

10/18/2006

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

RIGHT NUMBER: 67-7240

NAME AND ADDRESS: GERTRUDE L SUTTON
2794 KNOB HILL RD
MIDVALE ID 83645

SOURCE: MONROE CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 20.000 AFY

PRIORITY DATE: 03/19/1975

POINT OF DIVERSION:

T13N R06W S12 NENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER STORAGE	01/01 12/31	20.00 AFY
WILDLIFE STORAGE	01/01 12/31	20.00 AFY

PLACE OF USE: STOCKWATER STORAGE Within WASHINGTON County

T13N R06W S01 SESW T13N R06W S12 NENW

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 - License

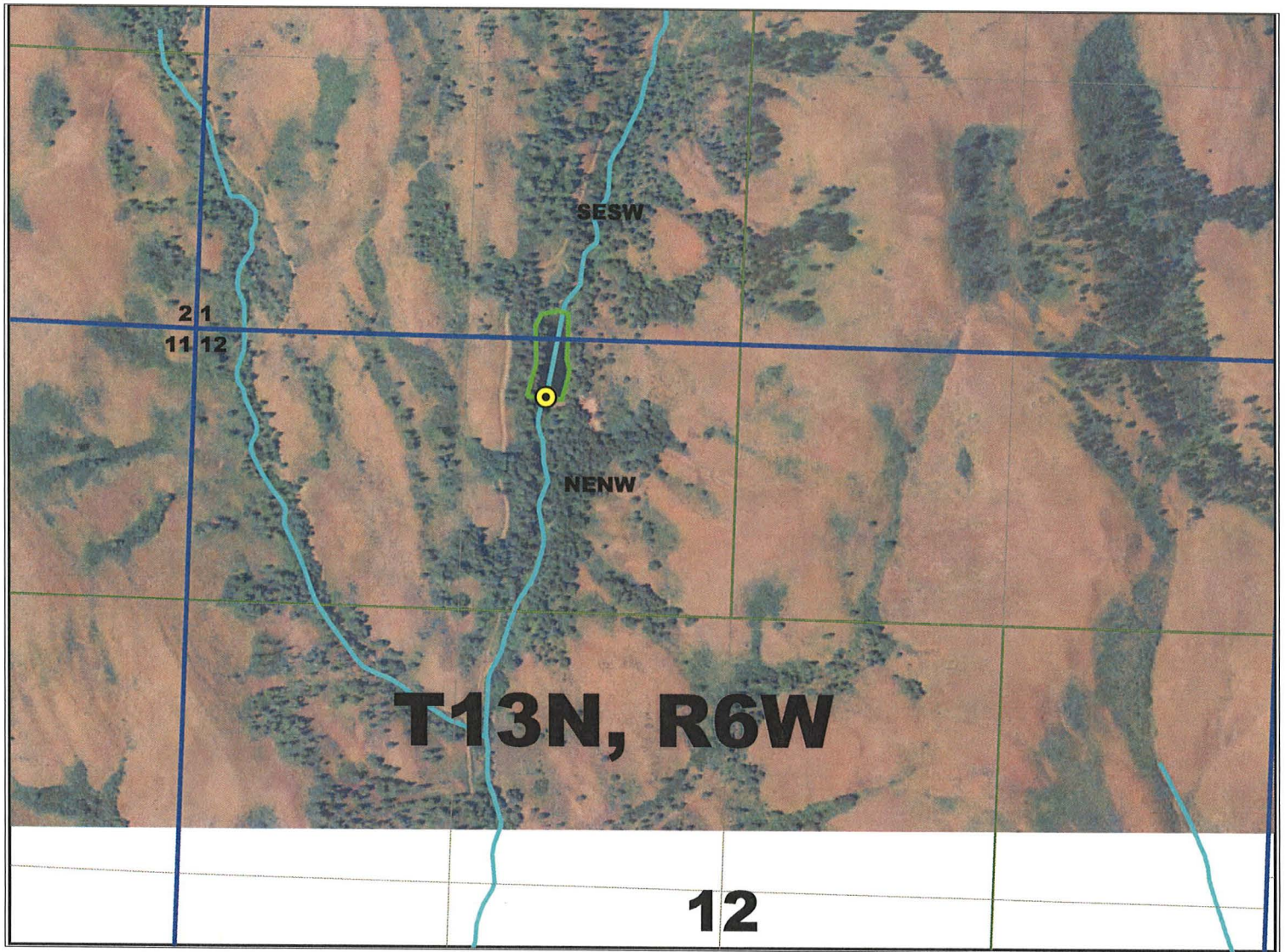


State Of Idaho

Reference Map

Photo Source: 2004 SID

Water Right #: 67-7240



1320 0 1320 2640 Feet

 **Claimed Point(s) of Diversion**

 **Place of Use**

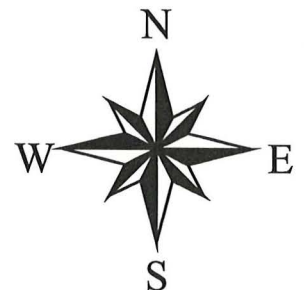
 **Streams**

 **Tax Lot Data**

 **Sections**

 **Quarter Quarter**

Total Acres: N/A



Prepared by: Craig L. Saxton
Date: October 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7240 V1

