

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

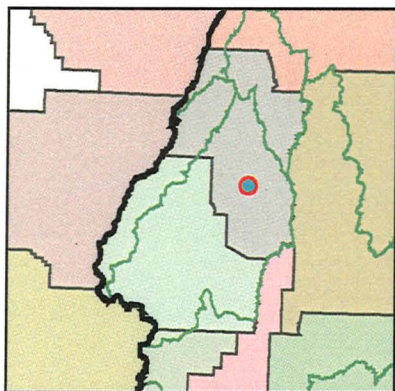
SRBA Recommendation:

67-11495

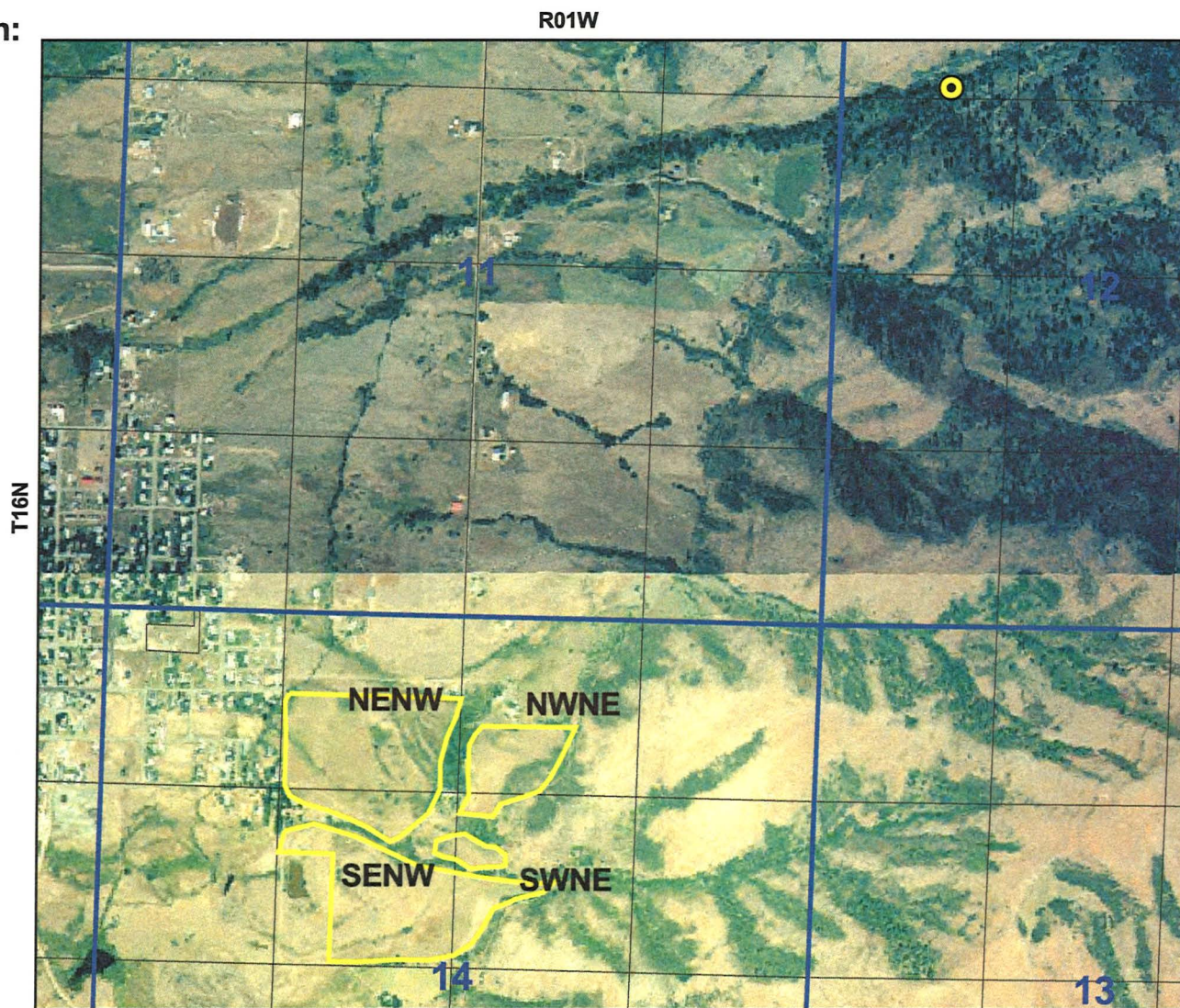
(Irrigation)

