IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-14403
Date Received: 12/18/2002
Receipt No: W029932
Received By:

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

1. Name of Claimant(s)

KENNETH SEID Phone: (208) 355-2339
2504 SMITH RD
MIDVALE ID USA 83645

2. Date of Priority: 06/21/1921

3. Source: KEITHLY CREEK Trib. to: WEISER RIVER
HOPPER CREEK KEITHLY CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 | 1/4 | 1/4 | Lot | County | Type |
|---|---|---|---|---|---|---|---|---|
| 13N | 04W | 2 | NE | SW | NE | | WASHINGTON | |
| 13N | 04W | 1 | NE | NW | NW | | WASHINGTON | |
| 14N | 04W | 31 | NE | SE | NE | | WASHINGTON | |
| 14N | 04W | 35 | NE | SE | NW | | WASHINGTON | I |
| 14N | 04W | 36 | SE | SW | NW | | WASHINGTON | R |
| 14N | 04W | 36 | NE | SW | NE | | WASHINGTON | R |
| 14N | 03W | 31 | SE | NE | NW | | WASHINGTON | R |

5. Description of diverting works:

These diversions are in conjunction with rights 67-182B, 67-152, 67-153, 67-158, 67-159, 67-168, 67-171 and 67-2143 for high water that has been historically used on these lands. Diversions marked with a (*) are points of rediversion of Keithly Creek water from Hopper Creek and points of diversion of Hopper Creek water. Keithly Creek water is injected into Hopper Creek.



SCANNED
APR 16 2004

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) A.F.A |
|---|---|---|---|---|
| IRRIGATION | 04/01 | 07/15 | 19.14 | |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 | of 1/4 | Lot | Use | Acres |
|---|---|---|---|---|---|---|---|
| 14N | 03W | 30 | NE | SW | | IRRIGATION | 15 ? |
| | | | NW | SW | 3 | IRRIGATION | 34 ?? |
| | | | SW | SW | 4 | IRRIGATION | 36 ? |
| | | | SE | SW | | IRRIGATION | 32 ? |
| | | | | | | Section Acres | 117 |
| 14N | 03W | 31 | NE | NE | | IRRIGATION | 39 |
| | | | NW | NE | | IRRIGATION | 39 |
| | | | SE | NE | | IRRIGATION | 39 |
| | | | SW | NE | | IRRIGATION | 38 |
| | | | NE | NW | 3 | IRRIGATION | 18 |
| | | | SW | NW | | IRRIGATION | 25 |
| | | | SE | NW | | IRRIGATION | 17 |
| | | | NE | SW | | IRRIGATION | 35 |
| | | | NW | SW | 3 | IRRIGATION | 38 |
| | | | NE | SE | | IRRIGATION | 22 |
| | | | NW | SE | | IRRIGATION | 38 |
| | | | | | | Section Acres | 348 |
| 14N | 04W | 25 | NE | SW | | IRRIGATION | 24 ?? |
| | | | SE | SW | | IRRIGATION | 34 ?? |
| | | | NE | SE | | IRRIGATION | 36 ?? |
| | | | NW | SE | | IRRIGATION | 40 ?? |
| | | | SW | SE | | IRRIGATION | 40 ?? |
| | | | SE | SE | | IRRIGATION | 38 ? |
| | | | | | | Section Acres | 212 |
| 14N | 04W | 35 | SE | NE | | IRRIGATION | 38 ? |
| | | | NE | SE | | IRRIGATION | 30 ? |
| | | | | | | Section Acres | 68 |
| 14N | 04W | 36 | NE | NE | | IRRIGATION | 36 ? |

| | | | |
|---|---|---|---|
| NW | NE | IRRIGATION | 37 |
| SW | NE | IRRIGATION | 35 |
| NE | NW | IRRIGATION | 37 |
| SW | NW | IRRIGATION | 38 |
| SE | NW | IRRIGATION | 24 |
| NW | SW | IRRIGATION | 5 |
| | | Section Acres | 212 |
| | | Total Acres | 957 |

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:

14. Remarks:

This claim is for high water diversions that have occurred historically in addition to the underlying decreed and licensed rights. These additional diversions are curtailed when stream flows diminish and regulation on the river begins.

Other water rights used: 67-182B, 67-152, 67-153, 67-158, 67-159, 67-168, 67-171 & 67-2143.

Point of injection into and point of rediversion from Hopper Creek.

15. Basis of Claim: Beneficial Use

Form No. 42-1409(2) a 1/88 (Internet)

*Should questions arise during the processing of this application please contact:*
*David B. Shaw - ERO Resources Corp. (208) 373-7983*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39576

**IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM**

Ident. Number 67-14403
Date Received
Receipt Number W029932

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

RECEIVED
DEC 18 2002
WATER RESOURCES
WESTERN REGION

**Please type or print clearly**

1. Name of Claimant(s) Kenneth Seid Phone (208) 355-2339

   Mailing Address 2504 Smith Rd., Midvale, Idaho Zip 83645

2. Date of Priority (Only one (1) per claim) 6/21/1921

3. Source of water supply (a) Keithly Creek Hopper Creek

   Which is tributary to (b) Weiser River Keithly Creek

4. a. Location of point of diversion is: Township 13N Range 4W Section 2, NE ¼ of SW ¼ of NE ¼, Govt. Lot _____, B.M., County of Washington

   Additional points of diversion if any: NE NW NW, Sec. 1, T13N, R4W; NE SE NE, Sec. 31, T14N, R4W; NE SE NW, Sec. 35, T14N, R4W (I); SE SW NW, NE SW NE, Sec. 36, T14N, R4W (*); SE NE NW, Sec. 31, T14N, R3W (*)

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

   Township _____ Range _____ Section _____, _____ ¼ of _____ ¼ of _____ ¼, Govt. Lot _____ B.M., County of _____

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

These diversions are in conjunction with rights 67-182B, 67-152, 67-153, 67-158, 67-159, 67-168, 67-171 and 67-2143 for high water that has been historically used on these lands. Diversions marked with a (*) are points of rediversion of Keithly Creek water from Hopper Creek and points of diversion of Hopper Creek water. Keithly Creek water is injected into Hopper Creek.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/1 to 7/15 amount 19.14 or _____

