

12/05/2006

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 13, 2006

Water right number: 67-11448

DONNA YANTIS
2562 HWY 95
COUNCIL ID 83612
Telephone Number: (208)253-4776

JACK YANTIS
2562 HWY 95
COUNCIL ID 83612
Telephone Number: (208)253-4776

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

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

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

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

DATE: 12-13-06 SIGNATURE: Jack Yantis
Please print your name: Jack Yantis Donna Yantis

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

SCANNED
DEC 15 2006

12/14/2006

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

RIGHT NUMBER: 67-11448

NAME AND ADDRESS: DONNA YANTIS
2562 HWY 95
COUNCIL ID 83612

JACK YANTIS
2562 HWY 95
COUNCIL ID 83612

SOURCE: EAST FORK WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 0.400 CFS

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

PRIORITY DATE: 11/03/1911

POINT OF DIVERSION:

T17N R01e S8 NESW 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	0.350 CFS
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T17N R01W S13 SWNW 14.00 T17N R01W S13 NWSW 3.20

STOCKWATER same as IRRIGATION

17.2 ACRES TOTAL

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section
42-1425, Idaho Code.

Stockwater use is for 150 range cattle.

Right includes accomplished change in source pursuant to Section 42-1425,
Idaho Code.



Idaho Department of Water Resources

SRBA Recommendation:

67-11448

(Irrigation)

Legend

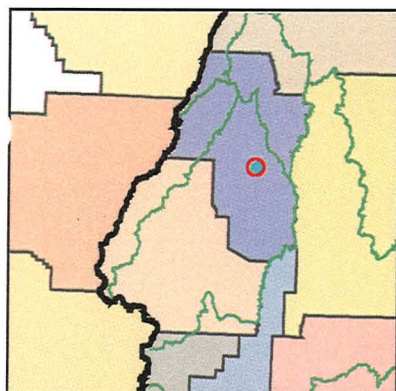
● **Point of Diversion**

□ **Place of Use**

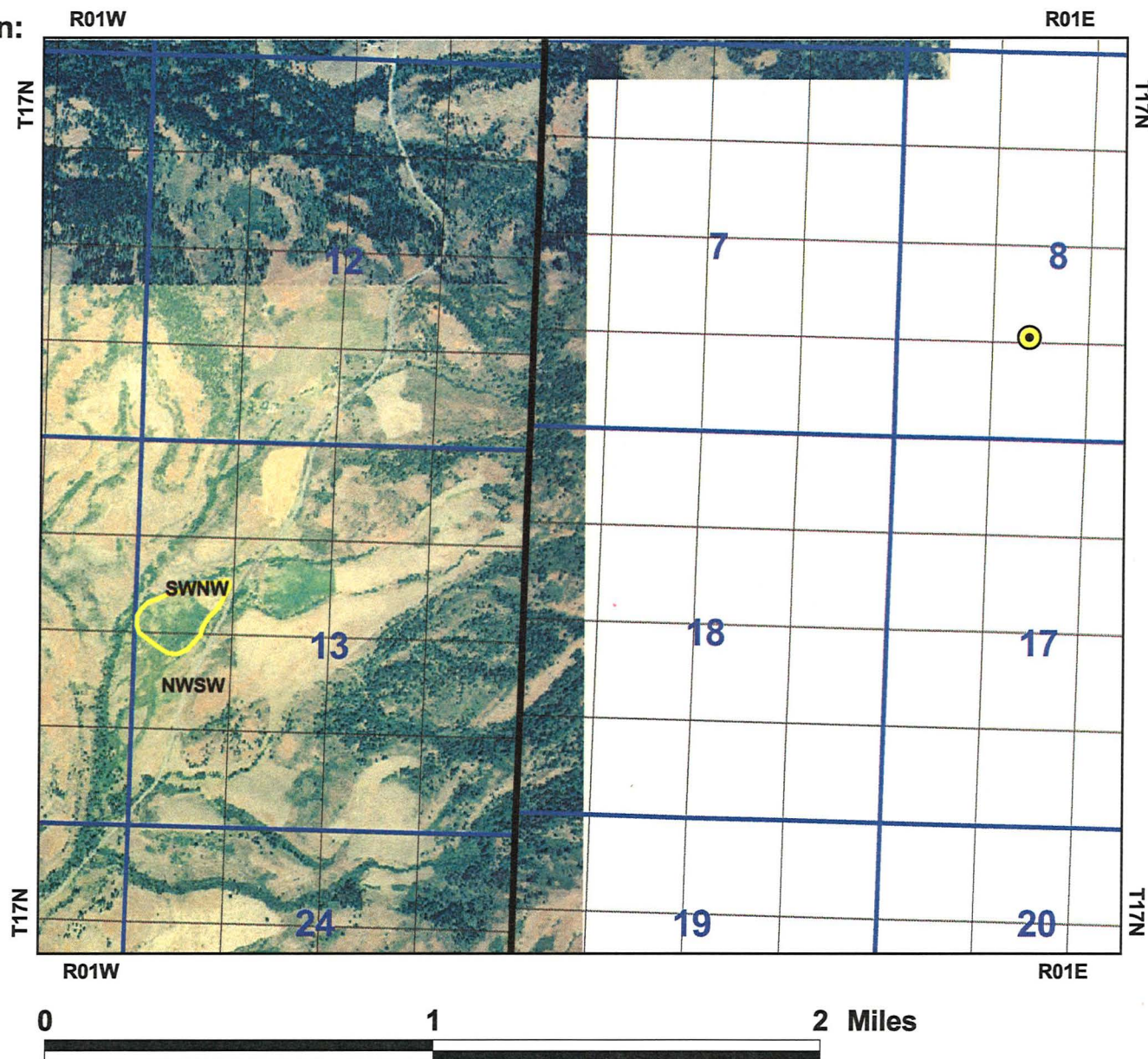
□ **Townships**

□ **PLS Sections**

□ **Quarter Quarters**

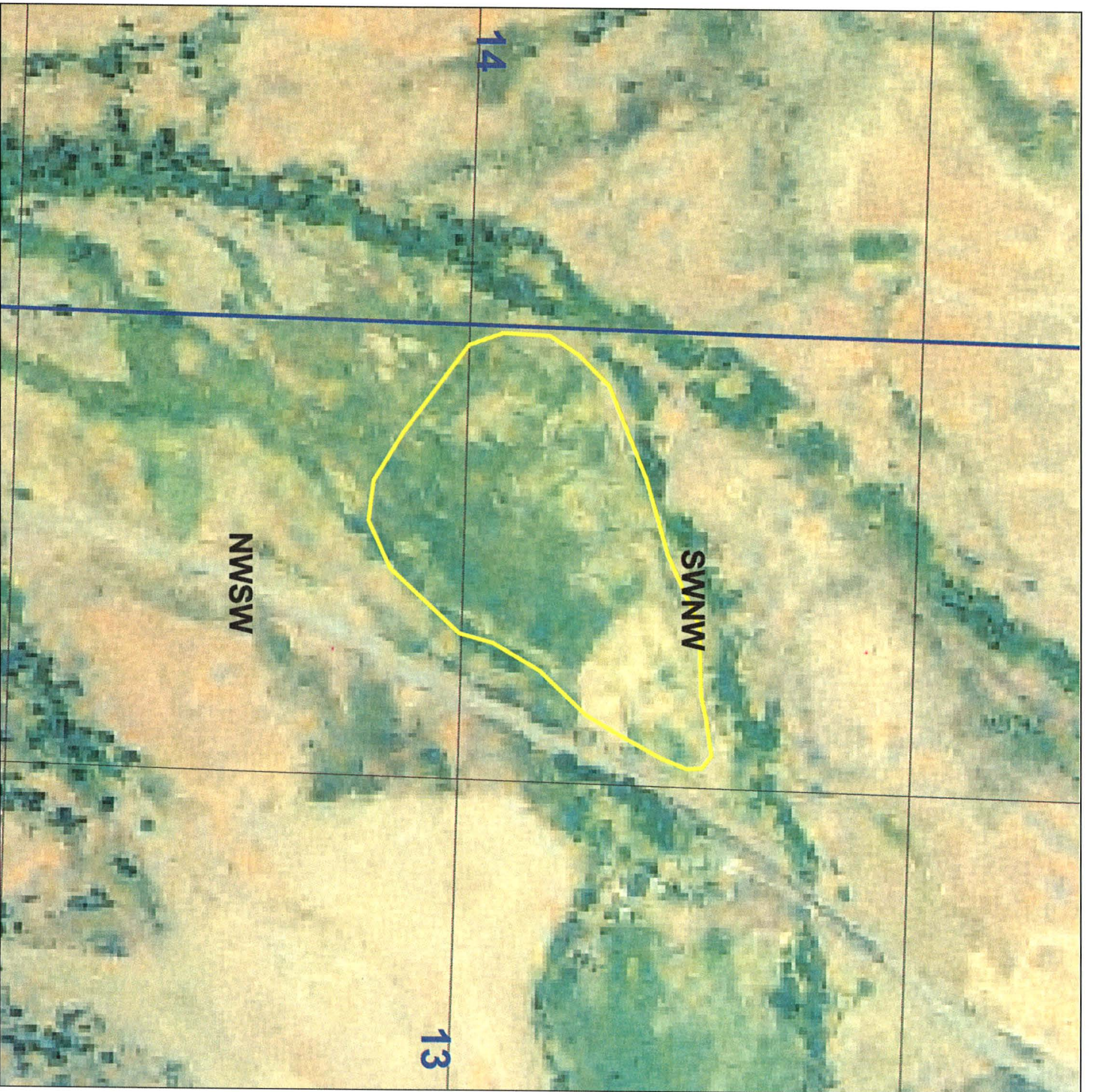
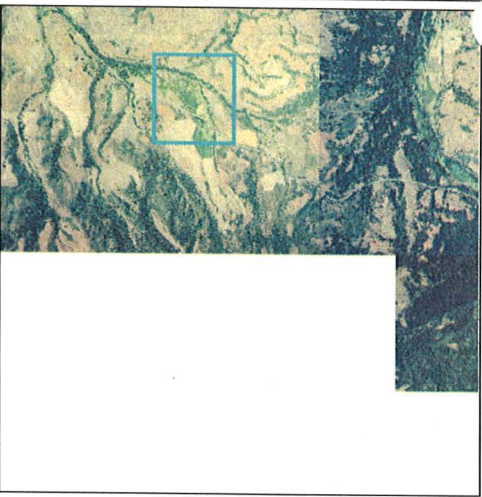