Legend

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



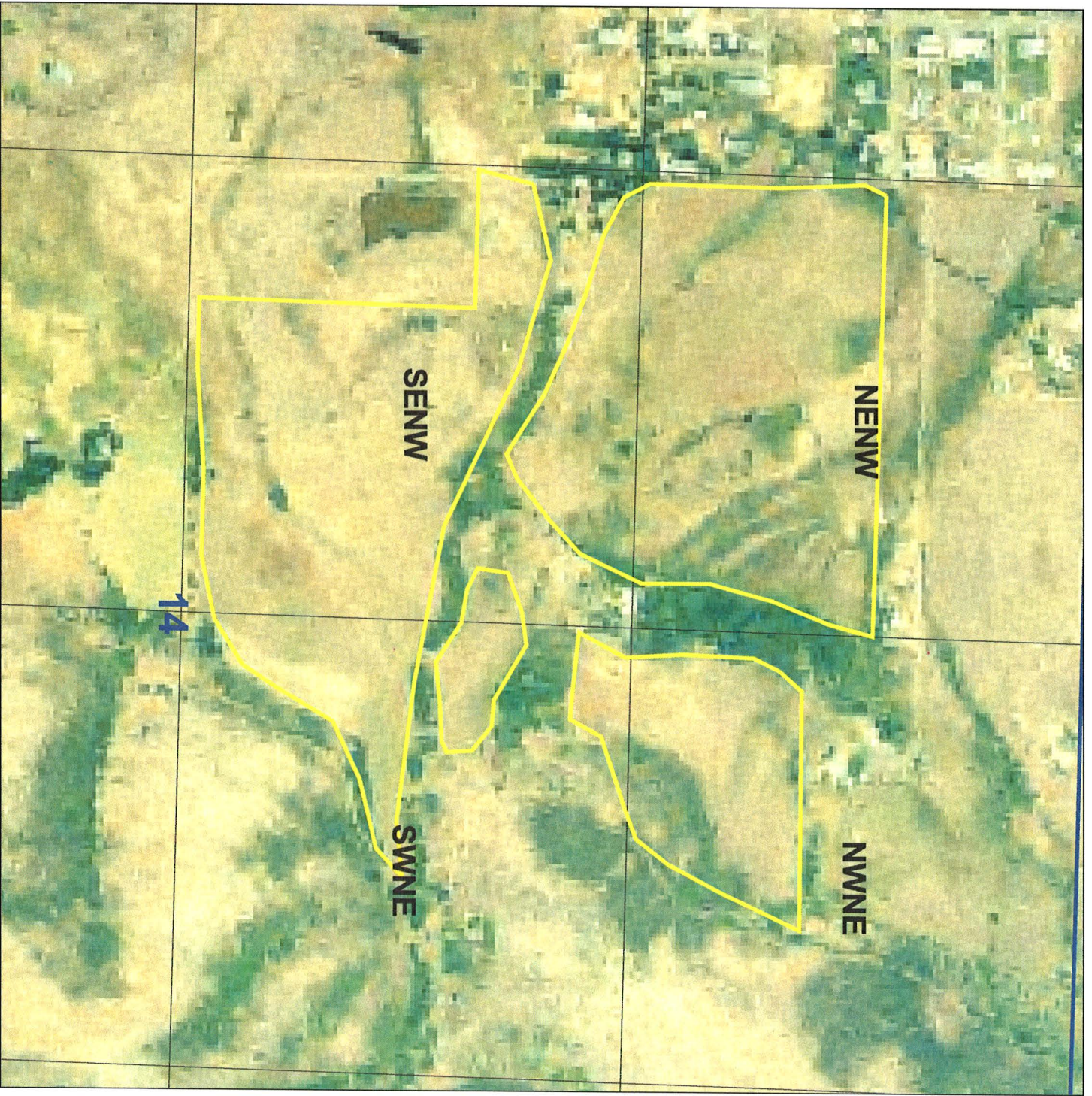
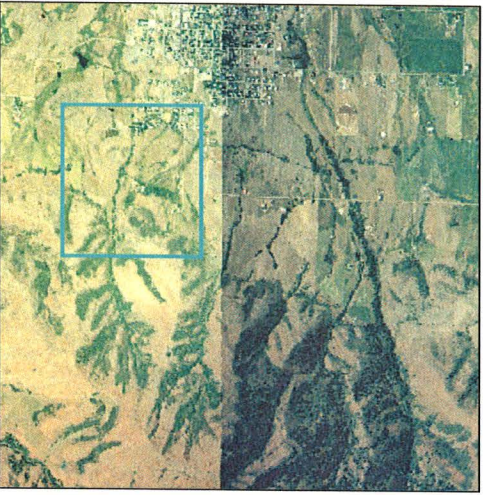
Adams County
IDWR Basin 67



0 0.5 1 Miles

Prepared by IDWR State Office
On Saturday, December 2, 2006
1987/88 Aerial Photography

67-11495



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11495 V1

WATER RIGHT NUMBER: 67-11495 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ELLA E WEED PO BOX 233 COUNCIL, ID 83612 (208)253-4881
Current Owner	CARLOS L WEED PO BOX 233 COUNCIL, ID 83612 (208)253-4881

Priority Date: 03/15/1915

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.180 CFS	
<u>Total Diversion:</u>		1.180 CFS	

Location of Point(s) of Diversion

GROSSEN CREEK	SE1/4NW1/4NW1/4	Sec. 12, Twp 16N, 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	
16N	01W	14		7.5	6.5		21.0		24.0									59.0	

Total Acres: 59

Conditions of Approval:

1. E55 Right Nos. 67-11454, 67-11495 and 67-2157 are limited to the irrigation of a combined total of 38.0 acres in a single irrigation season.
2. 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.
3. E51 Right Nos. 67-11454, 67-11495 and 67-2157 are limited to a total combined diversion rate of 0.76 cfs.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11495 V1

Comments:

1. mvanbussum 12/1/2006 Copied from remarks
 Comment: THIS CLAIM IS FOR FLOOD WATER USED PRIMARILY BEFORE THE SORENSON- RINEHART DITCH CO. BEGINS DIVERTING WATER FROM THE NO. FORK COTTONWOOD CK. INTO GROSSEN CK. IN THE SPRING. HOWEVER, IF FLOOD WATER IS STILL AVAILABLE AFTER THE DITCH CO. BEGINS DIVERTING, THEN GROSSEN CREEK FLOOD WATER IS USED IN ADDITION TO THE DITCH CO. WATER.

