

09/10/2007

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

RIGHT NUMBER: 67-10136

NAME AND ADDRESS: DAN L MASDEO
1396 W K ST
BENICIA CA 94510

SOURCE: FORT HALL CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.124 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

The rights listed below are limited to a total combined diversion rate of 0.116 cfs. Combined Right Nos.: 67-73A, 67-74A, 67-372A, 67-373A, and 67-10136.

PRIORITY DATE: 06/21/1921

POINT OF
DIVERSION:

T17N R01W S23 NWNE Within ADAMS County
T17N R01W S23 SENW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/15	0.104 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T17N R01W S23	SWNE	0.50	T17N R01W S23	SENE	5.30
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STOCKWATER same as IRRIGATION

5.8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 5.8 acres in a single irrigation season. Combined Right Nos.: 67-73A, 67-74A, 67-372A, 67-373A, and 67-10136.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 50 sheep and 2 horses.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10136 V1

WATER RIGHT NUMBER: 67-10136 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAN L MASDEO 1396 W K ST BENICIA, CA 94510 (925) 586-2627
Original Owner	SYLVAN H MENICHETTI PO BOX 44 FRUITVALE, ID 83620 (208)252-4760
Original Owner	CAROLYN M MENICHETTI PO BOX 44 FRUITVALE, ID 83620 (208)253-4760
Directors Report Owner	MICHAEL D DISTLER 591 MORNING GLORY DR BENICIA, CA 94510
Directors Report Owner	REBA D DISTLER 591 MORNING GLORY DR BENICIA, CA 94510

Priority Date: 06/21/1921

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 10/15	0.104 CFS	
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.124 CFS	

Location of Point(s) of Diversion

FORT HALL CREEK	SE1/4NW1/4	Sec. 23, Twp 17N, Rge 01W, B.M.
ADAMS County		
FORT HALL CREEK	NW1/4NE1/4	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			.5					5.3									5.8

Total Acres: 5.8

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10136 V1

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
3. E52 The rights listed below are limited to a total combined diversion rate of 0.116 cfs. Combined Right Nos.: 67-73A, 67-74A, 67-372A, 67-373A, and 67-10136.
4. E56 The rights listed below are limited to the irrigation of a combined total of 5.8 acres in a single irrigation season. Combined Right Nos.: 67-73A, 67-74A, 67-372A, 67-373A, and 67-10136.
5. 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.
6. X02 Stockwater use is for 50 sheep and 2 horses.

Remarks:

Comments:

1. csaxton 11/17/2005 Priority

Comment: A portion of this property is irrigated from live flow Muir Vs. Allison decreed water as well as Lost Valley Reservoir storage water. Per my guidance, do not need additional evidence of priority for flood water claim. Even though live flow is recommended for only a portion of the acreage listed in the PPU.

2. csaxton 11/17/2005 Copied from claim (1)

Comment: Ownership changed by DB 10/24/2001

3. csaxton 11/17/2005 Copied from claim (2)

Comment: THIS CLAIM IS FOR FLOOD WATERS WHEN AVAILABLE.

4. csaxton 11/17/2005 POD

Comment: Based on claim map, only two PODs recommended from Fort Hall Creek. The third POD is actually a diversion from the Robertson Sevey Ditch and is not recommended under this right.

Water Supply Bank:



Idaho Department of Water Resources

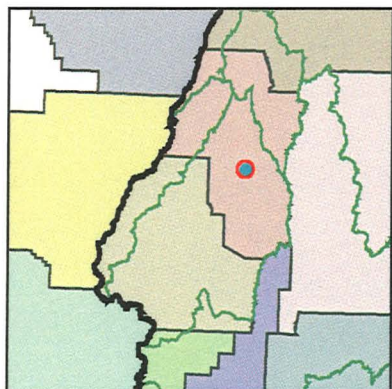
SRBA Recommendation:

67-10136

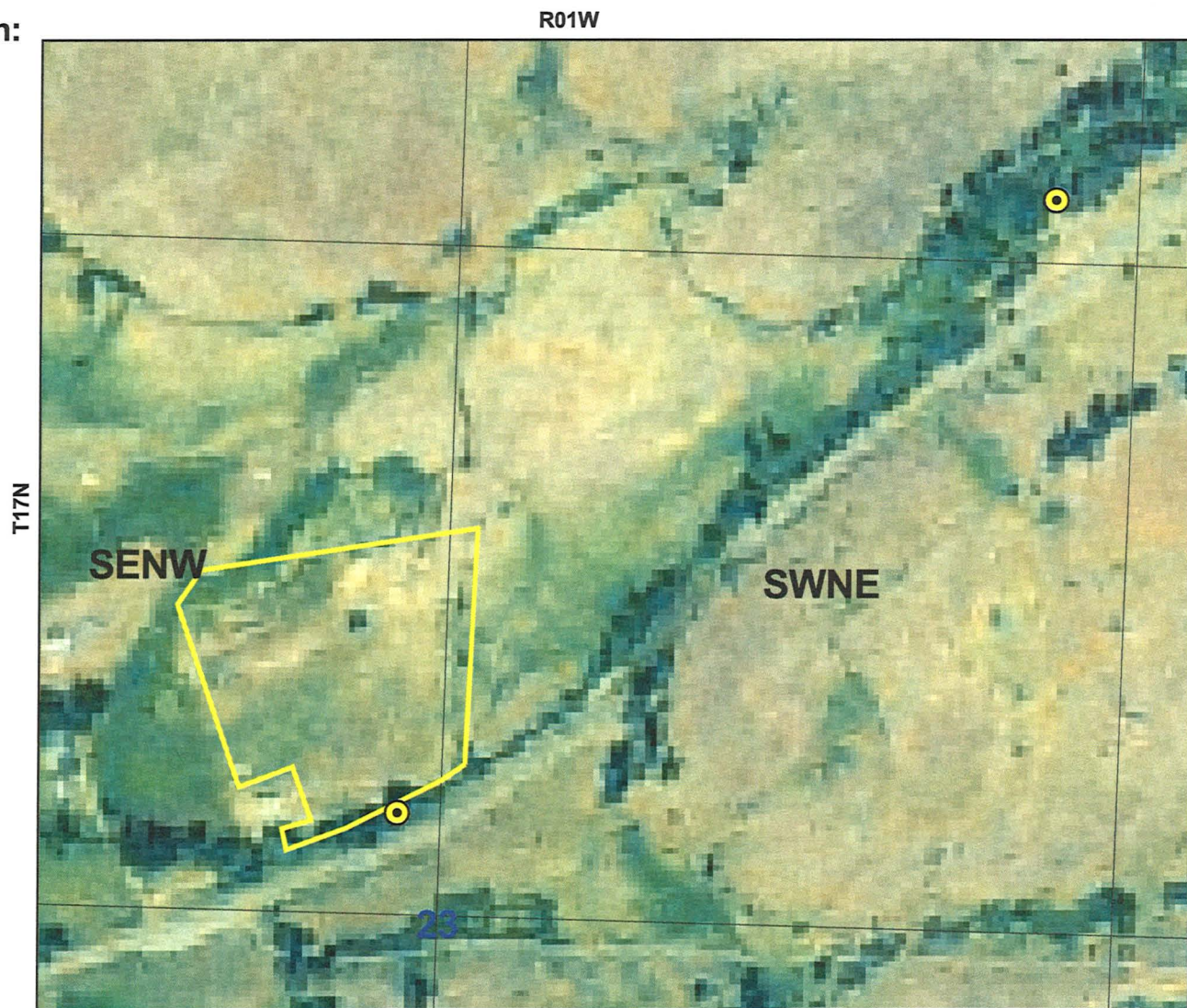
(Irrigation)

Legend

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



Adams County
IDWR Basin 67



0 0.1 0.2 Miles



Prepared by IDWR State Office
On Thursday, September 6, 2007
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10136 V1

WATER RIGHT NUMBER: 67-10136 V1

<u>Owner Type</u>	<u>Name and Address</u>
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Priority Date: 06/21/1921

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 10/15	0.104 CFS	
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.124 CFS	

Location of Point(s) of Diversion

FORT HALL CREEK ADAMS County	SE1/4NW1/4	Sec. 23, Twp 17N, Rge 01W, B.M.
FORT HALL CREEK ADAMS County	NW1/4NE1/4	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			.5				5.3										5.8

Total Acres: 5.8

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10136 V1

STOCKWATER same as IRRIGATION

Conditions of Approval:

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6. X02 Stockwater use is for 50 sheep and 2 horses.

Remarks:

Comments:

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Water Supply Bank:



Idaho Department of Water Resources

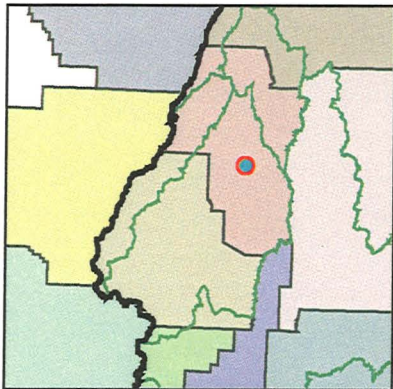
SRBA Recommendation:

67-10136

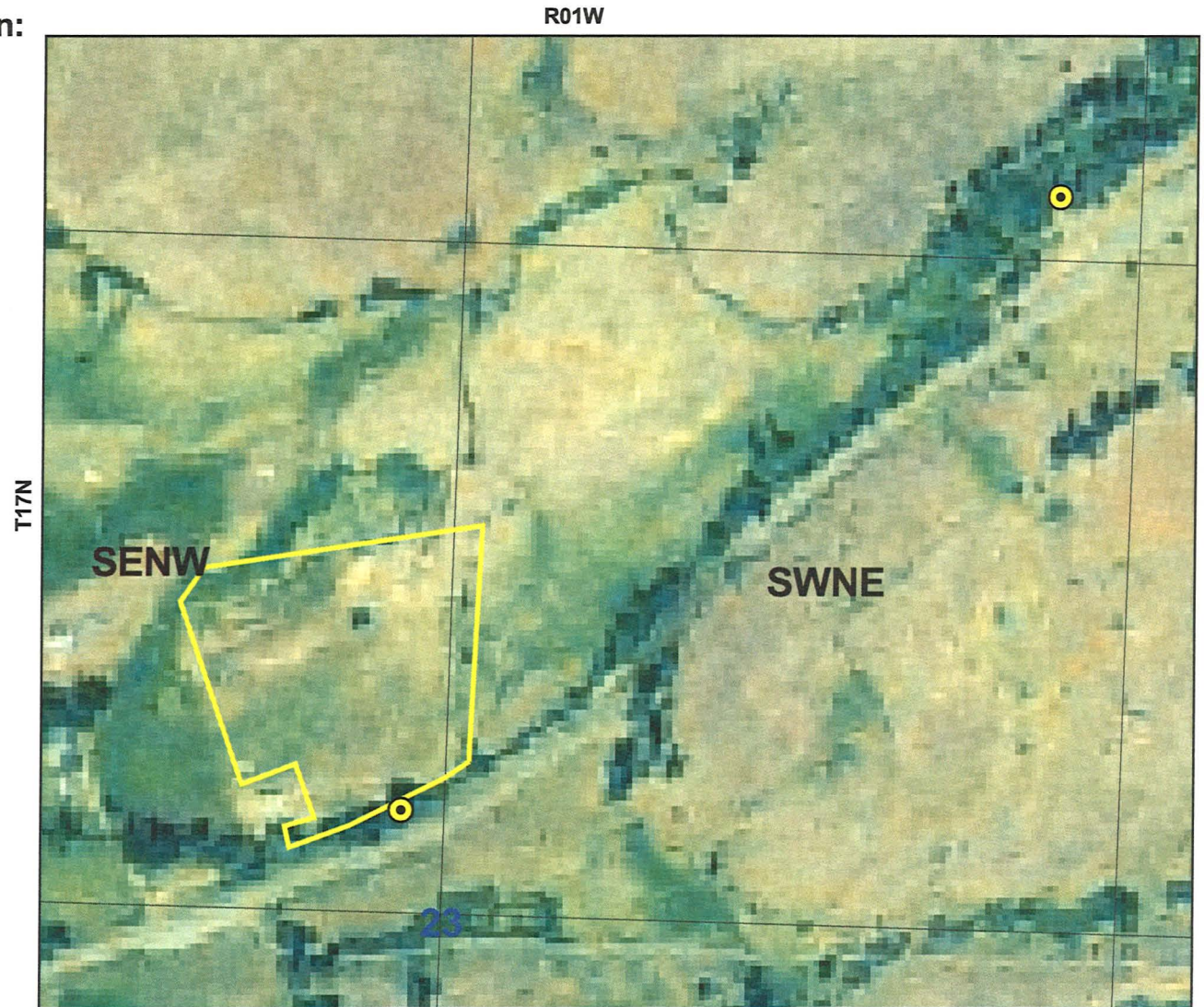
(Irrigation)