For _____ purposes from ____ to ____ amount ____ or _____

For _____ purposes from ____ to ____ amount ____ or _____

For _____ purposes from ____ to ____ amount ____ or _____

7. Total quantity claimed (a) 19.14 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

10. Description of place of use:

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

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

| TWP | RNG | SEC | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 14N | 4W | 25 | | | | | | | | | 24 | | | 34 | 36 | 40 | 40 | 38 | 212 |
| | | 35 | | | | 38 | | | | | | | | | 30 | | | | 68 |
| | | 36 | 36 | 37 | 35 | | 37 | | 38 | 24 | | 5 | | | | | | | 212 |
| | 3W | 30 | | | | | | | | | 15 | L3 34 | L4 36 | 32 | | | | | 117 |
| | | 31 | 39 | 39 | 38 | 39 | L3 18 | | 25 | 17 | 35 | L3 38 | | | 22 | 38 | | | 348 |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated 957

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.

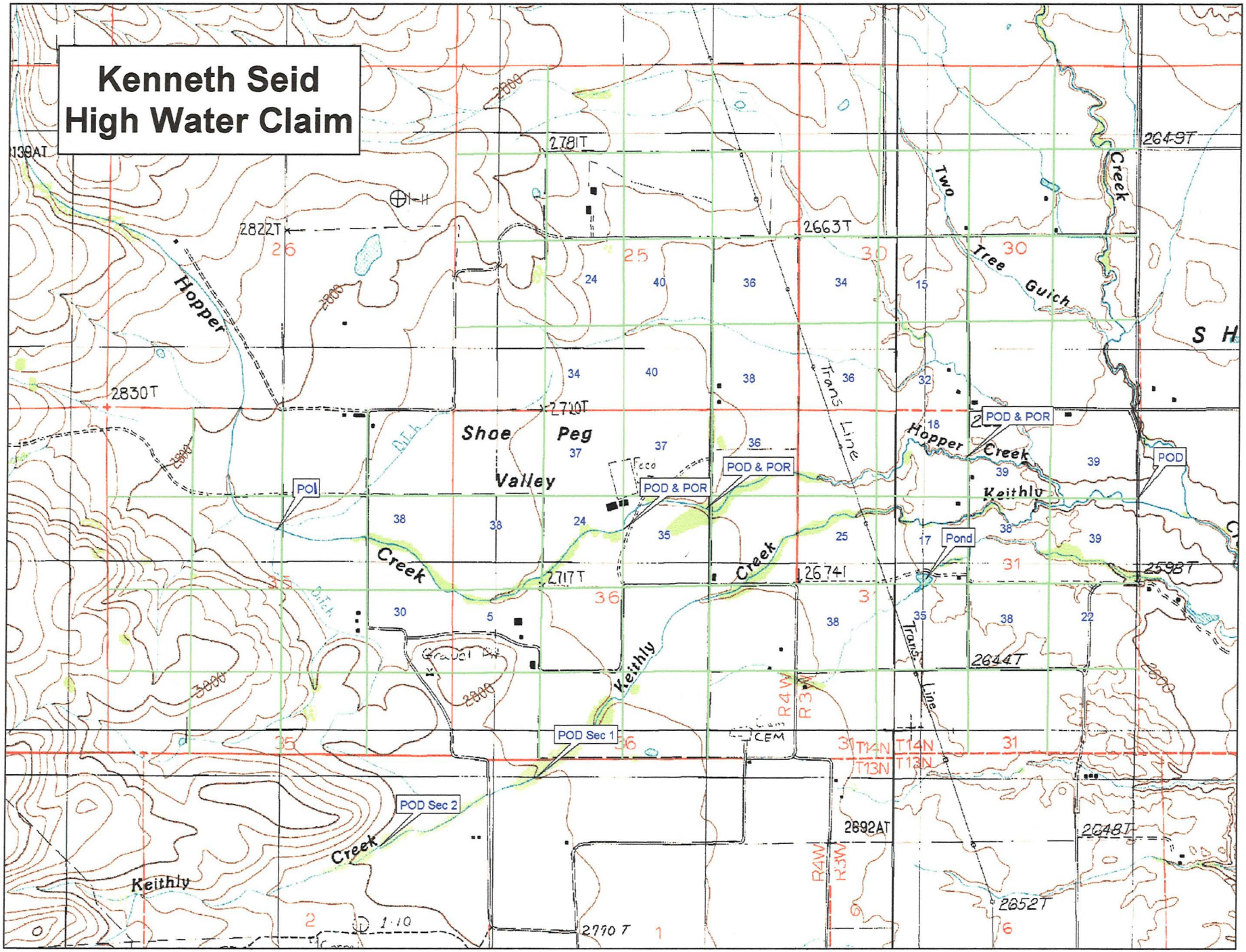
67-182B, 67-152, 67-153, 67-158, 67-159, 67-168, 67-171, 67-2143 or None ( )

14. Remarks:

This claim is for high water diversions that have occurred historically in addition to the underlying decreed and licensed rights. These additional diversions are curtailed when stream flows diminish and regulation on the river begins.

Last Name Seid Ident. Number _____

# Kenneth Seid
# High Water Claim




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Scale: 1 : 24,000 Zoom Level: 13-1 Datum: NAD27 Map Rotation: 0° Magnetic Declination: 16.1°E

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

16. Signature(s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will received notice in the Snake River Basin Adjudication." I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of Attachments _____

**For Individuals**: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Kenneth Seid Date 12-20-02
_____ Date _____

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

Signature of Authorized Agent _____
Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 20 day of December 2002

SEAL

LORI HARRIS NOTARY PUBLIC STATE OF IDAHO

Notary Public Lori Harris
Residing at Boise, Idaho
My Commission Expires 12-8-06

17. Notice of Appearance

Please Print Name

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

Signature _____
Address _____
Date _____

Last Name Seid Ident. Number _____

## Saxton, Craig

**To:** dshaw@eroresources.com
**Subject:** Seid, Kenneth B67 preliminary Recommendations

Good Morning Dave,

I am sending you the preliminary recommendations for Kenneth Seid a little ahead of time so you can review them. The preliminary mailing is actually going out on November 20th, but these recommendation are probably not what your claimant expected so I want you to have some time to look at them.

