sec. 3, Twp 14N, Rge 01W, B.M.
ADAMS County		

Place of UseIRRIGATION Within ADAMS County

T15N R01W S34	NESW	25.0	T15N R01W S34	NWSW	30.0
T15N R01W S34	SWSW	35.0	T15N R01W S34	SESW	35.0

Total Acres: 125

Conditions of Approval:Remarks:

This is on top of a decreed water Right
Kathleen Legg.

SCANNED

SEP 15 2005



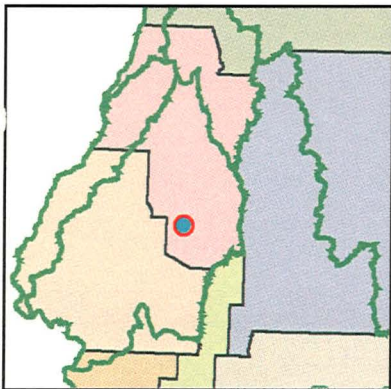
Idaho Department of Water Resources

Adjudication Claim Number: **67-4452**

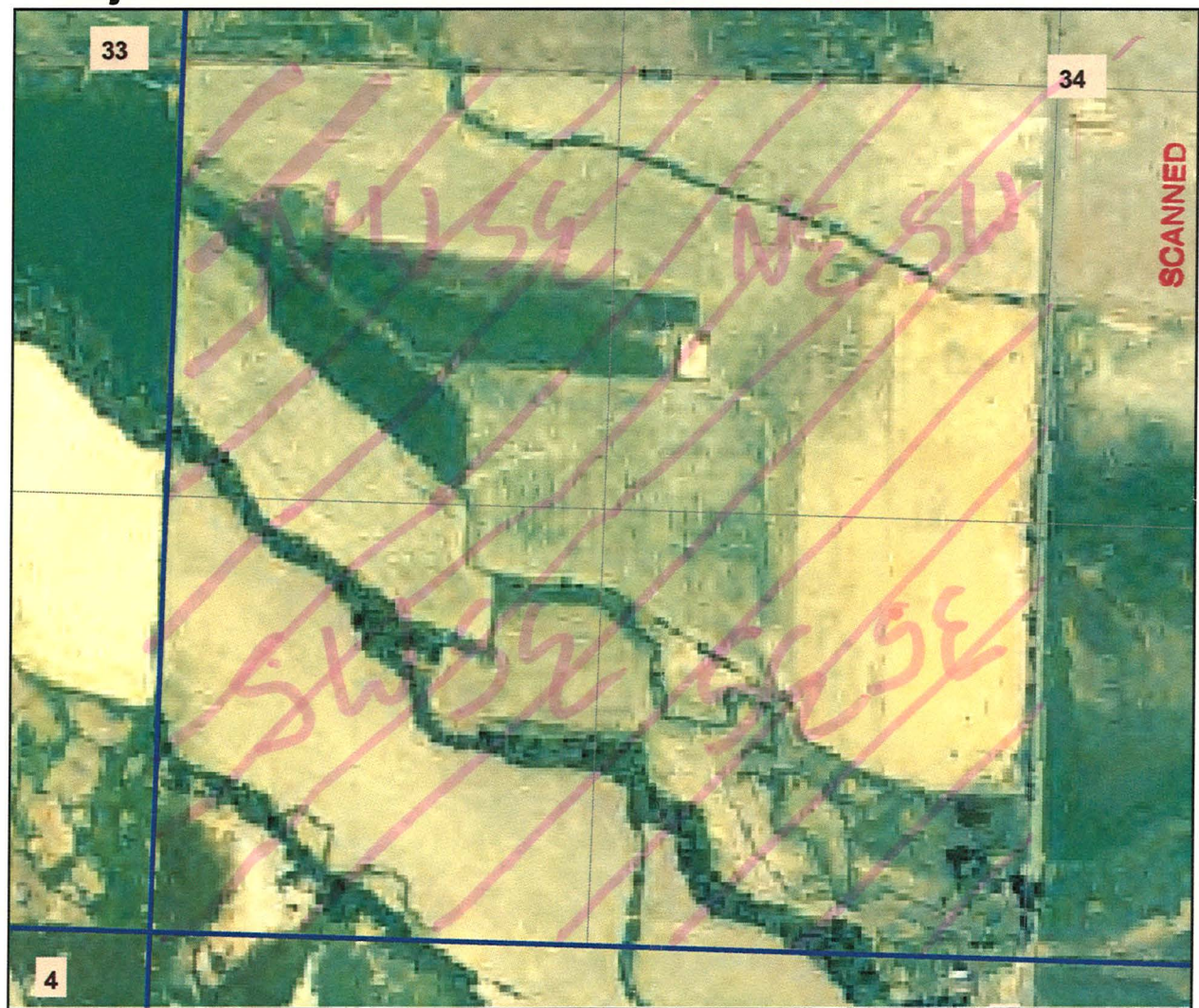
T15N R01W

Legend

 PLS Sections
 GCDBQuarter Quarters



Adams County
IDWR Basin 67



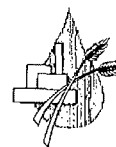
0 0.2 0.4 Miles

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

SCANNED
SEP 15 2005

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 Alvin Y. Legg & Kathleen L. Legg
(Name of Claimant)

Box 206 Cambridge, ID 83610 Telephone No. 257-3547
(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) 1950

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)

Grays Creek tributary to Little 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:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>1.80 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>10/31</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) 1.80 cfs TOTAL QUANTITY USED:
(cfs, af)

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

NE 1/4 NW 1/4, Sec. 3 Twp. 14N 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. 5 HP pump and pipeline

- (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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15N	1W	34									25	30	35	35					125
																			125

