

12/18/2006

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

RIGHT NUMBER: 67-14110

NAME AND ADDRESS: SEWARD PROSSER MELLON
PO BOX RKM
LIGONIER PA 15658-0780

SOURCE: SPRINGS
THOUSAND SPRINGS CREEK

TRIBUTARY: THOUSAND SPRINGS CREEK
TRIBUTARY: WEISER RIVER

QUANTITY: 1.600 CFS
3.070 AFY

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

Storage of water under the rights listed below are limited to a combine total of 19.0 acre feet per year. Combined Right No(s): 67-8004, & 67-14110

PRIORITY DATE: 03/01/1966

POINT OF DIVERSION:

T12N R04W S4 NESWNE Within WASHINGTON County

T12N R04W S4 SWNWSE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	03/01 11/15	3.07 AFY
DIVERSION TO STORAGE	03/01 11/01	1.600 CFS
STOCKWATER FROM STORAGE	03/01 11/01	3.07 AFY
IRRIGATION FROM STORAGE	03/01 11/15	3.07 AFY
STOCKWATER	01/01 12/31	0.140 CFS
STOCKWATER STORAGE	03/01 11/01	3.07 AFY
DOMESTIC	01/01 12/31	0.040 CFS

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION STORAGE in WASHINGTON County

T12N R04W S04 SWNE T12N R04W S04 NWSE

IRRIGATION FROM STORAGE in WASHINGTON County

T12N R04W S04 SWNE 2.30 T12N R04W S04 NWSE 6.50

T12N R04W S04 SWSE 15.00

STOCKWATER in WASHINGTON County

T12N R04W S04 SWNE T12N R04W S04 NWSE

STOCKWATER STORAGE in WASHINGTON County

T12N R04W S04 SWNE T12N R04W S04 NWSE

STOCKWATER FROM STORAGE in WASHINGTON County

T12N R04W S04 SWNE T12N R04W S04 NWSE

DOMESTIC in WASHINGTON County

T12N R04W S04 NWSE

23.8 ACRES TOTAL

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

12/18/2006

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

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

Parcel #: RP12N04W040000A

Stockwater use is for 500 beef cattle.

67-14110

Priority Date

Claimant wants recommended priority date changed to 04/01/1891. Affidavit provided by Scott Campbell from Wayne Williamson supports 1966, as recommended. No changes without further evidence of priority. *Agreed C. Smith 12-18-06*

POD

Claimant wants T12N R04W Sec 4 SWNWSE recommended as a POD. This is included in the recommendation. No change. *Agreed C. Smith 12-18-06*

Claimant wants T12N R04W Sec 4 NESWNE recommended as a POD. We recommended SESWNE. Note in file states we had trouble finding POD. NEEDS CHANGED. *Change Made: Agreed C. Smith 12-18-06*

Quantity

Claimant wants shorter season of use than IDWR standard. No changes warranted. *Requested season changes made C. Smith 12-18-06*

POU

All in T12N R04W Sec 4

NOE requests	IDWR recommended	Action/Comments
SWNE 3 ac	2.3 ac	<u>NEEDS REVIEW</u>
SWSE 13 ac	15 ac	<u>NEEDS REVIEW</u>
NWSE 14 ac	6.5 ac	<u>NEEDS REVIEW</u>

30 23.8
NOTE: Recommended total acreage and claimed total acreage are identical at 30 ac.

Need Evidence to support Additional Acreage.

C. Smith

12-18-06

True, but it shouldn't have shown 30 ac. C. Smith

RECEIVED
DEC 11 2006
DEPT. OF
WATER RESOURCES

12/08/2006

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: 67-14110

SEWARD PROSSER MELLON
PO BOX RKM
LIGONIER, PA 15658-0780
Telephone Number: (724) 238-6731

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

Priority Date; Point of Diversion; Purpose and Period of Use; Place of Use

- **Describe the changes you wish to make in the proposed recommendation:**

Priority Date: Change to Priority Date to 04/01/1891.

Point of Diversion: Change the Points of Diversion as follows:

TWP	RNG	SEC	1/4 of	1/4 of	1/4	County
12N	4W	4	NE	SW	NE	Washington
12N	4W	4	SW	NW	SE	Washington

Purpose and Period of Use: Change the Period of Use that were incorrectly listed for the following Purposes of Use:

<u>Purpose of Use</u>	<u>Period of Use</u>
Irrigation Storage	03/01 11/01
Stockwater From Storage	03/01 11/01
Stockwater Storage	03/01 11/01

SCANNED
DEC 11 2006

Place of Use: Correct the Quantity for the following "Irrigation From Storage in Washington County:"

TWP	RNG	SEC	1/4 of	1/4	Lot	Quantity
12N	4W	4	SW	NE		3.0
12N	4W	4	SW	SE		13
12N	4W	4	NW	SE		14

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

Priority Date: There is no basis for changing the priority date as it is contained in the license.

Points of Diversion: The Points of Diversion are incorrect in the Preliminary Recommendation.

Purpose and Period of Use: The Period of Use are incorrect for Irrigation Storage, Stockwater From Storage and Stockwater Storage purposes in the Preliminary Recommendation.

Place of Use: The Place of Use are listed incorrect for the Irrigation From Storage in Washington County in the Preliminary Recommendation.

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

DATE: 12/8/06

SIGNATURE: _____

Please print your name:

Scott L. Campbell
Moffatt, Thomas, Barrett, Rock & Fields, Chartered
PO Box 8729
Boise, Idaho 83701

Counsel of record for Seward Prosser Mellon

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, 208-334-2190

SCANNED
DEC 11 2006

07/06/2006

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

RIGHT NUMBER: 67-14110

NAME AND ADDRESS: SEWARD PROSSER MELLON
PO BOX RKM
LIGONIER PA 15658-0780

SOURCE: SPRINGS
THOUSAND SPRINGS CREEK

TRIBUTARY: THOUSAND SPRINGS CREEK
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Storage of water under the rights listed below are limited to a combine total of 19.0 acre feet per year. Combined Right No(s): 67-8004, & 67-14110

PRIORITY DATE: 03/01/1966

POINT OF DIVERSION:

T12N R04W S4 SESWNE Within WASHINGTON County
T12N R04W S4 SWNWSE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	03/01 11/01	1.600 CFS
IRRIGATION STORAGE	03/01 11/15	3.07 AFY
STOCKWATER FROM STORAGE	03/01 11/15	3.07 AFY
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STOCKWATER STORAGE	03/01 11/15	3.07 AFY
DOMESTIC	01/01 12/31	0.040 CFS

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION STORAGE Within WASHINGTON County

T12N R04W S04	SWNE	T12N R04W S04	NWSE
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IRRIGATION FROM STORAGE Within WASHINGTON County

T12N R04W S04	SWNE	2.30	T12N R04W S04	NWSE	6.50
T12N R04W S04	SWSE	15.00			

30 ACRES TOTAL

STOCKWATER Within WASHINGTON County

T12N R04W S04	SWNE	T12N R04W S04	NWSE
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STOCKWATER STORAGE Within WASHINGTON County

T12N R04W S04	SWNE	T12N R04W S04	NWSE
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STOCKWATER FROM STORAGE Within WASHINGTON County

T12N R04W S04	SWNE	T12N R04W S04	NWSE
---------------	------	---------------	------

07/06/2006

IDAHO DEPARTMENT OF WATER RESOURCES
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DOMESTIC Within WASHINGTON County

T12N R04W S04 NWSE

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel #: RP12N04W040000A

Stockwater use is for 500 beef cattle.



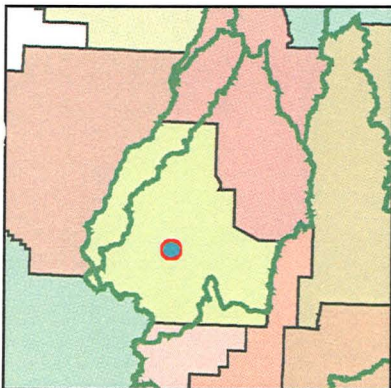
Idaho Department of Water Resources

SRBA Recommendation:

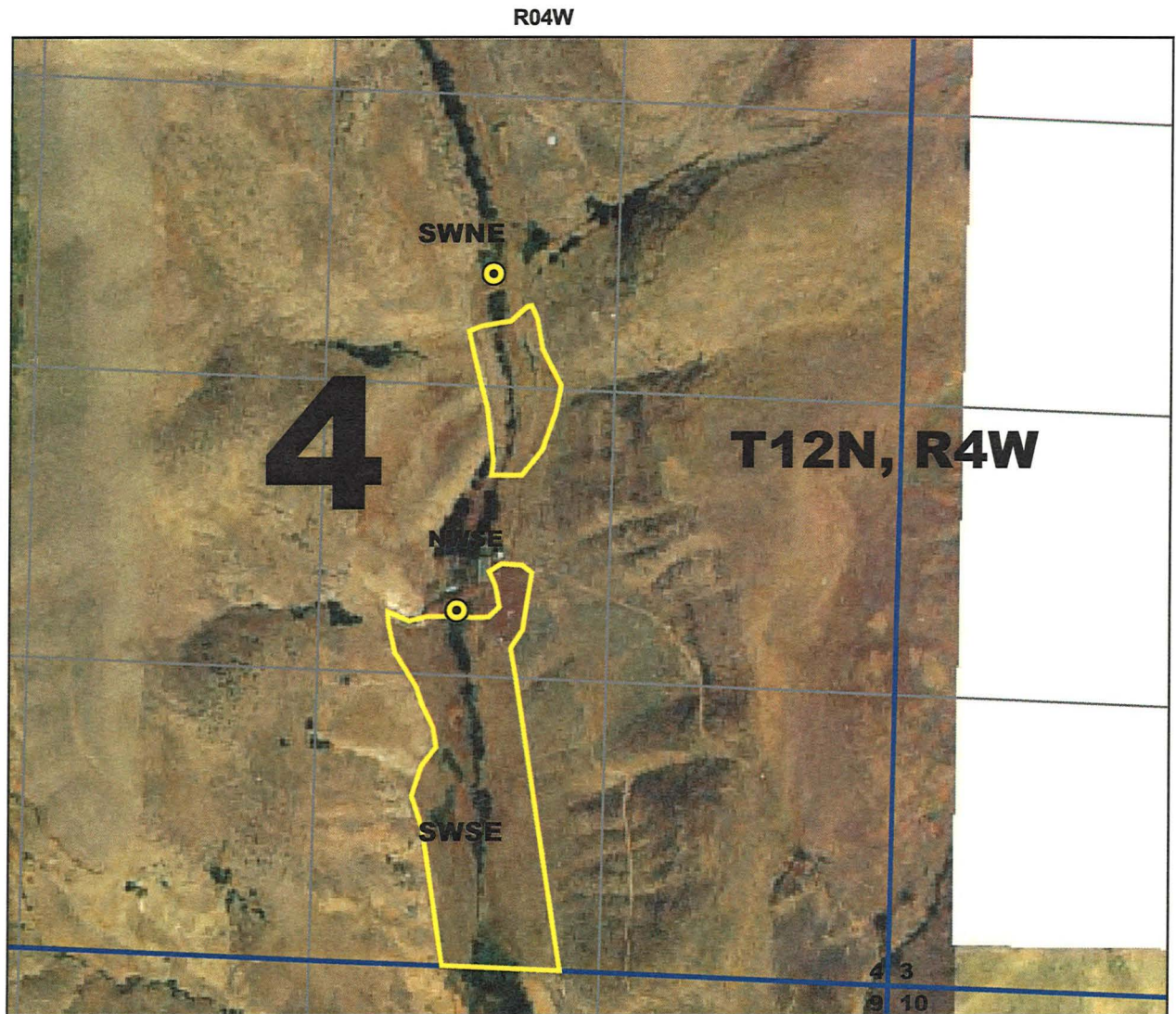
67-14110

Legend

-  67-14110 pod.shp
-  67-14110.shp
-  B67 sections.shp
-  T12n04w.shp



Washington County
IDWR Basin 67



0 0.2 0.4 Miles



Prepared by C. Saxton
On Thursday, July 6, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14110 V1

WATER RIGHT NUMBER: 67-14110 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DELORIS L WILLIAMSON 1860 CEMETERY RD WEISER, ID 83672 (208)549-1981
Current Owner	SEWARD PROSSER MELLON PO BOX RKM LIGONIER, PA 15658-0780 (412)238-7085
Original Owner	W M WILLIAMSON 1860 CEMETARY RD WEISER, ID 83672 (208)549-1981
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000