The main issue I can see is that as far as I can tell, Mr. Seid has enlarged his water use well over his decreed rights. I recommended as much acreage as I could base on the decreed rights. 67-14403 claims flood water on top of the decreed rights. I do not have any documentation supporting when the acres up an above those decreed were added so I recommended 67-14403 directly on top of the decreed acres for the standard 3/8 inches per acre that bring use of the flood water and the decreed water up to one inch per acre.

You will see that the shape on the layouts is larger than the 511.6 acres recommended. The shape is 667.3 acres. In order to recommend the additional acres under right 67-14403, I need some sort of evidence of when that additional ground first started being irrigated.

Anyway, you know how it goes. Take a look at the recommendations and let me know what you think. I can tell you that I am most likely not going to make changes before the preliminary mailing goes out, but hopefully, if Mr. Seid feels changes need to be made, we can get the information into me and change them before the directors report goes out so you don't have to file an objection.

67-7253B & C appear to be Mr. Seids water rights. We need a change of ownership for those.

Lastly, water master records show that 67-507, 67-509, 67-510, and 67-511 are delivered to Kennith Seid but are not claimed in the SRBA. I didn't know if there was a reason for that so I thought I would bring it to your attention.

Thanks,

Craig L. Saxton
287-4916
craig.saxton@idwr.idaho.gov



Zip Prelim Rec
Kenneth Seid (1...

543



2280504 1483542 Looking N



2279696 - 1483125 Li South

555



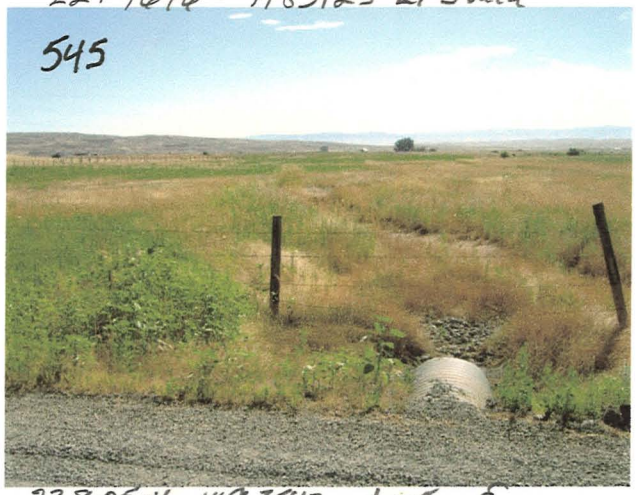
2279696 1483125 Look East

542



Looking SW 2280496-1483305

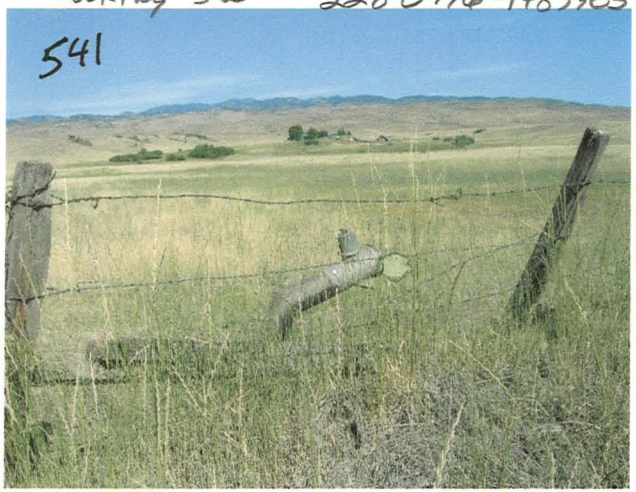
545



2280504 1483542 Look E

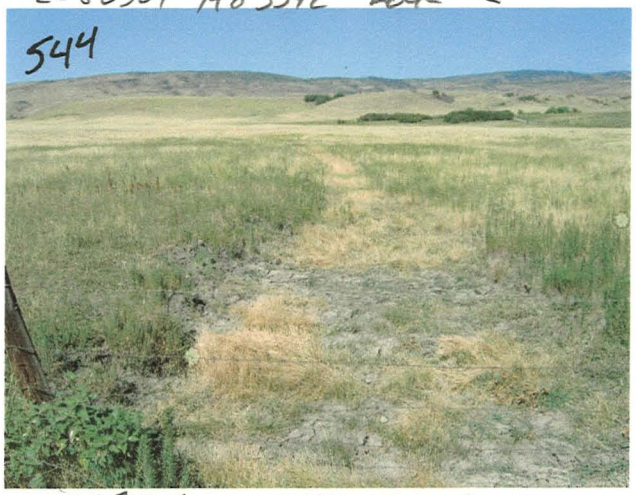


541



Looking NW Towards Ken.
2280496 - 1483305

544



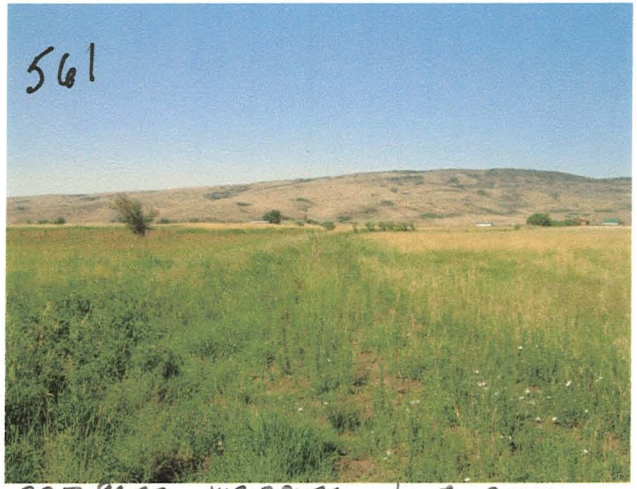
2280504 - 1483542 Look W



2279696 1483125 L - SE



L. N.E




2279689 1482955 Look East



2279795 1483160 Look East Creek Bottom



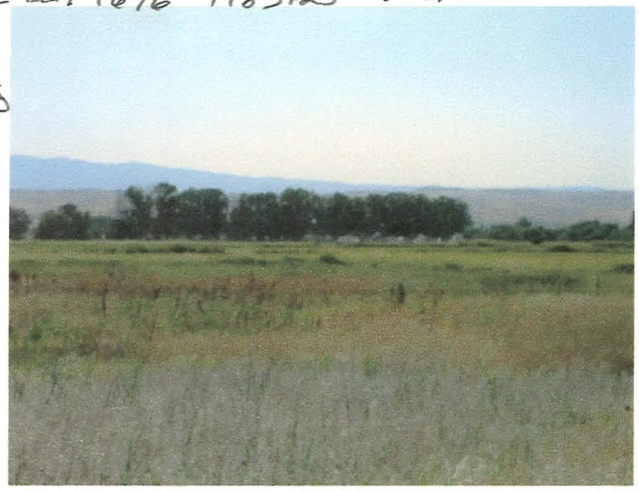
2279696 1483125 L.S.