Legend

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



Adams County
IDWR Basin 67



0 0.1 0.2 Miles



Prepared by IDWR State Office
On Thursday, September 6, 2007
1987/88 Aerial Photography

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 67-10136
Date Received: 8/22/1989
Receipt No: W004833
Received By:

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

1. Name of Claimant(s): MICHAEL D DISTLER
591 MORNING GLORY DR
BENICIA CA USA 94510

Phone:

REBA D DISTLER
591 MORNING GLORY DR
BENICIA CA USA 94510

Phone:

2. Date of Priority: 06/21/1921

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	Type
17N	01W	23	SE NW	ADAMS	
17N	01W	23	SW NE	ADAMS	
17N	01W	23	NW NE	ADAMS	

5. Description of diverting works:

DAM IN CREEK TO DITCH TO PUMP AND/OR GRAVITY TO P.O.U; FLOOD WATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	10/15	0.12	
STOCKWATER	3/15	10/15	0.02	

SCANNED
APR 08 2004

7. Total Quantity Appropriated is:
0.14 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	01W	23	SE NW SE NW		IRRIGATION STOCKWATER	6
					Section Acres	6
					Total Acres	6

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:

14. Remarks:

Ownership changed by DB 10/24/2001

THIS CLAIM IS FOR FLOOD WATERS WHEN AVAILABLE

15. Basis of Claim: Beneficial Use

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**OCT 24 2001**WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	P.D. A67-10137	NO		A67-00372A	NO
	0082G A67-000926	NO		A67-10136	NO
	A67-00074A	NO			
	A67-00073A	NO			
	A67-00373A	NO			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Syl Menichetti/Carolyn Menichetti
4. New Owner/Claimant(s) Michael D. Distler or Reba D. Distler
 Name Connector (Check one): ☐ and, ☒ or, ☐ and/or
- New Mailing Address 591 Morning Glory Drive
- City, State and ZIP Code Benicia, CA 94510
- New Telephone Number ()
5. Date you acquired the property July 12, 2001

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Reba D Distler
(include title if applicable) 174441 D Distler

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

INSTRUMENT NO. 100169
PAGE 1 OF 2

WARRANTY DEED

Copy

For Value Received, SYL MENICHETTI and CAROLYN MENICHETTI,
husband and wife

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

MICHAEL D. DISTLER and REBA D. DISTLER, husband and wife

the grantees, whose current address is, 591 Morning Glory Drive,
Benicia, Ca 94510

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

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the
said Grantees, their heirs and assigns forever. And the said Grantors do
hereby covenant to and with the said Grantees, that they are the owners in
fee simple of said premises; that they are free from all encumbrances
excepting for all easements of record, rights of way, matters visible, and
all matters of record and title and that they will warrant and defend the
same from all lawful claims whatsoever.

Date: July 12, 2001

Syl Menichetti
SYL MENICHETTI

Carolyn Menichetti
CAROLYN MENICHETTI

STATE OF Idaho)
COUNTY OF Adams) : ss

On this 30 day of July, in the year of 2001, before me, a Notary Public in and for said State,
personally appeared
SYL MENICHETTI & CAROLYN MENICHETTI
known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged
to me that they executed the same.

Christy C. Ward
Notary Public

Residing at: Indian Valley
Commission expires: 3-17-04

Instrument No. 100169

COUNCIL, 7, IDAHO

2001-08-06 03:52:03 No. of Pages:

Recorded: ADAMS COUNTY TITLE & ESCROW

MICHAEL D. DISTLER \$6.00

Ex-Officio Recorder Deputy Reba Distler
Index to DEED

EXHIBIT 'A'

INSTRUMENT NO. 100169

PAGE 2 OF 2

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 23: A parcel in the SE1/4NW1/4 and the SW1/4NE1/4 more particularly described as follows:

Commencing at a point North 36° 35' 46" East 3018.31 feet from the Southwest Section corner tie of Section 23;

Thence North 69° 09' 00" East 536.55 feet, the REAL POINT OF BEGINNING;

Thence North 20° 40' 04" West 596.51 feet;

Thence North 79° 42' 43" East 626.71 feet;

Thence South 00° 50' 18" West 502.98 feet;

Thence on a curve along U.S. Highway 95, radius 1096.00 feet, delta 09° 15' 09" and chord bearing South 64° 31' 26" West 176.99 feet;

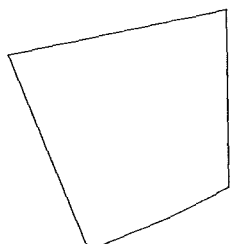
Thence South 69° 09' 00" West 255.89 feet to the REAL POINT OF BEGINNING.

