

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4454 V1

WATER RIGHT NUMBER: 67-4454 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ALVIN Y LEGG PO BOX 118 CAMBRIDGE, ID 83610 (208)257-3547
Original Owner	KATHLEEN L 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: 06/01/1939

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	1.980 CFS	
	<u>Total Diversion:</u>	1.980 CFS	

Location of Point(s) of Diversion

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

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	01W	3					29.0	31.0		39.0									99.0
							L 3	L 4											

Total Acres: 99

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. 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

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Adjudication Recommendation Report 67-4454 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. mvanbussum 6/16/2006 POU

Comment: Recommended POU based on available imagery. Original claim was for 40 in NENW, 36 in NWNW and 37 in SENW. In making POU shape, I assumed the intent was to claim the fields as they appeared to be irrigated in 1987.

2. csaxton 6/16/2006 Quantity

Comment: Recommended IDWR standard 1 inch to the acre. 99 acres * 0.02 cfs/acre = 1.98 cfs.

3. mvanbussum 6/16/2006 Period of Use

Comment: Recommended IDWR standard season of use.

4. mvanbussum 6/16/2006 copied from remarks

Comment: WTR. IS USED DURING HIGH WTR. PERIOD, C. BEN ROSS STORAGE WTR IS ALSO USED.

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	6/16/2006 10:54:03 AM	mvanbussum			Active
Priority Date	6/16/2006 10:59:33 AM	mvanbussum			Active
POD	6/16/2006 10:59:49 AM	mvanbussum			Active
Source	6/16/2006 11:26:40 AM	mvanbussum			Active
POU	6/16/2006 1:14:25 PM	mvanbussum			Active
Use	6/16/2006 1:14:46 PM	mvanbussum			Active
Season	6/16/2006 1:15:08 PM	mvanbussum			Active
Quantity	6/16/2006 1:25:12 PM	mvanbussum			Active
Summary			06/16/2006	mvanbussum	Active



Idaho Department of Water Resources

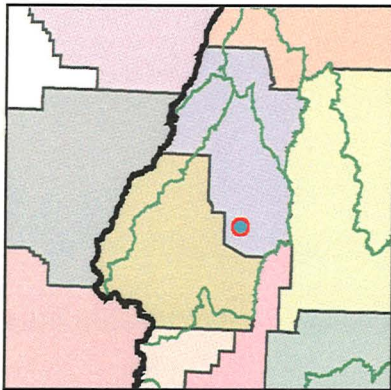
SRBA Recommendation:

67-4454

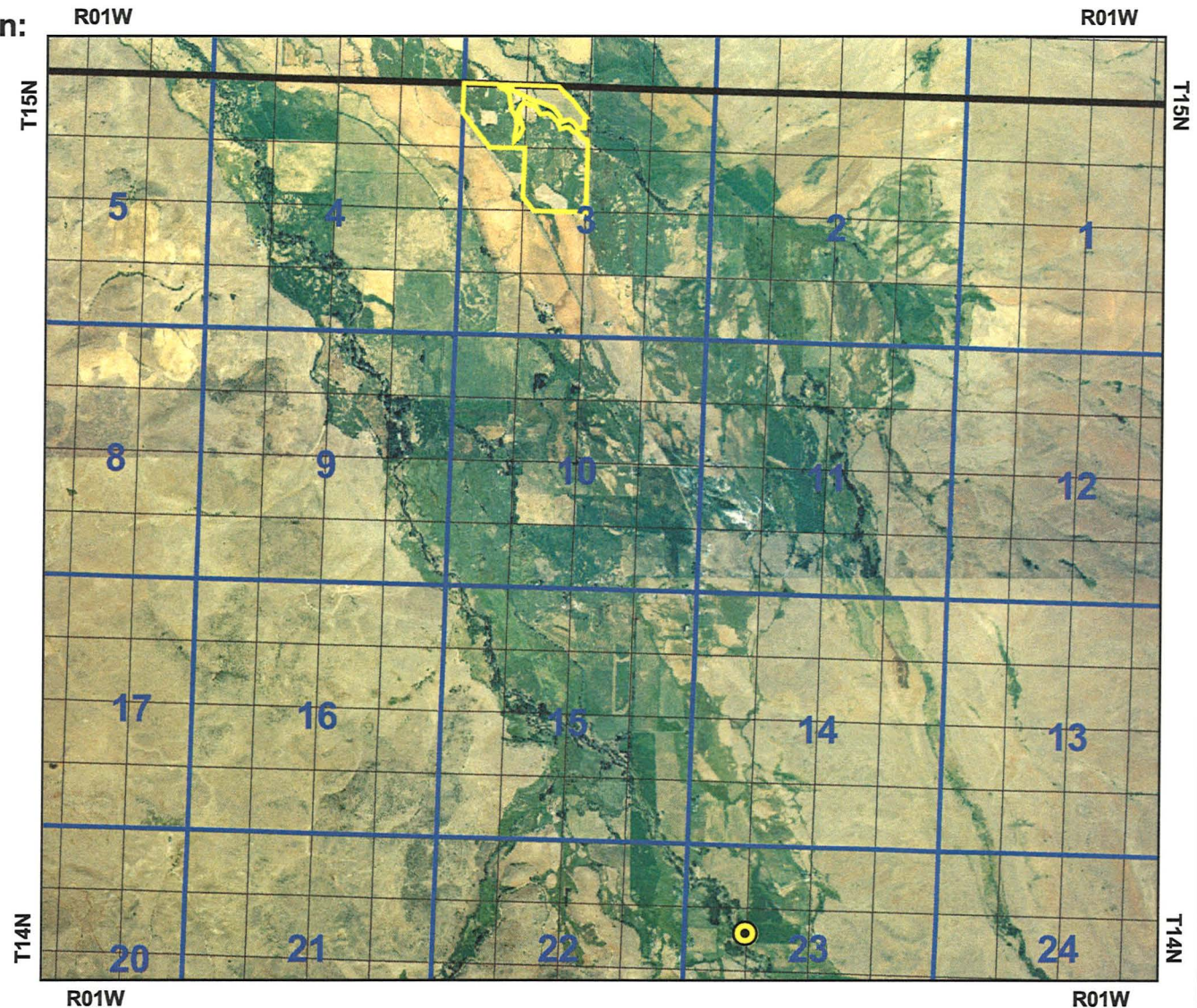
(Irrigation)