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	10/11/2006 9:40:30 AM	mmount			Active
Priority Date	10/11/2006 9:43:43 AM	mmount			Active
POD	10/11/2006 9:50:22 AM	mmount			Active
Source	10/11/2006 9:58:00 AM	mmount			Active
POU	10/11/2006 9:58:27 AM	mmount			Active
Use	10/11/2006 9:58:49 AM	mmount			Active
Season	10/11/2006 9:59:08 AM	mmount			Active
Quantity	10/11/2006 11:16:46 AM	mmount			Active
Summary			12/01/2006	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	10/11/2006 9:40:31 AM	mmount	(No) 1. Do you want to schedule an appointment? Comment for 1: desk review
POD	10/11/2006 9:54:58 AM	mmount	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11495 V1

POU	10/11/2006 9:58:28 AM	mmount	(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? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - Aerial photo
Season	10/11/2006 9:59:09 AM	mmount	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Summary	12/1/2006 4:13:39 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
General	10/11/2006 9:43:43 AM	mmount	(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 - An affidavit from Carlos Weed.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11495 V1

Source	10/11/2006 9:58:00 AM	mmount	(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 - Aerial Photo, claim file
POD	10/11/2006 9:50:23 AM	mmount	(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?
Use	10/11/2006 9:58:49 AM	mmount	(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 - Aerial photo
Quantity	10/11/2006 11:16:46 AM	mmount	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
POU	12/2/2006 3:37:17 PM	mvanbussum	Updated shape for Active POU
POU	12/2/2006 3:40:10 PM	mvanbussum	Updated shape for Active POU
POU	12/2/2006 3:40:17 PM	mvanbussum	Updated PLS for Active POU

Water Supply Bank:

After 1931

5-10-18

After 1931

Weed files

	pod	source	qq's	ac	cfs	acres	priority	
4302	nenw	spring	nenw	2	0.28	16	1916	.08 dom
			swnw	6				.2 irr
			senw	8				

?
which 2 acres
which 6 acres
which 8 acres

10437	nenw	spring	nenw	9	0.1	10	1916	
			swnw	1				

> cannot rec 1916
b/c the orig. filing
was from a diff source

apparently this is based on permit 67-2109 in which a license was not ever issued.

b/c it was superceeded by decreed right 67-335

proof of completion of works signed in 1917, applied for a priority date of 1916.

The permit was for an unnamed stream trib to Weiser R. in the N~~4~~N~~4~~W - doesn't apply now/diff source

NEED a

Field exam
to determine
acres.

source
was cottonwood
creek

2157	nenw	spring	nenw	10	0.2	10	1931	
	nwne	spring						

pod is described as btwn the nenw and nwne.

applied for 25ac in nenw and 3 ac in senw

200 ac

according to field examiner's report for 2157 the maximum

flow for this system is "about 10 miner's inches."

signed in 1939.

67-335

decreed but not claimed in the adjudication
includes 30 acres in the nenw

called a spoke of John
Mary's husband -

11108 spring

POD in

4529 Bradley
spring

5 ac irr

11486 cool cr. spring

N~~4~~N~~4~~W

NW~~4~~NW

NW~~4~~NE

renumbered to
B69-11416

47.8 Ac
+ 13 Ac

60.8
61 Ac limit
1.22 cfs

ES 5 & 5 conditions
23.07
out 9.71
13 Ac extra
11454
11495
2157

→ Duwayne 1142-1147

→ Allen Burns - mount of us
made & card re Betty Atteberry

Dirk

Idaho Department of Water Resources

2004 imagery



* We need Mary to ~~be~~ st explain how water is put on all the 30ish Acres - by pipes? ditches? how.