EXCEPTING the right-of-way of U.S. Highway 95

MN IW

SE NW

SW NE



23

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: A67-10136
Date Received: 8/22/1989
Receipt No: W004833
Received By: ESH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SYLVAN MENICHETTI 208-253-4760
Address: P.O. BOX 44
FRUITVALE, ID 83620

AND/OR

Name: CAROLYN MENICHETTI 208-253-4760
Address: P.O. BOX 44
FRUITVALE, ID 83620

2. Date of Priority: JUN 21, 1921

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	NE			ADAMS
			SW	NE			ADAMS
			SE	NW			ADAMS

5. Description of diverting works:

DAM IN CREEK TO DITCH TO PUMP AND/OR GRAVITY TO P.O.U; FLOOD WATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	10/15	0.120		
STOCKWATER	03/15	10/15	0.020		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/50 HEAD SHEEP AND 2 HEAD HORSES

A67-10136

Page 1

Date: 08/22/89

MICROFILMED
OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	23	SE	NW		IRR	6.0
			SE	NW		STOCK	
						Section Acres	6.0
						Total Acres	6.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
67-00072,00073,00372,00373,00082

14. Remarks:
THIS CLAIM IS FOR FLOOD WATERS WHEN AVAILABLE.

15. Basis of Claim: BENEFICIAL USE

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 X 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): *Stephen H. Mendenhall* Date: 8/24/89
Carolyn Mendenhall Date: 8/22/89

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22 day

of Aug 19 89

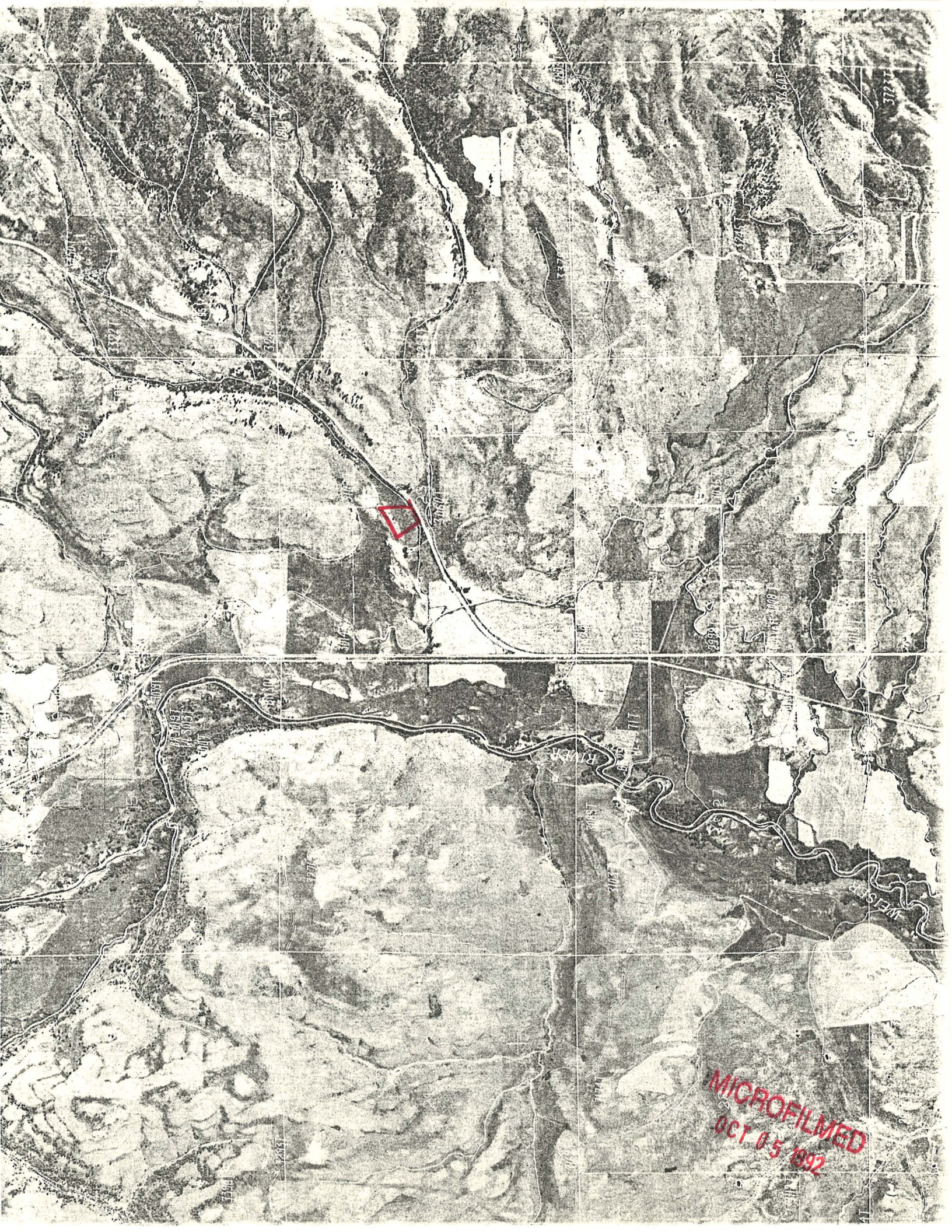
Eldon L. Roush
Notary Public

Seal

Residing at _____

My Commission Expires _____

Eldon L. Roush
Residing at Boise, Idaho
My Commission Expires September 8, 1994



MICROFILMED
OCT 05 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 25, 2001