Adams County
IDWR Basin 67



Prepared by IDWR State Office
On Friday, December 15, 2006
1987/88 Aerial Photography

67-11448



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11448 V1

WATER RIGHT NUMBER: 67-11448 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONNA YANTIS 2562 HWY 95 COUNCIL, ID 83612 (208)253-4776
Current Owner	JACK YANTIS 2562 HWY 95 COUNCIL, ID 83612 (208)253-4776

Priority Date: 11/03/1911

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
EAST FORK WEISER RIVER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.350 CFS	
STOCKWATER	01/01 to 12/31	0.050 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

EAST FORK WEISER RIVER	NE1/4SW1/4	Sec. 8, Twp 17N, Rge 01e, 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	13							14.0					3.2						17.2

Total Acres: 17.2

STOCKWATER same as IRRIGATIONConditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. X02 Stockwater use is for 150 range cattle.
4. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11448 V1

5. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
6. C02 Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

Remarks:Comments:

1. mvanbussum 7/20/2005 Diversion rate
Comment: Reduce 0.20 cfs stockwater to 0.05 cfs stockwater per IDWR standard for 150 head.
2. csaxton 12/5/2006 Valid License
Comment: The POU claimed was included in Muir v. Allison but by a different source. The licensed source was also included in Muir v Allison. But it appears that the license holder at the time was not party to the decreed. Treating this license as if it was not superceded.
3. csaxton 12/5/2006 From Claim
Comment: I AM COMBINING RIGHTS 67-2065A WITH 67-2065B. THIS WATER COVERS ACRES THAT ARE ALSO COVERED BY RIGHT 67-2012 AND 67-00107.
SEE ATTACHED MEMO.
4. csaxton 12/14/2006 Diversion Rate
Comment: The diversion rate recommended is less than licensed as there is less irrigated acreage than originally licensed.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			12/05/2006	csaxton	Active
Summary			12/14/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11448 V1

Summary	12/14/2006 7:20:48 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 4. Is any portion of the claim be recommended? (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?
POD	12/5/2006 9:09:38 AM	csaxton	Updated PLS
POU	12/5/2006 10:01:31 AM	csaxton	Edited Season Of Use
Summary	12/5/2006 10:04:41 AM	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? (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? (Yes) 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	12/5/2006 9:06:53 AM	csaxton	Updated shape for Active POU
POU	12/5/2006 9:07:03 AM	csaxton	Updated PLS for Active POU
POD	12/5/2006 9:09:24 AM	csaxton	Updated shape

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-11448

WATER RIGHT NUMBER: 67-11448

Owner Type Name and Address

Current Owner DONNA YANTIS
 2562 HWY 95
 COUNCIL, ID 83612
 (208)253-4776

Current Owner JACK YANTIS
 2562 HWY 95
 COUNCIL, ID 83612
 (208)253-4776

Priority Date: 11/03/1911

Basis: License

Status: Active

Source

UNNAMED STREAM

Tributary

WEISER RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

0.200 CFS

STOCKWATER

1/01 to 12/31

0.800 CFS

Total Diversion:

1.000 CFS

Location of Point(s) of Diversion

UNNAMED STREAM

ADAMS County

NE 1/4 NW 1/4

Sec. 13, 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	13							26.0				15.0						40.0

Total Acres: 40

STOCKWATER same as IRRIGATIONConditions of Approval:

1. I AM COMBINING RIGHTS 67-2065A WITH 67-2065B. THIS WATER COVERS ACRES THAT ARE ALSO COVERED BY RIGHT 67-2012 AND 67-00107.
 SEE ATTACHED MEMO.

Remarks:

67-2065A
 & 67-2065B
 were combined
 to make
 67-11448

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-11448

Comments:

Water Supply Bank:

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 67-11448Owner: Spck or Donna Yantis Phone No. (208) 253-4776Current Address: 2562 Hwy 95, Council, Id 83612☒ No change NAME IS THE SAME☐ NEW OWNER☒ No change Address☐ NEW ADDRESS☒ How long owned property? owned since 1980, but was owned by family for past 100 yearsAccompanied by: Spck Yantis**PRIORITY DATE**

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 11-3-1911

(If priority date, based on your exam, seems questionable, explain below.)

Property homesteaded 1910+ E. Fork of Weiser RiverSource: unn. stream Tributary to Weiser River☐ No Change – SAME SOURCE☒ Source found is different than claimed: E. Fork of Weiser River
+ run-off**POINT OF DIVERSION**

- ☐ No change
- ☐ POD found is different than claimed: _____
- ☒ If different, when did POD change? Always been that way.

The POD for the unnamed stream has always been the same. The E. Fork of the Weiser River is the same coming onto Yantis Property 1st @ SENE

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
				SW	NW	13		Adams	* see map for unnamed stream
				SE	NW	13		Adams	* see map for drain that goes under Hwy 95
								Adams	original POD are:

Description of diverting works

* See attachment
Boulder Creek 2307, 398/
1545304
+ E. Fork of Weiser River
2312935/
1516156

OVERLAP REVIEW

Other water rights with the same point of diversion: 78-2035 + 67-108, 67-1149

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

adds acres

WATER USES

☐ No change

☒ Different Uses

Use Irrigation From 3/15 To 11/15 Amount 0.35 CFS AFA
Use Stockwater From 1/1 To 12/31 Amount 0.05 CFS AFA
Use _____ From _____ To _____ Amount _____ CFS AFA

TOTAL VOLUME - Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA
☐ Changes found, the new total is, Amount _____ CFS _____ AFA
☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☐ No change

☒ Changes Exam found: Domestic # of homes _____ Stock # 150 head cattle
Types _____ Additional comments: rotate cattle throughout property

PLACE OF USE:

☐ No Change

☒ Changes shown below: changes in acres irrigated

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
									14.0			3.3							17.3

Overlap with other water rights: None

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:
~

Delivery System Narrative: * see attachment

gravity flow system

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Supplemental water: None

The POD/drain in SENE is from the original POD Boulder Creek that is diverted, then discharged to the Weiser + then reclaimed at the POD East Fork of the Weiser River. It first enters onto Gardia property at Sec 13 SENE, then travels SW down ridge to drain that is piped under Hwy 95 + discharges to a dirt ditch running SW across the acreage + also south on the east boarder (gravity flow north to south west)

67-2065 A + 67-2065 B were combined
to make 67-11448.