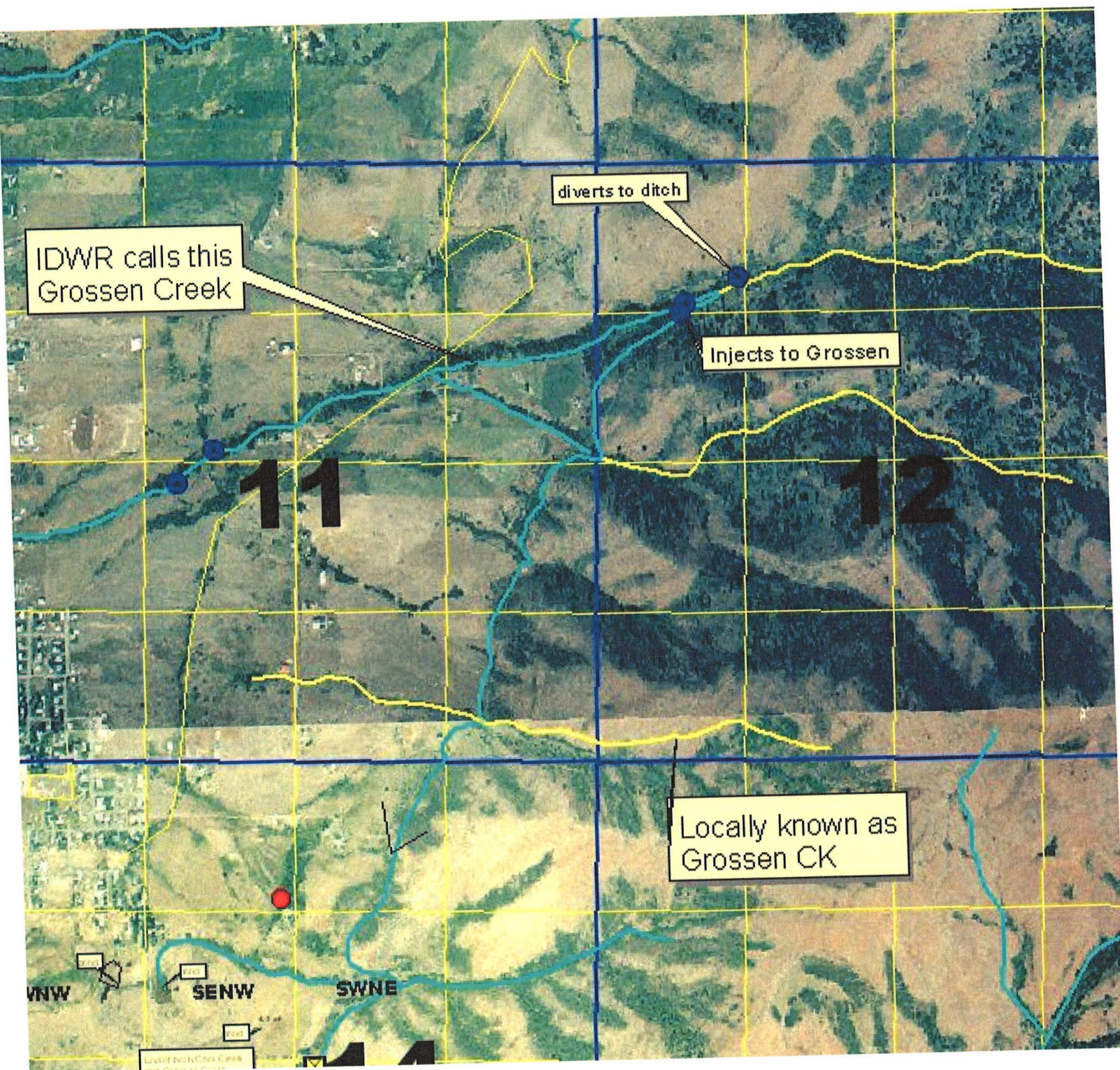
We also need her to determine how/when additional acres (>10) were being irrigated - about what year was spring water put on the extra acres. - because only 10 AC were licensed in 1930 + more we applied for.

MAR 25 3-4881

GCDB16N01W GCDB
B-67streams.shp



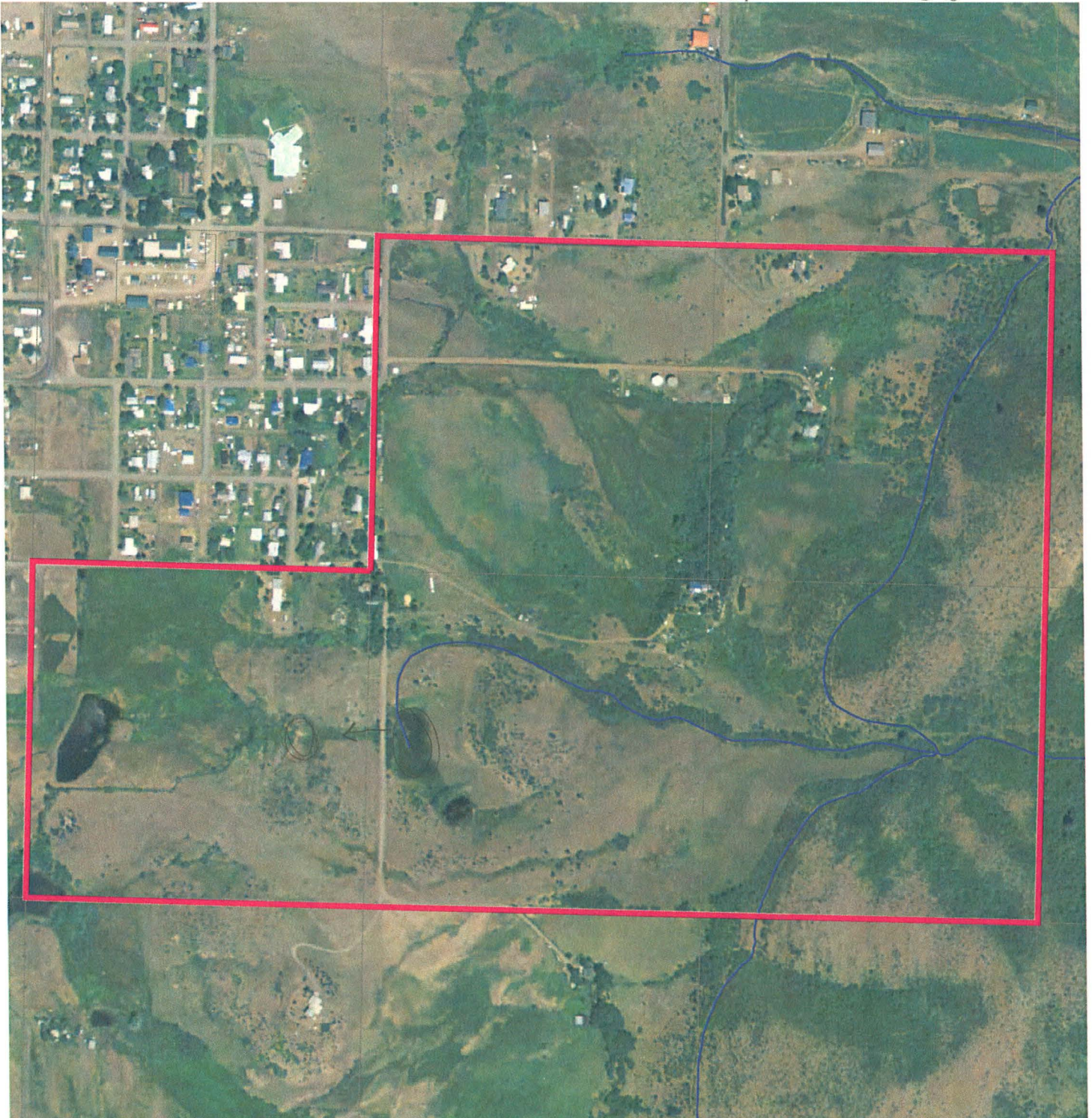
same by gravitation - flood lay pipe on ground + delivered to sprinklers