MICHAEL D DISTLER
REBA D DISTLER
591 MORNING GLORY DR
BENICIA CA 94510

Re: Notice of Claim to a Water Right No. 67-00082G, 67-00073A, 67-00074A, 67-00372A,
67-00373A & 67-10136

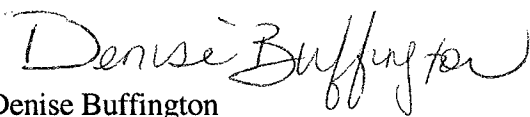
Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

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

Please note, the changes for water right number 67-10137 are being processed at our State Office, as the file is at that office. Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,


Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

11/18/2005

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

RIGHT NUMBER: 67-10136

NAME AND ADDRESS: MICHAEL D DISTLER
591 MORNING GLORY DR
BENICIA CA 94510

REBA D DISTLER
591 MORNING GLORY DR
BENICIA CA 94510

SOURCE: FORT HALL CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.124 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

The rights listed below are limited to a total combined diversion rate of 0.116 cfs. Combined Right Nos.: 67-73A, 67-74A, 67-372A, 67-373A, and 67-10136.

PRIORITY DATE: 06/21/1921

POINT OF DIVERSION:

T17N R01W S23 NWNE Within ADAMS County

T17N R01W S23 SENW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/15	0.104 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S23 SWNE 0.5 T17N R01W S23 SENW 5.3

STOCKWATER same as IRRIGATION

5.8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 5.8 acres in a single irrigation season. Combined Right Nos.: 67-73A, 67-74A, 67-372A, 67-373A, and 67-10136.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

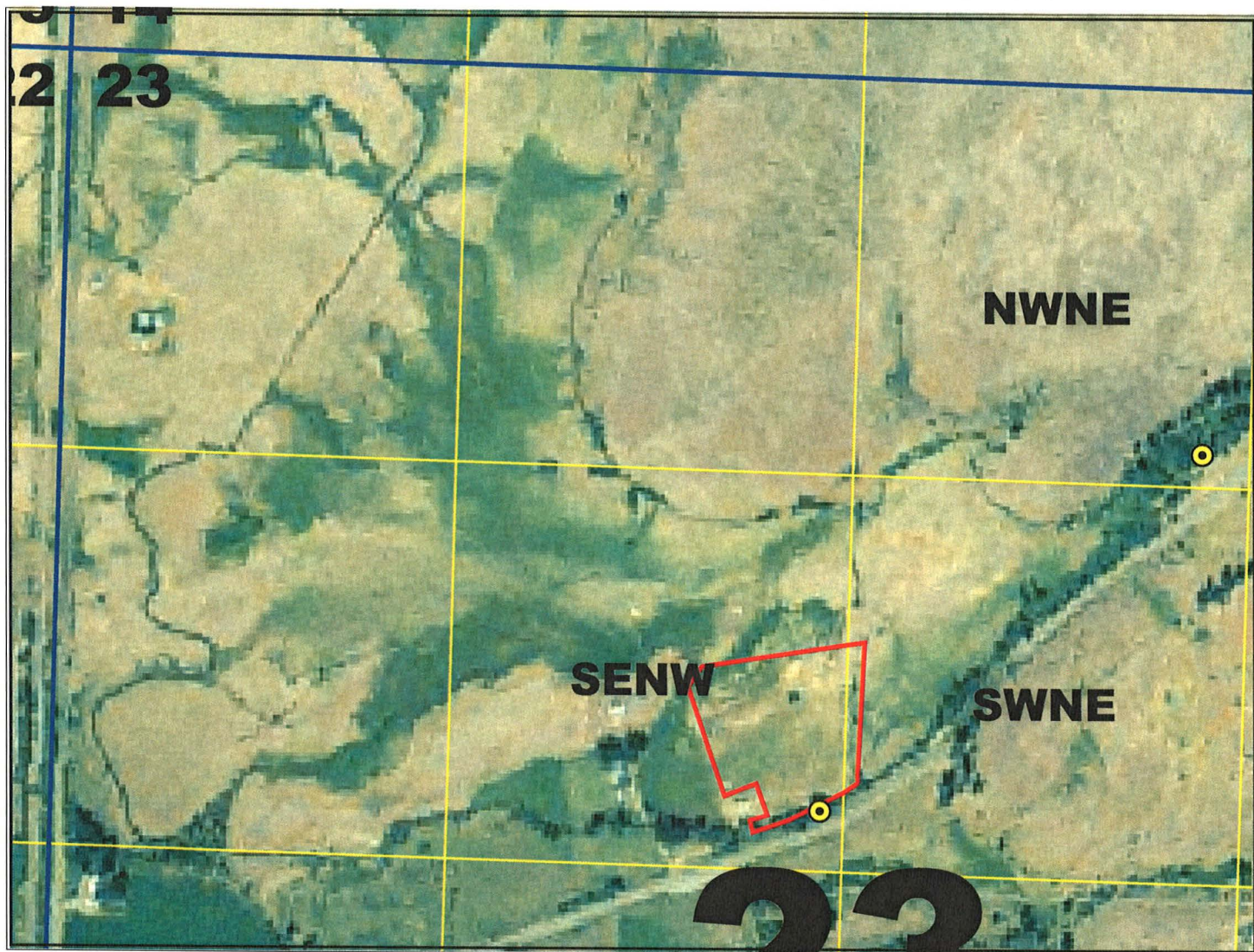
Stockwater use is for 50 sheep and 2 horses.