Directions to physical address of POU: I84, Hwy 95
Thru Weiser, Cambridge + Council, ~ 7 miles north
of Council at mile post # 142 1/2, red barn on right
side, 2562 Hwy 95 Council. POU for WR's; property
across highway from 2562 Hwy 95, at the residence +
AFTER EXAM THE FILE SHOULD CONTAIN: surrounding yard + garden, +

- ☒ Completed claim checklist
 - ☒ Photographs of POD's and POU
 - ☒ GPS readings
 - ☒ Completed map and or GIS layout showing POD's and POU
- pastures east, northeast, south,
southwest + ~~southeast~~ southeast of
residence. POD: see ~~attach~~
attachment w/ description of diverting works

DATE EXAM CONDUCTED:

12/4/2006

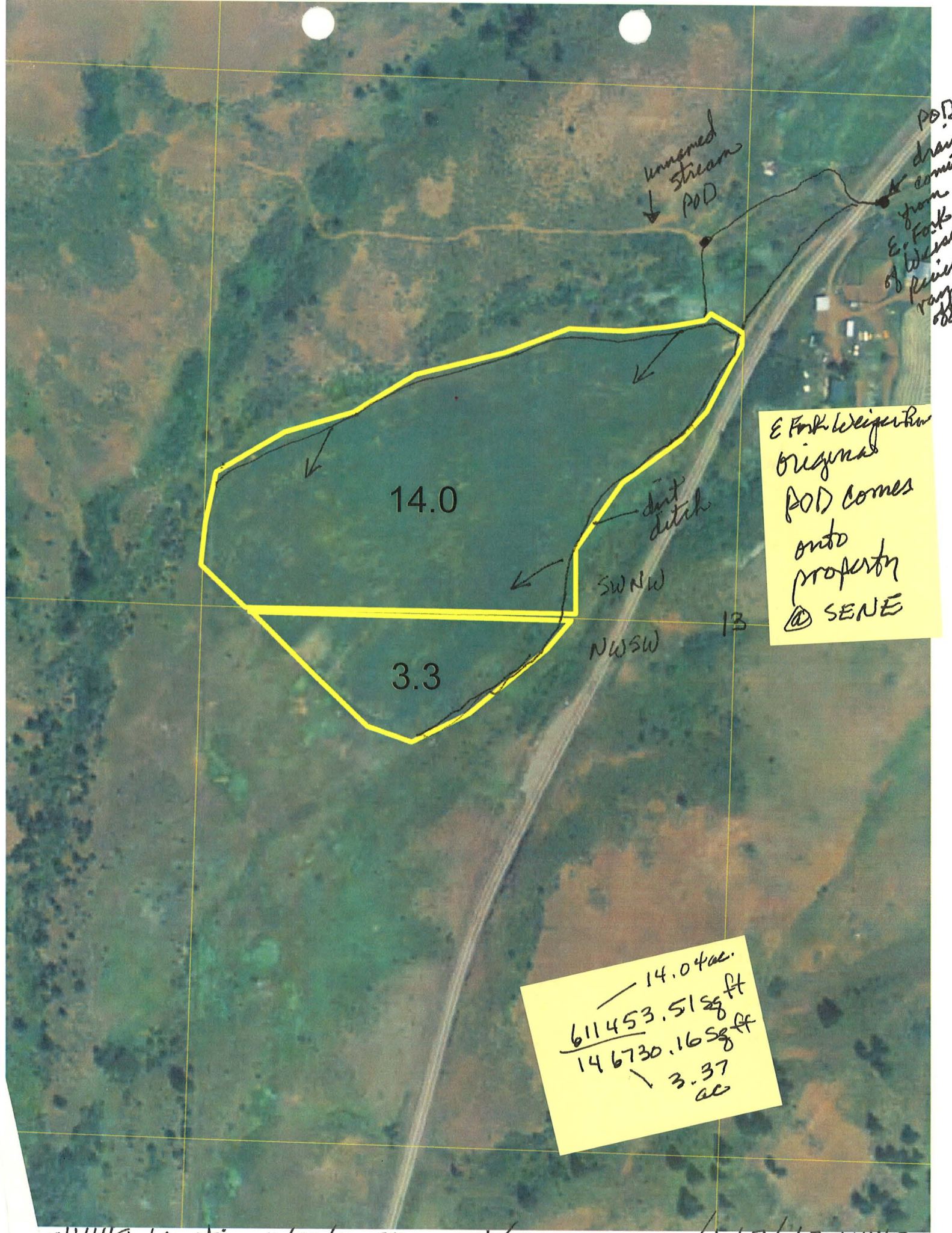
FIELD EXAMINER:

Judy Demerway

67-11448 Yantis
Date of Inspection: 11/6/06
Inspector: Sandy Hemerway

Irrigation 17.3 acres $\times$ 0.02 cfs = 0.35 cfs
Season 3/15 - 11/15 = 246 days
 $V_{ir} = 17.3 \text{ acres} \times 4.0 \text{ irr. req.} = 69.2 \text{ Af}$
 $V_{dr} = 0.35 \times 246 \text{ days} \times 1.9835 = 170.7 \text{ af}$
 $V = 69.2 \text{ af}$

Livestock 150 head cattle @ 12 gpd
Exh. 15A Table 1. Rec. Diversion Rates for Stockwater
101-200 = 0.05 cfs



unmarked stream
↓
POD

POD
drawn
from
E. Fork
of Weiser
River
vary-
ing
old

E Fork Weiser River
original
POD comes
onto
property
@ SENE

14.0

dirt
ditch

SWNW

NWSW

13

3.3

14.04 ac.
611453.51 sq ft
146730.16 sq ft
3.37
ac

Yantis

Date of Inspection: 11/6/06

Inspector: Sandy Hemenway

67-11448

78-2035, 67-108, 67-11449 Description of Diverting Works:

POD Boulder Creek 24" Culvert/Head gate, 2000' dirt ditch, discharged to the Weiser River; then reclaimed at POD East Fork of the Weiser River 24" Culvert/Head gate, discharged to Tomlinson Yantis Ditch traveling approximately 3.2 miles to POU.

The initial **POD water source supply is Boulder Creek**, tributary to the Little Salmon River (N45.04.980 W116.26.835 or 2,307,398/1,545,304), located north of mile post #155 on Hwy 95, left on Price Valley Rd, go 5.1 miles, turn right at the split in the road, stay straight at the next split, 10.9 miles from originally turning off Hwy 95 there is a sign that says Yantis Ditch (27" culvert at N45.05.111 W116.26.926 or 2,307,813/1,545,535). Just before the Yantis Ditch turn left on road #128 and go 0.2 miles; on the right side there is a little dirt road, walk down the road 375', then turn right and go down the embankment to Boulder Creek; there is located the POD/24" Culvert/head gate.