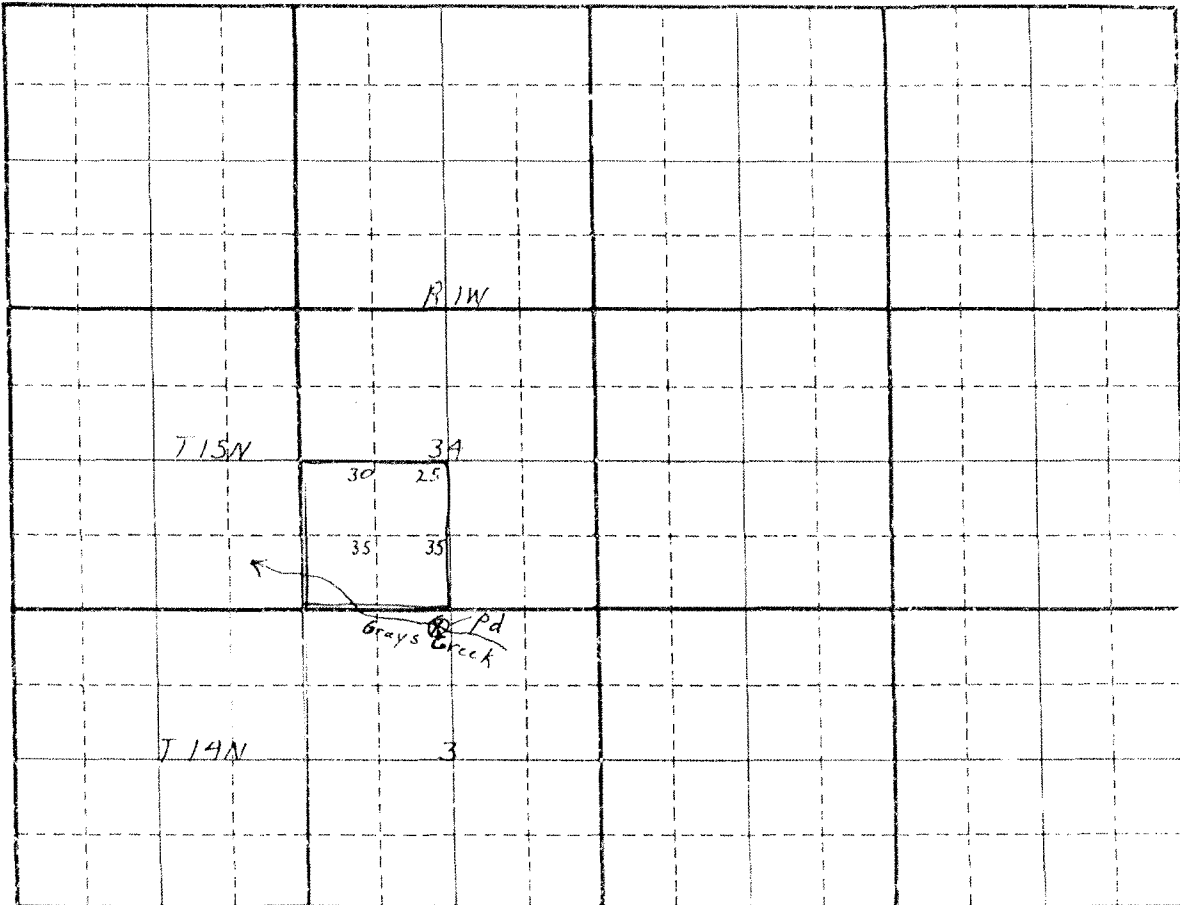
No. of acres 125

- 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 12 day of NOVEMBER 1982

Alvin G. Leggett
(Claimant)
Donald H. Hoff
Notary Public
Residing at Base

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by GLS Date 11/12/82 Exception filed by _____ Date _____
Prelim. check by GLS Date 11/18/82 Forwarded to claimant by _____
\$30.00 fee received by GLS Date 12/22/82
Published in _____
Dates _____

WHITE MAN

Louis B. BOGAL
% A. Y. LEGG

33 34

39.93

Louis B. BOGAL
% A. Y. LEGG

F.R.B. &
David R.
Veselka

Orville E. LEWIS
% Tom Crossen

Cambridge
Telephonic
East
Grove

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: A67-04452
Date Received: 9/12/1989
Receipt No: 6011572
Received By: JH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALVIN Y. LEGG 208-257-3547
Address: P.O. BOX 118
CAMBRIDGE, ID 83610
AND/OR
Name: KATHLEEN L. LEGG 208-257-3547
Address: P.O. BOX 118
CAMBRIDGE, ID 83610

2. Date of Priority: JUN 01, 1950
3. Source: GRAYS CREEK Trib. to: LITTLE WEISER RIVER

4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
14N 01W 3 NE NE NW ADAMS

5. Description of diverting works:
5 HP PUMP AND PIPELINE

6. Water is used for the following purposes:
Purpose From To C.F.S (or) A.F.A.
IRRIGATION 03/15 11/15 1.800

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

8. Total consumptive use is 375.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

SCANNED
APR 14 2004
MICROFILMED
OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	01W	34	NE	SW		IRR	25.0
			NW	SW		IRR	30.0
			SW	SW		IRR	35.0
			SE	SW		IRR	35.0
						Section Acres	125.0
						Total Acres	125.0

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:
A67-00431, A67-00469, A67-00471

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): Cheryl E. Legg Date: Sept 12, 1989

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 12TH day
of SEPTEMBER 19 89

Jeff Peppersack
Notary Public

Seal

Residing at _____

My Commission Expires _____

Jeff Peppersack, Notary Public
Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994

[illegible]