WATER RIGHT NUMBER: 67-7240 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GERTRUDE L SUTTON 2794 KNOB HILL RD MIDVALE, ID 83645 (208)355-2442
Original Owner	DIANA THORSON 230 E 7TH ST WEISER, ID 83672
Original Owner	FREELAND THORSON 230 E 7TH ST WEISER, ID 83672

Priority Date: 03/19/1975

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER STORAGE	01/01 to 12/31		20.00 AF
WILDLIFE STORAGE	01/01 to 12/31		20.00 AF
	<u>Total Diversion:</u>		20.00 AF

Location of Point(s) of Diversion

MONROE CREEK	NE1/4NW1/4	Sec. 12, Twp 13N, Rge 06W, B.M.
WASHINGTON County		

Place of Use

STOCKWATER STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	06W	1												X					
13N	06W	12					X												

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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7240 V1

Remarks:Comments:

1. csaxton 10/18/2006 As Licensed

Comment: Recommend as licensed. The claimed POU places part of the POU in T13N, R12W, S12. R12W is a typo on IDWR data entry personnel and does not make sense.

2. csaxton 10/18/2006 POD

Comment: POD placed where the dam stops Monroe Creek.

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:

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>
Priority Date	10/18/2006 1:14:12 PM	csaxton			Active
POD	10/18/2006 1:14:21 PM	csaxton			Active
Source	10/18/2006 1:14:26 PM	csaxton			Active
POU	10/18/2006 1:14:33 PM	csaxton			Active
Use	10/18/2006 1:14:48 PM	csaxton			Active
Season	10/18/2006 1:15:06 PM	csaxton			Active
Quantity	10/18/2006 1:15:46 PM	csaxton			Active
Summary			10/18/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7240 V1

Quantity	10/18/2006 1:15:58 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - As licensed
Summary	10/18/2006 1:16:47 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 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?
POU	10/18/2006 1:10:50 PM	csaxton	Updated shape for Active POU
POD	10/18/2006 1:13:04 PM	csaxton	Updated shape
POD	10/18/2006 1:13:19 PM	csaxton	Updated PLS
POD	10/18/2006 1:14:34 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	10/18/2006 1:10:59 PM	csaxton	Updated PLS for Active POU
General	10/18/2006 1:14:25 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7240 V1

Source	10/18/2006 1:14:39 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	10/18/2006 1:14:46 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	10/18/2006 1:15:01 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	10/18/2006 1:15:19 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

Water Supply Bank:

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 67-7240 Priority March 19, 1975 Amount 20 acre feet

THIS IS TO CERTIFY, that FREELAND &/or DIANA THORSON
of Weiser, Idaho, has complied with the terms and conditions of Permit
No. 67-7240 issued pursuant to Application for Permit dated March 10, 1975,
and has submitted proof to the Department of Water Resources on May 10, 1976 (late proof),
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the storage of 20 acre feet of water from Monroe Creek,
tributary to the Weiser River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Storage for:</u> from _____ to _____ at _____ cfs and _____			
<u>Fish & Wildlife</u> from <u>Jan. 1</u> to <u>Dec. 31</u> at _____ cfs and <u>20 acre feet</u>			
<u>Stockwater</u> from <u>Jan. 1</u> to <u>Dec. 31</u> at _____ cfs and <u>20 acre feet</u>			

(both dates inclusive)

Subject, however, to the condition that no more than 20 acre feet of water be stored at any one time, and
that the amount of water so stored and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
20 acre feet per year, said waters to be diverted within the NE 1/4 NW 1/4 of Sec. 12,
Twp. 13 N, Rge. 6 W, B.M. in the County of Washington

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
13 N	6 W	1																	
		12					X												

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22 day of
June, 19 76.