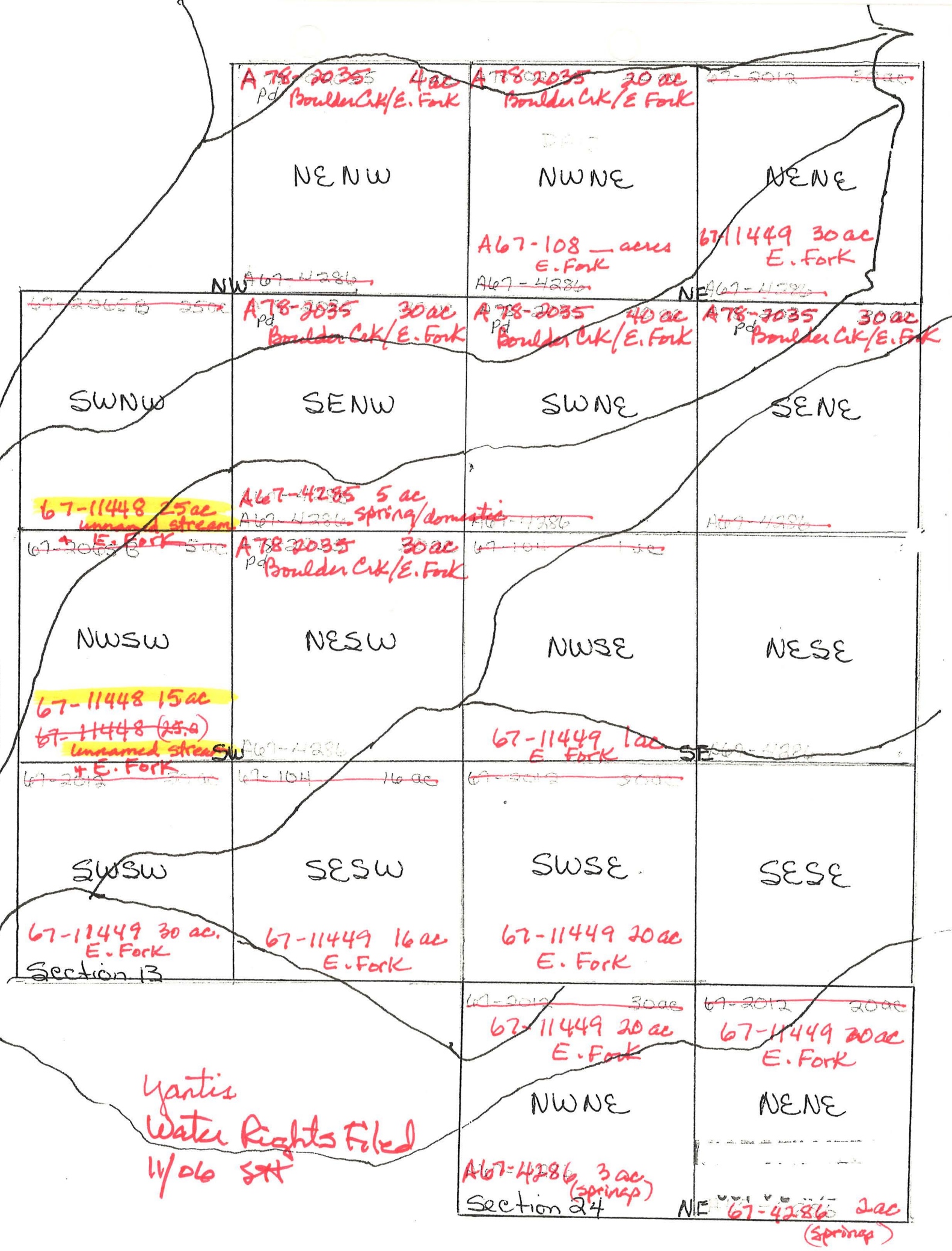
The water is brought over the ridge from Boulder Creek through the 24" Culvert/head gate/POD, travels through a dirt ditch approximately 2000', then discharged into the Weiser River. They discharge the Boulder Creek water to the Weiser River, and then reclaim it from the East Fork of the Weiser River. The Boulder Creek water is used as replacement water, in lieu of the water diverted from the primary **POD at the East Fork of the Weiser River** (through a 24" culver/head gate at N44.49.333 W166.27.970 or 2,312,935/1,516,156), discharged into the Tomlinson Yantis Ditch, and to the **POU/alfalfa/bluegrass pastures, garden and a small orchard 3.2 miles away**). The Tomlinson Yantis Ditch was named after the last names of the family members whose property were irrigated from this ditch.

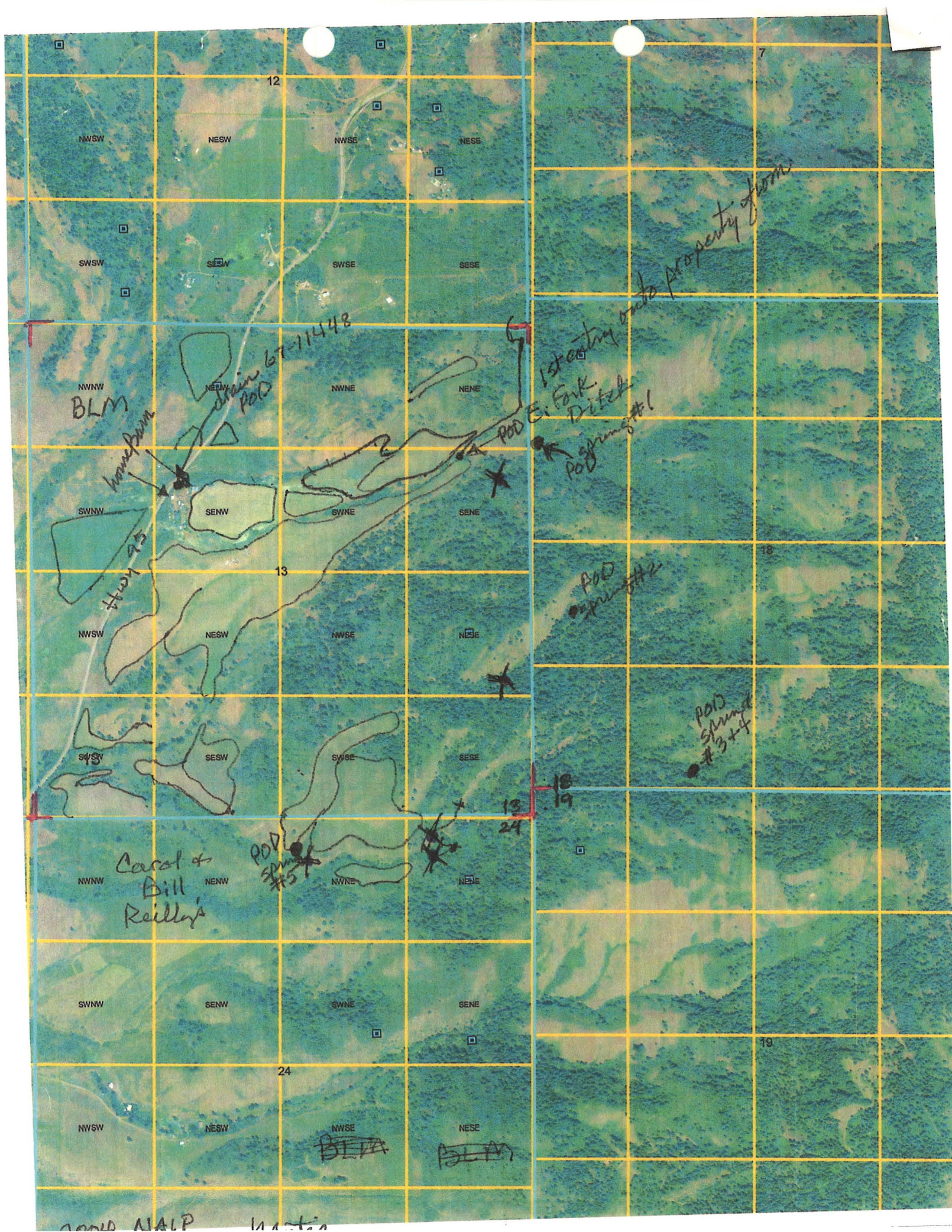
Originally Sarah Yantis received a Special Use Permit from the US Forest Service, since it is built and used on controlled land. The permit was amended, and is currently in Jack Yantis's name. Mr. Yantis stated that IDWR installed the 24" Culvert/headgates at Boulder Creek, and at East Fork of the Weiser River.