2279689 1482955 Ditch Look N.



2279687 1482903 Look N.



L. SE

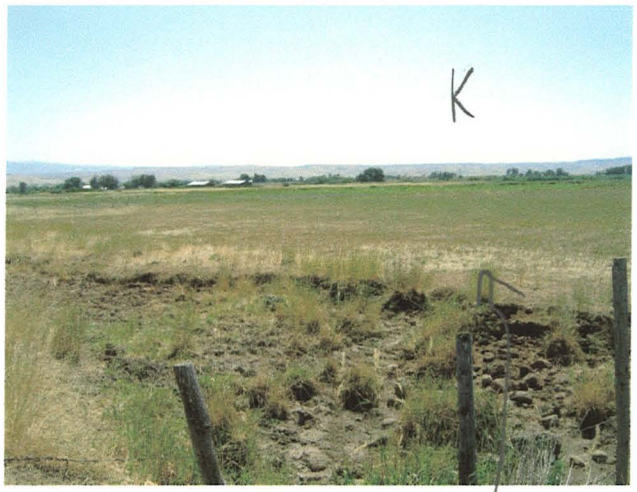


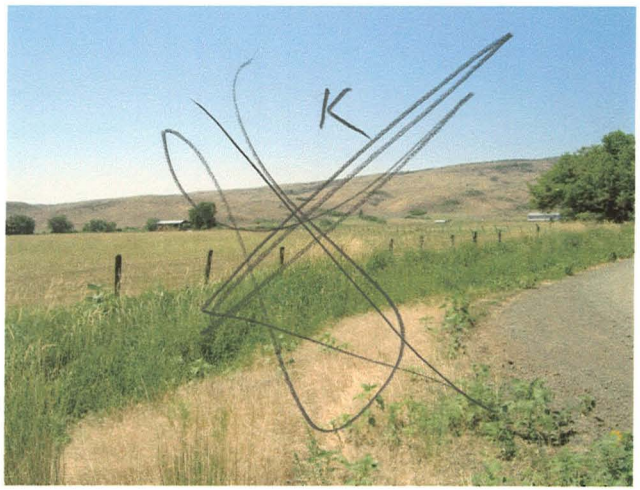

2279689 1482955 Buried Pipe



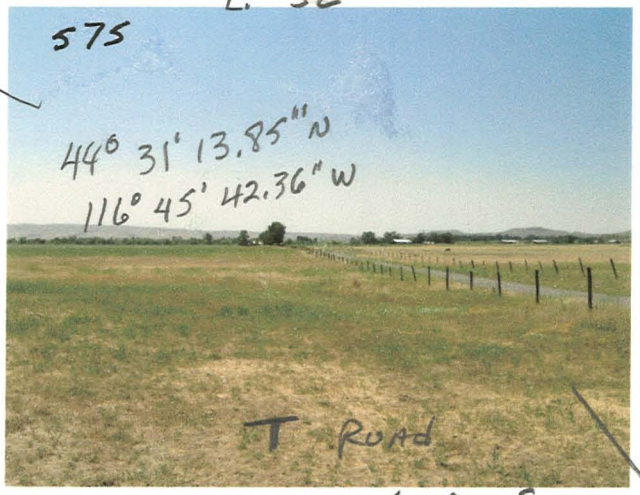

2279687 1482903 Look N.N.E.