Priority Date: 03/01/1966

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	THOUSAND SPRINGS CREEK
THOUSAND SPRINGS CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	03/01 to 11/01	1.600 CFS	
IRRIGATION STORAGE	03/01 to 11/15		3.07 AF
STOCKWATER FROM STORAGE	03/01 to 11/15		3.07 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		3.07 AF
STOCKWATER	01/01 to 12/31	0.140 CFS	
STOCKWATER STORAGE	03/01 to 11/15		3.07 AF
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	1.600 CFS	3.07 AF

Location of Point(s) of Diversion

THOUSAND SPRINGS CREEK	SE1/4SW1/4NE1/4	Sec. 4,	Twp 12N,	Rge 04W, B.M.
WASHINGTON County				
SPRINGS	SW1/4NW1/4SE1/4	Sec. 4,	Twp 12N,	Rge 04W, B.M.
WASHINGTON County				

Place of Use

IRRIGATION STORAGE

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 67-14110 V1

Twp	Rge	Sec	NE				NW				SW				SE				Totals
12N	04W	4	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
					X											X			

Total Acres: 30

STOCKWATER FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
12N	04W	4	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
					X											X			

IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
12N	04W	4	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
					2.3											6.5	15.0		23.8

Total Acres: 23.8

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
12N	04W	4	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
					X											X			

STOCKWATER STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
12N	04W	4	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
					X											X			

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
12N	04W	4	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
																X			

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14110 V1

Conditions of Approval:

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. X01 Domestic use is for 1 home.
3. Parcel #: RP12N04W040000A
4. X02 Stockwater use is for 500 beef cattle.
5. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
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 7/6/2006 No Live Flow

Comment: Despite that there appears to be evidence of a historical live flow right in the file, the claimant did not claim a live flow irrigation component. Priority evidence then needed was to support the storage components of the water right and that information was supplied by the claimants attorney supporting 1966.

2. csaxton 7/6/2006 Domestic

Comment: The domestic portion of this claim was recommended with 0.04 cfs for use with both a single family home and up to ½ acre of irrigation as the domestic is live flow and they state in the notes that they divert the spring for domestic purposes before it goes into the pond. Normally, when there is a domestic use with irrigation, I reduce the domestic to 0.02 cfs to represent only the in house portion of the domestic use as the ½ acre of irrigation is covered in the irrigation portion of the claim. However, the only irrigation with this claim is from storage. So the half acre under the domestic can be recommended as live flow.

3. csaxton 7/6/2006 Copied From Claim (1)

Comment: THIS RIGHT WAS ESTABLISHED IN 1891 UTILIZING OPEN DITCH GRAVITY IRRIGATION AND PIPED TO THE HOUSE FOR DOMESTIC USE AND STOCK.

TEMPORARY DAMS WERE CONSTRUCTED ACROSS THE CREEK BED EACH YEAR AND MAINTAINED ANNUALLY.

THE PRESENT DAM STRUCTURES WERE PUT IN AS PERMANENT STRUCTURES AND HAVE BEEN INSPECTED AND APPROVED, THEY ARE OFF STREAM BECAUSE OF PROBLEMS ASSOCIATED WITH FLASH FLOODING.

THE RESEVOIRS ARE CURRENTLY 0.2 ACRES W/10 FEET DEPTH = 2.0 AF.

AND 0.13 ACRES W/8 FEET DEPTH = 1.07 AF.

THE DOMESTIC USE IS TAKE DIRECTLY FROM THE SPRINGS, NOT OUT OF THE RESEVOIR.

THIS SYSTEM UTILIZES GRAVITY DRIVEN IRRIGATION DIRECTLY FROM THE FRONT OF EACH DAM - TO PIPES AND SPRINKLERS.

THE RESEVOIRS CAN BE FILLED FROM THE SPRINGS AS WELL AS WITH RUN-OFF- HIGH WATER. THE "STREAM BED" IS ACTUALLY A CHANNEL CONSTRUCTED IN THE 1930s. FOR FLOOD CONTROL AND DRAINAGE.

THE DIVERSION RATE TO STORAGE IS BASED UPON A MAXIMUM UTILIZING 24" PIPES IN THE CHANNEL DURING HIGH WATER THE SPRINGS MAX.

RATE OF FLOW IS ABOUT 25".

OWNERSHIP CHANGED BY LH 1/23/95.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 67-04041 AND 67-04042.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14110 V1

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	7/6/2006 10:29:37 AM	csaxton			Active
Priority Date	7/6/2006 12:05:36 PM	csaxton			Active
POD	7/6/2006 12:06:36 PM	csaxton			Active
Source	7/6/2006 12:15:05 PM	csaxton			Active
POU	7/6/2006 12:15:38 PM	csaxton			Active
Use	7/6/2006 12:32:21 PM	csaxton			Active
Season	7/6/2006 12:36:50 PM	csaxton			Active
Quantity	7/6/2006 12:42:32 PM	csaxton			Active
Summary			07/06/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	7/6/2006 10:29:39 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Met with claimants attorney, Scott Campbell, on 1-27-06.
POD	7/6/2006 12:09:03 PM	csaxton	Updated PLS
POD	7/6/2006 12:09:47 PM	csaxton	Updated shape
POU	7/6/2006 12:29:10 PM	csaxton	Updated PLS for Active POU
POU	7/6/2006 12:31:13 PM	csaxton	Updated shape for Active POU
POU	7/6/2006 12:24:49 PM	csaxton	Updated PLS for Active POU
POU	7/6/2006 12:28:12 PM	csaxton	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14110 V1

POU	7/6/2006 12:31:26 PM	csaxton	Updated PLS for Active POU
POU	7/6/2006 12:24:39 PM	csaxton	Updated shape for Active POU
POU	7/6/2006 12:32:00 PM	csaxton	Updated PLS for Active POU
Use	7/6/2006 12:32:39 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Information in file and met with claimants attorney, Scott Campbell, on 1-27-06.
Season	7/6/2006 12:37:08 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
General	7/6/2006 12:05:49 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit from Wayne Williamson.
POD	7/6/2006 12:06:50 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14110 V1

POD	7/6/2006 12:08:40 PM	csaxton	Updated shape
POD	7/6/2006 12:10:21 PM	csaxton	Updated PLS
Source	7/6/2006 12:15:19 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Information in file.
POU	7/6/2006 12:15:53 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Aerial Photography
POU	7/6/2006 12:28:22 PM	csaxton	Updated PLS for Active POU
POU	7/6/2006 12:28:55 PM	csaxton	Updated shape for Active POU
POU	7/6/2006 12:30:27 PM	csaxton	Updated shape for Active POU
POU	7/6/2006 12:30:36 PM	csaxton	Updated PLS for Active POU
POU	7/6/2006 12:31:50 PM	csaxton	Updated shape for Active POU
Quantity	7/6/2006 12:42:51 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Dam safty records indicate that the system has the capacity to divert the claimed diversion rate.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14110 V1

Summary	7/6/2006 12:50:22 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (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?
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Water Supply Bank:



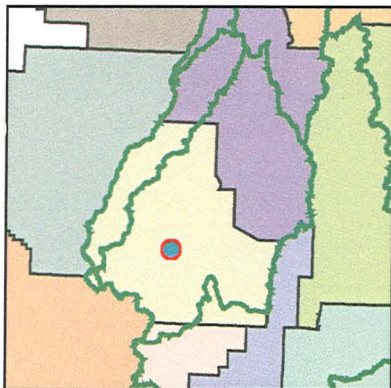
Idaho Department of Water Resources

SRBA Recommendation:

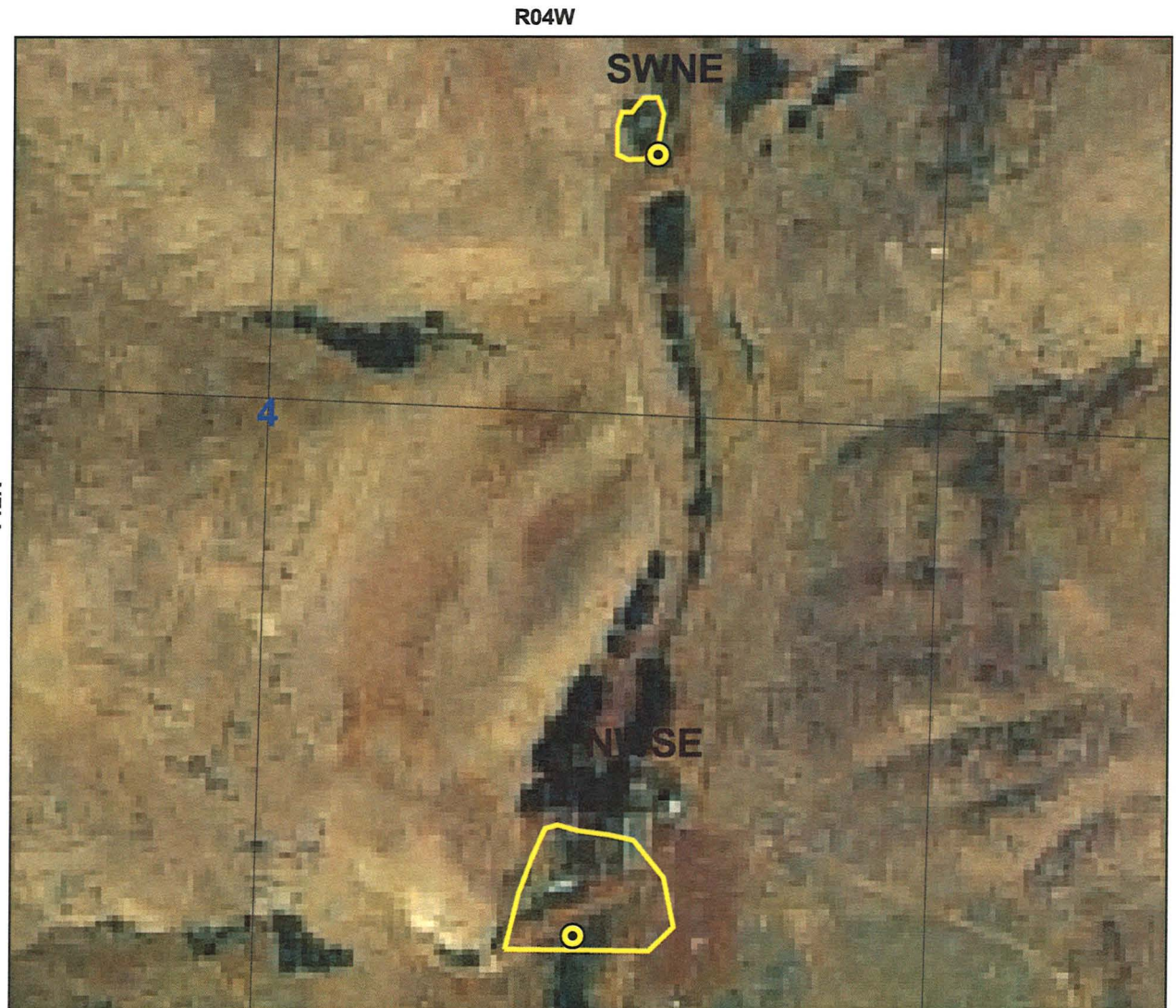
67-14110

Legend

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



Washington County
IDWR Basin 67



0 0.1 0.2 Miles



Prepared by C. Saxton
On Thursday, July 6, 2006
1987/88 Aerial Photography

Priority Date Data Entry Form

Claim Number 67-14110

Claimed Priority Date: 4/1/1891

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 1 1966 Recommended Basis B-use

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

Despite evidence of live flow before 1966,
live flow was not claimed. only storage.
1966 Taken from affidavit of Neighbor.