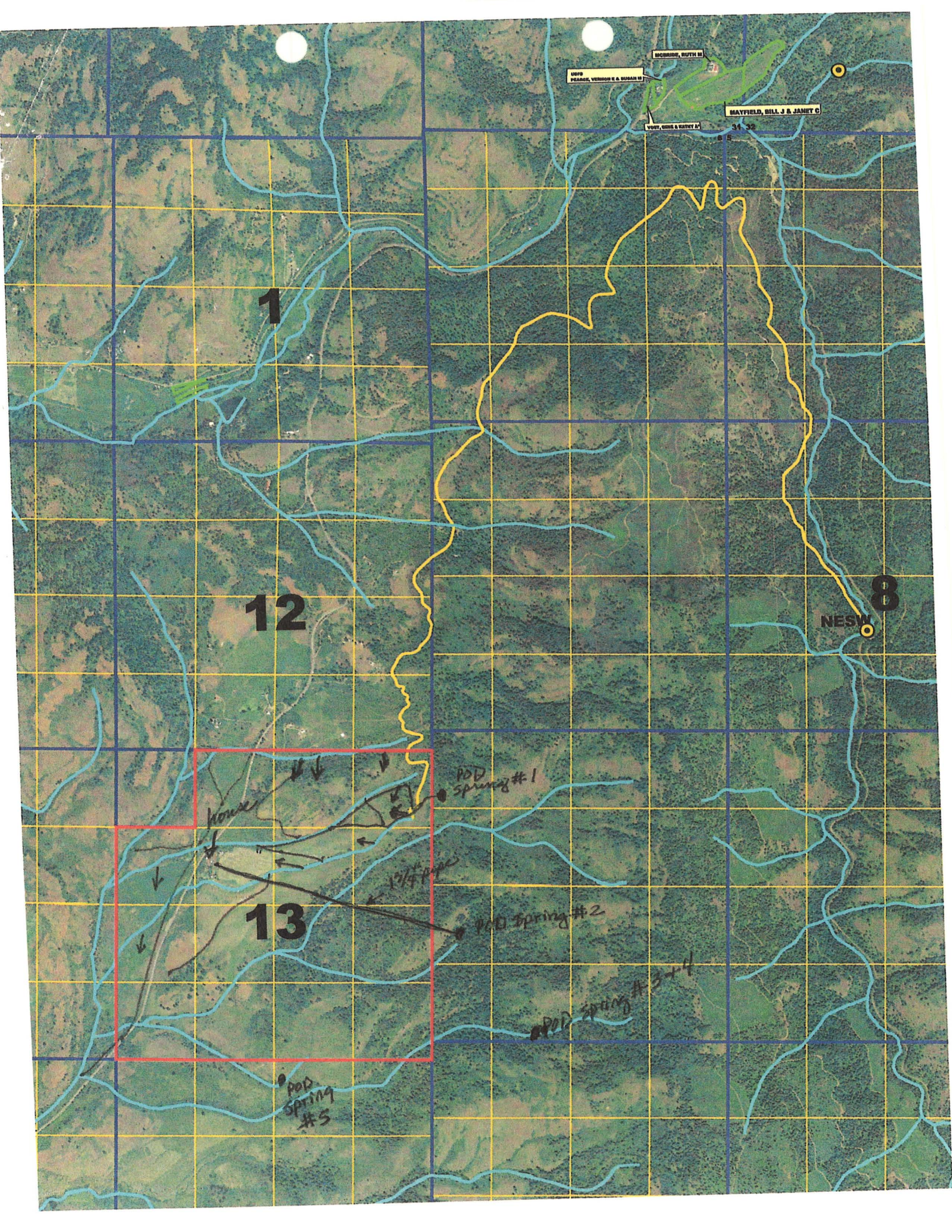
Location of the 24" Culvert/headgate at the East Fork of the Weiser River: go north on Hwy 95, about 10.2 mile north of Council. Jack Yantis residence is located at milepost #142 ½, at 2562 Hwy 95 with the large red barn on the right, and the East Fork of the Weiser Road is 3.2 miles north of Mr. Yantis residence. Turn right at "East Fork of the Weiser River Road," go 2.4 miles until you see a sign on the left side that says Fourth Gulch, park there and walk back the original direction 115', then down to the left embankment towards the river, there is the POD/24" Culvert/Head Gate on the opposite side of the river. NOTE: During the 1997 flood, the diversion dam washed out, but was later replaced when IDWR installed the 24" culvert/headgate. Jack stated that IDWR installed the culvert slightly higher than the original location, which has made the system work better.

Delivery System Narrative: Dirt Ditches, gravity flow
Description of Diverting Works: NE to SW basically with intermingling
small dirt ditches traversing back
+ forth across property

Supplemental water: None.







1

12

13

8

NESW

POD Spring #1

POD Spring #2

POD Spring #3+4

POD Spring #5

house

1 3/4 Pipes

AND PEARCE, VERNON E & SUSAN M

BUSHING, RUTH M

MAYFIELD, BILL J & JANET C

VINT, ERIC & KATY A

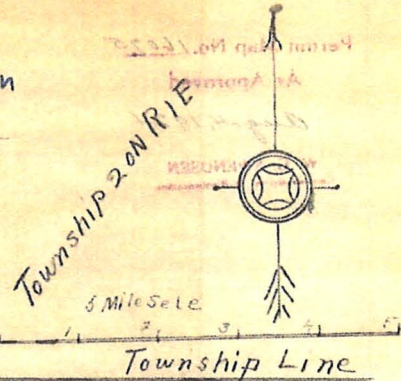
34 32

1002-

Applica Ralph Yantis

Ditch APR 2000'