Director

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Freeland &/or Diana Thorson
Post office address 230 East Seventh St. Phone 549-2446
Person to contact Weiser, ID 83672 Phone 549-1908

2. Source of water supply: Groundwater ☐ Surface water ☒ Monroe Cr.
(name spring, stream, etc.)
Tributary to Weiser R.

3. Water will be used for the following purposes:

Amount 20.00 AF c.f.s. for Fish, Wildlife & Stockwater (100 head)
AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 67-7240
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 20.00 AF cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 13N N/S, Range 6W E/W, B.M., Section 12, Subdivision NE 1/4 NW 1/4, Washington County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County

Other Points of Diversions: _____

Description of diverting works: earthen filled dam, 150' long, 18' high. on stream storage
spillway 8' wide, 4' deep, 40' long

Measuring device required: yes ☐ no ☒ removed by order

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	
13N	6W	12					X												
		1												X					

TOTAL ACREAGE _____

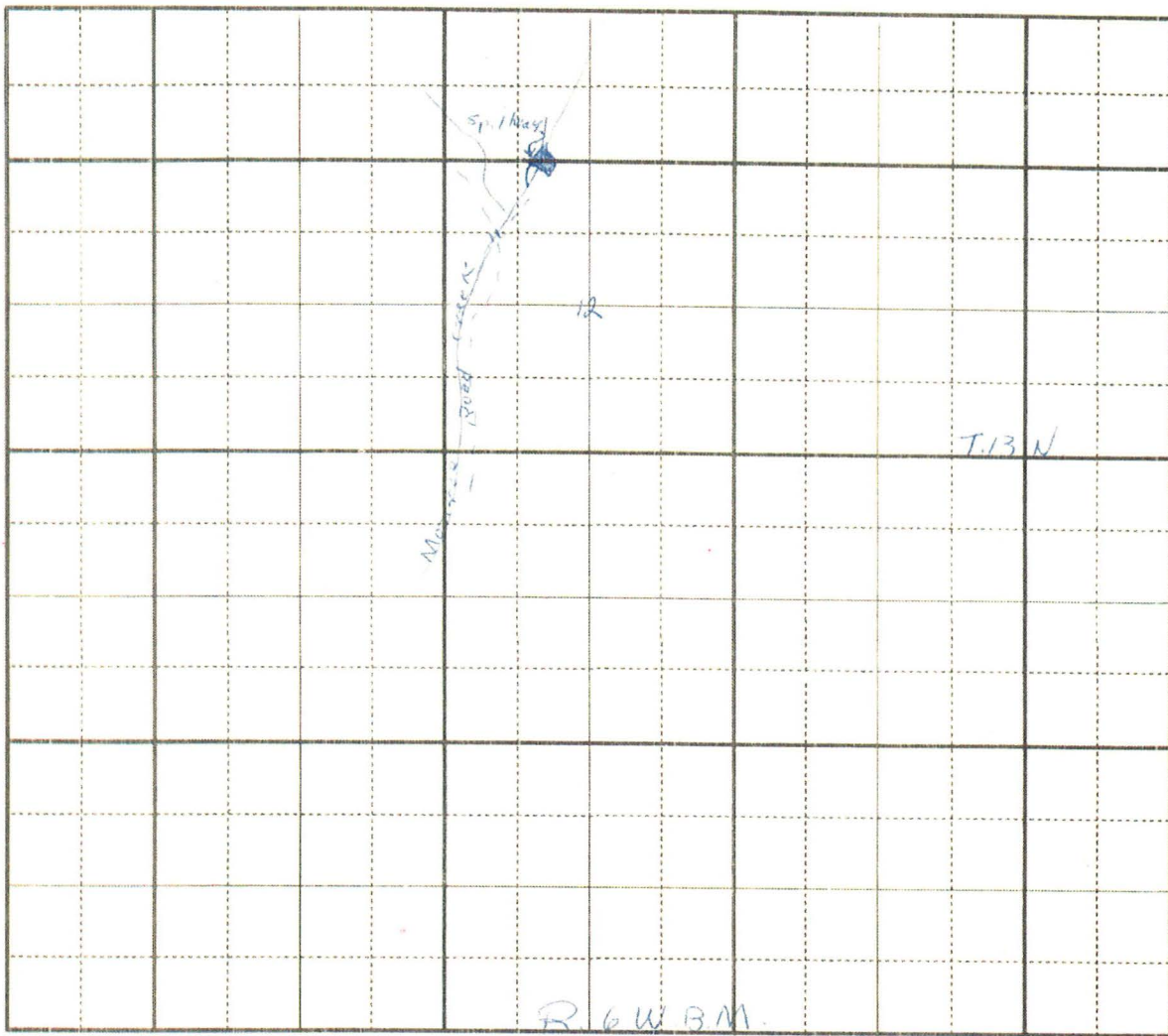
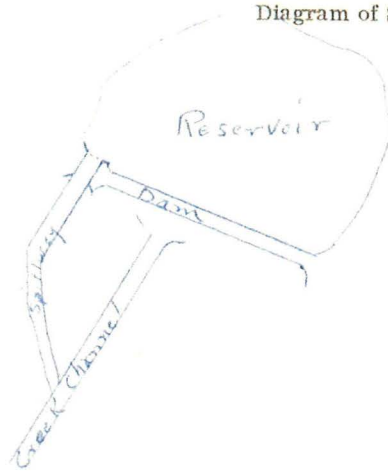


