

11/14/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-10171

JUNE I DERIE
920 JONATHAN RD
WEISER ID 83672-5122
Telephone Number: (208) 741-0343

LARRY D DERIE
920 JONATHAN RD
WEISER ID 83672-5122

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

LEFT OUT POINT OF DIVERSION

PRIORITY DATE, PERIOD OF USE, SOURCE ARE THE SAME AS THE OTHER ^{POINTS OF} ~~POD~~ DIVERSION IN THIS WATER RIGHT

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

I OR SOMEONE LEFT OUT A POINT OF DIVERSION ON THIS WATER RIGHT. I HAVE MARKED THE POINT OF DIVERSION THAT WAS LEFT OUT CLEARLY ON THE MAP

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

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

DATE: 11/25/06 SIGNATURE: Larry Derie
Please print your name: LARRY DERIE

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

See comment on Rec. The 6th POD is a culvert
that appears to be part of an unnamed stream

11/14/2006

RIGHT NUMBER: 67-10171

NAME AND ADDRESS: JUNE I DERIE
920 JONATHAN RD
WEISER ID 83672-5122

LARRY D DERIE
920 JONATHAN RD
WEISER ID 83672-5122

SOURCE: WASTE WATER TRIBUTARY: MILL CREEK

QUANTITY: 1.660 CFS

The rights listed below are limited to a total combined diversion rate or irrigation purposes of 1.63 cfs. Combined Right Nos.: 67-355A, 67-4337, and 67-10171.

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

PRIORITY DATE: 03/15/1969

POINT OF DIVERSION:

T17N	R01W	S34	NESE	Within	ADAMS	County
T17N	R01W	S34	NESE	Within	ADAMS	County
T17N	R01W	S34	NESE	Within	ADAMS	County
T17N	R01W	S34	NESE	Within	ADAMS	County
T17N	R01W	S34	SESE	Within	ADAMS	County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.630 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE:

IRRIGATION in ADAMS County

T17N R01W S34	NESE	24.00	T17N R01W S34	NWSE	9.30
T17N R01W S34	SWSE	22.00	T17N R01W S34	SESE	26.00

STOCKWATER same as IRRIGATION

81.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 81.3 acres in a single irrigation season. Combined Right Nos.: 67-355A, 67-4337, and 67-10171.

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 75 range cattle.

SCANNED
DEC - 6 2006



Idaho Department of Water Resources

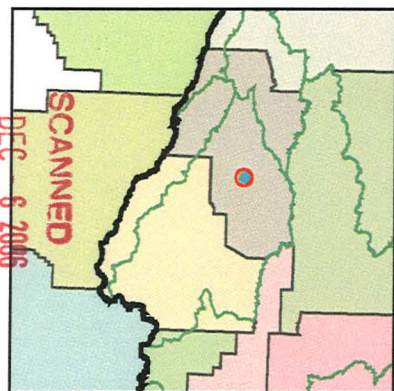
SRBA Recommendation:

67-10171

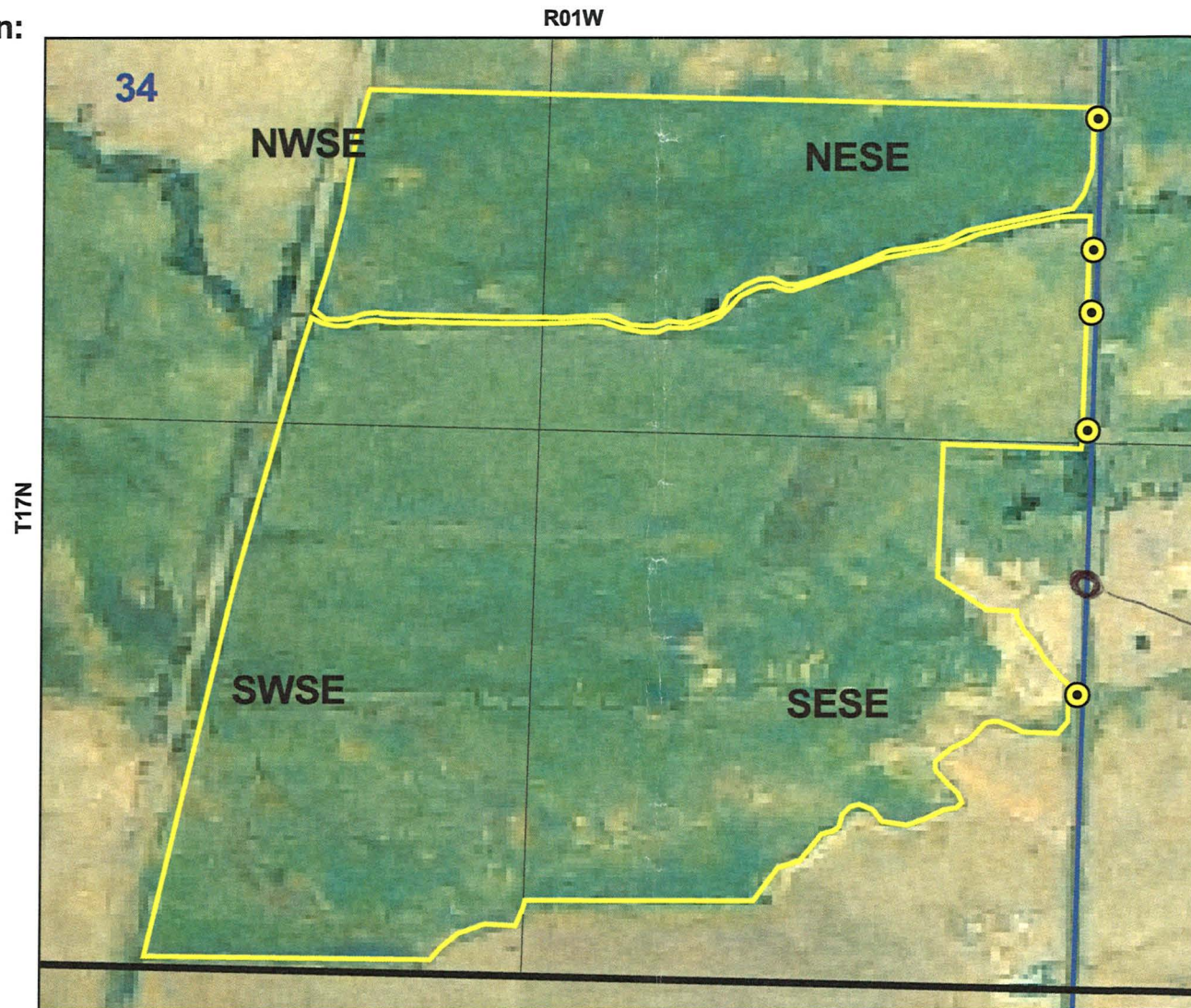
(Irrigation)

Legend

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



Adams County
IDWR Basin 67



0 0.2 0.4 Miles

Prepared by IDWR State Office
On Thursday, November 16, 2006
1987/88 Aerial Photography

ONE MORE POINT OF DIVERSION

RECEIVED
NOV 16 2006
STATE OF IDAHO
DEPT. OF WATER RESOURCES

09/05/2006

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

RIGHT NUMBER: 67-10171

NAME AND ADDRESS: JUNE I DERIE
920 JONATHAN RD
WEISER ID 83672-5122

LARRY D DERIE
920 JONATHAN RD
WEISER ID 83672-5122

SOURCE: WASTE WATER

TRIBUTARY: MILL CREEK

QUANTITY: 1.660 CFS

The rights listed below are limited to a total combined diversion rate or irrigation purposes of 1.63 cfs. Combined Right Nos.: 67-355A, 67-4337, and 67-10171.

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

PRIORITY DATE: 03/15/1969

POINT OF DIVERSION:

T17N R01W S34 NESE Within ADAMS County
T17N R01W S34 NESE Within ADAMS County
T17N R01W S34 NESE Within ADAMS County
T17N R01W S34 NESE Within ADAMS County
T17N R01W S34 SESE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.630 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S34	NESE	24.00	T17N R01W S34	NWSE	9.30
T17N R01W S34	SWSE	22.00	T17N R01W S34	SESE	26.00

STOCKWATER same as IRRIGATION

81.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 81.3 acres in a single irrigation season. Combined Right Nos.: 67-355A, 67-4337, and 67-10171.

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 75 range cattle.



Idaho Department of Water Resources

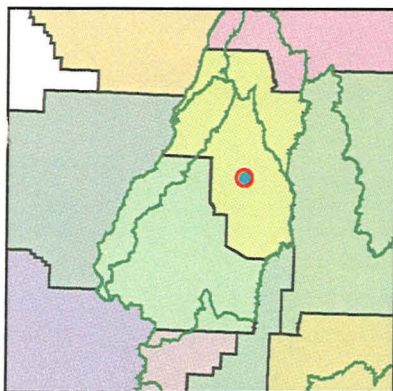
SRBA Recommendation:

67-10171

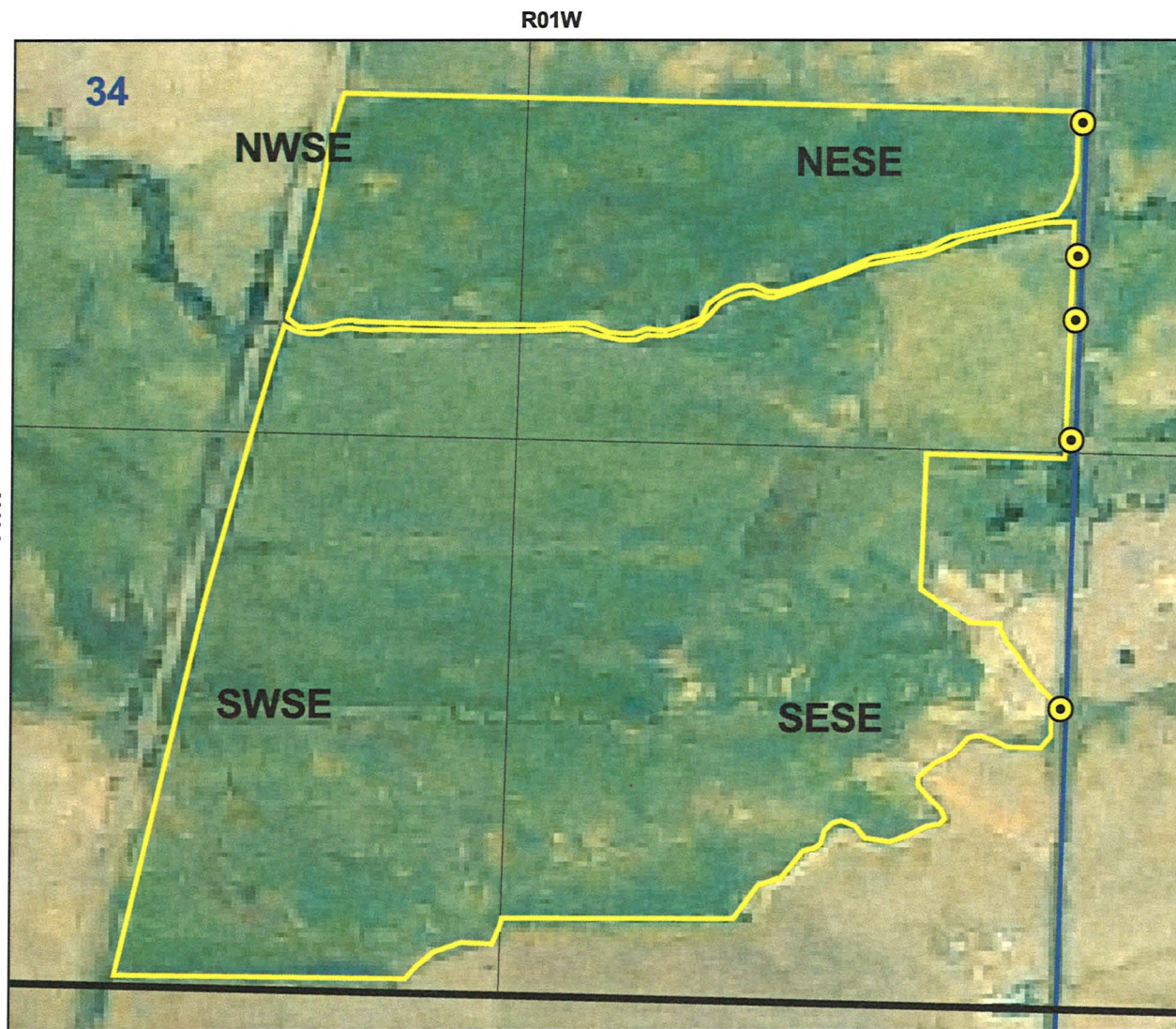
(Irrigation)

Legend

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



Adams County
IDWR Basin 67



0 0.2 0.4 Miles



Prepared by C. Saxton
On Tuesday, September 5, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10171 V1

WATER RIGHT NUMBER: 67-10171 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JUNE I DERIE 920 JONATHAN RD WEISER, ID 83672-5122 (208)741-0343
Current Owner	LARRY D DERIE 920 JONATHAN RD WEISER, ID 83672-5122

Priority Date: 03/15/1969

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	MILL CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.630 CFS	
STOCKWATER	01/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	1.660 CFS	

Location of Point(s) of Diversion

WASTE WATER	NE1/4SE1/4	Sec. 34, Twp 17N, Rge 01W, B.M.
ADAMS County		
WASTE WATER	NE1/4SE1/4	Sec. 34, Twp 17N, Rge 01W, B.M.
ADAMS County		
WASTE WATER	NE1/4SE1/4	Sec. 34, Twp 17N, Rge 01W, B.M.
ADAMS County		
WASTE WATER	SE1/4SE1/4	Sec. 34, Twp 17N, Rge 01W, B.M.
ADAMS County		
WASTE WATER	NE1/4SE1/4	Sec. 34, 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	34													24.0	9.3	22.0	26.0	81.3