Reviewer: C. SarkerDate: 6-30-06

Point of Diversion and Source Data Entry Form

Claim Number 67-14110

Claimed Point of Diversion and Source

T12N R04W S4 ^{SE} ~~NE~~SWNE Within WASHINGTON County

T12N R04W S4 SWNWSE Within WASHINGTON County

☒ 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:

Exact POD location unknown. Placed at the
 dams for each pond. Spring is known
 to be in NWSE

Reviewer: _____



Date: _____

6-30-06

Place Of Use Data Entry Form

Claim Number 67-14110

Claimed Place Of Use

T12N R04W S04	SWNE	2.3	T12N R04W S04	NWSE	
T12N R04W S04	SWNE	3.00	T12N R04W S04	NWSE	14.00
T12N R04W S04	SWSE	13.00			6.5
T12N R04W S04		15.0			
T12N R04W S04					
T12N R04W S04					
T12N R04W S04	NWSE				

Total Acres 30

☐ 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 23.8

Document how the POU was verified:

Aerial Photographs

Reviewer:

C. E. Egan

Date:

7-6-06

Period of Use and Quantity Data Entry Form

Claim Number 67-14110

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION STORAGE	3/01	11/01		3.07
IRRIGATION FROM STORAGE	3/15 ^{3/1}	11/15		3.07
STOCKWATER	1/01	12/31	0.14	
STOCKWATER STORAGE	3/01	11/01		3.07
STOCKWATER FROM STORAGE	3/01	11/01		3.07
DOMESTIC	1/01	12/31	0.04	
DIVERSION TO STORAGE	3/01	11/01	1.6	

Overall Diversion Rate 1.6

Overall Diversion Volume 3.07

☐ 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

Overall Diversion Rate

Overall Diversion Volume

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

- Dam Safety Reports indicate the ability to divert more than 1.6 cfs to storage.

- Reports also support claimed Volume.

Reviewer: C. EysterDate: 7-6-06

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns

Michael E. Thomas
Patricia M. Olsson
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
David P. Gardner
John O. Fitzgerald, II
Julian E. Gabiola
Angela Schaefer Kaufmann
Michael W. McGreaham
Paul D. McFarlane
Kimberly D. Evans Ross
Jon A. Stenquist

Tyler J. Henderson
Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Joel A. Flake, Jr.
Russell G. Metcalf
Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*
Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise, Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

March 9, 2006

RECEIVED

MAR 14 2006

DEPARTMENT OF
WATER RESOURCES

Chris Bromley
Natural Resources Div. - Water Resources Unit
State of Idaho
1301 N. Orchard Street
Boise, ID 83706-2237

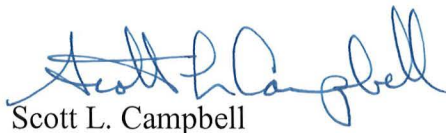
Re: Subcase No. 67-14110
Affidavit of Wayne Williamson
MTBR&F File No. 18977.4

Dear Chris:

I am enclosing for your review the affidavit of Wayne Williamson. I believe the information provided by Mr. Williamson in his affidavit concerning the Upper and Lower Williamson Reservoirs and Dams will provide Craig Saxton and the Department with the additional information needed to complete a favorable recommendation for this water right in a Director's Report.

Please contact me if you have any questions.

Very truly yours,



Scott L. Campbell

SLC/dll
Enclosure
cc: Ross Kane

SCANNED

BOI MT 2:009389
MAR 15 2006

MEMORANDUM

Date: January 27, 2006

To: File 67-14110

From: Craig L. Saxton

Subject: In office meeting with Scott Campbell Re: Steward Prosser Mellon Claim

Myself, Chris Bromley and Becky Harvey met with Scott Campbell. Mr. Campbell is the attorney representing claimant of 67-14110.

Mr. Campbell wanted to know what I would need to make a recommendation on 67-14110.

67-14110 is claimed as a combination of 67-4041 and 67-4042. 67-4041 was originally filed for storage for the "Lower Williamson Dam" (12N, 4W, S4, SWNE) and 67-4042 was originally filed for storage for the "Upper Williamson Dam" (12N, 4W, S4, NWSE). 67-14110 combined these statutory claims and claimed both reservoirs on one claim.

I told Mr. Campbell one issue I had was that the claim filed was for storage water without live flow, but the evidence in the file supported a live flow right.

My other issue was that 67-14110 claimed both reservoirs, upper and lower, but the lower reservoir was rebuilt under permit 67-8004 which is now licensed. I wanted to know if the intent of his client was to pursue the historical storage water right (67-4041), even though the pond was re-built to hold more water under 67-8004?

I was looking to find out if he wanted to amend the claim to pursue a live flow water right, and or provide evidence of priority to support the establishment of a storage right. I was not making myself clear of what I was looking for so I tried to explain to Mr. Campbell that we were looking at two different water rights, a live flow, and a storage water right, and that the claim didn't match the supporting evidence in the file.

The conclusion was that Mr. Campbell is going to find evidence of the establishment of the upper storage pond (originally 67-4042) only and not pursue a live flow water right or storage under the historical reservoir for 67-4041. He will submit an amended claim for 67-14110, which will reflect storage for the upper pond only with no live flow water.

CONVERSATIONAL MEMORANDUM

Date: December 1, 2005

To: File 67-14110

From: Craig L. Saxton

Subject: Phone Call – Withdrawal of claim

I received a call from Ross Kane of Thousand Springs Ranch (representing Seward Prosser Mellon) who was calling in regards to claim 67-14110. He said that they haven't used the water right in something like 30 years and he would like to abandon the water right.

I told him that he could withdraw the claim and it would be taken care of. He asked me to send him a withdraw form. He will speak with his attorney, Scott Campbell, and one of the two of them will most likely withdraw the claim.

His contact info is:

ROSS KANE
PO BOX 1860
HWY 95 N
WEISER ID 83672

.....

Chris Bromley and I have been working with Angela Kaufmann of *Moffatt Thomas Barrett Rock & Fields, Chartered*. I do not know if Ms. Kaufmann is aware of this.

WITHERSPOON, KELLEY, DAVENPORT & TOOLE

A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS & COUNSELORS

COEUR D'ALENE OFFICE

EDWARD J. ANSON++
DENNIS M. DAVIS++
MARK A. ELLINGSEN*>
JOEL P. HAZEL^
ROBERT J. CALDWELL^

THE SPOKESMAN REVIEW BUILDING
608 NORTHWEST BOULEVARD, SUITE 401
COEUR D'ALENE, IDAHO 83814-2146
Telephone: (208) 667-4000
Fax: (208) 667-8470

SPOKANE OFFICE
1100 U.S. BANK BUILDING
422 WEST RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201-0300
(509) 624-5265

PORTLAND OFFICE
1515 SW FIFTH AVENUE, SUITE 690
PORTLAND, OREGON 97201
Telephone: (503) 546-2391
Fax: (503) 546-3889

SPOKANE OFFICE

ROBERT L. MAGNUSON
NED M. BARNES
WILLIAM D. SYMMES**
ROBERT H. LAMP
K. THOMAS CONNOLLY
THOMAS D. COCHRAN
DUANE M. SWINTON
JOSEPH H. WESSMAN
JEFFREY L. SUPINGER*
LESLIE R. WEATHERHEAD†
MICHAEL D. CURRIN
BRIAN T. REKOFKE*
R. MAX ETTER, JR.*
MICHAEL F. NIENSTEDT*
JOHN M. RILEY III
F.J. DULLANTY, JR.
DANIEL E. FINNEY
MARY R. GIANNINI†
TIMOTHY M. LAWLOR
WILLIAM M. SYMMES*
STANLEY M. SCHWARTZ*
DAVID M. KNUTSON
JODY M. McCORMICK ‡
MICHAEL L. LOFT†‡
ROSS P. WHITE
RICHARD L. MOUNT
ANDREW J. SCHULTHEIS**
SHELLEY N. RIPLEY
CHRISTOPHER G. VARALLO*
KIMBERLY A. KAMEL*
RYAN M. BEAUDOIN*
LARA L. HEMINGWAY
RICHARD A. REPP*
BENJAMIN S. COLEMAN
STACY A. BJORDAHL
D. TOBY McLAUGHLIN
RYAN K. JENSEN
TRACY N. LEROY->
STEVEN O. ANDERSON
JULIE H. OLDS*

OF COUNSEL

WM. A. DAVENPORT
JOHN E. HEATH, JR.
ALLAN H. TOOLE

November 18, 2005

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau
Department of Water Resources, State of Idaho
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Water Right Claims 67-318 & 67-319

Dear Mr. Saxton:

Enclosed you will find two Notices of Change in Water Right Ownership forms related to entities controlled by my client Wayne Manis. My client and I appreciate your assistance in directing us to these water rights. You will note that both water rights are to be split and that my client is not claiming interest in a small percentage of each water right. My client informs me that his neighbor David Crosby is the true owner of the remainder of the rights.

Please do not hesitate to contact me if you have any questions or concerns with regard to these two water rights.

Pursuant to our previous conversation in October, 2005, my client does not need to do anything with regard to Water Right Claim 67-4112A & 67-4112C in order to provide proof of use and priority. Please contact me immediately if this does not comport with your understanding of those two water rights. Again thank you for your assistance in this matter.

Very truly yours,

WITHERSPOON, KELLEY, DAVENPORT
& TOOLE, P.S.

By: _____

JOEL P. HAZEL

cc: Wayne Manis [w/enc.]

JPH:akg

Enclosures

Q:\Clients-DMD-JPH\Manis Ranch 54500\Water Rights\Saxton ltr 11-18-05.wpd

++Admitted in Idaho only
^Also admitted in Washington
*Also admitted in Idaho
†Also admitted in Oregon
>Also admitted in Montana
** Also admitted in California
+Also admitted in New York
>>Also admitted in Illinois

SCANNED

NOV 22 2005

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
67-318		X			
67-319		X			

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) D Wayne Cada and David E. Cereghino
23250 Cada Ln., Caldwell, ID 83607
4. New Owner/Claimant(s) Manis Investigations Inc., Defined Benefit Pension Plan
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 7244 E. Hayden Creek Road
- City, State and ZIP Code Hayden Lake, Idaho 83835
- New Telephone Number (208) 772-4296
5. Date you acquired the property 06/10/04

SCANNED

NOV 22 2005

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>67-318</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.00666</u>	
Stock		
Domestic		
Other		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>67-319</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.159</u>	
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Manis Investigations Inc., Defendant
Benefit pension plan by Wayne Manis

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

For Office Use Only

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

SCANNED

NOV 22 2005

For Value Received, DOUGLAS M. KING, a single man, and JANICE HOBBS, a single woman
the grantors, do hereby grant, bargain, sell and convey unto
MANIS INVESTIGATIONS, INC. DEFINED BENEFIT PENSION PLAN
the grantee, whose current address is 7244 East Hayden Creek Road, Hayden Lake, ID 83835
the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF.

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

Date: June 10, 2004

Douglas M. King
DOUGLAS M. KING

Janice Hobbs
JANICE HOBBS

Instrument # 106317

COUNCIL, ADAMS, IDAHO

2004-06-14

03:55:00 No. of Pages: 2

Recorded for : TIMBERLINE TITLE & ESCROW

MICHAEL FISK

Fee: 6.00

Ex-Officio Recorder Deputy Deputy

Index to: DEED

STATE OF Idaho)
COUNTY OF Kootenai) : ss

On this 11th day of June, in the year of 2004, before me, a Notary Public in and for said State, personally appeared
DOUGLAS M. KING & JANICE HOBBS
known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to
me that ~~he/she~~ they executed the same.