Township 20N R1W



Township 19N 1W

Township 19N R1E

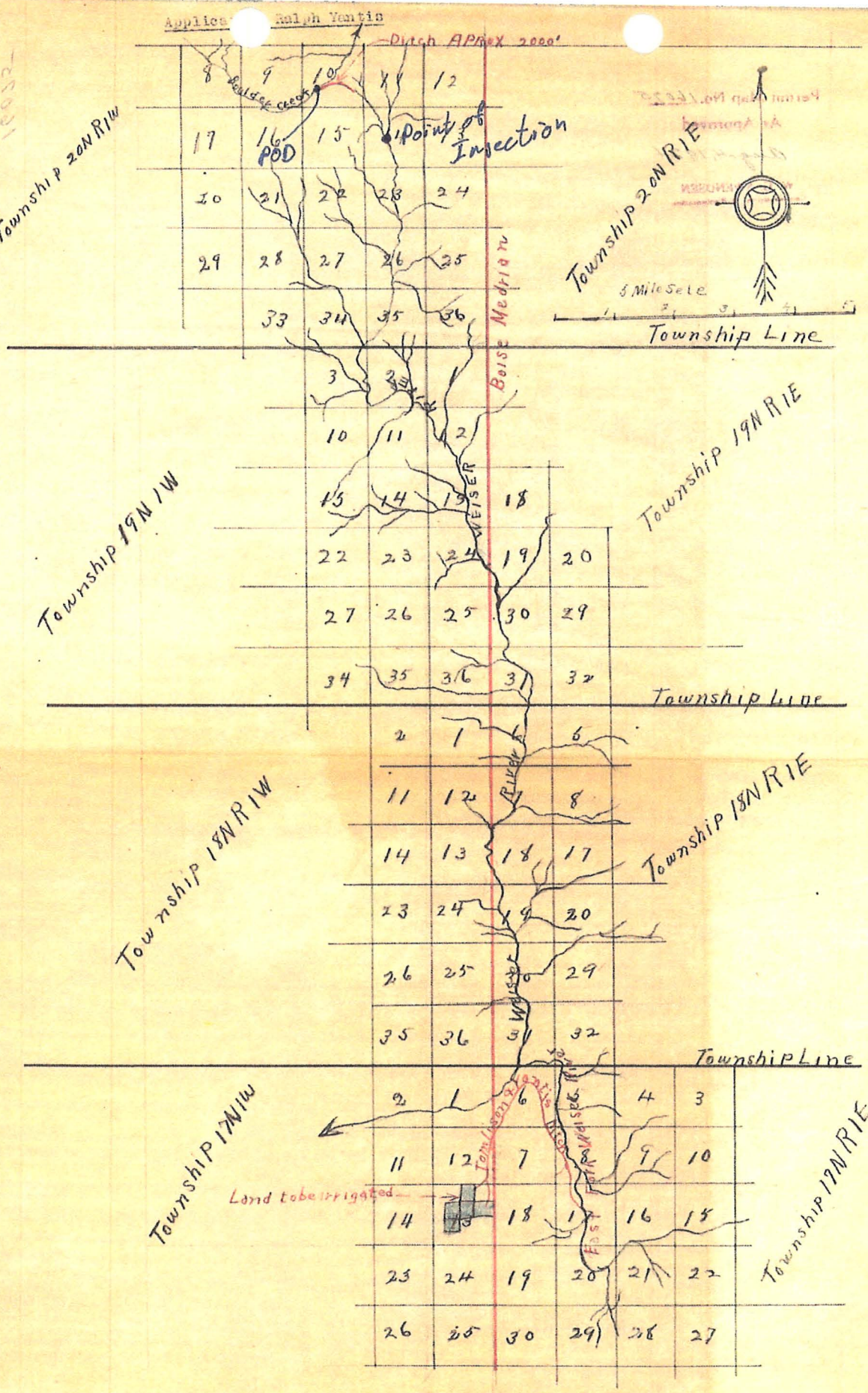
Township 18N R1W

Township 18N R1E

Township 17N 1W

Township 17N R1E

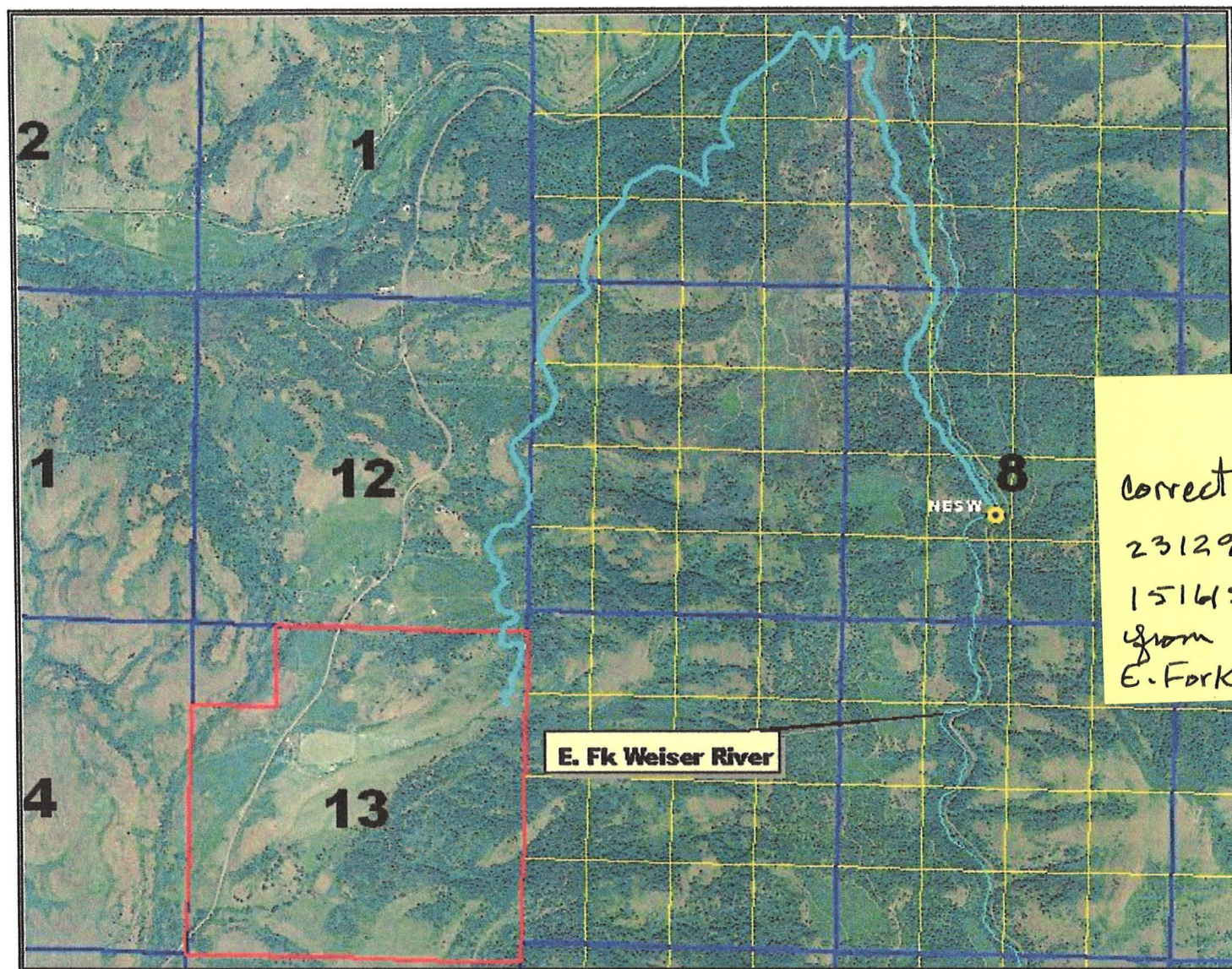
Land to be irrigated





State of Idaho

Thomlinson/Yantis Ditch

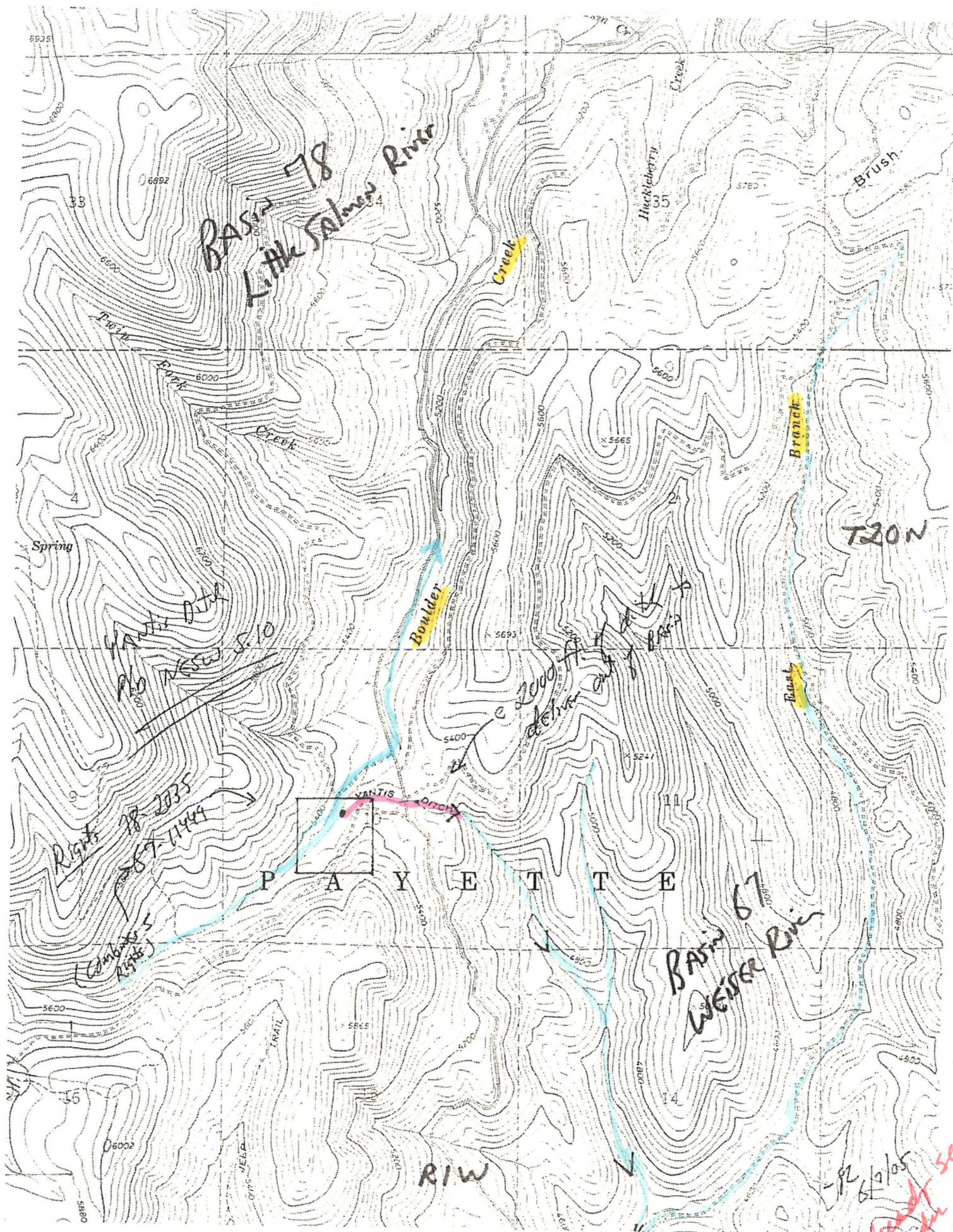


1320 0 1320 Feet

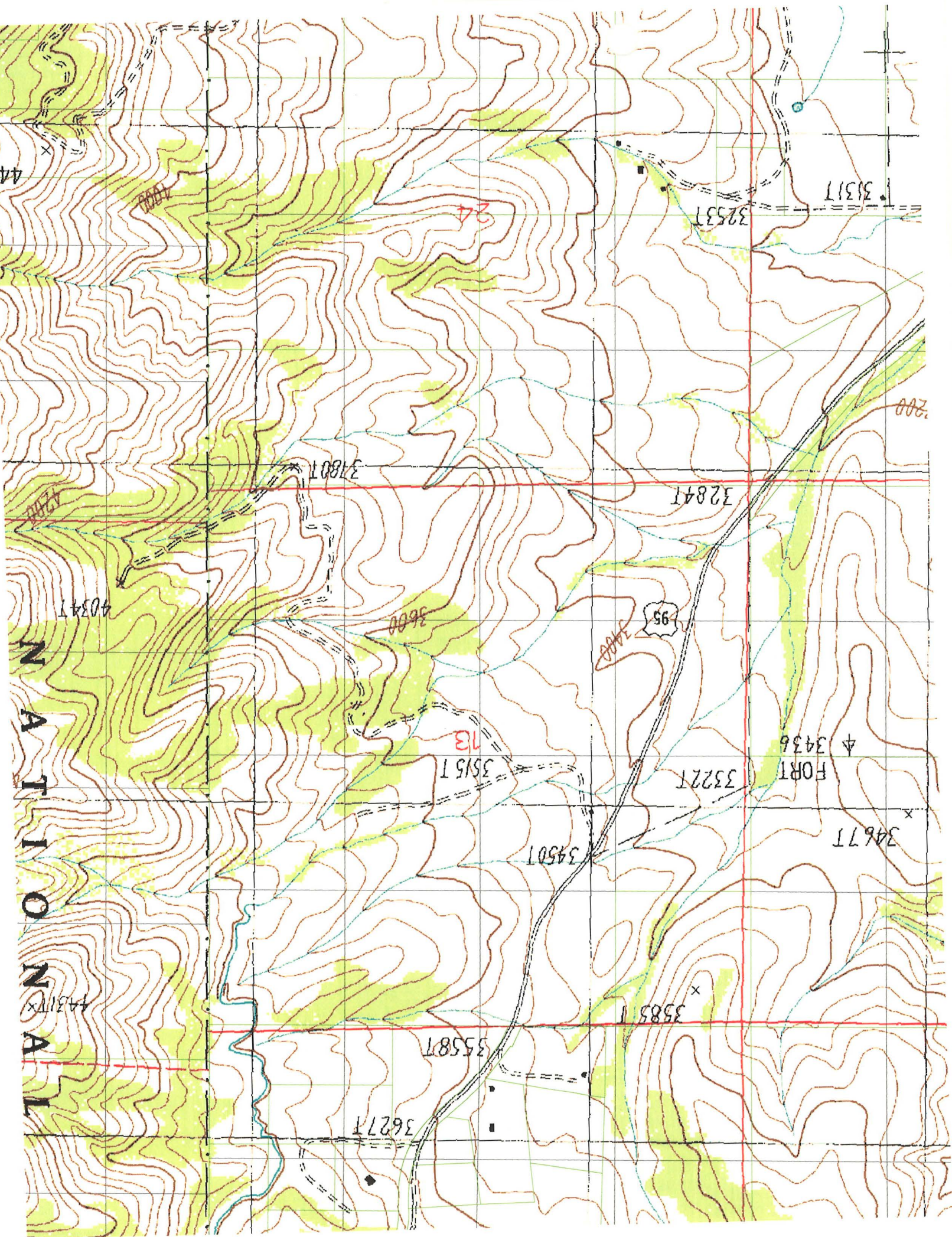
- Point of Diversion
 - Assumed Decreed POU - N/A
 - Preliminary Place of Use
 - Tax Lot Data - N/A
 - Quarter Quarter Lines
 - Section Lines
- Total Irrigated Acres = N/A**



Prepared By: Craig L. Saxton
Date: February 2006



67-114
6/17/05
already under sea





POD
Boulder
Creek

24"
Culvert/
Headgate
to ~2000'
ditch that
discharges
to Weiser
River

11/06/2006

N45°04.980' W116°26.835'
2,307,398 1,545,304



Boulder
Creek

head
gate

11/06/2006

SA

78-2035/67-11449/67-00108 Yantis
67-1148



Yantis
Ditch
27" culvert
to ditch

SH

78-2035/67-1144A/67-00108
Yantis

67-11448

N 45° 05.111' W 116° 26.926
2,307,813 1,545,535



POD

24" Culvert
Head gate
at the
East Fork
of the Wei
River
(reclaim
water)

78-2035/67-11449/67-00108
Yantra

N44°49.333' W116°27.970'
2,312,935 1,516,156

67-11448



← This is where the Thomlinson Yanta Ditch first comes on to the POU, 2 other ditch branch off

11/06/2006



POU:
alfalfa
with
blue grass
pastures

Stocking:
150 head
cattle
rotated
throughout
property

11/06/2006

SA

Dirt ditches traverse across ridge
+ make it to ditch + culvert
going under the road.



Sec 13
drain
ditch
SWSW
that goes
under
Hwy 95



67-11448 Yantis

SH



Pu

SK

67-11448 Yantis

MEMORANDUM

Date: July 20, 2005

To: File

From: Monica Van Bussum

RE: SRBA claim 67-11448

This claim is based on licensed rights 67-2065A and 67-2065B. There were two licenses issued in the name of Arden C. Biggerstaff with a priority date of 3 November 1911.

The first, 2065A, was licensed for 0.2 cfs and for irrigation and domestic use on 10 acres in Sec. 13, T17N R01W. The second, 2065B, was licensed for 0.8 cfs and for irrigation and domestic use on 50 acres in Sec. 13, T17N R01W. There is a note dated 15 March 1985 in the Backfile saying the POU for 2065B was licensed in error and it should only be for 40 acres, which would give them an inch to the acre for 40 acres.

The claim is filed for 40 acres, the same POU as the should-be-corrected 2065B license with 0.2 cfs and also claims 0.8 cfs for 150 head of stock. We think the claim was filed incorrectly and should actually be filed for 0.8 cfs for 40 acres of irrigation (giving them an inch to the acre) and 0.2 cfs for stockwater. We should recommend it as such without an amended claim.

We will need to reduce the 0.20 cfs for stockwater to 0.05 cfs per IDWR standard for 150 head of cattle.

The total diversion rate recommended should be 0.85 cfs. We can find close to 40 acres in the QQs claimed for the irrigated property in ArcView.

INTER-DEPARTMENT MEMO — 1

DATE 3-15-85

FROM Jim

TO File

SUBJECT

* Two license were issued for this right

The license for $\frac{4}{5}$ of a cfs is in error.

Acres irrigated should be 40 25ac in SWNW,
and 15ac in NWSW S.13