Idaho Department of Water Resources

2004 Imagery

Grossen Cr. POD A0014092



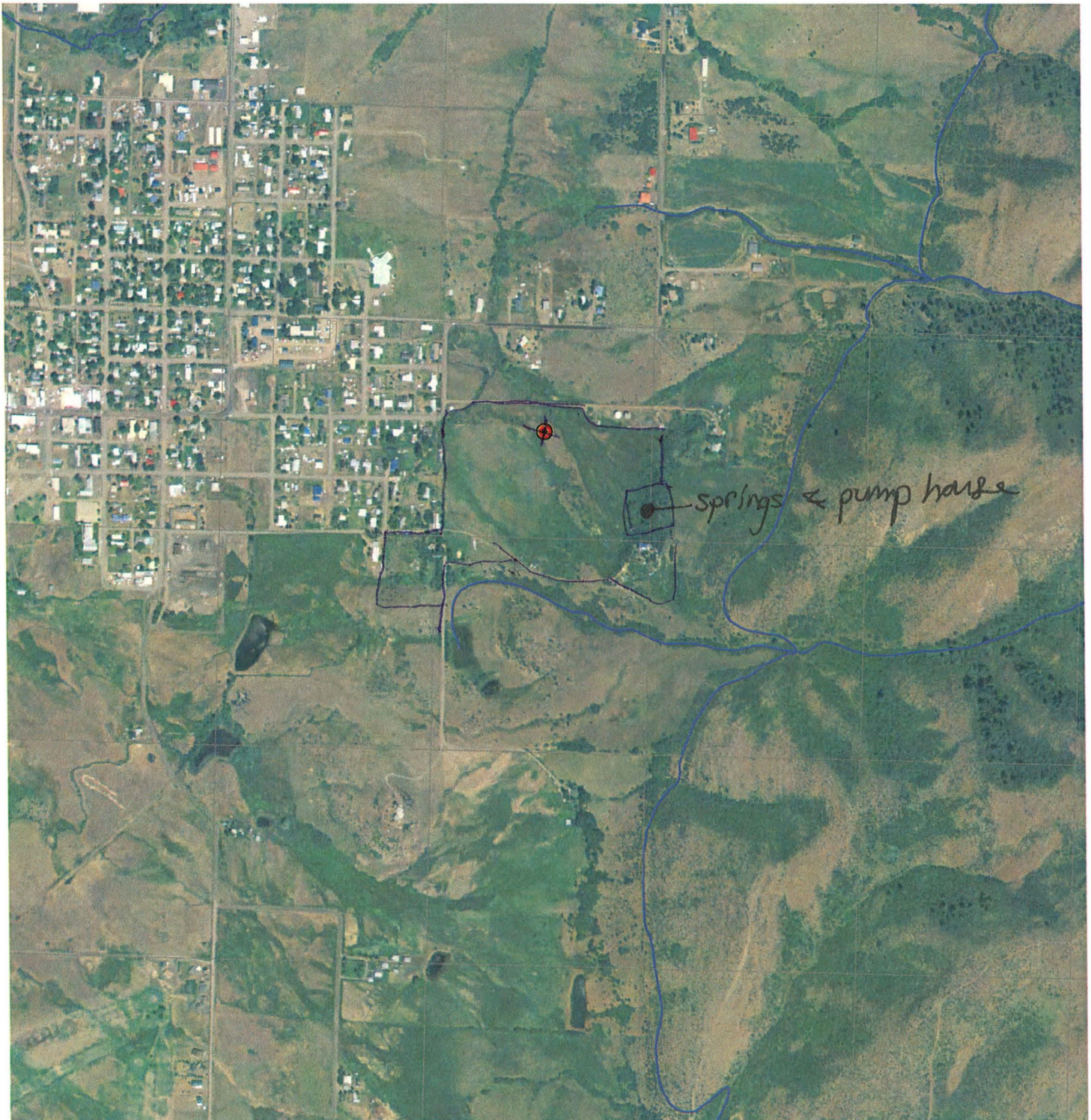
67-11495 Weed property
verify acres irrigated
claimed 59 acres

- 67_11495_claim_pod.shp
- 67_11495_claim_pou.shp
- GCDB16N01W GCDB
- B-67streams.shp