TERRY SHECK
NOTARY PUBLIC
STATE OF IDAHO

Terry Sheck
Notary Public

Residing at: Boise, Idaho

Commission expires: 6-11-10

'TRACT A'

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho
Sections 26 and 35: A tract of land located in the SE1/4SE1/4 of
Section 26 and the NE1/4NE1/4 of Section 35, more particularly
described as follows:

Beginning at the corner common to Sections 25, 26, 35 and 36, T16NR1W,
Boise Meridian, Adams County, Idaho;

Thence South 00° 43'54" East 1326.27 feet along the line common to
Sections 35 and 36 to the southeast corner of the NE1/4NE1/4 of
Section 35;

Thence South 89° 52'16" West 1316.48 feet along the south line of the
NE1/4NE1/4 of Section 35 to the Southwest corner of the NE1/4NE1/4 of
Section 35;

Thence North 00° 22'59" West 1324.17 feet along the West line of the
NE1/4NE1/4 of Section 35 to the Northwest corner of the NE1/4NE1/4 of
Section 35;

Thence North 00° 48'38" East 1104.35 feet along the West line of the
SE1/4SE1/4 of Section 26 to a point in the center of Cottonwood Creek
Road, said point being on a nontangent curve with center being North
78° 12'26" East 130.00 feet radial distance;

Thence along the centerline of Cottonwood Creek Road through the
following eleven courses:

- 1) Counterclockwise along last said nontangent curve an arc distance of
136.61 feet (chord South 41° 53'47" East 130.41 feet);
- 2) South 72° 00'00" East 76.92 feet;
- 3) Along a 450.00 foot radius curve to the left an arc distance of
249.36 feet (chord South 87° 52'30" East 246.19 feet);
- 4) North 76° 15'00" East 101.99 feet;
- 5) Along a 80.00 foot radius curve to the right an arc distance of
124.71 feet (chord South 59° 05'27" East 112.46 Feet) TO A POINT ON
A REVERSE CURVE WITH CENTER BEING North 75° 34'05" East 700.00 feet
radial distance;
- 6) Counterclockwise along last said reverse curve an arc distance of
200.38 feet (chord South 22° 37'57" East 199.70 feet);
- 7) South 30° 50'00" East 187.75 feet;
- 8) Along a 750.00 foot radius curve to the left an arc distance of
267.25 feet (chord South 41° 02'30" East 265.84 feet);
- 9) South 51° 15'00" East 286.80 feet;
- 10) Along a 350.00 foot radius curve to the left an arc distance of
124.21 feet (chord South 61° 25'00" East 123.56 feet);
- 11) South 71° 35'00" East 14.99 feet to a point on the line common to
Sections 25 and 26;

Thence South 01° 12'01" West 146.39 feet along the line common to
Sections 25 and 26 to the REAL POINT OF BEGINNING.

EXCEPTING the County Road right-of-way.

14110

! need confirmation of place of use

SWNE	3ac	} difficult to determine which 3ac, etc.
NWSE	14ac	
SWSE	13ac	
	<u>30ac</u>	

? needs evidence of priority — depending on PODs
there has been much construction on the
diversion / dam — latest in 1997

— we're going to have to look @ the PODs
1st I think to determine what we'll
need for priority.

probably need confirmation of PODs
— these are from another licensing FE

this is a combination of 4041 & 4042, which were
originally claimed w/ a 1930 priority
date. When SPM combined, priority date
was pushed back.

4042 POD: 12N04W4 ~~NWSE~~ NESWNE
~~4042~~ SWNWSE

4041 POD: 12N04W4 NWSE

14110 POD: Same as 4042

8-11-05 : Received letter from Angela Schaefer Kuntmann

I called her and told her my line of thinking
on the Clarine and she is going to do some
research and get back to me.

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
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Andrew J. Waldera
Tyler J. Anderson
Russell G. Metcalf

Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

RECEIVED

AUG 10 2005

DEPARTMENT OF
WATER RESOURCES

Boise
Idaho Falls
Pocatello
Twin Falls

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
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August 9, 2005

Craig L. Saxton
Sr. Water Resource Agent
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

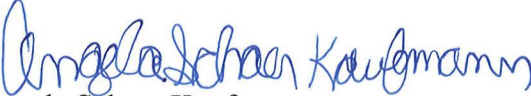
Re: SRBA Claim No. 67-14110
MTBR&F File No. 18-977.4

Dear Mr. Saxton:

We have received your correspondence dated August 5, 2005, regarding SRBA Claim No. 67-14110. Scott Campbell has asked me to handle this matter.

I have reviewed your correspondence and its attachment, as well as our file regarding our SRBA Claim No. 67-14110. Unfortunately, it is not clear to me what changes you think might need to be made. Please provide me with further information, so I can properly evaluate the most prudent course of action for my client.

Very truly yours,


Angela Schaer Kaufmann
ask@moffatt.com

ASK/mdr

cc: Ross Kane
Seward Prosser Mellon

SCANNED

AUG 10 2005

BOI_MT2:589713.1

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

101 S. Capitol Blvd., 10th Floor
P. O. Box 829
Boise, Idaho 83701-0829

83720+0098



U.S. POSTAGE



00.57:

U.S. METER 401 0486

CRAIG L SAXTON
SR WATER RESOURCE AGENT
IDAHO DEPARTMENT OF WATER RESOURCES
322 EAST FRONT STREET
PO BOX 83720
BOISE ID 83720-0098





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 5, 2005

SEWARD PROSSER MELLON
THOUSAND SPRINGS RANCH
C/O SCOTT CAMPBELL
PO BOX 1539
BOISE, ID 83701

RE: Snake River Basin Adjudication (SRBA) claim 67-14110

Dear Mr. Mellon,

The Idaho Department of Water Resources is currently in the process of reviewing SRBA claims in basin 67. My initial review indicates that the elements of claim 67-14110 do not appear to fully represent the historical documentation in the files.

I thought you might want to review the claim and possibly amended claim 67-14110 to more accurately reflect the water use as it existed in 1891.

Please feel free to contact me with any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig L. Saxton', is written over a horizontal line.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s):

Cc: SCOTT L CAMPBELL
MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD
PO BOX 829
BOISE, ID 83701-0829

DAM SUMMARY INVENTORY SHEET

WILLIAMSON LOWER

Printed: Aug 02, 2005

67 - 4041

Updated: Aug 02, 2005

STATUS	D		OUTLET CONDITION		
BASIN	67		OUTLET GATE CONDITION		
DAM_NUMBER	4041		LAST OUTLET EXAM		
FEDERAL ID NUMBER			OUTLET INSP INTERVAL		
DAM NAME	WILLIAMSON LOWER		IDF	Q50	
COUNTY	WASHINGTON		IDF MAGNITUDE	0	Cfs
STREAM	THOUSAND SPRINGS CK (OS		RELEASE CAPACITY	0	Cfs
REGION	W		OVERALL COND	FR	
PURPOSE	J		MAINTENANCE		
RISK CATEGORY	3		INSPECTION DATE		Mo/Yr
SIZE CATEGORY	3		CERT ISSUE DATE		Mo/dd/yr
Q_Q_SECTION	NWSE		STORAGE AUTH DATE		Mo/dd/yr
SECTION	04		STORAGE EXP DATE		Mo/dd/yr
TOWNSHIP	12N		SURVEY DATE		Mo/dd/yr
RANGE	04W		CALL UP DATE	4/1/1996	Mo/dd/yr
LATITUDE DEC	44.4018		INSP INTERVAL	5	Yr
LONGITUDE DEC	116.8206		PHASE 1 INSP DATE		
DAM TYPE	EARTH		OPERATION PLAN	N	
STORAGE CAPACITY	7	AcFT	STATIC STABILITY		
HEIGHT	20	Ft	SEISMIC STABILITY	N	
DRAINAGE AREA	0.1	SqMi	RESTRICTED		
RESERVOIR AREA	1	Ac	BOND		
YEAR COMPLETED	1977		JOINT INSPECTION		
CREST ELEVATION	2820	Msl	QUAD NUMBER	U4	
CREST LENGTH	300	Ft	QUAD NAME	MIDVALE HILL	
SPILLWAY TYPE	ERCHAN		DAM OWNER	THOUSAND SPRINGS RANCH	
SPILLWAY DEPTH	3.5	Ft	ADDRESS-1	JENNIFER MCGARY, MANAGER	
SPILLWAY CAPACITY	37	Cfs	ADDRESS-2	1860 US HIGHWAY 95	
SPILLWAY CONDITION			CITY	WEISER	
SPILLWAY GATE COND			STATE	ID	
OUTLET TYPE	STEEL		ZIP CODE	83672	
OUTLET SIZE	6	In	ZIP SUFFIX		
OUTLET CAPACITY	3	Cfs	PHONE	5493645	
			AREA COD	208	

GEN_REMARK NO CHANGED FROM 76-XX03. DRAIN AREA = 10 ACRES. THOUSAND SPRINGS CREEK IS DIVERTED AROUND DAM. RESV = .9 ACRE. STORE CAPACITY = 6.9 ACFT. DAM BREACHED IN 1996. WILL BE REBUILT UNDER DIFFERENT WATER RIGHT NO.

TEC_REMARK

RESTRICT

ALT_CONT OWNER IS S P MELLON.

BOND_SUM

RECEIVED

AUG 19 1996

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

WATER RESOURCES
WESTERN REGION

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L. CAMPBELL

August 16, 1996

Ms. Lori Harris
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: Water Rights for Seward Prosser Mellon

Dear Ms. Harris:

Pursuant to our recent telephone conversation, I am enclosing a Notice of Appearance for Scott L. Campbell. Mr. Campbell, and the law firm of Elam & Burke, should be listed as attorneys of records for all present and future water rights owned by Seward Prosser Mellon.

Please feel free to contact me should you have any future requirements or questions.

Very truly yours,

ELAM & BURKE
A Professional Association



KC Colvin
Legal Secretary to Scott L. Campbell

KC: g:\kcc\wpdata\6681\00010.ltr
Enclosure

SCANNED
APR 19 2004

MICROFILMED
OCT 22 1996

A67-10402
A67-14016
A67-14014
A67-14009

A67-14027
A67-14015
A67-14013

Any future pleadings or correspondence should be addressed to:

Scott L. Campbell
Elam & Burke, P.A.
702 West Idaho
Post Office Box 1539
Boise, Idaho 83701

DATED this 15th day of August, 1996.

ELAM & BURKE, P.A.

By Scott L. Campbell
Scott L. Campbell



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 14, 1995

SEWARD PROSSER MELLON
PO BOX RKM
LIGONIER PA 15658

Re: Identification Number Change for a Notice of Claim in the
Snake River Basin Adjudication (SRBA)
Washington County - Claim No. A67-14110

Dear Claimant,

The identification number of your Notice of Claim to a Water Right has been changed from A67-04042 to A67-14110. The claim you filed actually combines two existing claims: 67-04041 and 67-04042. The Idaho Department of Water Resources assigns identification numbers to claims that will allow processing without duplication or confusion; this change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new identification number. Refer to this record number in any future inquiries or correspondence. Please do not hesitate to contact this office, if you have any questions.

Sincerely,

Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

RM:rm:west
Enclosures:
copy of Notice of Claim

MICROFILMED
OCT 22 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 23, 1994

Re: Notices of Claim to a Water Right Nos. A67-04042, A67-07182,
A67-10402

Seward Prosser Mellon
P.O. Box RKM
Ligonier, PA 15658

Mr. Mellon:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

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

If you have any questions concerning the enclosed claims please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1

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OCT 22 1996



RECEIVED

JAN 20 1995

WATER RESOURCES
WESTERN REGION

First American Title of Payette County

***31 S. Main Street • P.O. Box 345 • Payette, ID 83661
(208) 642-3351 • FAX (208) 642-3590***

January 18, 1995

RECEIVED

JAN 19 1995

Department of Water Resources

Idaho Department of Water Resources
Adjudication Bureau
Statehouse Mail
Boise, Idaho 83720-9000

RE: Williamson to Mellon

Dear Sir:

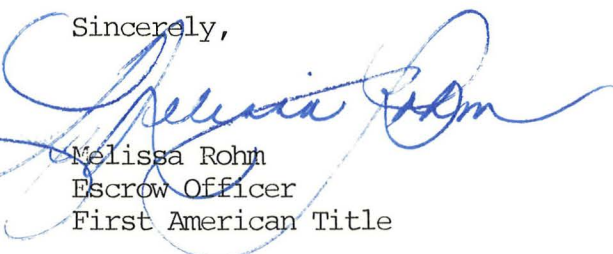
Enclosed please find documentation facilitating the transfer of water rights from Mr. and Mrs. W. Mardell Williamson to Mr. Seward Prosser Mellon.

Please transfer these water rights into the name of Seward Prosser Mellon - P.O. Box RKM; Ligonier, PA 15658 and return the transfers to either myself or Mr. Mellon.

Should you have any questions, please let me know.

Thank you.

Sincerely,


Melissa Rohn
Escrow Officer
First American Title

MICROFILMED

OCT 22 1996



RECEIVED

JAN 20 1995

WATER RESOURCES
WESTERN REGION

First American Title of Payette County

***31 S. Main Street • P.O. Box 345 • Payette, ID 83661
(208) 642-3351 • FAX (208) 642-3590***

January 18, 1995

RECEIVED

JAN 19 1995

Department of Water Resources

Idaho Department of Water Resources
Adjudication Bureau
Statehouse Mail
Boise, Idaho 83720-9000

RE: Williamson to Mellon

Dear Sir:

Enclosed please find documentation facilitating the transfer of water rights from Mr. and Mrs. W. Mardell Williamson to Mr. Seward Prosser Mellon.