Total Acres: 81.3

STOCKWATER same as IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-10171 V1

Conditions of Approval:

1. X02 Stockwater use is for 75 range cattle.
2. E52 The rights listed below are limited to a total combined diversion rate or irrigation purposes of 1.63 cfs. Combined Right Nos.: 67-355A, 67-4337, and 67-10171.
3. E56 The rights listed below are limited to the irrigation of a combined total of 81.3 acres in a single irrigation season. Combined Right Nos.: 67-355A, 67-4337, and 67-10171.
4. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
5. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
6. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:

1. csaxton 11/9/2005 Priority Date

Comment: Affidavit supporting priority date states knowledge of use back to the 1960s. Per claims investigation manual, since date mentioned was not specific, I had to recommend 3/15/1969.

2. csaxton 11/9/2005 POD

Comment: Bosco Bosler conducted field exam and found that there were actually 6 culverts under the road that carries wast water onto the claimants property. Recommend 5 PODs where 5 of the 6 culverts convey water onto the claimants property. The 6th culvert identified by Bosco Bosler appears to be part of the stream channel for an un-named stream (locally known as Last Chance Creek).

3. csaxton 11/9/2005 From Claim

Comment: THIS IS A COMBINATION OF 67-0-
ACRES AND AMOUNT OF WATER PLUS AN
DIVERSION IS FROM CULVERTS AND DITC
35 AND 3 DIVERSIONS IN THE SW1/4, SW1/4
THERE ARE 3 ACRES WHICH ARE BEING II
ARE ON STATE LAND.
THE STOCKWATER USAGE IS WITHIN THE

↑
See Notes in
67-11721

AN INCREASE IN IRRIGATED
THE NW1/4,SW1/4 OF SECTION
4,SE1/4 OF SECTION 34 WHICH

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:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-10171 V1

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	11/9/2005 8:20:53 AM	csaxton			Active
Priority Date	11/9/2005 8:27:03 AM	csaxton			Active
POD	11/9/2005 8:29:31 AM	csaxton			Active
Source	11/9/2005 8:40:07 AM	csaxton			Active
POU	11/9/2005 8:40:35 AM	csaxton			Active
Use	11/9/2005 8:42:01 AM	csaxton			Active
Season	11/9/2005 8:42:48 AM	csaxton			Active
Quantity	11/9/2005 8:45:02 AM	csaxton			Active
Summary			11/09/2005	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/9/2005 8:21:48 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Bosco Bosler conducted field exam - write up completed on 10/17/05.
General	11/9/2005 8:28:00 AM	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 - Affidavit supporting use in 1960s. Had to recommend 1969 since date was not specific.
POD	11/9/2005 8:37:39 AM	csaxton	Updated shape
POD	11/9/2005 8:38:03 AM	csaxton	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10171 V1

Source	11/9/2005 8:41:05 AM	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 - Bosco Bosler conducted field exam - write up completed on 10/17/05.
POU	11/9/2005 8:41:34 AM	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 - Bosco Bosler conducted field exam - write up completed on 10/17/05.
POU	11/9/2005 8:42:04 AM	csaxton	Updated shape for Active POU
POU	11/9/2005 8:42:19 AM	csaxton	Updated PLS for Active POU
Use	11/9/2005 8:43:00 AM	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 - Bosco Bosler conducted field exam - write up completed on 10/17/05.
Season	11/9/2005 8:43:47 AM	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?
POD	11/9/2005 8:35:38 AM	csaxton	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10171 V1

POD	11/9/2005 8:36:35 AM	csaxton	Updated shape
POD	11/9/2005 8:37:07 AM	csaxton	Updated shape
Quantity	11/9/2005 8:46:02 AM	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? (Yes) 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 statment from Bosco Bosler. The 6 culverts that convey waste water under the road to the POU have the capacity to supply the POU with the diversion rate recommended, assuming that the flow is available. One culvert alone is 3 feet in diameter.
Summary	11/9/2005 8:51:17 AM	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?
POD	11/9/2005 8:30:28 AM	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	11/9/2005 8:36:12 AM	csaxton	Updated shape

Water Supply Bank:

Derie Claim Matrix

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>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	355	A	Decreed	Active	1884-05-01	0.83	67	MILL CREEK	IRRIGATION	DERIE, JUNE I	Claim
67	4337		Statutory	Active	1884-05-01	1.04	67	MILL CREEK	IRRIGATION	DERIE, JUNE I	Claim
67	10171		Beneficial l	Active	1884-05-01	1.71	84	WASTE WATER	IRRIGATION,	DERIE, JUNE I	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>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	355	A	Decreed	Active	1884-05-01	0.723	57.8	MILL CREEK	IRRIGATION	DERIE, JUNE I	Recommendation
67	4337		Beneficial l	Active	5/10/1918	0.433	57.8	MILL CREEK	IRRIGATION	DERIE, JUNE I	Recommendation
Total CFS =						1.156	57.8				

67	10171		Beneficial l	Active	3/15/1969	1.63	81.3	WASTE WATER	IRRIGATION,	DERIE, JUNE I	Recommendation
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All three rights limited to 81.3 acres and 1.63 cfs
 Mill Creek POU and Waste Water POU overlap of 57.8 acres.

Split/Overlap Analysis

Water Right Number: 67-355A & 67-4337

					Parent	Children				
Twp	Rng	Sec	Q-Q	Lot	67-355A & 67-4337	Actual				
17N	1W	34	NESE		18	18				
			NWSE		9	9.3				
			SWSE		22	22				
			SESE		18	8.5				
					67	57.8				

Limit = 57.8 0

Water Right Number: 67-10171

					Parent	Children				
Twp	Rng	Sec	Q-Q	Lot	67-10171	Actual				
17N	1W	34	NESE		20	24				
			NWSE		9	9.3				
			SWSE		24	22				
			SESE		31	26				
					84	81.3				

Craig says OK

Basin	Sequence	Suffix	Basis	Status	Right ID	Priority Date	Rate(cfs)	Source	Water Use(s)	Owner(s)	Source Table
67	355	A	Decreed	Active	282693	1884-05-01	0.83	MILL CREEK	IRRIGATION	DERIE, JUNE I (Current); DERIE, LARRY D (Current)	wrAdjudicationClaim
67	4337		Statutory Claim	Active	282695	1884-05-01	1.04	MILL CREEK	IRRIGATION	DERIE, JUNE I (Current); DERIE, LARRY D (Current)	wrAdjudicationClaim
67	10171		Beneficial Use	Active	282696	1884-05-01	1.71	WASTE WATER	IRRIGATION, STOCKWATER	DERIE, JUNE I (Current); DERIE, LARRY D (Current)	wrAdjudicationClaim
67	14434		License	Active	571500	10/12/1951	0.38	GROUND WATER	IRRIGATION - FS	DERIE, LARRY D (Current)	wrAdjudicationClaim
67	14436		Beneficial Use	Active	571502	2/25/1952	0.86	LESTER CREEK	IRRIGATION - FS	DERIE, LARRY D (Current)	wrAdjudicationClaim
67	14438		Beneficial Use	Active	571505	2/15/1963	0.24	GROUND WATER	IRRIGATION - FS	DERIE, JUNE I (Current); DERIE, LARRY D (Current)	wrAdjudicationClaim

549-0133
741-0343

~~0011054~~

4336 + 4445 = 10171

Priority Date Data Entry Form

Claim Number 67-10171

Claimed Priority Date: 5/1/1884

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 3/15/1969 Recommended Basis B-use

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

Needs Affidavit

*Affidavit says "1960's". Per claim Investigation
manual must use 1969. Give 1st
dry of Irr season.*

C. Smith

11-9-05

Reviewer:

Bosco

Date:

10/17/05

RECEIVED

SEP 20 2005

DEPARTMENT OF
WATER RESOURCES

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

AFFIDAVIT

67-10171)
67-4337)
)

State of Idaho)
County of ADAMS)

_____ being first duly sworn,
deposes and says: _____

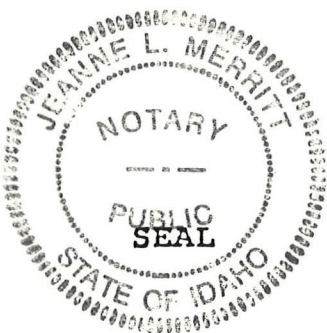
I Ned Henderson in living by
and driving by the land (now owned
by Larry Deris in the SE 1/4 of Sec 34
T 17N R 1W Mill Creek drainage)
have seen land irrigated as far back
as the 1960's like it is irrigated
today

Ned Henderson
(Signature)

Subscribed and sworn to before me this
day 12 of September, 192005.

Jeanne L. Merritt
(Notary Public)

Residing at Council SD 8361.2
My Commission Expires 3/13/08.