Legend

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



Adams County
IDWR Basin 67



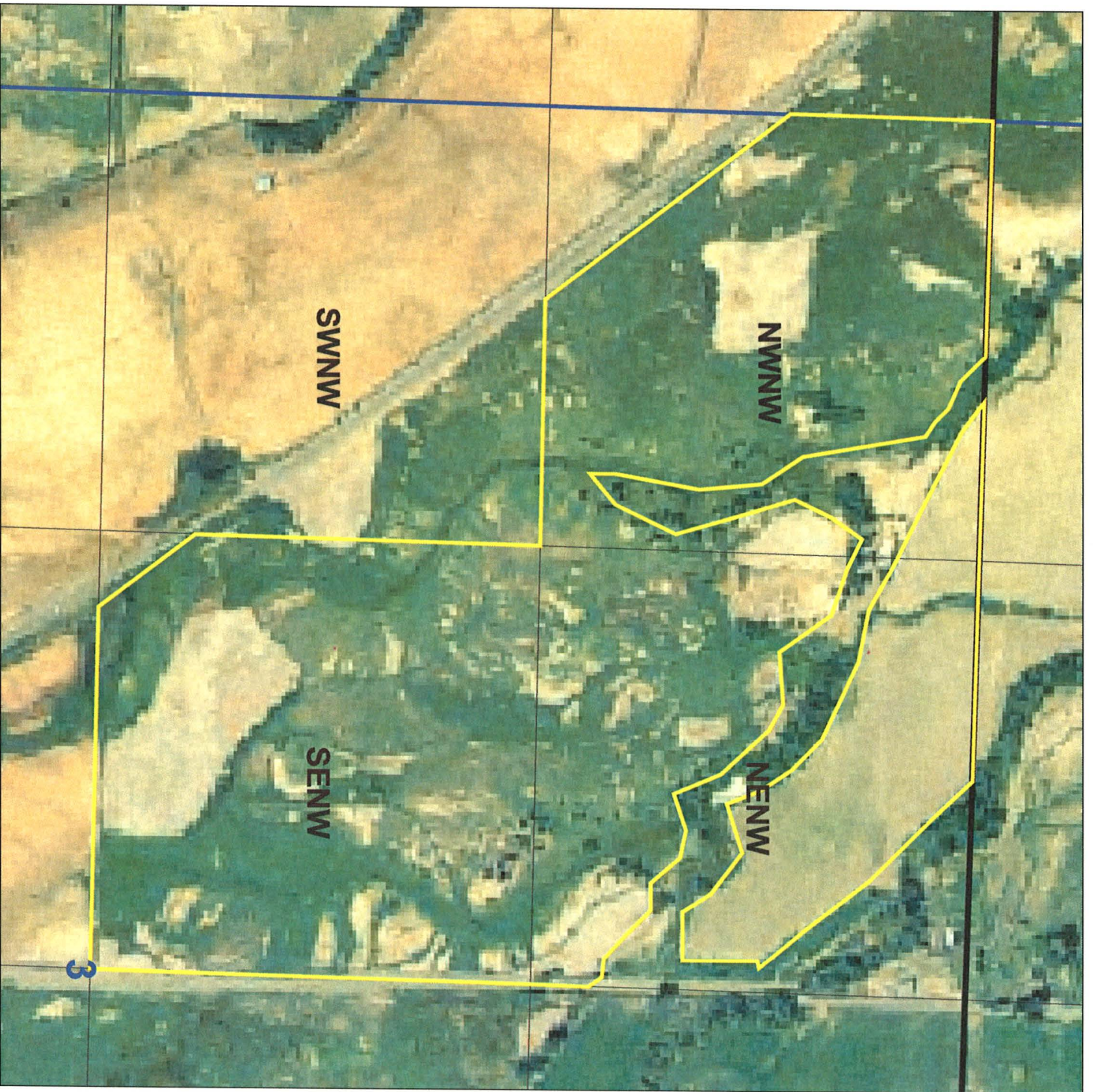
0

2

4 Miles

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

67-4454



IDAHO DEPARTMENT OF WATER RESOURCES

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

Priority Date: 06/01/1939

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	1.980 CFS	
	<u>Total Diversion:</u>	1.980 CFS	

Location of Point(s) of Diversion

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

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	01W	3					29.0	31.0		39.0									99.0
							L 3	L 4											

Total Acres: 99

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2. 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
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 67-4454 V1

Comments:

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Comment: Recommended IDWR standard 1 inch to the acre. 99 acres * 0.02 cfs/acre = 1.98 cfs.
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Comment: Recommended IDWR standard season of use.
4. mvanbussum 6/16/2006 copied from remarks
Comment: WTR. IS USED DURING HIGH WTR. PERIOD, C. BEN ROSS STORAGE WTR IS ALSO USED.

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>
Contacts	6/16/2006 10:54:03 AM	mvanbussum			Active
Priority Date	6/16/2006 10:59:33 AM	mvanbussum			Active
POD	6/16/2006 10:59:49 AM	mvanbussum			Active
Source	6/16/2006 11:26:40 AM	mvanbussum			Active
POU	6/16/2006 1:14:25 PM	mvanbussum			Active
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Quantity	6/16/2006 1:25:12 PM	mvanbussum			Active
Summary			06/16/2006	mvanbussum	Active
Summary			06/16/2006	mvanbussum	Active

IDAHO DEPARTMENT OF WATER RESOURCES

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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	6/16/2006 1:13:44 PM	mvanbussum	Updated PLS for Active POU
Contacts	6/16/2006 10:54:01 AM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
POD	6/16/2006 11:23:30 AM	mvanbussum	Updated shape
POD	6/16/2006 11:25:22 AM	mvanbussum	Updated shape
Source	6/16/2006 11:26:38 AM	mvanbussum	(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 - Imagery verifies source.
General	6/16/2006 10:59:32 AM	mvanbussum	(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? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Claimants have C. Ben Ross water, which establishes priority back to 1937.
POD	6/16/2006 10:59:48 AM	mvanbussum	(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	6/16/2006 1:13:32 PM	mvanbussum	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4454 V1