STATE OF IDAHO

Department of Water Resources

Water Right(s): 67-372A. 67-373A
and 67-10136



0 1350 Feet

- Point(s) of Diversion
- Place of Use
- Quarter Quarter Lines
- Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: November 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10136 V1

WATER RIGHT NUMBER: 67-10136 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SYLVAN H MENICHETTI PO BOX 44 FRUITVALE, ID 83620 (208)252-4760
Original Owner	CAROLYN MENICHETTI PO BOX 44 FRUITVALE, ID 83620 (208)253-4760
Current Owner	MICHAEL D DISTLER 591 MORNING GLORY DR BENICIA, CA 94510
Current Owner	REBA D DISTLER 591 MORNING GLORY DR BENICIA, CA 94510

Priority Date: 06/21/1921

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 10/15	0.104 CFS	
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.124 CFS	

Location of Point(s) of Diversion

FORT HALL CREEK	SE1/4NW1/4	Sec. 23, Twp 17N, Rge 01W, B.M.
ADAMS County		
FORT HALL CREEK	NW1/4NE1/4	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			.5				5.3										5.8

Total Acres: 5.8

STOCKWATER same as IRRIGATIONConditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10136 V1

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
3. E52 The rights listed below are limited to a total combined diversion rate of 0.116 cfs. Combined Right Nos.: 67-73A, 67-74A, 67-372A, 67-373A, and 67-10136.
4. E56 The rights listed below are limited to the irrigation of a combined total of 5.8 acres in a single irrigation season. Combined Right Nos.: 67-73A, 67-74A, 67-372A, 67-373A, and 67-10136.
5. 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.
6. X02 Stockwater use is for 50 sheep and 2 horses.

Remarks:Comments:

1. csaxton 11/17/2005 Priority

Comment: A portion of this property is irrigated from live flow Muir Vs. Allison decreed water as well as Lost Valley Reservoir storage water. Per my guidance, do not need additional evidence of priority for flood water claim. Even though live flow is recommended for only a portion of the acreage listed in the PPU.

2. csaxton 11/17/2005 Copied from claim (1)

Comment: Ownership changed by DB 10/24/2001

3. csaxton 11/17/2005 Copied from claim (2)

Comment: THIS CLAIM IS FOR FLOOD WATERS WHEN AVAILABLE.

4. csaxton 11/17/2005 POD

Comment: Based on claim map, only two PODs recommended from Fort Hall Creek. The third POD is actually a diversion from the Robertson Sevey Ditch and is not recommended under this right.

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: OR

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	11/17/2005 2:49:55 PM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10136 V1

Priority Date	11/17/2005 2:50:21 PM	csaxton	Active
POD	11/17/2005 2:50:32 PM	csaxton	Active
Source	11/17/2005 2:52:14 PM	csaxton	Active
POU	11/17/2005 2:52:40 PM	csaxton	Active
Use	11/17/2005 2:53:52 PM	csaxton	Active
Season	11/17/2005 2:54:46 PM	csaxton	Active
Quantity	11/17/2005 2:56:11 PM	csaxton	Active
Summary	11/17/2005	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	11/17/2005 2:51:32 PM	csaxton	Updated shape
POU	11/17/2005 2:53:30 PM	csaxton	Updated PLS for Active POU
Contacts	11/17/2005 2:49:55 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
General	11/17/2005 2:50:21 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (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 - A portion of this property is irrigated from live flow Muir Vs. Allison decreed water as well as Lost Valley Reservoir storage water. Per my guidance, do not need additional evidence of priority for flood water claim. Even though live flow is recommended for only a portion of the acreage listed in the PPU.
POD	11/17/2005 2:50:32 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	11/17/2005 2:51:11 PM	csaxton	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10136 V1

Source	11/17/2005 2:52:14 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Flood water on top of Muir vs. Allison Decreed water.
POU	11/17/2005 2:52:40 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - 1987 NAPP. Desktop Review.
POU	11/17/2005 2:53:09 PM	csaxton	Updated shape for Active POU
Use	11/17/2005 2:53:52 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Desktop Review
Season	11/17/2005 2:54:47 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10136 V1

Quantity	11/17/2005 2:56:11 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (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? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Per David Tuthill, claims for 0.20 cfs or less do not require measurement.
Summary	11/17/2005 3:30:13 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?

Water Supply Bank:

Contacts Data Entry Form**Claim Number: 67-10136**

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	SYLVAN H MENICHETTI	PO BOX 44	FRUITVALE	ID	83620	(208)252-4760
Original Owner	CAROLYN MENICHETTI	PO BOX 44	FRUITVALE	ID	83620	(208)253-4760
Current Owner	MICHAEL D DISTLER	591 MORNING GLORY DR	BENICIA	CA	94510	
Current Owner	REBA D DISTLER	591 MORNING GLORY DR	BENICIA	CA	94510	

Date of Field Exam: Desktop Review Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

Ownership looks accurate

Reviewer: L. SuptisDate: 11-17-05

Priority Date Data Entry Form

Claim Number 67-10136

Claimed Priority Date: 6/21/1921

Claimed Basis: Beneficial Use

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

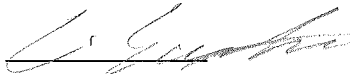
Water Right Priority Date:

Water Right Basis:

Recommended Priority Date 6 21 1921 Recommended Basis B-use

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Because this is flood water that overlaps
decreased water from both live flow
and storage. No EOP needed.
additional

Reviewer: Date: 11-17-05

Point of Diversion and Source Data Entry Form

Claim Number 67-10136

Claimed Point of Diversion and Source

T17N R01W S23 NWNE Within ADAMS County Source: FORT HALL CREEK WEISER RIVER

~~T17N R01W S23 SWNE Within ADAMS County Source: FORT HALL CREEK WEISER RIVER~~

T17N R01W S23 SENW Within ADAMS County Source: FORT HALL CREEK WEISER RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