SCANNED
SEP 20 2005

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

AFFIDAVIT

67-10171)
67 4337)
)

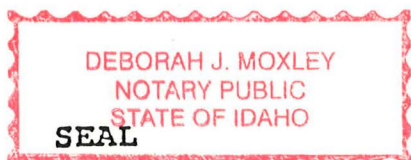
State of Idaho)
County of ADAMS)

_____ being first duly sworn,

deposes and says: I LARRY DERIE PURCHASED
THE LAND CONCERNING THE ABOVE WATER RIGHT
NUMBERS IN 1980-82. I CONTINUED USING
THE WATER AND IRRIGATING THE SAME ACRES
AS THE PREVIOUS OWNER.

Larry Derie
(Signature)

Subscribed and sworn to before me this
day 16th of September, 192005.



Deborah J. Moxley
(Notary Public)

Residing at Wellsen ID.

My Commission Expires 2/11/2010.

SCANNED
SEP 20 2005

Point of Diversion and Source Data Entry Form

Claim Number 67-10171

Claimed Point of Diversion and Source

T17N R01W S35 NSW Within ADAMS County Source: WASTE WATER MILL CREEK

☐ 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

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? _____

Document how the POD and Source were verified:

There are 6 (six) culverts under
Highway 95 + this is where he gets the
waste water.

Reviewer: _____

Bono

Date: _____

10/17/05

Place Of Use Data Entry Form

Claim Number 67-10171

Claimed Place Of Use

T17N R01W S34	NESE	20.0	T17N R01W S34	NWSE	9.0
T17N R01W S34	SWSE	24.0	T17N R01W S34	SESE	31.0

Total Acres 84

☒ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

_____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Reviewer:

Bosco

Date:

9/17/05



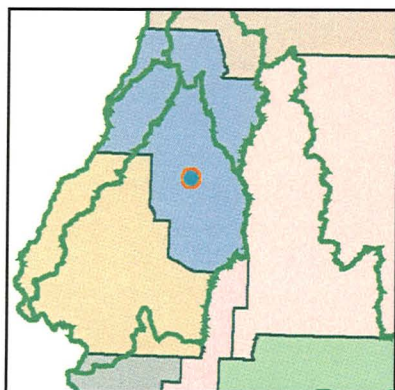
Idaho Department of Water Resources

Adjudication Claim Number: **67-10171**

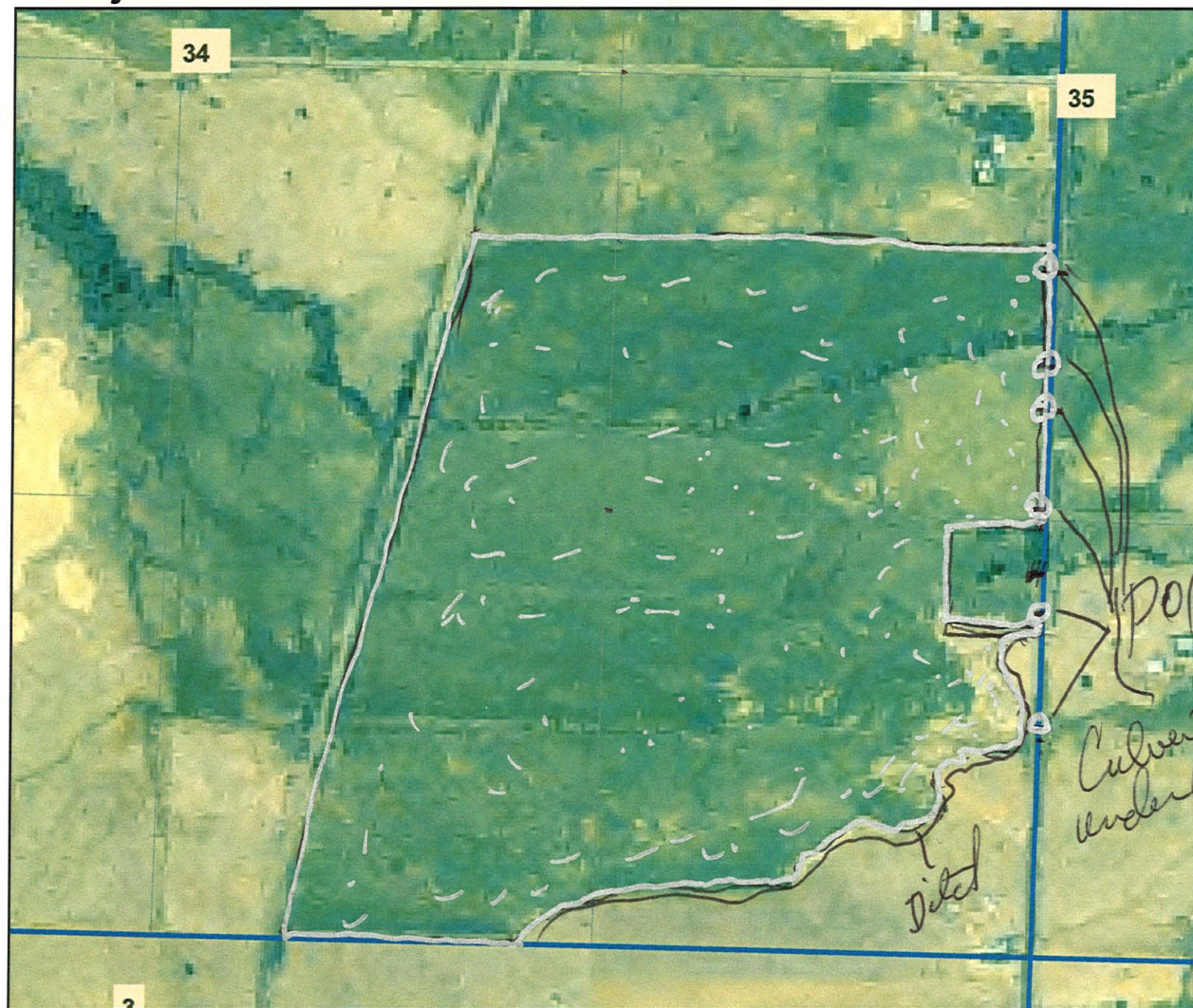
T17N R01W

Legend

-  PLS Sections
-  GCDBQuarter Quarters



Adams County
IDWR Basin 67



0 0.2 0.4 Miles

Prepared by M. Van Bussum
On Wednesday, August 24, 2005
1987 Aerial Photography

Purpose of Use Data Entry Form

Claim Number 67-10171

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

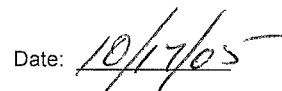
Number of Other

Document how the Purpose of Use was verified:

Reviewer:



Date:



Period of Use and Quantity Data Entry Form

Claim Number 67-10171

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	1.68	
STOCKWATER	1/01	12/31	0.03	

Overall Diversion Rate 1.71 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	11-15	1.63	n/a
Stock	1-1	12-31	0.03	

Overall Diversion Rate 1.66 Overall Diversion Volume

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

Period of use is okay but I have no idea of how you could measure this water as it changes so because of so many variables

Per Bosco Boster, this has the capacity to divert the claimed diversion rate. C. Boster

10-19-05
One culvert is 3' wide

Reviewer:

Bosco

Date:

10/17/05

Contacts Data Entry Form

Claim Number: 67-10171

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	JUNE I DERIE	920 JONATHAN RD	WEISER	ID	83672-512	(208)741-0343
					2	
Current Owner	LARRY D DERIE	920 JONATHAN RD	WEISER	ID	83672-512	
					2	

Date of Field Exam: _____ Time: 9:00Accompanied By: claimant Phone Number: 549-0133

Relationship to Claimant: _____

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

Reviewer: BoscoDate: 10/17/05

Section 42-225a, Idaho Code

Department of Field Research

Notice is hereby given that Larry or June Derie
(name of claimant)

the public water of the State of Idaho

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) WASTE WATER
_____, tributary to, MILL CREEK

Amount 1 cfs Use Irrigation Period of Use: From Jan 1 To Dec 31
 Amount _____ Use _____ Period of Use: From MAR 15 To Nov 15
 Amount _____ Use _____ Period of Use: From _____ To _____
 (cfs, gpm) (dom., irri.) (both dates inclusive)
 or a/f) stock, etc.)

(4) Priority claimed: (the date water was first applied to beneficial use) MAY 1, 1884

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

Additional points of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$ SEC 34 T4R 17N R9E 1W
NW $\frac{1}{4}$ SW $\frac{1}{4}$ SEC 35 T4R 17N R9E 1W (2 PTS)

(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.

[illegible]

Total No. of acres 43

Stockwater

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

Section 42-225a, Idaho Code

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(name of claimant)

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) WASTE WATER
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: MILL CREEK AND UNNAMED STREAMS

Amount <u>4 CFS</u>	Use <u>IRRIGATION</u>	Period of Use: From <u>MAY 15</u> To <u>NOV 15</u>
Amount _____	Use _____	Period of Use: From _____ To _____
Amount _____	Use _____	Period of Use: From _____ To _____
(cfs, gpm or a/l)	(dom., irri., stock etc.)	(both dates inclusive)

- (3) Total quantity of water claimed: 0.4 CFS cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) MAY 1 1964

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

[illegible]

Total No. of acres 20

If the water is used for other than irrigation, fully describe that use, being as specific as possible:

KWATER

water as a member of an organization, list name of organization:

(8) Remarks _____

SEC 34

A hand-drawn diagram on a grid. It features a horizontal rectangle with a small vertical line extending from its right side. To the right of the rectangle, the word "DIVERSIONS" is written in capital letters. Three arrows point from the word towards the rectangle: one from the top, one from the middle, and one from the bottom.