POU	6/16/2006 1:14:22 PM	mvanbussum	(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? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - POU verified using claim map and imagery.
Use	6/16/2006 1:14:44 PM	mvanbussum	(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 - Imagery verifies purpose of use.
Season	6/16/2006 1:15:06 PM	mvanbussum	(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?
Summary	6/16/2006 2:44:11 PM	mvanbussum	(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? (No) 5. Does this right have any combined use limits with other rights? (No) 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? (No) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4454 V1

Quantity	6/16/2006 1:25:09 PM	mvanbussum	(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? (No) 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 - C. Ben Ross Reservoir water is delivered to the property. No measurement needed.
Summary	6/16/2006 1:26:13 PM	mvanbussum	(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? (No) 5. Does this right have any combined use limits with other rights? (No) 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?
POU	11/10/2006 2:34:09 PM	csaxton	Updated shape for Active POU
POU	11/10/2006 2:34:22 PM	csaxton	Updated PLS for Active POU
POD	11/10/2006 2:39:54 PM	csaxton	Updated shape
POD	11/10/2006 2:40:06 PM	csaxton	Updated PLS
POU	11/10/2006 2:38:47 PM	csaxton	Updated PLS for Active POU

Water Supply Bank:

Claim

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
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

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
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	

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	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

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
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

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

10-13-05 MVB

This is not a direct overlap of a decreed right.
NENW & NWNW overlap 47-431, but
SENEW does not. So, we need additional
evidence of priority.

They have C. Ben Ross water. Does
this count as EOP? Yes

supports EOP back to 1937

no measurement needed

~~nothing~~ P

RECEIVED

SEP 15 2005

Department of Water Resources

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4454

WATER RIGHT NUMBER: 67-4454

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

Priority Date: 06/01/1939

Basis: Statutory Claim

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	3.000 CFS	
	<u>Total Diversion:</u>	3.000 CFS	

Location of Point(s) of Diversion

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

Place of Use

IRRIGATION Within ADAMS County

T14N R01W S03	NENW 40.0 <i>Lot 3</i>	T14N R01W S03	NWNW 36.0 <i>Lot 4</i>
T14N R01W S03	SENW 37.0		

Total Acres: 113

Conditions of Approval:

1. WTR. IS USED DURING HIGH WTR. PERIOD, C. BEN ROSS STORAGE WTR IS ALSO USED.

Remarks:

This is on top of a decreed Right

Kathleen Legg

SCANNED

SEP 15 2005



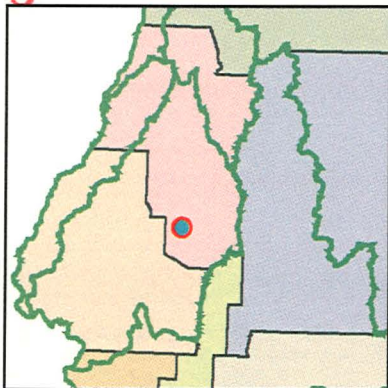
Idaho Department of Water Resources

Adjudication Claim Number: **67-4454**

T14N 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

SEP 15 2005

SCANNED

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: A67-04454

Date Received: 9/12/1989

Receipt No: CO11572

Received By: JF

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, 1939

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	01W	23	SE	SW	NW		ADAMS

5. Description of diverting works:
GRAYS CREEK DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.000		

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

8. Total consumptive use is 339.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A67-04454

Page 1

Date: 09/12/89

SCANNED
APR 14 2004

MICROFILMED
OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14N	01W	3	NE		NW		IRR	40.0
			NW		NW		IRR	36.0
			SE		NW		IRR	37.0
							Section Acres	113.0
							Total Acres	113.0

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:
WTR. IS USED DURING HIGH WTR. PERIOD, C. BEN ROSS STORAGE WTR IS
ALSO USED.