Please transfer these water rights into the name of Seward Prosser Mellon - P.O. Box RKM; Ligonier, PA 15658 and return the transfers to either myself or Mr. Mellon.

Should you have any questions, please let me know.

Thank you.

Sincerely,

✓ Melissa Rohn
Escrow Officer
First American Title

MICROFILMED

OCT 22 1996

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that W. M. WILLIAMSON

(name of claimant)

of Rt. 2, Box 113, Weiser, Idaho 83672, claims a right to the diversion and beneficial use of
(mailing address)

ground water or surface water tributary to East Fork Thousand Springs Creek

The extent and nature of said claim is as follows:

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

Amount .2 c.f.s. Use Irrigation Period of Use: From April 1 To Oct. 31

Amount .02 Use Stock Period of Use: From Jan. 1 To Dec. 31

Amount _____ Use _____ Period of Use: From _____ To _____

(cfs, gpm
or a'/ft)

(dom., irri.,
stock, etc.)

(both dates inclusive)

- (3) Total quantity of water claimed: .2 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) April, 1930

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.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
 NW ¼ SE ¼, Sec. 4 Twp. 12 N Rge. 4 W B. M. County of Washington
 Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Diversion dam with gravity flow ditch.

- (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 10

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: None

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

AFFIDAVIT OF PROTEST

Department of Water Administration

STATE OF IDAHO)
) ss.
County of Washington)

HOWARD LACEY, being first duly sworn on his own behalf,
deposes and says:

That he is the owner of certain land situated within the boundaries of lands located within the watershed of Thousand Springs Valley Creek and East Branch of Thousand Springs Valley Creek, a tributary of the Weiser River and has diverted all the natural flow of the water in said creek and therefore makes this protest to the Application to Divert Water made as follows, to-wit:

Application No.: 67-4041 for a permit to appropriate 0.2 cubic feet per second from an unnamed spring, tributary to East Fork Thousand Springs Creek with the point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 12 N, R. 4 W, B.M., Washington County.

The water is claimed to be used from April 1 to October 31 for the irrigation of 10 acres and from January 1 to December 31 for stock use with a priority of April 1930; the place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 12 N, R. 4 W, B.M.

The particulars of the protest are as follows:

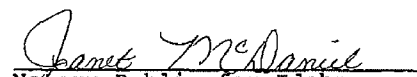
1. That he and his predecessors have used the water from East Branch of Thousand Springs Creek and have an earlier priority and further there are no grounds on which to base a priority on the above claim from April, 1930.
2. All water in East Branch of Thousand Springs Creek has been diverted and applied to beneficial use with the exception of early spring flood waters.
3. No unappropriated water is available from approximately April 1 through November 1 as what little water there is available during this period has been appropriated and applied to beneficial use.
4. This protest is not a protest against the storage and use of flood water but only against natural flow of the creek during April 1 through November 1.

For the above reasons, affiant prays that said application be denied.


Howard Lacey

Subscribed and Sworn to before me this 2nd day of October, 1973.




Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires 11-29-76

67 4041

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that W. M. WILLIAMSON (name of claimant)
of Rt. 2, Box 113, Weiser, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to East Fork Thousand Spring Creek.

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Unnamed springs

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>.4 c.f.s.</u>	Use	<u>Irrigation</u>	Period of Use:	From	<u>April 1</u>	To	<u>Oct. 31</u>
Amount	<u>.04</u>	Use	<u>Domestic</u>	Period of Use:	From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Amount	<u>.02</u>	Use	<u>Stock</u>	Period of Use:	From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: .4 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) April, 1930

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.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
- NW ¼ SE ¼, Sec. 4 Twp. 12 N Rge. 4 W B. M. County of Washington

Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Springbox with pipe across creek and
diversion dam to ditch & stock pond.

- (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]

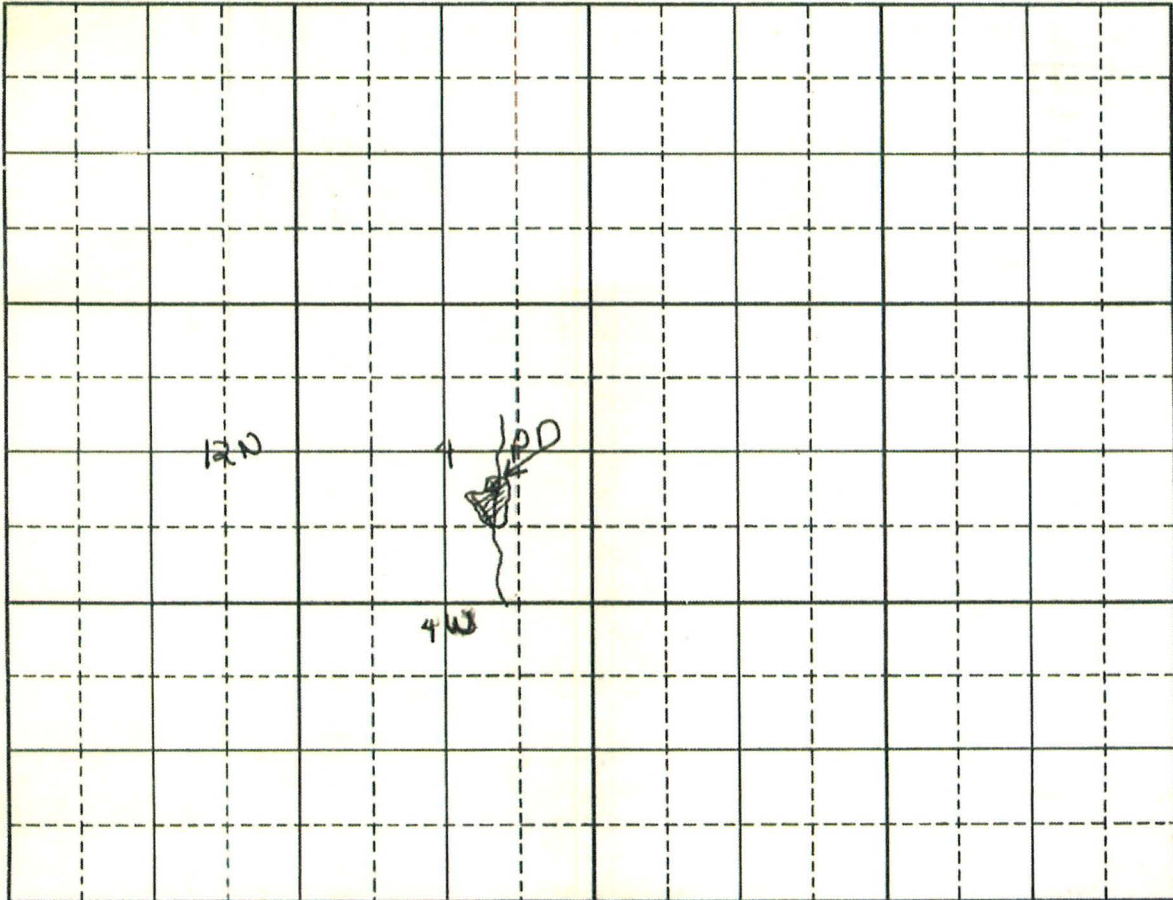
Total No. of acres 20

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: None

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

67 4041

(8) Remarks



Scale: 2 inches equal 1 mile.

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 Ada

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 13th day of

September, 1973.

W.M. Williamson
(Claimant)

Doranna Feldt
Notary Public

Residing at Bowen, Idaho

My commission expires

June 15, 1977

Rec'd #12143
For Department Use Only

Received by

EBB

Date

13 Sept 73

Exception filed by:

Forwarded to

Date

Prelim. check by

EBB

Date

13 Sept 73

claimant by:

\$10.00 fee received by

of

Date

9-13-73

Approved for publication by

SW 10-1-73

Published in

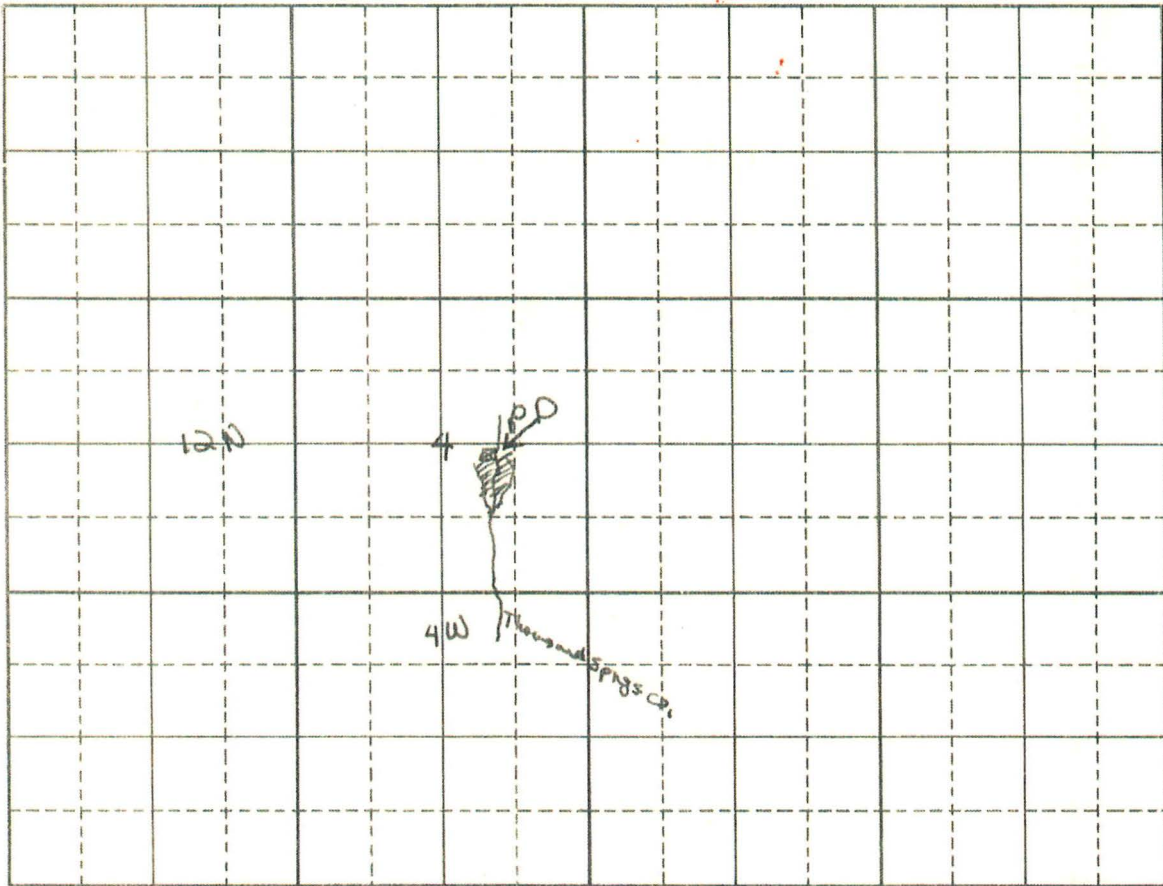
The Weiser Signal

Dates

9-20, 9-27-73

67 4042

(8) Remarks



Scale: 2 inches equal 1 mile.

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

ss.

County of Ada

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 13th day of September, 1973.

M. M. Williamson
(Claimant)

Notary Public

Residing at Boise, IdahoMy commission expires June 15, 1977

Rick #12143

For Department Use Only

Received by COBDate 13 Sept 73 Exception filed by:

Forwarded to

Date

Prelim. check by COBDate 13 Sept 73

claimant by:

\$10.00 fee received by efDate 9-13-73Approved for publication by fw 10-1-73Published in The Western SignalDates 9-20, 9-27-73

AFFIDAVIT OF PROTEST

STATE OF IDAHO)
) ss.
County of Washington)

HOWARD LACEY, being first duly sworn on his own behalf,
deposes and says:

That he is the owner of certain land situated within the boundaries of lands located within the watershed of Thousand Springs Valley Creek and East Branch of Thousand Springs Valley Creek, a tributary of the Weiser River and has diverted all the natural flow of the water in said creek and therefore makes this protest to the Application to Divert Water made as follows, to-wit:

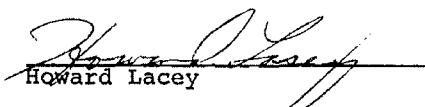
Application No.: 67-4042 for a permit to appropriate 0.4 cubic feet per second from an unnamed spring, tributary to East Fork Thousand Springs Creek with the point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 12 N, R. 4 W, B.M., Washington County.