Scale: 2 inches equal 1 mlle.

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 Adams) 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 affiants knowledge.

Sworn to before me this 29 day of

Notary Public

Residing at Council Bluffs

My commission expires _____

For Department Use Only

Received by Date 10-12-82 Exception filed by: Forwarded to Date
Prelim. check by Date 10-14-82 claimant by:
\$10.00 fee received by Date 10/13/82 24780
Approved for publication by
Published in Adams County Leader
Date 10/28 & 11/4/82

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 67-10171
Date Received: 9/12/1989
Receipt No: W005909
Received By:

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

1. Name of Claimant(s)

JUNE I DERIE Phone: (208)741-0343

920 JONATHAN RD
WEISER ID USA 83672-5122

LARRY D DERIE Phone:

920 JONATHAN RD
WEISER ID USA 83672-5122

2. Date of Priority: 05/01/1884

3. Source: WASTE WATER Trib. to: MILL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	01W	35	NW SW	ADAMS	

5. Description of diverting works:

CULVERTS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.68	
STOCKWATER	1/01	12/31	0.03	

7. Total Quantity Appropriated is:
1.71 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	34	NW	SE	IRRIGATION	9
			NE	SE	IRRIGATION	20
			SE	SE	IRRIGATION	31
			SW	SE	IRRIGATION	24
					Section Acres	84
					Total Acres	84

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:

THIS IS A COMBINATION OF 67-04445 AND 67-04336. THERE IS ALSO AN INCREASE IN IRRIGATED ACRES AND AMOUNT OF WATER PLUS AN ADDITIONAL STOCKWATER USAGE.

DIVERSION IS FROM CULVERTS AND DITCHES. THERE ARE 3 DIVERSIONS IN THE NW1/4, SW1/4 OF SECTION 35 AND 3 DIVERSIONS IN THE SW1/4, SW1/4 OF SECTION 35.

THERE ARE 3 ACRES WHICH ARE BEING IRRIGATED BY CLAIMANT IN THE SE1/4, SE1/4 OF SECTION 34 WHICH ARE ON STATE LAND.

THE STOCKWATER USAGE IS WITHIN THE SAME POU AS THE IRRIGATION.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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: A67-10171
Date Received: 9/12/1989
Receipt No: W5909
Received By: LA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LARRY DERIE 208-253-6068
Address: HC 62, BOX 17
COUNCIL, ID 83612
OR
Name: JUNE DERIE 208-253-6068
Address: HC 62, BOX 17
COUNCIL, ID 83612

2. Date of Priority: MAY 01, 1884

3. Source: WASTEWATER Trib. to: MILL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	35	NW	SW			ADAMS

5. Description of diverting works:
CULVERTS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.680		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/75 HD CATTLE

A67-10171

Page 1

Date: 09/12/89

SCANNED
MAY 10 2004

MICROFILMED
OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
17N	01W	34	NE		SE		IRR	20.0
			NW		SE		IRR	9.0
			SW		SE		IRR	24.0
			SE		SE		IRR	31.0
							Section Acres	84.0
							Total Acres	84.0

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:
67-04445, 67-04336

14. Remarks:

THIS IS A COMBINATION OF 67-04445 AND 67-04336. THERE IS ALSO AN INCREASE IN IRRIGATED ACRES AND AMOUNT OF WATER PLUS AN ADDITIONAL STOCKWATER USAGE.

DIVERSION IS FROM CULVERTS AND DITCHES. THERE ARE 3 DIVERSIONS IN THE NW1/4, SW1/4 OF SECTION 35 AND 3 DIVERSIONS IN THE SW1/4, SW1/4 OF SECTION 35.

THERE ARE 3 ACRES WHICH ARE BEING IRRIGATED BY CLAIMANT IN THE SE1/4, SE1/4 OF SECTION 34 WHICH ARE ON STATE LAND.

THE STOCKWATER USAGE IS WITHIN THE SAME POU AS THE IRRIGATION.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
OCT 05 1992

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): x Larry Deine Date: Sept. 12 1989
June Deine Date: Sept. 12 1989

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 12 day
of Sept. 19 89

Linda Werner
Notary Public

Seal

Linda A. Werner
Residing at Residing at Boise, Idaho
My Commission Expires December 8, 1994
My Commission Expires



AG 67-4336 AG 67-10171 + 17N. Rlw. Sec. 34

MICROFILMED
OCT 05 1992