Diagram of System







DATE OF EXAM 7-14-1975

ACREAGE

Found N/A
Recommended N/A

Irrigation Requirement N/A Ac Ft/Ac

USE

Irrigation Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = 20 AF/Ann. from 1-1 to 12-31
fish & wildlife 1-1 12-31

Is water co-mingled? yes _____ no ☒

Name source: American Creek
twp. 13 N/S, Rge. 6 E/W, B.M., Sec. 12, Sub. NE $\frac{1}{4}$ TW $\frac{1}{4}$ Washington
County

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____
County

Point of injection:
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____
County

Point of exchange:
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____
County

Total Q measured N/A Method of measurement Estimate

Total Q recommended N/A Meter No. _____ Type _____ Condition _____

Total V recommended 20 Af.

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

SYSTEM DESCRIPTION:

18' high Dam ponds water over 2 Acres of Area. Dam 150' long with face of dam 1/2'. Spillway is 8' wide 4' deep concrete chute 40' long with board slits. Riprap at lower end of chute. No outlet pipe thru dam.

REMARKS:

Water forms lake at cabin site and water is used for stockwater, fish & wildlife

Examiner's Signature Robert Hamilton

Date 6-1-1976

Checked by JH

Date 6-2-76

Approved by _____

Date _____

RECEIVED

AUG 15 2006

DEPARTMENT OF
STATE RESOURCES

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 67-7240
Date Received: 8-15-06
Receipt No: C081934
Received By: AMB

NEW CLAIM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

NEW CLAIM

d.e. 2006-06-06

1. Name of Claimant(s)

NAME: Gertrude L. Sutton Phone: (208) 355-2442
2794 Knob Hill Rd.
MIDVALE, ID 83645

NAME: Phone:

2. Date of Priority: 03/19/1975

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13N	06W	12	NE NW	WASHINGTON	

5. Description of diverting works: Pond

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER STORAGE	01/01	12/31		20.0
WILDLIFE STORAGE	01/01	12/31		20.0

7. Total Quantity Appropriated is:
20.0 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use: Monroe Creek

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13N	06W	01	SE	SW	STOCKWATER STORAGE	
			SE	SW	WILDLIFE STORAGE	
Section Acres						
13N	12W	12	NE	NW	STOCKWATER STORAGE	
			NE	NW	WILDLIFE STORAGE	
Section Acres						
Total Acres						

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE

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.

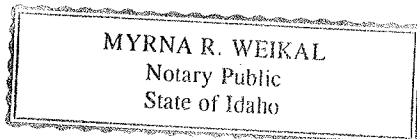
Signature of Claimant(s): Hertude L. Sutton Date: 8/9/06

_____ Date: _____

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 8th
of August 2006

Myrna R. Weikal
Notary Public



Residing at Midvale, ID

My commission Expires 12/29/06

07/07/2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-7240

WATER RIGHT NUMBER: 67-7240

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DIANA THORSON 230 E 7TH ST WEISER, ID 83672
Current Owner	FREELAND THORSON 230 E 7TH ST WEISER, ID 83672

Priority Date: 03/19/1975

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER STORAGE	1/01	12/31		20.00 AF
WILDLIFE STORAGE	1/01	12/31		20.00 AF
	<u>Total Diversion:</u>			20.00 AF

Location of Point(s) of Diversion

MONROE CREEK	NE1/4NW1/4	Sec. 12, Twp 13N, Rge 06W, B.M.
WASHINGTON County		

Place of Use

STOCKWATER STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	06W	1												X					
13N	06W	12							X										

Conditions of Approval:Remarks:Comments:

2719 Knob Hill Rd

Midvale 83645

John Sutton
739-1571

Craig*

SCANNED

AUG 17 2007

RP13N06W122400
 RP13N06W0613600
 Gertrude L Sutton
 2794 Knob Hill Rd
 Midvale 83645
 NO LIEN

a

RECEIVED

AUG 15 2006

DEPARTMENT OF
WATER RESOURCES

67-7240
SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM

Water Right Number(s): 67-81W 67-7271 67-11630

Previous Mailing Address:

→ doesn't own
RD 10-06-06

New Mailing Address:

Gertrude L. Sutton
2794 Knob Hill Rd.
Middlevale, ID 83645

Telephone Number:

(208) 355-2442

Signature of all Claimant(s):

Gertrude L. Sutton

Please print your name below your signature.

Gertrude L. Sutton

Please mail or FAX this completed form to the office nearest you:

Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177

Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701

SCANNED

OCT - 6 2006