The water is claimed to be used from January 1 to December 31 for domestic and stock use and from April 1 to October 31 for the irrigation of 20 acres with a priority of April, 1930; the place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 12 N, R. 4 W, B.M.

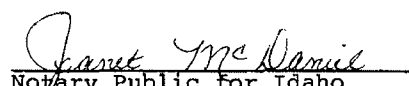
The particulars of the protest are as follows:

1. That he and his predecessors have used the water from East Branch of Thousand Springs Creek and have an earlier priority and further there are no grounds on which to base a priority on the above claim from April, 1930.
2. All water in East Branch of Thousand Springs Creek has been diverted and applied to beneficial use with the exception of early spring flood waters.
3. No unappropriated water is available from approximately April 1 through November 1 as what little water there is available during this period has been appropriated and applied to beneficial use.
4. This protest is not a protest against the storage and use of flood water but only against natural flow of the creek during April 1 through November 1.

For the above reasons, affiant prays that said application be denied.


Howard Lacey

Subscribed and Sworn to before me this 2nd day of ^{October}~~September~~, 1973.


Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires: 11-29-76

67 4042

Water is hereby given that I the undersigned
 and Citizen of the United States have this
 day taken up and do claim twenty five
 inches of water under a four inch pressure
 to be taken out at his notice on the west
 side or right hand bank and about two
 hundred yards above my Homestead.

and to be converted in a ditch totherley
 over said Homestead entry of the undersigned,
 said water is taken out of thousand
 Spruce Creek and to be used for irrigation
 purposes this 13th day of September 1883
 W E Adams

Recorded at the request of W E Adams
 Sept 13th 1883 at 15 min past 2 P M
 J M Hart
 Recorder

for 14110 priority

(from 4041 & 4042
 Backfile)

abandoned
 locate a water
 inch pressure
 being between
 the Hill and
 man
 carried
 entry of
 runs this

dams

recorded at the request of W E Adams
 Sept 13th 1883 at 2 O'clock P M

J M Hart
 Recorder

67 4042

Creek Priority
 1883

Adams
 Maud Baker

AFFIDAVIT OF PROTEST

Department of Water Administration

STATE OF IDAHO)
) ss.
County of Washington)

HOWARD LACEY, being first duly sworn on his own behalf,
deposes and says:

That he is the owner of certain land situated within the boundaries of lands located within the watershed of Thousand Springs Valley Creek and East Branch of Thousand Springs Valley Creek, a tributary of the Weiser River and has diverted all the natural flow of the water in said creek and therefore makes this protest to the Application to Divert Water made as follows, to-wit:

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The water is claimed to be used from April 1 to October 31 for the irrigation of 10 acres and from January 1 to December 31 for stock use with a priority of April 1930; the place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 12 N, R. 4 W, B.M.

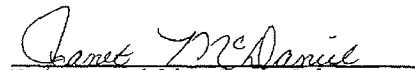
The particulars of the protest are as follows:

1. That he and his predecessors have used the water from East Branch of Thousand Springs Creek and have an earlier priority and further there are no grounds on which to base a priority on the above claim from April, 1930.
2. All water in East Branch of Thousand Springs Creek has been diverted and applied to beneficial use with the exception of early spring flood waters.
3. No unappropriated water is available from approximately April 1 through November 1 as what little water there is available during this period has been appropriated and applied to beneficial use.
4. This protest is not a protest against the storage and use of flood water but only against natural flow of the creek during April 1 through November 1.

For the above reasons, affiant prays that said application be denied.

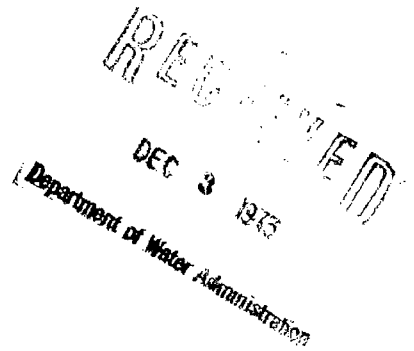

Howard Lacey

Subscribed and Sworn to before me this 2nd day of October, 1973.


Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires 11-29-76

67 4041

W. M. Williamson
Route 2
Weiser, Idaho



December 3, 1973

67 4042

Re: Claim to a Water Right No. 67-4042

Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho

Gentlemen:

In answer to Howard Lacey's protest to my filing on two springs near the East Branch of Thousand Spring Valley. He claimed prior rights to the 1930 date I claimed. I contacted him and asked if he would check to see who really had the earliest rights and I would do the same, without going to court.

The following facts are the results of my checking. The two springs on the land that I now own are in the tract of land homesteaded by Herman Bradshaw in 1891, described as follows: $W\frac{1}{2}$ of the $SE\frac{1}{4}$, $SW\frac{1}{4}$ of $NE\frac{1}{4}$, Lot 2, Sec. 4, Twp. 12, Rge 4 W., B.M. In talking to the older residents, I found that Herman Bradshaw built his cabin beside the larger, lower spring and used it for domestic and irrigation water. No sign of any other source of domestic water is present or mentioned. I am including a signed statement by Mrs. Gertrude Newman and if necessary, I can get more who were eye witnesses and live on this place. Gertrude Newman, also her older sister, Effie Howard Adams, said that their mother (Mama) raised a large garden and sold vegetables from the land below and irrigated from the upper spring (that I filed on) in 1898. Gertrude described the ditch from the lower spring as it was, and still remains. This water was used for irrigation, domestic and livestock by everybody owning or leasing as far as I can find out. They grew commercial orchard, commercial strawberries, truck gardens, etc., from the springs. I found that water rights and ditches were included in transfers of ownership in my abstract, back as far as 1901.

There is a 40 between our place and Howard Lacey's, now owned by Don Dickerson. The waste water from our place was at one time used on this place. Walter Brewster, a former owner of our place, was approached by David Dickerson, a son of Don Dickerson, who had his dad's place rented and wanted to irrigate some corn he had planted on a portion of the 40 below the then Walter Brewster's place. Walter told him (David), he was welcome to any water that came through the fence to his place, that he (Walter) wasn't using. As a result, the corn was not irrigated, and as far as I know, there hasn't been any irrigation on the Dickerson place since.

I also found out that water from the spring, etc., from the east (Thousand Springs Valley, as it was known to the old residents) did not always reach the place now owned by Howard Lacey even when it was not being used above. Through development of the springs and straightening the water way, (by and for the use above, not including Howard's place) does it now go further than it did. The water way goes through a field that once was farmed as one field. Also in checking the filing

Water Administration

Page 2

December 3, 1973

by G. W. Adams on the W. E. Adams place, (now owned by Howard Lacey as recorded at the Weiser Courthouse) that he or they? did not include the now known East Branch of Thousand Springs. His point of diversion and ditch clearly indicates that it did not include it. I would assume that the water sank in sandy soil before it reached his homestead house, which was about 1 mile below the nearest sizable spring, located on what is now our place. Either that or he or they did not want to file on their neighbor's water. It is hard to believe that these springs were of any value for stock, domestic or irrigation on the Howard Lacey place prior to 1930, as he stated, as much more and closer water was available for all of these claims.

Sincerely,

W. M. Williamson

W. M. WILLIAMSON

67 4042

I, Gertrude Howard Newman, this 19th day of November, 1973, state the following facts: That at the age of 4 years, I, along with my parents, two sisters, and a brother (Bob Howard) came to the Thousand Springs area in 1897. We stayed in a cabin belonging to my Uncle Joe Hayse for a while; then moved to the John Wallace place for a while; then in 1898, we moved to the James Galloway place where we lived until we could get our house built on our homestead near by. I lived in the Thousand Springs area until I was married in 1911.

I can remember visiting Herman Bradshaw when we first came here (in 1897). He had his house beside the large spring where later Elmer Saling lived and planted a large orchard. When I first saw the springs, they fascinated me, and I remember the water running through the irrigation ditch. It ran down below the barn that was west of the house, and around the little hill. I can remember the fields being irrigated from the spring. In 1898, while living on the James Galloway place in Thousand Springs, my mother raised a large garden above the house and sold vegetables from it. This is where Elmer Saling later planted his peach orchard.

Papa (John Howard) helped build the P.I.N. Railroad below where we were living. The railroad camp was at Catrock. Mamma sold vegetables, etc. to the workers on the P.I.N. railroad.

Signed

Gertrude Newman

State of Idaho
County of Washington

Subscribed and sworn to before me this 19th day of November, 1973.

Ward Sutton
Notary Public

(NOTARY SEAL)

67 4042

RECEIVED

June 27, 1975

Department of Water Resources

State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

SUBJECT: Order of the Department of Water Administration releasing water from privately owned springs located on property owned and operated by Mardell Williamson, Thousand Springs area, in Washington County, Idaho.

PETITION

I, Mardell Williamson, petition the Department of Water Administration for immediate review of the Order of the department authorizing water from two springs to be released to Howard Lacey, pursuant to a permit issued out of the Idaho Department of Reclamation, priority date September 19, 1966, Permit No. 67-2373.

In reviewing the above cited Order, your petitioner prays that the Department will take into consideration the following, to-wit:

Idaho Code 42-212 - Diversion of Private Waters.
"The department of reclamation is hereby prohibited from issuing or granting permits to divert or appropriate the waters of any lake not exceeding five acres in surface area at highwater mark, pond, pool or spring in this state, which is located or situated wholly or entirely upon the lands of a person or corporation, except to persons or corporations owning the land, or with his or its written permission, executed and acknowledged as required for the conveyance of real estate."

Spring Waters- "It is only when the waters of natural springs flow on privately owned lands into a natural channel that such waters, when flowing in the natural channel, become public waters subject to appropriation, diversion and application to a beneficial use."
Nordick v. Sorensen, 81 Idaho 117, 338 Pac (2d) 766.

Idaho Code 42-213 - Diversion of Private Waters - Applicant must show right of way.

"All applications to the department of reclamation for permits to divert or appropriate the waters of any lake, pond, pool or spring shall state whether such lake, pond, pool or spring is wholly or entirely upon the land of any person or corporation other than the applicant, and in the event that it is, such application shall state that the applicant has the written permission from such owner, executed and acknowledged as required by the provisions of the preceding section, to divert or appropriate such waters."

The waters from two springs located on the $W\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$ and Lot 2, Section 4, Township 12 North, Range 4 West of the Boise Meridian, have been used to the benefit of the land, by the owners of the land, since it was patented by Herman Bradshaw. Patent was issued December 12, 1891 and is recorded in Book 7 Deeds, page 423 Records of Washington County, Idaho. Bradshaw built a cabin near the main spring, using the waters for domestic and livestock purposes. Later a small reservoir was constructed and ditches were constructed for truck garden and orchard husbandry. (See affidavit of Gertrude Howard Newman.) This can be further substantiated by eye witness accounts of former occupants of the land - Effie Wallace Adams, Walter Brewster etc.

County records reveal no record of any transfer of water or water rights to any person or persons. The chain of title to the land its tenements, hereditaments and appurtenances is unbroken. The nearest thing to alienation of any right might be construed to include a use right running in favor of David Dickerson; however, this was verbal and was not used.

Any natural course, which the department may consider, does not cover an area of more than five acres in scope, and therefore, does not constitute a right of way or easement. Also, there is no record of any such right of way.

Watermaster, Clell Williamson, has been a longtime resident of this area and has knowledge of the creation of the artificial water course, which the department has chosen to call natural.

For the past 8 years your petitioner has been under intensive medical care and has not been able to utilize the waters of the springs in question to the fullest extent. However, there has never been any abandonment of these waters nor intent of abandonment.

NO - WE ONLY
NATURAL WAS ONCE
THE PROPERTY
AND NOW IS
AND PASSES THRU A DITCH
AND RESERVOIR

Pond Construction
Evidence

Page 3.

For the above reasons, I charge that the Department of Water Administration is in violation of I.C. 42-212 and I.C. 42-213. The statutes are very clear and outspoken in regard to the matter at hand. The Idaho Supreme Court has ruled definitively in this regard. I therefore demand that the Department of Water Administration recind its Order for diversion of waters from these springs, recind any use right for Permit #67-2373, and forever bar the permittee from making demand for such water.

The burden of proof is upon the Department and the permittee, not upon the owner. Right, custom, statute and Supreme Court ruling cannot be overlooked by the Department of Water Administration.