Idaho Department of Water Resources

2004 Imagery



67-4302 Weed property
verify pod (spring) and acres irrigated

67_4302_claim_pod.shp
GCDB16N01W GCDB
B-67streams.shp





22 ac 11495 grossen

NENW

- 2 ac 4302 • 1916
- 9 ac 10437 • 1916
- 10 ac 2157 • 1931

7.5 ac 11495 grossen

67-4302 Weed/Dickerson springs

5 ac 11454 grossen

5.5 ac 11495 grossen

- 6 ac 4302
- 1 ac 10437

11 af

SWNW

- 9.5 ac 11495 grossen cr
- 6 ac 11454

8 ac 4302

8 ac 11454 grossen

SENW

17 af

4.3 af

14.5 ac 11495 grossen

SWNE

End of Cool Cr and Grossen Creek water

6 ac 11454 grossen



22 ac 11495 grossen

NENW

- 2 ac 4302 1916
- 9 ac 10437 1916
- 10 ac 2157 1931

NWNE

7.5 ac 11495 grossen

67-4302 Weed/Dickenson springs

5 ac 11454 grossen

5.5 ac 11495 grossen

- 6 ac 4302
- 1 ac 10437

11 af

8 ac 4302

8 ac 11454 grossen

SWNW

- 9.5 ac 11495 grossen cr
- 6 ac 11454

17 af

SENW

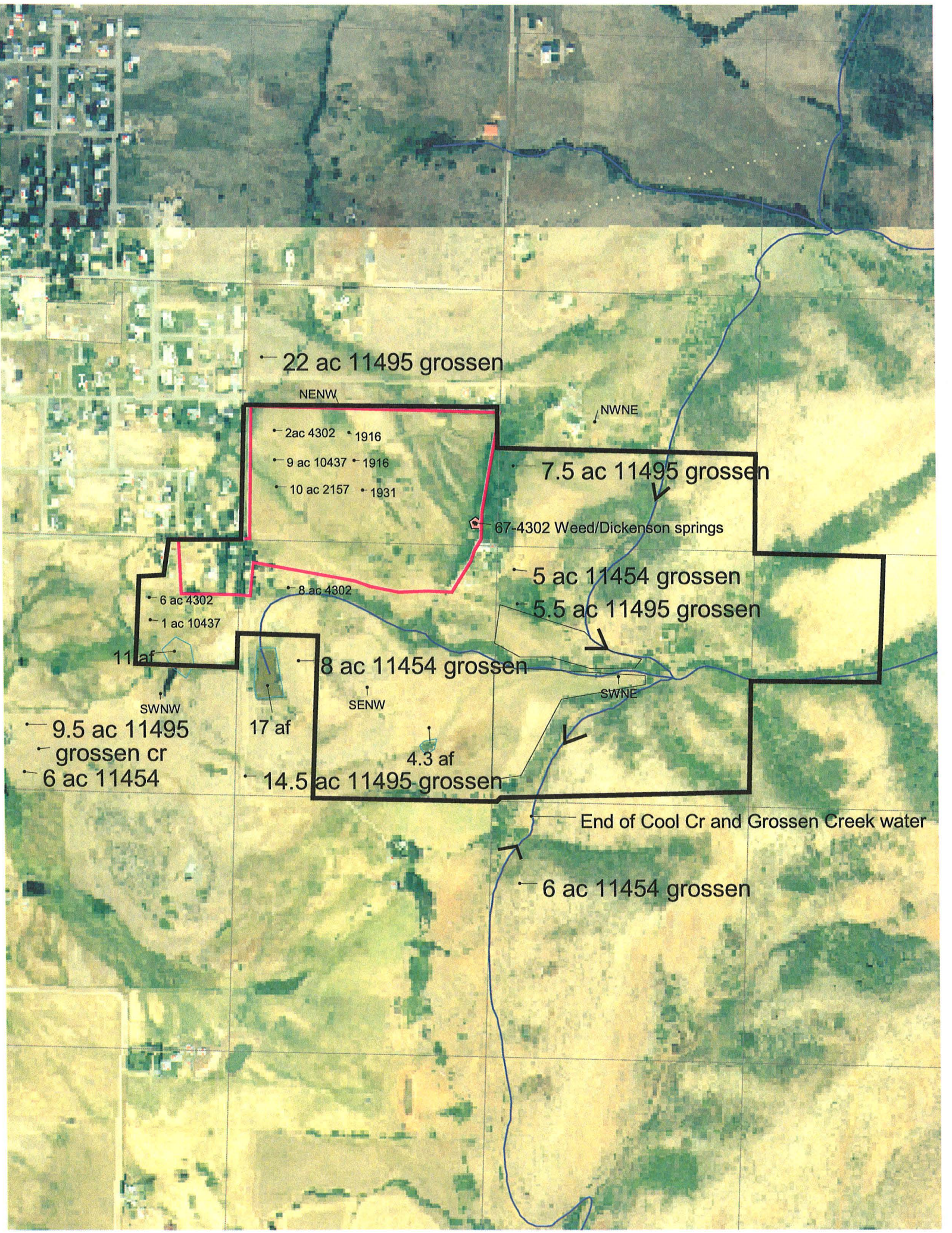
4.3 af

14.5 ac 11495 grossen

SWNE

End of Cool Cr and Grossen Creek water

6 ac 11454 grossen



22 ac 11495 grossen

NENW

- 2 ac 4302 1916
- 9 ac 10437 1916
- 10 ac 2157 1931

NWNE

7.5 ac 11495 grossen

67-4302 Weed/Dickenson springs

5 ac 11454 grossen

5.5 ac 11495 grossen

- 6 ac 4302
- 1 ac 10437

8 ac 4302

11 af

8 ac 11454 grossen

SWNW

SENE

SWNE

9.5 ac 11495

grossen cr

6 ac 11454

17 af

4.3 af

14.5 ac 11495 grossen

End of Cool Cr and Grossen Creek water

6 ac 11454 grossen



NENW

NWNE

• 2 ac 4302 • 1916
• 9 ac 10437 • 1916
• 10 ac 2157 • 1931

PPU

Rec 1 day
after exam
of
top
of
Mt.
May

≈ 7.5

67-4302 Weed/Dickenson springs

• 6 ac 4302
• 1 ac 10437

11 af

SWNW

8 ac 4302

17 af

SENE

4.3 af

SWNE

End of Cool Cr and Grossen Creek wa

I, Carlos Weed, was born October 12, 1907 on the property I now own. This property is located east of the town of Council, Idaho in what is now Adams County.

At the time of my birth, my father, Carlos Weed, Sr. owned and rented part of the property now owned by me. He farmed this property using irrigating water from the Sorenson Rinehart Ditch. This ditch is occassionally refered to as the Gifford Sorenson.

I personally helped with the irrigating starting about 1915 and knew the water was from the Sorenson Rinehart Ditch.