Ft Hall Ck Weiser River

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
17N	1W	03		NWDE	Adams	Ft Hall Ck
				SE NW	"	"

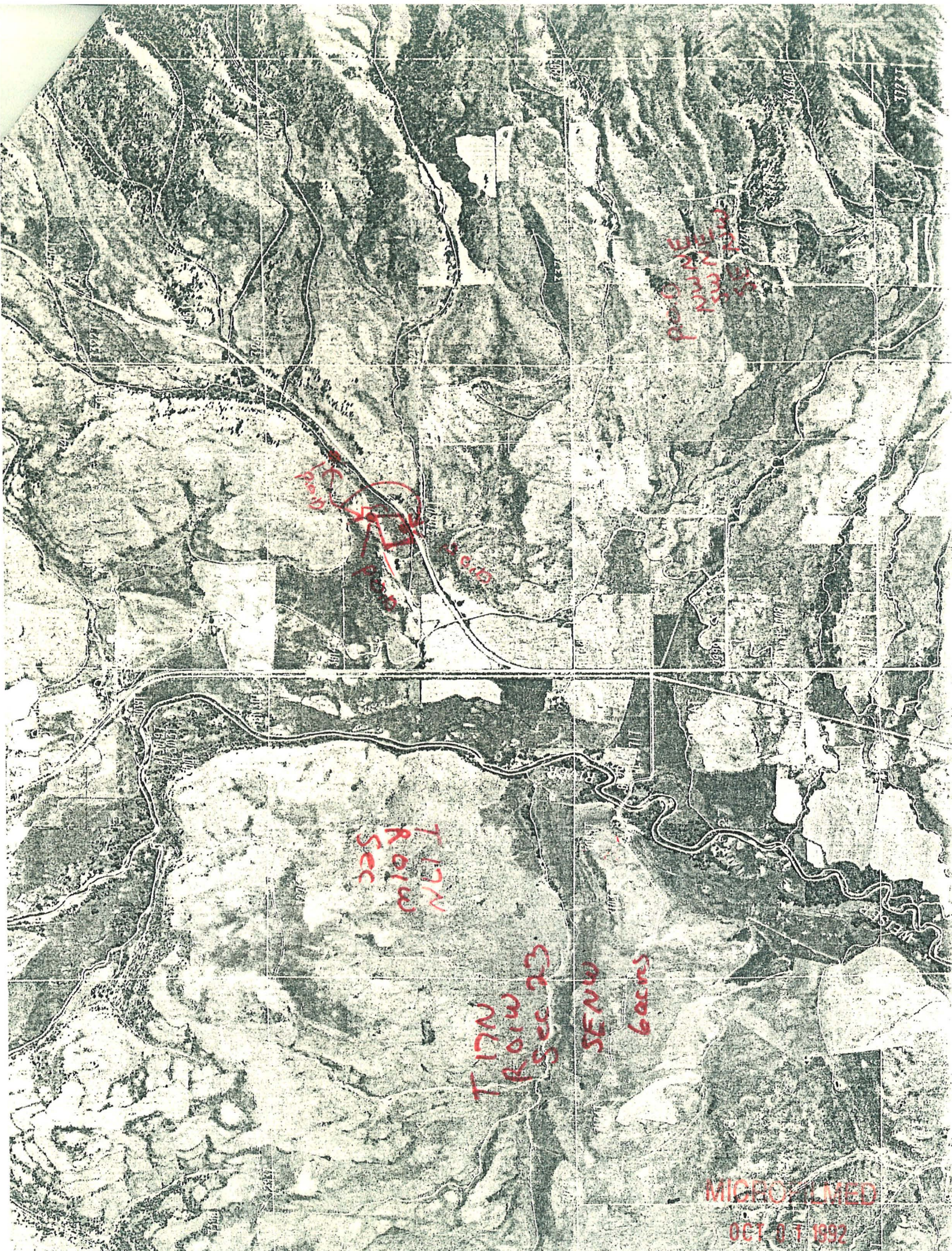
Other rights from this POD? 67-372A + 67-373A

Document how the POD and Source were verified:

Airphoto map

Reviewer: C. Smith

Date: 11-27-05



T 17N
R 61W
Sec

T 17N
R 61W
Sec 23

SE NW
60 acres

P.O. Box 211
Rt. 211
Rt. 211
Rt. 211

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Place Of Use Data Entry Form

Claim Number 67-10136

Claimed Place Of Use

T17N R01W S23 SENW 6.0

T17N R01W S23 SENW

Total Acres 6

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

☐ See corrections to claimed POU above

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
17N	1W	23	SE	SW	McDon		5.7	Irr
			SW	NE	"		0.5	Irr

Total Acres 6.2

Document how the POU was verified:

Reviewer: Date: 11/17/05

Purpose of Use Data Entry Form

Claim Number 67-10136

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			
STOCKWATER			

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
-----------	-----------------	-----------------	------------

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irr				
Stock		52		

Document how the Purpose of Use was verified:

50 sheep + 2 horses

Reviewer:



Date:

11-18-05

Period of Use and Quantity Data Entry Form

Claim Number 67-10136

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	10/15	0.12	
STOCKWATER	3/15	10/15	0.02	
Overall Diversion Rate	0.14	Overall Diversion Volume		

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Overall Diversion Rate		Overall Diversion Volume		

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irr	3-15	10-15	0.104	
Stock	1-1	12-31	0.02	

Overall Diversion Rate 0.124 Overall Diversion Volume N/A

Document how the Period of Use and/or Diversion Rate were verified:

Brings Irrigation up to 1" per acre with
the decreed live flow.