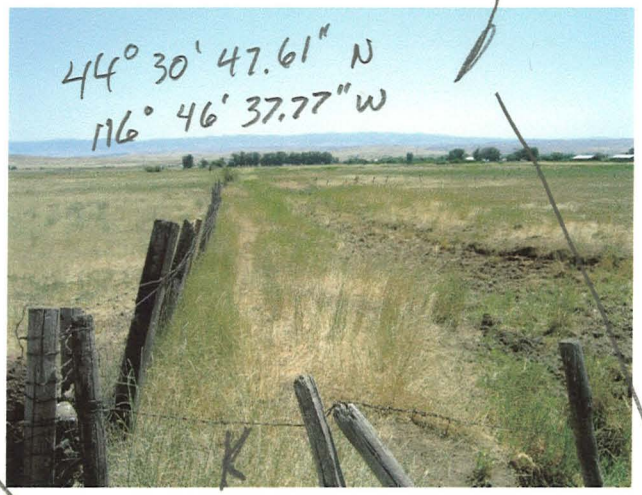

576


K

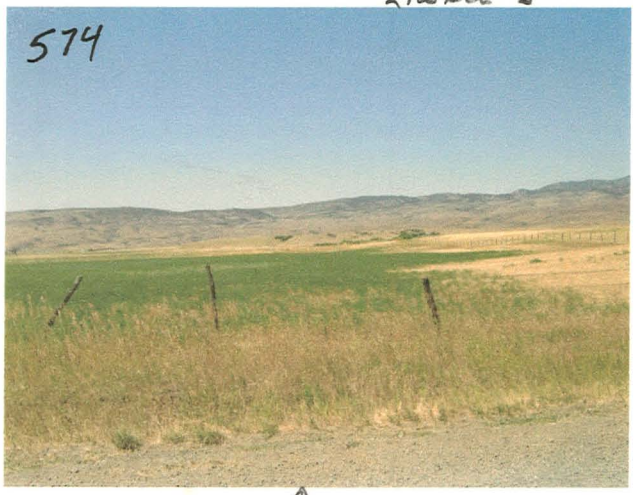

K

L. SE


575
44° 31' 13.85" N
116° 45' 42.36" W
T Road


44° 30' 47.61" N
116° 46' 37.77" W
K


K

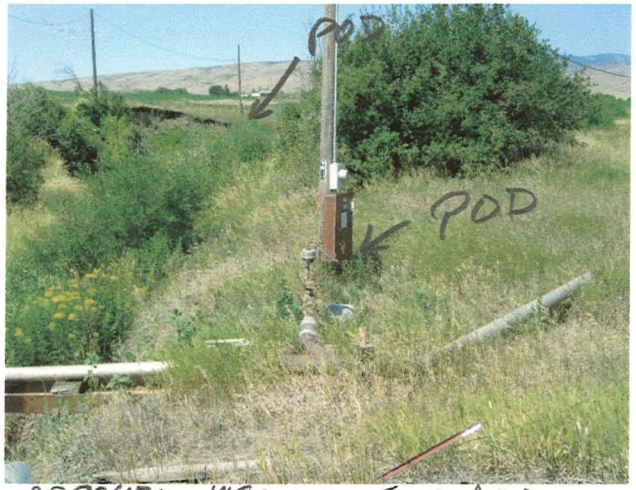

574


577


K

#3

#3 L. EAST




2282470 1482342 FACE P.O.D



Wheel line in wheat SE. Corner






SE 5-25 Wheel lines



2282470 1482342 LOOK S



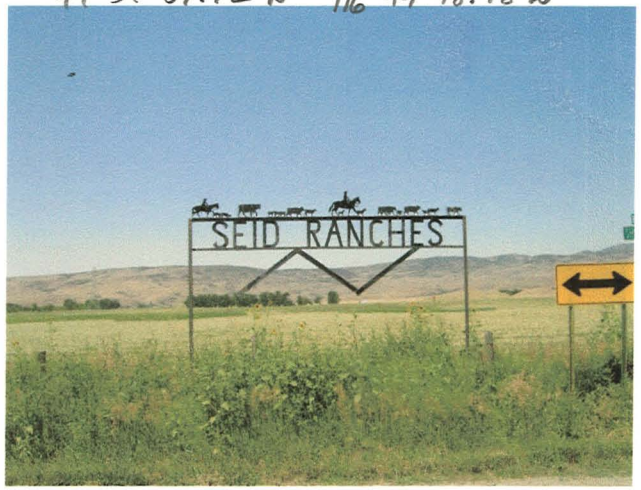

44°31'-07.72"N 116°44'48.48"W



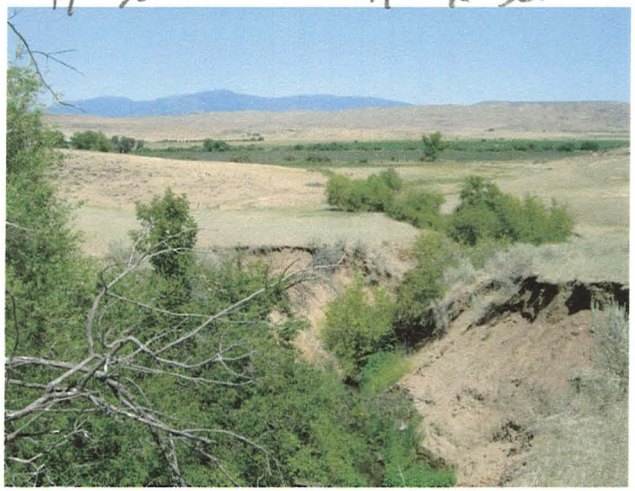

2280150 1483538 L. EAST

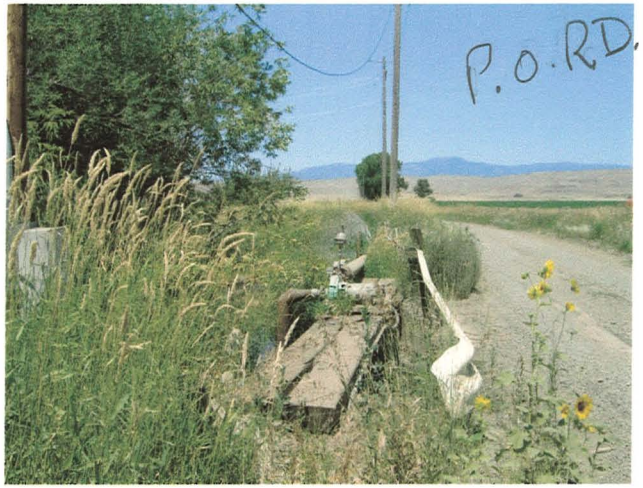


2282470 1482342 LOOK NNW



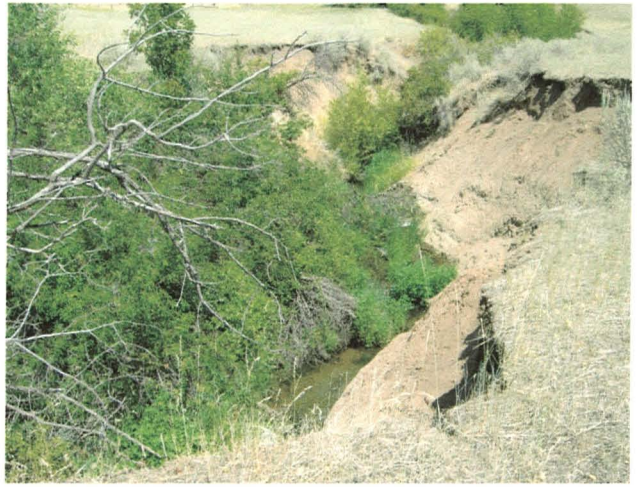
44° 30' 03.64" N 116° 46' 55.76" W






44° 30' 31.82" N
116° 45' 42.95" W

P. 44° 30' 38.68" N
116° 44' 46.25" W













44° 29' 41.81" N
116° 46' 52.54" W

Keithley Creek in S-1 Hopper Creek











44°29' 56.23"N 116° 96' R.31"W

44°30' 35.21"N 116° 46' 55.99"W

Looking SE



Looking S



Looking E



Looking E



Looking E



A

Looking S.