Respectfully,

Mardell Williamson

W. Mardell Williamson

W. M. Williamson

ROUTE 2

WEISER, IDAHO



MANN CREEK HEIGHTS

MW Ranch

RECEIVED
JUL 7 1975
Mann Creek (Weiser)

Dear Governor;

We are enclosing a copy of a letter I (he) sent the Water Department.

Most everyone agrees that the springs are ours, because they are coming up at the upper end of our fields, there is not a creek coming into our place here. All the water comes from these springs. These springs have been included in our abstract since the first owner in 1891 and most everyone that has lived here very long has eaten fruit & vegetables etc that have been grown here. We have it in grass now. We were irrigating our grass and Howard Lacey who farms about a mile below ask the Water Master to shut our springs off our grass because he had filed on some water below in 1966 and that these springs were a part of his water. The Water Master said it did not look right to him to shut it off because the only way to the rain water was throw a pipe into a

holding pond - ⁽²⁾ into the airway, and both had been there long before 1966, Next the boss because of the request from the State Water Master he did turn it into the pipe then threw the pond and into the drain so it would go down to Howard Lacey. I was told by the State Water Dept. that I would have to go to Court to prove my rights. I then went to Vincent Derig to get some advises because I knew that he was very good on land titles and water rights. He then told me to get a lawyer. I did after talking to the lawyer, I gathered that it might cost 2 to 3 thousand dollars. He did not feel we could afford to do this for about 25 inches of water if there was any other way.

I went back to Vincent Derig and told him I didn't think I could afford that much. He then suggested I write to you. Because it did not seem right to have to spend out all the water was worth to prove it, when Colo Code 42-212 says they should not have been able to file on them anyway and also Howard had not purchased the water or the easement to get the water.

(Cont on page 3)

W. M. Williamson

ROUTE 2
WEISER, IDAHO



MANN CREEK HEIGHTS

M W Ranch

(3)

We understand there are several other cases like this.

Vincent said he would be happy to discuss this with you. He is in the District Office week days.

Thank you for your consideration. We felt this might be to your interest also.

Sincerely
Mardell and Deloris Williamson

MEMORANDUM

TO: A. Kenneth Dunn

DATE: July 11, 1975

FROM: Kenneth H. Foit

SUBJECT: Use rights of
Mardell Williamson in
Water District 67.

The water right in question is a spring located on Mardell Williamson's land. It was tributary to the Weiser River but was not included in the Weiser River Decree. It has been used since 1891 for irrigation. It appears to be a valid use right and we have told Mardell that only the court can establish the validity of a use right after the court has once made a prior decree of water rights as in the case of the Weiser River.

We are bound to respect the water rights recognized by the court in the Weiser River Decree and the subsequent permits and licenses issued by our department. Any use right not recognized by the court cannot be recognized by the department.

Since this spring is tributary to an unnamed stream tributary to the Weiser River and there was a request from Mr. Howard Lacey, holder of permit No. 67-2373, to recognize his right. Bob Hamilton told the water master, Clell Williamson (a brother of Mardell Williamson), to turn off the water to Mardell Williamson's place and to release water to permit holder Howard Lacey.

The matter that the spring is not tributary to the Weiser River and therefore, not subject to the decree is not substantiated by the facts. It is public water and does run off Mardell Williamson's place, if it is not used as during the late fall, winter and early spring. It is geographically located very close to a natural draw into which it would flow prior to homesteading of the Mardell Williamson place. Due to the construction of ditches and a dam it does not follow the natural course it once did, but it is still public waters since it does run off the Williamson place whether in a natural or unnatural water course.

I submit that the use right must be recognized by the court before the department has the authority to recognize it in the distribution of the water of the Weiser River.

In review of the petition dated June 27, 1975 to the department, I have made the following comments:

Idaho Code 42-212 - the spring is not wholly or entirely situated upon the lands of Mardell Williamson and does in fact flow from those lands.

Spring Waters - the spring did at one time flow from the property into a natural draw, but is now flowing through a ditch and reservoir for the use of those who constructed the ditch and reservoir but who may or may not have a right to such waters.

Idaho Code 42-213 - rights of way are required only when the springs are situated wholly on the lands of another. These springs contribute to the public waters.

(2)

The background information and history of these springs should be submitted with a petition to the District Court. I feel that this information would justify a favorable decree to Mardell Williamson. In fact, however, it must be his initiative to establish his use right in a court of law.

Kenneth H. Foit

KENNETH H. FOIT

TO: A. Kenneth Dunn

DATE: 7-11-75

FROM: Kenneth H. Foit, Western District

SUBJECT: Water rights of Mardell Williamson

Mr. and Mrs. Howard Lacey came into this office today and complained about the actions of Clell Williamson, Watermaster and his brother Mardell Williamson.

On ~~6-23-75~~ ⁷⁻⁸⁻⁷⁵ Bob Hamilton told Clell Williamson to turn off Mardell Williamson's water to honor permit No. 67-2373 held by Howard Lacey. Mardell Williamson claims an earlier use right but is not included in the Weiser River Decree.

Clell argues that he needs a written order to shut off the water. As Watermaster obviously, he does not need such written orders. On June 24, 1975, I wrote a letter to Clell telling him he has duties as a watermaster and I was sorry his duties as watermaster required him to shut off his brother's water.

On Clell did turn off Mardell's water as required but only with great reluctance.

According to Mr. Howard Lacey, Mardell Williamson said Clell put a board in the weir and the portable tractor driven pump mysteriously was started. Thus the water was turned back on for Mardell Williamson.

Clell Williamson, the watermaster says he needs a court order to shut it off. He was specifically told by telephone to turn it off three times. Apparently, he has refused to do so.

I believe this has gone far enough. Some action to remove Clell Williamson and appoint someone else must be taken.

(2)

The background information and history of these springs should be submitted with a petition to the District Court. I feel that this information would justify a favorable decree to Mardell Williamson. In fact, however, it must be his initiative to establish his use right in a court of law.

Kenneth H. Foit

KENNETH H. FOIT

67-9041
4042
2373
JUL 14 1975

LAW OFFICES
MARCUS & MARCUS
FIRST NATIONAL BANK BUILDING
BOISE, IDAHO 83702

TELEPHONE
(208) 342-3553

CLAUDE V. MARCUS
CRAIG MARCUS
BARRY MARCUS
GALE M. MERRICK
JOHN S. McKINNEY
STEVE RICKS
FRED RAMEY

July 11, 1975

Mr. Robert Hamilton
Department of Water Resources
Western District Office
506 North 5th Street
Boise, Idaho

Re: Water Dispute between
Mardell Williamson and Howard Lacey

Dear Mr. Hamilton:

I am writing you as counsel for Mr. Mardell Williamson, Mann Creek, Idaho, with regard the water situation on his place as it affects Mr. Howard Lacey. Evidently, in 1966 or 1968 Howard Lacey perfected a permit and obtained a license from the Department of Water Resources for a certain number of cubic feet per second out of what was called the East Branch of Thousand Valley Springs Creek. Recently, Mr. Lacey has seen fit to attempt to prevent Mr. Williamson from making any use of the water on his premises approximately one-half mile above the Lacey ranch.

On Wednesday, July 9, 1975, I spent the day examining the water situation on Mr. Williamson's ranch, and I think you may be interested to know the physical set up regarding the little bit of water which is in dispute in this particular case. Mr. Lacey's ranch is situate on what is known as Thousand Springs Creek or Thousand Springs Valley Creek, depending upon which native one talks to over there. This is a creek having a large usable flow of water at a fairly constant rate year round. This creek supplies Mr. Lacey with what would appear to me to be a sufficient quantity of water for all of his needs. There is no dispute regarding this stream at all as Mr. Williamson has made no filings or attempts with regard to using this water. What is in dispute is apparently the small trickle of water which flows from several springs arising on Williamson's ranch.

Last Wednesday I thoroughly investigated the premises of Mr.

Hamilton/Ricks

July 11, 1975

Page 2

Williamson and gathered for myself factual data pertaining to this dispute. Mr. Williamson has several small springs arising on his property which have historically been developed and used by the Williamson family and their predecessors in interest. I think the use goes back to at least 1883 when these springs were first developed and brought to a usable state. I inspected the remains of flumes, pipes and dams which have been constructed by predecessors in interest to Mr. Williamson for the purpose of collecting and distributing the little bit of water which rises from these natural springs on the Williamson Ranch. Historically, this spring water has been used for stock watering and some irrigation and presently is being used for stock watering and sprinkler irrigation. At the upper end of the Williamson Ranch there are a number of small springs which rise and fall before entering any type of channel or stream bed. The water simply flows for several feet and sinks into the subsandy soil. Further down on the Williamson Ranch there are what are referred to as the Big Springs, which are two in number. When Mr. Williamson first described these big springs to me over the phone I pictured something in the form of an artesian well or a bubbling spring. But when viewing the premises and examining these big springs they would hardly fall within the definition of springs, let alone big springs. At any rate, where these big springs are located Mr. Williamson's predecessors in interest have constructed a piping system which presently is in a bad state of disrepair, to transfer this water to various pieces of land adjacent to the springs. At no point does the water travel much further than a few hundred feet in order to sprinkle some pasture acreage adjacent to the springs. What water is not transferred via this piping system forms a small rivlet flowing down through the Dickerson place and down to the Lacey ranch and joins the Thousand Springs Valley Creek. But, to look at this very small trickle as a creek would be an outrageous overstatement.

It is my understanding that the Department of Water Resources has ordered Mr. Clell Williamson, the watermaster in this area, to shut off Mr. Mardell Williamson's water and let the stream flow down to Mr. Lacey's ranch where he has a "valid appropriation", and diversion works. The amusing thing about such an order is that there is really no place to shut off the water on Mr. Williamson's ranch as there are no headgates or pumps. What Mr. Williamson does is use the water for stock watering purposes as well as hooking up a sprinkler pipe into an outlet pipe which permits him to run about four sprinklers on one length of pipe. I doubt very seriously if there were some way to shut off Mr. Williamson's water whether that water would flow all the way down to Mr. Lacey's ranch in view of the type of soil in that area.

Hamilton/Ricks
July 11, 1975
Page 3

I would welcome the opportunity to accompany you or any other member of the Department of Water Resources to Mr. Williamson's ranch and to view the springs and the "creek" which flows through Mr. Williamson's ranch and is the subject to this dispute. I think a view of the premises will resolve any problem which has arisen heretofore regarding any question any interested party may have as to the water and use thereof on the Williamson place.

Very truly yours,

Marcus & Marcus

By

STUBBINS RICKS

SKR/r

Mr. and Mrs. W. Mardell Williamson
Route 2
Weiser, ID 83672

Dear Mr. Williamson:

I have reviewed the matter of your water rights as described in your letter, dated July 3, 1975. Their validity is a legal question that must be answered by a decree from the District Court.

You must petition the court to make a determination of your use rights to include them in the Weiser River Decree of Water Rights. I understand the costs to take any legal action can be high, but the legal system of the State of Idaho is there to protect you.

Until such a time as your rights are recognized by the courts, the Department of Water Resources, through the watermaster of Water District 67, has no alternative but to assume the duties set by the District Court of Adams County in the decree of John T. Muir et al vs. William Allison et al, dated June 20, 1921.

Sincerely,

RECEIVED

DEC 29 1995

WATER RESOURCES
WESTERN REGION

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: **A67-14110**
Date Received: 9/28/1989
Receipt No: M004742
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: SEWARD PROSSER MELLON
Address: PO BOX RKM
LIGONIER PA

412-238-6671

15658

2. Date of Priority: APR 1, 1891

3. Source: SPRINGS
THOUSAND SPRINGS CREEK

Trib. to: THOUSAND SPRING CREEK
WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	04W	4	NE	SW	NE		WASHINGTON
			SW	NW	SE		WASHINGTON

5. Description of diverting works:
2 RESIVOIRS 2AF & 1.07AF, GRAVITY SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	03/01	11/01			3.07
STOCKWATER STORAGE	03/01	11/01			3.07
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.140		
IRRIGATION FROM STORAGE	03/15	11/15			3.07
DIVERSION TO STORAGE	03/01	11/01	1.600		
STOCKWATER FROM STORAGE	03/01	11/01			3.07

7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) 3.07 A.F.A.