Reviewer: C. Spahr

Date: 11-17-05

Claim

<u>Basin</u>	<u>Sequenc</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	73	A	Decreed	Active	5/1/1906	0.04		LOST CRE IRRIGATION		DISTLER, M	Claim
67	74	A	Decreed	Active	5/1/1916		0.37	LOST CRE IRRIGATION		DISTLER, M	Claim
67	82	G	Decreed	Active	5/27/1910			3 LOST CRE IRRIGATION FROM		DISTLER, M	Claim

**These were recommended as Disallowed, guidance from Dave Tuthill is to recommend them as live flow rather than disallow.*

67	372	A	Decreed	Active	1882-05-01	0.01		6 FORT HAL IRRIGATION, STO		DISTLER, M	Claim
67	373	A	Decreed	Active	1889-05-01	0.01		6 FORT HAL IRRIGATION, STO		DISTLER, M	Claim
67	10136		eneficial Us	Active	6/21/1921	0.14		6 FORT HAL IRRIGATION, STO		DISTLER, M	Claim

Recommendation

<u>Basin</u>	<u>Sequenc</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	82	G	Decreed	Disallowed	5/27/1910			3 LOST CRE IRRIGATION FROM		DISTLER, M	Recommendation

<u>Basin</u>	<u>Sequenc</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	73	A	Decreed	Active	5/1/1906	0.053	4.3	WEISER R IRRIGATION		DISTLER, M	Recommendation
67	74	A	Decreed	Active	5/1/1916	0.011	0.8	WEISER R IRRIGATION		DISTLER, M	Recommendation
67	372	A	Decreed	Active	1882-05-01	0.006	0.5	FORT HAL IRRIGATION, STO		DISTLER, M	Recommendation
67	373	A	Decreed	Active	1889-05-01	0.006	0.5	FORT HAL IRRIGATION, STO		DISTLER, M	Recommendation
67	10136		Beneficial l	Active	6/21/1921	0.104	5.8	FORT HAL IRRIGATION, STO		DISTLER, M	Recommendation

Limit to 0.116 5.8

Ready to Recommend



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 2, 1990

Syl and Carolyn Menichetti
P.O. Box 44
Fruitvale, ID 83612

Adams Co.

2-27-91
filed on 8/22/89 see #1's
on W004833: attached for other #1's
Dawn Smith

RE: Snake River Basin Adjudication (SRBA)
Request for Information

Dear Mr. and Mrs. Menichetti:

I apologize for the delay in responding to your letter of January 2, 1990. As the claims-taking progresses in the Snake River Basin Adjudication (SRBA), we are responding as quickly as possible, but not as quickly as we would like.

In response to your questions regarding filings within the south half of the northeast quarter, Section 23, Township 17 North, Range 1 West, Boise Meridian, I have attached several listings for your information. At this point, the Department shows two separate areas for information: the water rights which we had on record previously, and the uses which have been filed as Notices of Claim in the SRBA which include new filings plus filings for most of those previously recorded. I have enclosed lists from both. Please note that we are not up-to-date with data entry; therefore, Notices of Claims may have been filed, however, they do not show on the listing as yet. We hope to have all of the information in the computer within three to six months.

In regard to water uses not filed by the filing deadline, Notices of Claim can be filed up until the time the IDWR Director's Report goes to the court. However, late fees will be applied in addition to the filing fee; the late fee is \$50 or 15% of the filing fee, whichever is greater. Once the Court makes a determination of waters and issues a decree, water uses not claimed in the SRBA (except small domestic and stockwater uses) will probably be forfeited. After the adjudication and for the development of a new water right, a prospective water user would file an Application for Permit to gain approval to proceed with the new use(s).

SCANNED

APR 08 2004

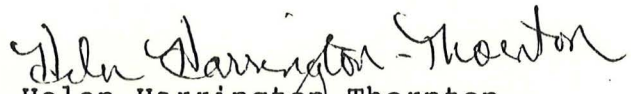
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Syl and Carolyn Menichetti
March 2, 1990
Page 2

Your question concerning an earthen dam constructed in the northeast quarter, Section 23, Township 17 North, Range 1 West, B.M., Adams County, has been referred to the Department's Dam Safety Section. To our knowledge, there is no dam authorized by the Department at that location. Amongst other duties, the Department regulates water storage dams that are 10 feet or more in height, or that store 50 acre-feet or more, with certain exclusions. Our Safety of Dams Statutes and Rules and Regulations require the owner to make application prior to construction, then following approval, the dam must be constructed, operated and maintained to assure it is safe.

I hope this answers your questions. If you have any additional questions or need other assistance, please do not hesitate to contact the Department. Again, I apologize for the delay.

Sincerely,


Helen Harrington-Thornton
Senior Water Rights Agent

HHT:sf:state
Enclosures:
Proof of Claim Reports

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OCT 05 1992

LAZY



SYL and CAROLYN MENICHETTI

P.O. Box 44
Fruitvale, ID 83612
208 253-4760

January 2, 1990

RECEIVED
JAN 4 1990

Department of Water Resources

Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83720

Gentlemen:

3 questions:

Please advise how much water has been filed on under the new rules for the S2NE4, Sec. 23, T. 17 N., R 1 WBM in Adams County, and the priority date therefor, and the source.

Next question: What are the prerequisites for a person to build an earthen dam in a natural water way? A person has built such on the land above described, and if it has not been carefully built, it has the definite possibility of flooding us out come spring runoff. Not that we want to squeal on our neighbors, but then neither do we feel like being flooded at an inopportune time!! (Is there ever an opportune time?)

Next question: If we should purchase another piece of property at a future time, and if its water was not timely filed on in the SRBA, will that water not so timely filed be lost to the new owners? Are they then back to filing claims for beneficial use?

Thank you very much for your attention to these matters. We await your reply.

Yours very truly,

Carolyn Menichetti
Carolyn Menichetti

MICROFILMED
OCT 05 1992