In 1925, I bought and started farming the land I now own. Water from the North Lateral of the Sorenson Rinehart Ditch was used then and is still being used on this property.

I bought and rented land in 1928 using irrigating water from the South Lateral of the Sorenson Rinehart Ditch. The route for the main ditch and its laterals have not been changed.

Meetings of stockholders have been held annually, and work for maintainance and cleaning done annually.

Signed *Carlos Weed*

Steve Carter
Notary for Idaho
Council, Idaho
Exp 9/99

DATE: 5-8-90 & 9-11-90(A67-11737)

TO: CLAIM FILES FOR NO. A67-11488, A67-11489, A67-11491,
A67-11493, A67-11495, & A67-11737

FROM: JAN SHURTE

SUBJECT: REASON FOR NO LATE FEE

THE ABOVE CLAIMS WERE FILED AFTER THE DEADLINE FOR ADAMS CO. FOR FLOOD WATER RIGHTS ON COOL CREEK AND GROSSEN CREEK. I DID NOT CHARGE A LATE FEE BECAUSE ALL OF THE CLAIMANTS ALSO HAVE SORENSON-RINEHART DITCH CO. RIGHTS WHICH WERE FILED TIMELY AND UNTIL I SPOKE WITH THEM ABOUT THOSE DITCH RIGHTS WAS IT DISCOVERED THEY SHOULD HAVE FILED ON THEIR FLOOD RIGHTS ALSO.

NORMALLY, THE SORENSON RINEHART DITCH CO. DIVERTS WATER FROM THE NO. FORK COTTONWOOD CREEK AND DUMPS IT INTO BOTH COOL CK. AND GROSSEN CK. AS A MEANS OF CONVEYANCE. CLAIMANTS THOUGHT WHAT THEY WERE DIVERTING, EVEN DURING THE FLOOD SEASON, WOULD THEN BE SORENSON RINEHART DITCH CO. RIGHTS. HOWEVER, THROUGH CONVERSATION WITH THE DITCH CO. OFFICIALS, I FOUND THAT THEY DO NOT DIVERT DURING THE EARLY SPRING FROM N. FORK COTTONWOOD BECAUSE THERE IS STILL ICE IN THE DITCH, SINCE THE NO. FORK IS FURTHER UP LAND FROM GROSSEN OR COOL CK. BUT, DURING THE EARLY SPRING SOME OF THE WATERUSERS BEGIN DIVERTING FROM GROSSEN OR COOL CK. BEFORE THE DITCH CO. DIVERTS FROM COTTONWOOD CK. THEREFORE, THEY ARE DIVERTING FLOOD WATERS WHICH ORIGINATE IN GROSSEN & COOL CK. AND NEEDED A FILING FOR THAT TIME PERIOD. THEY CONTINUE TO DIVERT ALL THROUGH THE SUMMER, AND SINCE IT WOULD BE IMPOSSIBLE TO TELL WHEN GROSSEN OR COOL CK. WATER IS GONE AND ONLY THE DITCH WATER FROM NO. FORK COTTONWOOD CK. IS RUNNING IN THESE TWO CREEKS, I HAVE PUT THE SEASON OF USE FOR THE ENTIRE IRRIG. SEASON.

BECAUSE THIS IS SUCH A COMPLICATED FLOOD WATER SITUATION, I FELT THESE CLAIMANTS SHOULD NOT BE CHARGED A LATE FEE FOR THESE FLOOD WATER CLAIMS SINCE THEY HAD BELIEVED ALL THEY NEEDED TO FILE WAS THEIR DITCH CO. RIGHTS AND THOSE WERE FILED TIMELY.