8. Total consumptive use is 105.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 500 HEAD BEEF CATTLE; DOMESTIC, 1 HOME

SCANNED
APR 19 2004

MICROFILMED
OCT 22 1996

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	04W	4			STOCK	
					STOC S	
					STO FS	
			SW	NE	IRR S	
			SW	NE	IRR FS	3.0
			NW	SE	IRR FS	14.0
			NW	SE	DOMEST	
			NW	SE	IRR S	
			SW	SE	IRR FS	13.0
			Section Acres			30.0
			Total Acres			30.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS RIGHT WAS ESTABLISHED IN 1891 UTILIZING OPEN DITCH GRAVITY IRRIGATION AND PIPED TO THE HOUSE FOR DOMESTIC USE AND STOCK.

TEMPORARY DAMS WERE CONSTRUCTED ACROSS THE CREEK BED EACH YEAR AND MAINTAINED ANNUALLY.

THE PRESENT DAM STRUCTURES WERE PUT IN AS PERMANENT STRUCTURES AND HAVE BEEN INSPECTED AND APPROVED, THEY ARE OFF STREAM BECAUSE OF PROBLEMS ASSOCIATED WITH FLASH FLOODING.

THE RESEVIORS ARE CURRENTLY 0.2 ACRES W/10' DEPTH = 2.0 AF.
AND 0.13 ACRES W/8' DEPTH = 1.07 AF.

THE DOMESTIC USE IS TAKE DIRECTLY FROM THE SPRINGS, NOT OUT OF THE RESEVOIR.

THIS SYSTEM UTILIZES GRAVITY DRIVEN IRRIGATION DIRECTLY FROM THE FRONT OF EACH DAM - TO PIPES AND SPRINKLERS.

THE RESEVOIRS CAN BE FILLED FROM THE SPRINGS AS WELL AS WITH RUN-OFF- HIGH WATER. THE "STREAM BED" IS ACTUALLY A CHANNEL CONSTRUCTED IN THE 1930'S. FOR FLOOD CONTROL AND DRAINAGE.

THE DIVERSION RATE TO STORAGE IS BASED UPON A MAXIMUM UTILIZING 2 4" PIPES IN THE CHANNEL DURING HIGH WATER THE SPRINGS MAX. RATE OF FLOW IS ABOUT 25".

14. Remarks: Continued

OWNERSHIP CHANGED BY LH 1/23/95.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 67-04041 AND
67-04042.

15. Basis of Claim: BENEFICIAL USE

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

Renumbered to A67-14110

Ident. Number: **A67-04042**

Date Received: 9/28/1989

Receipt No: M004742

Received By: _____

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

1. Name: SEWARD PROSSER MELLON 412-238-6671
Address: PO BOX RKM
LIGONIER PA 15658
2. Date of Priority: APR 1, 1891
3. Source: SPRINGS Trib. to: THOUSAND SPRING CREEK
THOUSAND SPRINGS CREEK WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	04W	4	NE	SW	NE		WASHINGTON
			SW	NW	SE		WASHINGTON

5. Description of diverting works:
2 RESIVOIRS 2AF & 1.07AF, GRAVITY SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	03/01	11/01			3.07
STOCKWATER STORAGE	03/01	11/01			3.07
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.140		
IRRIGATION FROM STORAGE	03/15	11/15			3.07
DIVERSION TO STORAGE	03/01	11/01	1.600		
STOCKWATER FROM STORAGE	03/01	11/01			3.07

7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) 3.07 A.F.A.

8. Total consumptive use is 105.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 500 HEAD BEEF CATTLE, D/ ONE HOUSE

MICROFILMED
OCT 22 1996

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	04W	4			STOCK	
					STOC S	
					STO FS	
			SW	NE	IRR FS	3.0
			SW	NE	IRR S	
			NW	SE	IRR FS	14.0
			NW	SE	DOMEST	
			NW	SE	IRR S	
			SW	SE	IRR FS	13.0
			Section Acres			30.0
			Total Acres			30.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS RIGHT WAS ESTABLISHED IN 1891 UTILIZING OPEN DITCH GRAVITY IRRIGATION AND PIPED TO THE HOUSE FOR DOMESTIC USE AND STOCK.

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AND 0.13 ACRES W/8' DEPTH = 1.07 AF.

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THE DIVERSION RATE TO STORAGE IS BASED UPON A MAXIMUM UTILIZING 2 4" PIPES IN THE CHANNEL DURING HIGH WATER THE SPRINGS MAX. RATE OF FLOW IS ABOUT 25".

14. Remarks: Continued

OWNERSHIP CHANGED BY LH 1/23/95.

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 _____ 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 _____

MICROFILMED
OCT 22 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JAN 20 1995

WATER RESOURCES
WESTERN REGIONDATE OF CLOSING: 1/3/95

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

****SEE COPY OF RECORDED WARRANTY DEED****

RECEIVED

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis) **JAN 19 1995**
Department of Water Resources

[] Water Right Number(s)
Assigned by IDWR: A67-04042; A67-07182; A67-10402

[] Name and Address of Former Owner/Claimant(s)(Seller): W. Mardell Williamson and Deloris L. Williamson
1860 Cemetary Rd.; Weiser, Idaho 83672

[] New Owner/Claimant (Purchaser): Seward Prosser Mellon
P.O. Box RKM; Ligonier, PA 15658

[] New Mailing Address: SAME

[] New Telephone Number: (412) 238-6671

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: SEE COPY OF RECORDED WARRANTY DEED - WILLIAMSON TO MELLON

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s) Seward Prosser Mellon Date 1-11-95

[] Signature of Former Owner/Claimant(s): Deloris L. Williamson Date 1/3/95
W. Mardell Williamson Date 1/3/95

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 1-23-94 By: JD

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 1-23-95 By: JD

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

OCT 22 1996

POOR ORIGINAL

WE HEREBY CERTIFY THIS IS A
TRUE COPY OF THE ORIGINAL

First American Title
By *[Signature]*

01/18/95 09:06

WEISER TITLE

001

100-94-4734 INSTRUMENT NO. 162205
PAGE 1 OF 1

WARRANTY DEED

For Value Received W. MARDELL WILLIAMSON and DELORIS L. WILLIAMSON, husband and wife

the grantor s, do hereby grant, bargain, sell and convey unto SEWARD PROSSER MELLON, a married man
dealing with his sole and separate property

the grantee, whose current address is P.O. Box RKM; Ligonier, PA. 15658

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

TOWNSHIP 12 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:
Section 3: Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
Section 4: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Section 9: NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Section 10: NW $\frac{1}{4}$ NW $\frac{1}{4}$;

TOWNSHIP 13 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:
Section 33: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, and a parcel described as follows:

Beginning at a point where the east boundary of Highway #95 crosses
the south boundary of the NW $\frac{1}{4}$ of said Section 33; thence northeasterly
along the easterly boundary of said highway right of way to the center
of a ditch or small gully, which said ditch or gully runs approximately
north and south near the line between the east half and west half of
said NW $\frac{1}{4}$; thence in a southerly direction down the center of said
ditch or gully to a point which is 25 feet North of the South line of
said NW $\frac{1}{4}$; thence directly East to the East line of said NW $\frac{1}{4}$; thence
South 25 feet to the southeast corner of said NW $\frac{1}{4}$; thence West to the
point and place of beginning, describing a tract of land approximately
3 acres out of the southern part of said NW $\frac{1}{4}$ of said Section 33;

Section 34: W $\frac{1}{2}$

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and his
heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee, that t he y the
owners in fee simple of said premises; that they are free from all incumbrances excepting reservations,
easements, incumbrances, restrictions and rights of way appearing of record and/or
existing.

and that the y will warrant and defend the same from all lawful claims whatsoever.

Dated: January 3, 1995

W. MardeLL Williamson
W. MardeLL Williamson

Deloris L. Williamson
Deloris L. Williamson

STATE OF IDAHO
COUNTY OF Payette } ss
On this third day of January, in the
year 19 95, before me, a Notary Public, personally appeared
W. MardeLL Williamson & Deloris L. Williamson
known & identified to me to be the person whose name s are
subscribed to the within instrument, and acknowledged to me
that they executed the same.
NOTARY PUBLIC
[Signature]
Payette, Idaho.
My Commission Expires 09/03/99

STATE OF IDAHO, COUNTY OF WASHINGTON
I hereby certify that this instrument was filed for record at the
request of WEISER VALLEY TITLE
at 50 minutes past FIFTEEN o'clock P.M.,
this 3RD day of JANUARY
1995, in my office, and duly recorded in BOOK
XX Deeds XXX BY #162205
MARY KAUTZ
Ex-Officio Recorder
By *[Signature]* Deputy
Fees \$ 5.00
Mail to: WEISER VALLEY TITLE

INSTRUMENT NO.
Index
Rel.
Emp
Comp
Film
Compare
Care
Bk. Rel.
Up-Date
Platmap
Copy

Post-It™ brand fax transmittal memo 7671 # of pages 1
To Melissa From Ginger

First American Title

808

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDA
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: A67-04042
Date Received: 9-28-89
Receipt No: 004742
Received By: [Signature]

RECEIVED
SEP 28 1989

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: W. M. WILLIAMSON 208-549-1981
Address: 1860 CEMETARY RD.
WEISER, ID 83672

OR

Name: DELORIS L. WILLIAMSON 208-549-1981
Address: 1860 CEMETARY RD.
WEISER, ID 83672

2. Date of Priority: APR 01, 1891

3. Source: SPRINGS THOUSAND SPRINGS CREEK Trib. to: THOUSAND SPRING CREEK
THOUSAND SPRINGS CREEK WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	04W	4	NE	SW	NE		WASHINGTON
			SW	NW	SE		WASHINGTON

5. Description of diverting works:
2 RESIVOIRS 2AF & 1.07AF, GRAVITY SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	03/01	11/01			3.07
STOCKWATER STORAGE	03/01	11/01			3.07
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.140		
IRRIGATION FROM STORAGE	03/15	11/15			3.07
DIVERSION TO STORAGE	03/01	11/01	1.600		
STOCKWATER FROM STORAGE	03/01	11/01			3.07

7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) 3.07 A.F.A.

A67-04042

Page 1

Date: 09/28/89

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OCT 2 1992

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8. Total consumptive use is 105.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 500 HEAD BEEF CATTLE, D/ ONE HOUSE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	04W	4			STOCK	
					STOC S	
					STO FS	
			SW	NE	IRR FS	3.0
			SW	NE	IRR S	
			NW	SE	IRR FS	14.0
			NW	SE	DOMEST	
			NW	SE	IRR S	
			SW	SE	IRR FS	13.0
					Section Acres	30.0
					Total Acres	30.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS RIGHT WAS ESTABLISHED IN 1891 UTILIZING OPEN DITCH GRAVITY IRRIGATION AND PIPED TO THE HOUSE FOR DOMESTIC USE AND STOCK.

TEMPORARY DAMS WERE CONSTRUCTED ACROSS THE CREEK BED EACH YEAR AND MAINTAINED ANNUALLY.

THE PRESENT DAM STRUCTURES WERE PUT IN AS PERMANENT STRUCTURES AND HAVE BEEN INSPECTED AND APPROVED, THEY ARE OFF STREAM BECAUSE OF PROBLEMS ASSOCIATED WITH FLASH FLOODING.

THE RESEVIORS ARE CURRENTLY 0.2 ACRES W/10' DEPTH = 2.0 AF.

AND 0.13 ACRES W/8' DEPTH = 1.07 AF.

THE DOMESTIC USE IS TAKE DIRECTLY FROM THE SPRINGS, NOT OUT OF THE RESEVOIR.

THIS SYSTEM UTILIZES GRAVITY DRIVEN IRRIGATION DIRECTLY FROM THE FRONT OF EACH DAM - TO PIPES AND SPRINKLERS.

THE RESEVOIRS CAN BE FILLED FROM THE SPRINGS AS WELL AS WITH

14. Remarks: Continued

RUN-OFF- HIGH WATER. THE "STREAM BED" IS ACTUALLY A CHANNEL
CONSTRUCTED IN THE 1930'S. FOR FLOOD CONTROL AND DRAINAGE.

THE DIVERSION RATE TO STORAGE IS BASED UPON A MAXIMUM UTILIZING
2 4" PIPES IN THE CHANNEL DURING HIGH WATER THE SPRINGS MAX.
RATE OF FLOW IS ABOUT 25".

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
a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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 W. M. Williamson Date: 9/28/89
_____ Date: _____

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of September 19 89

Seal

Anna Bauhoff
Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994
Residing at _____
My Commission Expires _____