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): Philip Y. 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

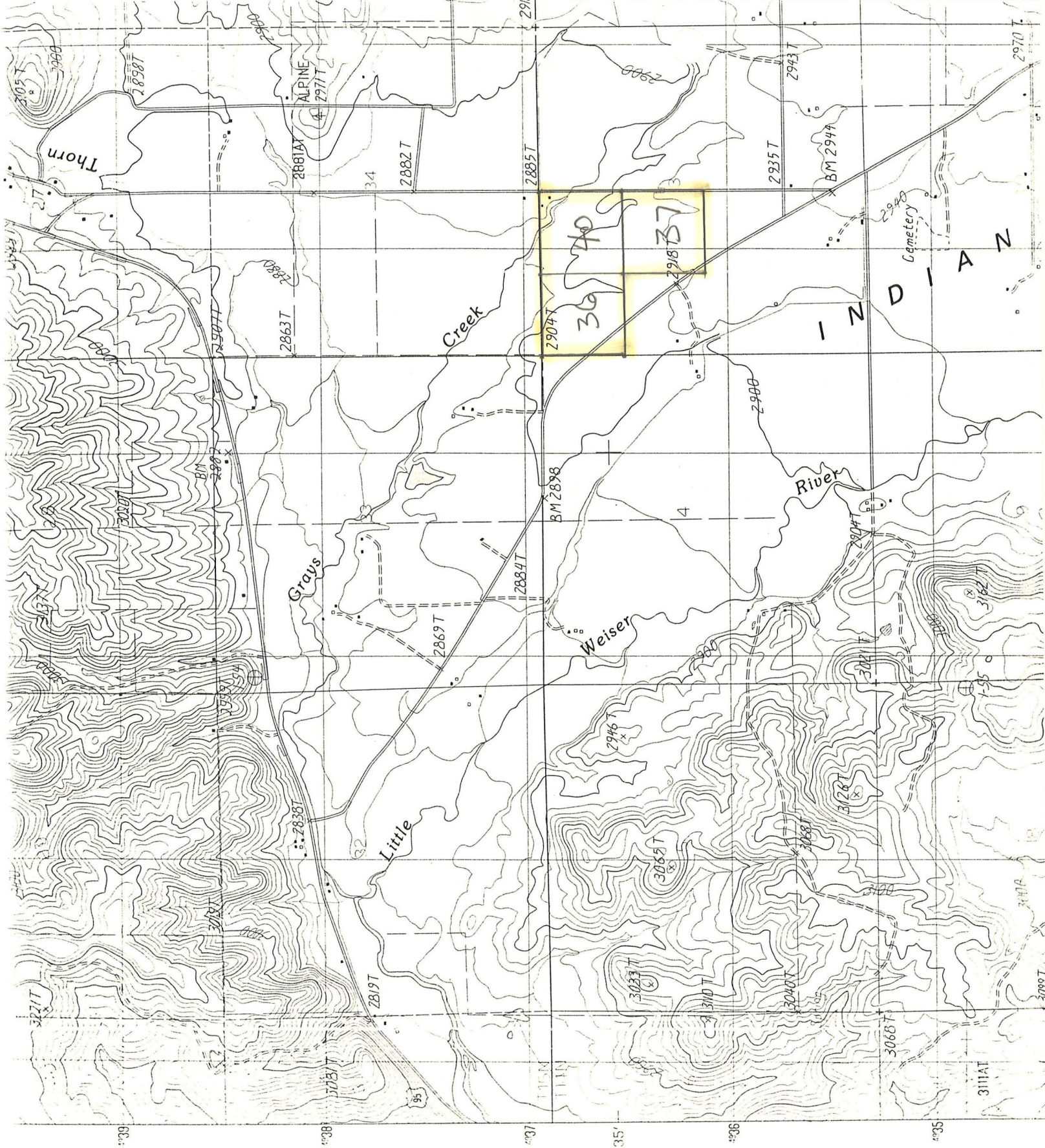
Jeff Peppersack
Notary Public

Seal

Residing at _____

My Commission Expires _____

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



MICROFILMED

TOWNSHIP 14 N RANGE 1 W BOISE MERIDIAN

SCANNED
SEP 15 2005