Looking W



Looking E



Looking SW



Looking SW



Looking W



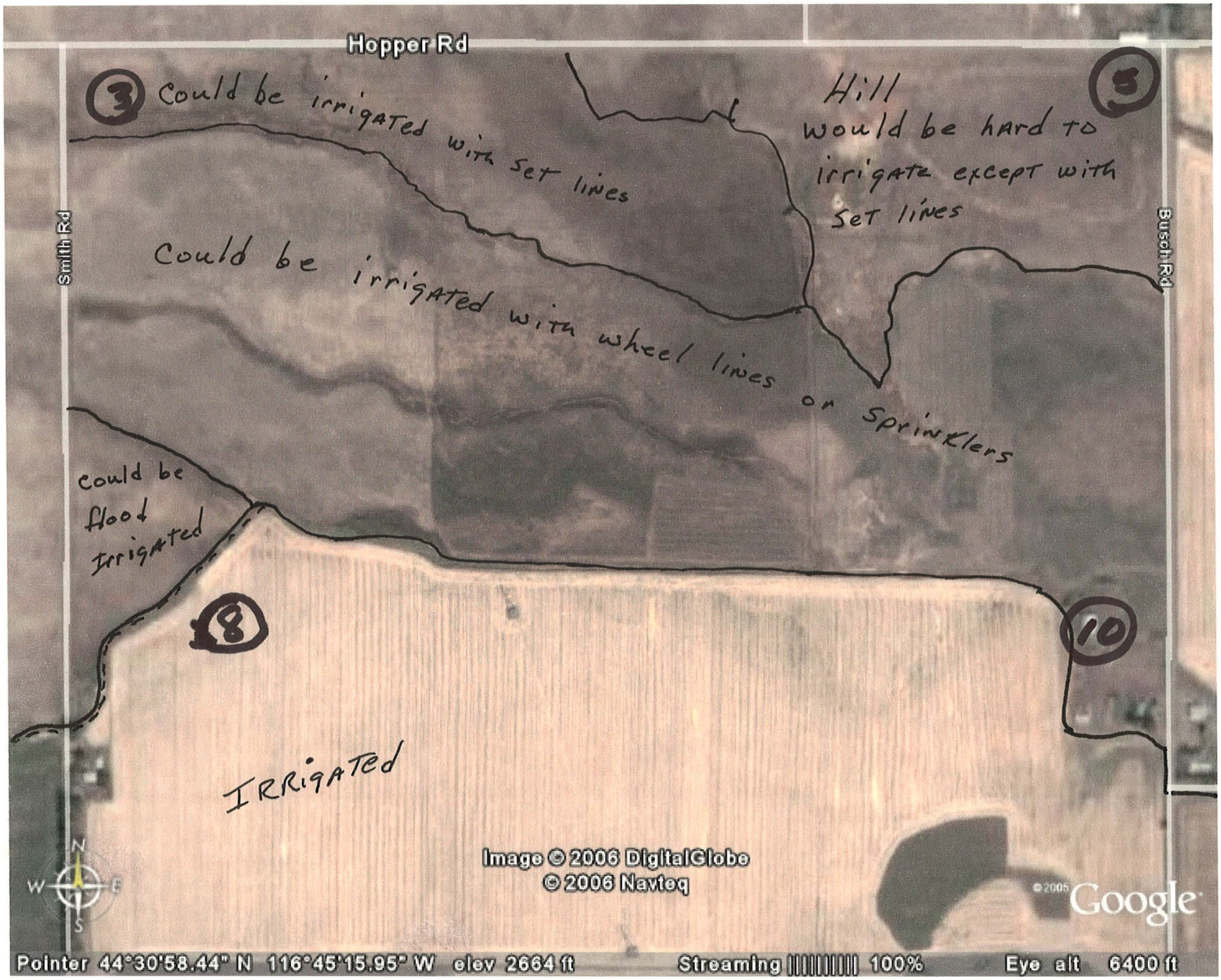
Looking NW

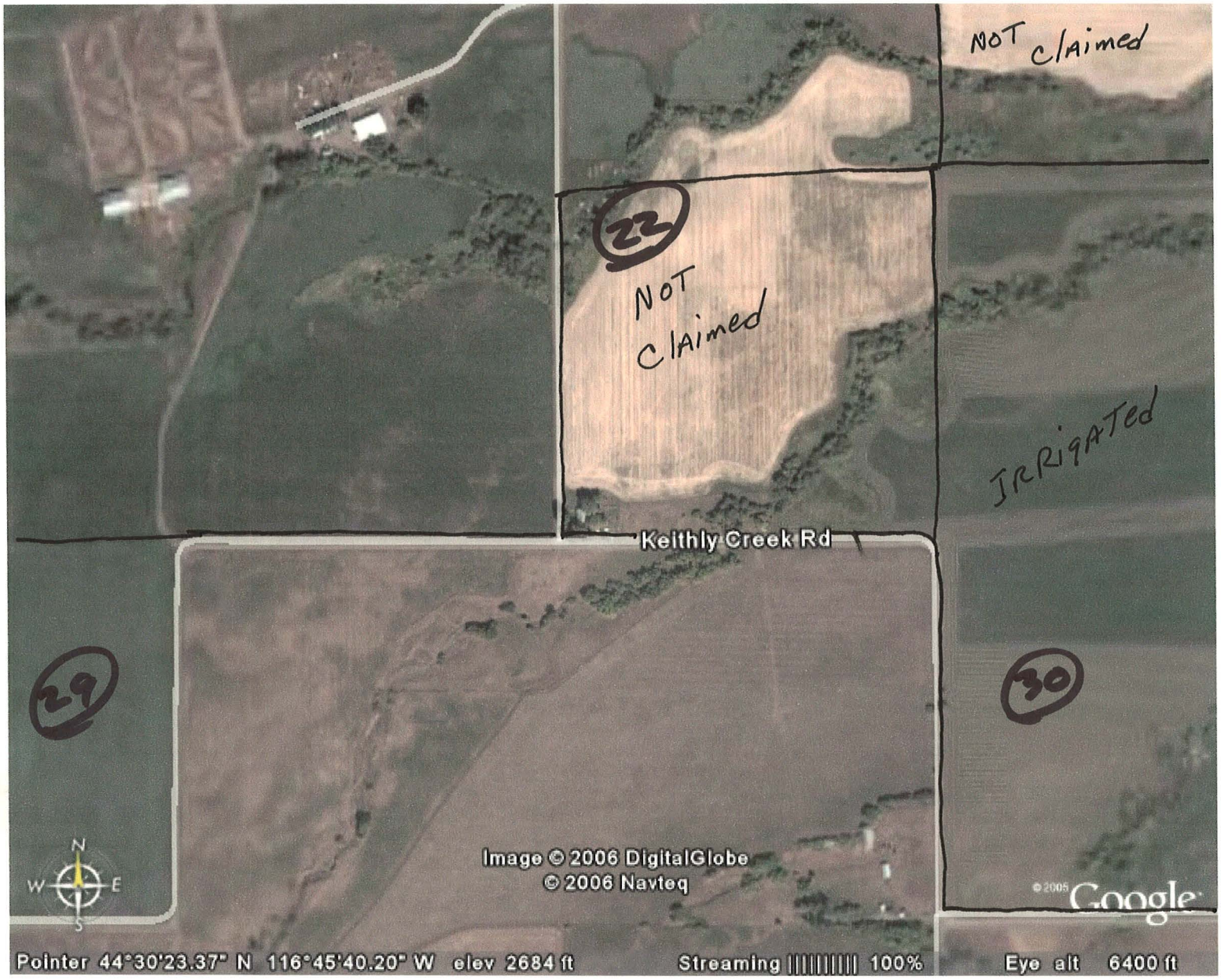


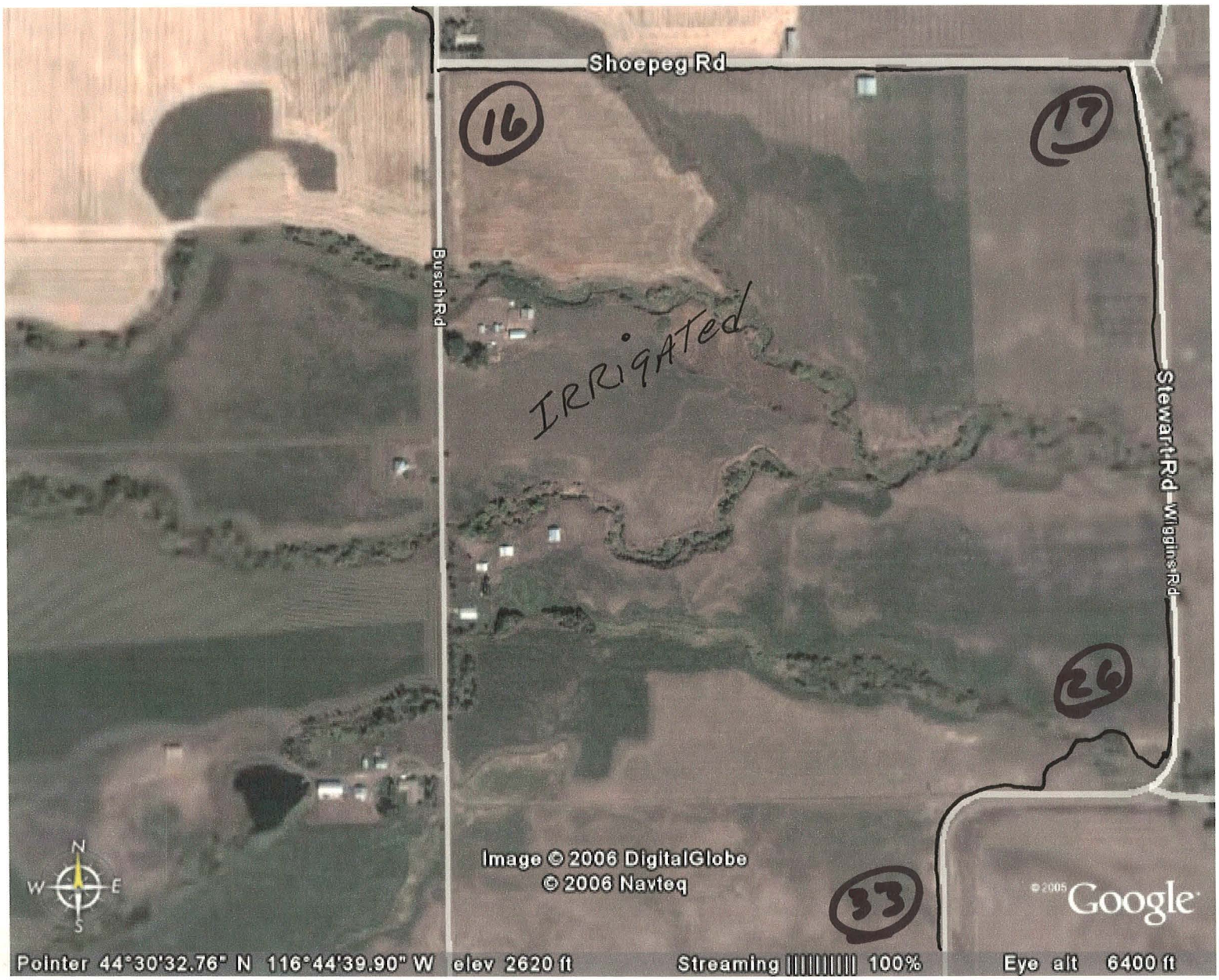
Looking N



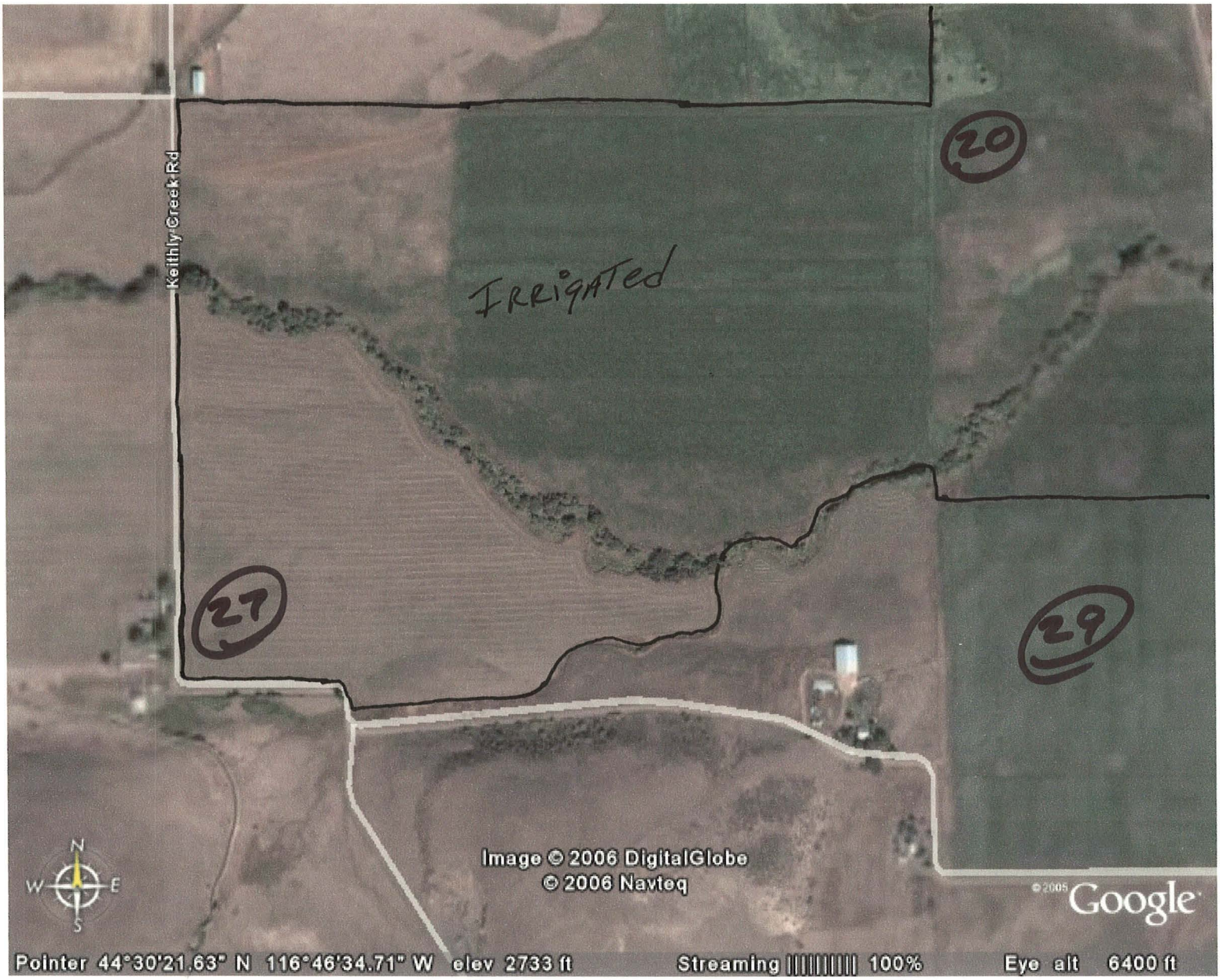

Hopper Rd
Cheopeg Rd
Stewart Rd
Smith Rd
Bobb Ln
Wiggins Rd
Image © 2006 DigitalGlobe
© 2006 Navteq
© 2006 Europa Technologies
©2005 Google
Pointer 44°30'31.80" N 116°45'28.94" W elev 2664 ft
Streaming 100%
Eye alt 13021 ft


Hopper Rd
3
Could be irrigated with set lines
Hill would be hard to irrigate except with set lines
5
Smith Rd
Busch Rd
Could be irrigated with wheel lines or sprinklers
could be flood irrigated
8
10
IRRIGATED
Image © 2006 DigitalGlobe
© 2006 Navteq
©2005 Google
Pointer 44°30'58.44" N 116°45'15.95" W elev 2664 ft