license for $\frac{1}{5}$ of a cfs (67-2065A) P/D should be

NWNE ~~NENW~~ S.13

SEE Micro film for complete record.

SIGNATURE

County: Adame
 Stream: unnamed stream
 Amount: 4/5 of 1 sec.ft.
 Use: irrigation
 Priority: November 3, 1911

STATE OF IDAHO

Water License No. 7854

WHEREAS, On the 3rd day of November, A. D. 1911,
 Arden C. Biggerstaff

of Council, County of Adame, State of Idaho, duly made application
 (No. 11580) to me for a permit to use one (1) cubic foot per second of the waters of an
 unnamed stream

County of Adame, State of Idaho, for irrigation and domestic use purposes, and,

WHEREAS, On the 18th day of November, A. D. 1911, Permit No. 7854 was issued
 to said applicant for the diversion of said water and providing for the completion of the works of diversion
 therein described on or before the 18th day of November, A. D. 1912, and for the application to ben-
 efitial use of said water on or before the 18th day of November, A. D. 1915, and,

WHEREAS, On the 18th day of January, A. D. 1912, Arden C. Biggerstaff,
 the holder of said permit, transferred all his right, title and interest in and
 to said permit to W. E. Sproat, and,

WHEREAS, On the 30th day of October, A. D. 1912,
 W. E. Sproat

the holder of said permit, duly made proof of the completion of adequate works for the diversion of
 one (1) cubic foot per second of said waters, as evidenced by my Certificate No. 7854
 dated November 9, 1912, confirming the completion of works of sufficient capacity for diverting and
 conveying to the place of intended use one (1) cubic foot per second of said water,
 with date of priority of November 3, 1911, and

WHEREAS, On the 3rd day of August, A. D. 1914,
 W. E. Sproat

the holder of said permit, duly made proof of the application to beneficial use of 4/5 of 1 cubic
 foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I
 hereby grant and confirm to W. E. Sproat

of Council, County of Adame, State of Idaho, the holder and owner
 of said Permit No. 7854, a perpetual right, dating from November 3, 1911
 to the use of 4/5 of 1 cubic foot per second of the waters of an unnamed stream,

in the County of Adame and State of Idaho, or so much thereof as may be necessary for the
 purposes hereinbelow mentioned, to be diverted at the northwest corner of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$
 Sec. 13, T. 17 N., R. 1 W.B.M.,

and conducted to and upon 50 acres, divided as follows: 30 acres in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$
 and 20 acres in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 13, T. 17 N., R. 1 W.B.M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the
 State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local
 or community customs, rules and regulations which have been or may be adopted from time to time by
 a majority of the users, from a common source or supply, canal or lateral from which such water may
 be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 16th day of September,
 A. D. nineteen hundred and fourteen.

F. P. King,

(Seal)

State Engineer:

County, Adams
 Stream: unnamed
 Amount: 1/5 of 1 sec. ft.
 Use: irrigation
 Priority: November 3, 1911.