SCANNED
APR 12 2004

MICROFILMED

OCT 05 1992

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: A67-11495

Date Received: 5/08/1990

Receipt No: W012364

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CARLOS WEED 208-253-4881
Address: P.O. BOX 233
COUNCIL, ID 83612

OR

Name: ELLA WEED 208-253-4881
Address: P.O. BOX 233
COUNCIL, ID 83612

2. Date of Priority: JUN 05, 1902

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16N	01W	12	SE	NW	NW		ADAMS

5. Description of diverting works:
DIV. VIA GRAVITY FLOW THRU DITCHES FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.180		

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

8. Total consumptive use is 177.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION.

SCANNED
APR 12 2004

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	14	NW	NE		IRR	7.5
			SW	NE		IRR	5.5
			NE	NW		IRR	22.0
			SW	NW		IRR	9.5
			SE	NW		IRR	14.5
						Section Acres	59.0
						Total Acres	59.0

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:

CLAIM NO. A67-11487 - SORENSON DITCH CO. RTS., OTHER RTS. ALSO.

14. Remarks:

THIS CLAIM IS FOR FLOOD WATER USED PRIMARILY BEFORE THE SORENSON-RINEHART DITCH CO. BEGINS DIVERTING WATER FROM THE NO. FORK COTTONWOOD CK. INTO GROSSEN CK. IN THE SPRING. HOWEVER, IF FLOOD WATER IS STILL AVAILABLE AFTER THE DITCH CO. BEGINS DIVERTING, THEN GROSSEN CREEK FLOOD WATER IS USED IN ADDITION TO THE DITCH CO. WATER.

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): Carlos Weed Date: 5/8/90

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of May 19 90 Jan Thutle
Notary Public

Seal

Residing at Meridian ID
My Commission Expires 9-14-94

COUNCIL NW ORTHOPHOTOQUAF
IDAHO

R.I.W. R.I.E.

116°

548

548

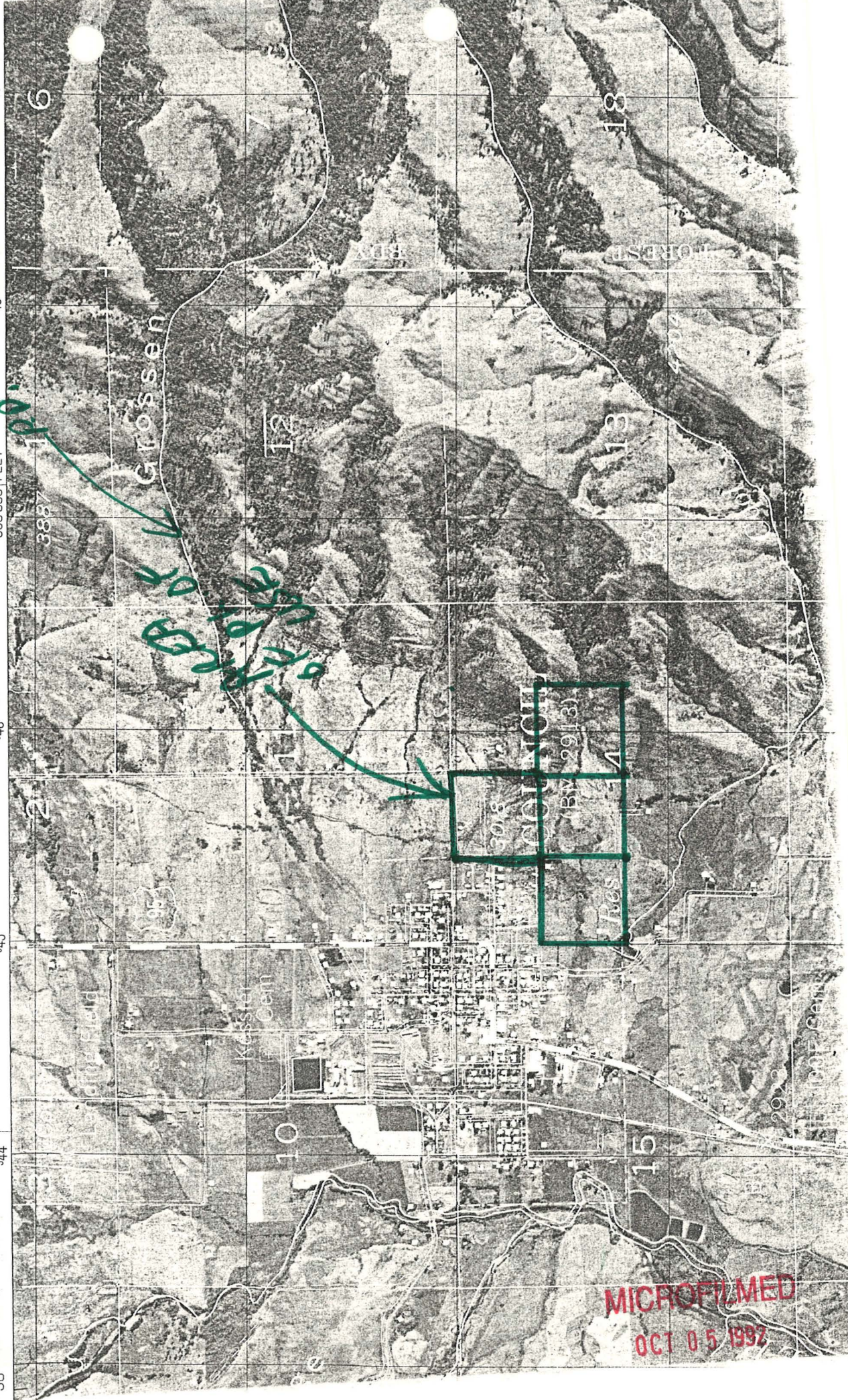
330 000 FEET

546 25'

545

544

30"



MICROFILMED
OCT 05 1992