STATE OF IDAHO

Water License No. 7854

WHEREAS, On the 3rd day of November, A. D. 1911,

Arden C. Biggerstaff

of Council, County of Adams, State of Idaho, duly made application (No. 11580) to me for a permit to use one (1) cubic foot per second of the waters of an unnamed stream,

County of Adams, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 18th day of November, A. D. 1911, Permit No. 7854 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 18th day of November, A. D. 1912, and for the application to beneficial use of said water on or before the 18th day of November, A. D. 1915, and,

WHEREAS, On the 18th day of January, A. D., 1912, Arden C. Biggerstaff transferred all his right, title and interest in and to said permit to W. E. Sproat, and,

WHEREAS, On the 30th day of October, A. D. 1912,

W. E. Sproat

the holder of said permit, duly made proof of the completion of adequate works for the diversion of one (1) cubic foot per second of said waters, as evidenced by my Certificate No. 7854 dated November 9, 1912, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use one (1) cubic foot per second of said water, with date of priority of November 3, 1911, and

WHEREAS, On the 16th day of August, A. D. 1913,

W. E. Sproat

the holder of said permit, duly made proof of the application to beneficial use of 1/5 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to W. E. Sproat

of Council, County of Adams, State of Idaho, the holder and owner of said Permit No. 7854, a perpetual right, dating from Nov. 3, 1911, to the use of 1/5 of 1 cubic foot per second of the waters of an unnamed stream,

in the County of Adams and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 13, T. 17 N., R. 1 W. B. M.

and conducted to and upon 10 acres divided as follows: 5 acres in SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and 5 acres in NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 13, T. 17 N., R. 1 W. B. M.

for the purpose of irrigation and domestic, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 15th day of November A. D., nineteen hundred and thirteen.

F. P. King,

(Seal)

State Engineer.
67 2065

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: A67-11448
Date Received: 11/09/1989
Receipt No: W006656
Received By: RN & LW

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

1. Name: JACK YANTIS 208-253-4776
Address: HC 64, BOX 3595, FORTHALL HILL
COUNCIL, ID 83612
AND
Name: DONNA YANTIS 208-253-4776
Address: HC 64, BOX 3595, FORTHALL HILL
COUNCIL, ID 83612

2. Date of Priority: NOV 03, 1911

3. Source: UNN. STREAM Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	13	NE	NW			ADAMS

5. Description of diverting works:
NONE LISTED

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		
STOCKWATER	01/01	12/31	0.800		

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

8. Total consumptive use is 120.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/150 HD COWS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	13	SW	NW		IRR	25.0
			NW	SW		IRR	15.0
Section Acres							40.0
Total Acres							40.0

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:
67-02012, 67-00107

14. Remarks:
I AM COMBINING RIGHTS 67-2065A WITH 67-2065B. THIS WATER COVERS
ACRES THAT ARE ALSO COVERED BY RIGHT 67-2012 AND 67-00107.
SEE ATTACHED MEMO.

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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:

Ident. Number

Date Received

Receipt Number

39576

AG7-11448

W006656

RECEIVED

NOV 09 1989

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Jack and Donna Yantis Phone (608) 253-4774Mailing Address HC64 Box 3575 Forthall Hill, Council Zip 836122. Date of Priority (Only one (1) per claim) NOV 3, 19113. Source of water supply (a) Unnamed Stream
which is tributary to (b) Weiser River4. a. Location of existing point of diversion is: Township 17 N Range 1 W Section 13,
1/4 of NE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Adams

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____

1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from _____ to _____ amount .2 or _____

For Stockwater purposes from 1-1 to 12-31 amount .8 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic - Stockwater 150 hd cows

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>17N</u>	<u>1W</u>	<u>13</u>						<u>5</u>	<u>5</u>										
<u>17W</u>	<u>1W</u>	<u>13</u>						<u>25</u>				<u>15</u>							

Total number of acres irrigated 40

11. In which county (ies) are lands listed above as place of use located? Adams

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
67-2012 67-107 or None ()

14. Remarks: I am combining rights 67-2065A with 67-2065B. This water covers acres that are also covered By right 67-2012 and 67-107

Last Name Yantis Ident No. _____

MICROFILMED
Copies: White - State, Yellow - Claimant

OCT 05 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Jack F. Gantz Date 11-20-89
Donna Gantz Date 11-20-89

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 20th day of Nov 19 89

SEAL

Notary Public Ron Howerton

Residing at Ron Howerton

Residing at Boise, Idaho

My Commission Expires My Commission Expires December 8, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

MICROFILMED
Copies White-State, Yellow-Claimant
OCT 05 1992

Water Right Number - 67-02065A

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 7854

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SPROAT

W. E.

1 -

2 -

3 -

City- COUNCIL

State- ID Zip-

Phone -

*** O - ORIGINAL OWNER ***
BIGGERSTAFF

ARDEN C.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

+ - - Priority Date - - +
11/03/1911+ - - Region - - - +
14+ - - Stage - - - +
L - LICENSE

+ - - Status - - - - +

+ - - - - Source - - - - - +
UNNAMED STREAM+ - - - - Tributary - - - - - +
WEISER RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

17N 01W 13 NE NW (3) ADAMS

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

0.200

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.200+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

17N 01W 13 SW NW 5.0 01 IRRIGATION (3) ADAMS

17N 01W 13 NW SW 5.0 01 IRRIGATION (3) ADAMS

Total Acres: 10.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.MICROFILMED
OCT 05 1997

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 04/23/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 01/31/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

MICROFILMED

Old (D) Number - 7854

+ - - - - - - - Last Name - - - - - +	+ - First Name - - +	+ - - - - - - - - - - - - Address - - - - - - - - - - - - - - - +
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152	152	149
153	153	150
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159	159	156</

*** C - CURRENT OWNER ***
SPROAT

W. E.

1 -
2 -
3 -
City- COUNCIL
Phone -

State- ID Zip-

*** O - ORIGINAL OWNER ***
BIGGERSTAFF

ARDEN C.

1 -
2 -
3 -
City-
Phone -

State- Zip-

Priority	Date	Region	Stage	Status
11/03/1911	14		L - LICENSE	

Source	Tributary
UNNAMED STREAM	WEISER RIVER

Twn	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion				Stream Index (Blank if no Index Code)			
17N	01W	13	NE NW			(3) ADAMS	272.0	288.0	39.3	1.0				5.1

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION					0.800	

+ - Total Div. Rate - +		+ - Total Div. Volume - +		+ - Total Div. Capacity - +		+ - Total Consumptive Use - +		+ - KW Usage - +	
	0.800								

+	Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County	+
	17N	01W	13	SW NW		25.0	01	IRRIGATION	(3) ADAMS	
	17N	01W	13	NW SW		15.0	01	IRRIGATION	(3) ADAMS	

Total Acres: 40.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Remarks
LICENSE INCORRECTLY SHOWS P/D IN NENW SEC. 13, T17N, R01W & 50 ACRES IRRIGATED IN SWNW AND NWSW, SEC. 13.

OCT 05 1992

MICROFILMED

Water right number - 67-02065B Adj. flag translation: Standard Water Right Number

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 04/23/85 05/01/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 04/23/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 01/31/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

MICROFILMED

OCT 05 1992

CONVERSATION MEMORANDUM

DATE 1-26-90FILE AG7-11448NAME OF PARTY Jack GantisEMPLOYEE Linda WarnerRE: Combined claimsAG7-11448

1. Are the written copies of claims how they wish them to be combined? ^{YES} If so, then -
 A 67-2065 A & B - shows an additional usage although reflecting the same total quantity. ^{OK}

AG7-11449 AG7-104 - 107 & 67-2021

POU on written claims indicates 17N, 1E, Sec. 13²⁴ rather than 17N, 1W, Sec. 24 & 13. Also some areas not shown on claim which were originally on previous W.R.

What about acreage on 67-2021 - Not indicated on claim? AG7-2021 filed at state office -

Has there been an expansion? ^{NO} When?

2nd diversion in T20N, R1W, Sec. 16?

Amount of water way over combined amt

Previous total = 3.9 cfs Your total = 7.1

Filed by Loulen Livestock; has correct POU; correct amt. of water; 4 diversions - Do they still want to combine this claim? ←

No answer at 10:30 am on 2:45 pm - 1-26-90

" " "

1:45 p on 1-29-90

" " "

9:00 a on 1-30-90

MICROFILMED

OCT 05 1992

OVER →

Talked w/c "xumant (Donna Yanus) at 2:00 p on 1-30-90.

AG7-11449 - No domestic

AG7-2021 should actually be 67-2012

POU is actually T 17N, RIW, Sec. 13 F 24.

Since this was the problem, it answers all the questions. Okay to file as they indicated.

RECEIVED

APR 28 1990