Streaming 100%
Eye alt 6400 ft


NOT Claimed
22
NOT Claimed
IRRIGATED
Keithly Creek Rd
29
30
N
W
E
S
Image © 2006 DigitalGlobe
© 2006 Navteq
©2005 Google
Pointer 44°30'23.37" N 116°45'40.20" W elev 2684 ft
Streaming 100%
Eye alt 6400 ft


Shoepeg Rd
16
17
Busch Rd
IRRIGATED
Stewart Rd
Wiggins Rd
26
33
Image © 2006 DigitalGlobe
© 2006 Navteq
© 2005 Google
N
W
E
S
Pointer 44°30'32.76" N 116°44'39.90" W elev 2620 ft
Streaming 100%
Eye alt 6400 ft


6
11
13
Smith Rd
N
W
E
S
Image © 2006 DigitalGlobe
© 2006 Navteq
© 2005 Google
Pointer 44°30'47.96" N 116°45'57.34" W elev 2697 ft
Streaming 100%
Eye alt 6400 ft


Keithly Creek Rd
IRRIGATED
20
27
29
N
W
E
S
Image © 2006 DigitalGlobe
© 2006 Navteq
©2005 Google
Pointer 44°30'21.63" N 116°46'34.71" W elev 2733 ft
Streaming 100%
Eye alt 6400 ft


IRRIGATED
30
33
Busch Rd
Wiggins Rd
Keithly Creek Rd
Image © 2006 DigitalGlobe
© 2006 Navteq
© 2005 Google
N
W
E
S
Pointer 44°30'23.79" N 116°44'52.05" W elev 2634 ft
Streaming 100%
Eye alt 6400 ft


1
2
Could be IRRIGATED with wheel lines or Sprinklers
Hill would be Very hard to IRR except with set lines
old wheel line pipe
Smith Rd
Hopper Rd
could be flood IRR
Could be flood IRRIGATED
IRRIGATED
11
Image © 2006 DigitalGlobe
© 2006 Navteq
©2005 Google
Pointer 44°30'58.75" N 116°46'10.22" W elev 2711 ft
Streaming 100%
Eye alt 6400 ft

11/07/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

---

RIGHT NUMBER: 67-14403

NAME AND ADDRESS: KENNETH SEID
2504 SMITH RD
MIDVALE ID 83645

SOURCE: HOPPER CREEK — TRIBUTARY: KEITHLY CREEK
KEITHLY CREEK — TRIBUTARY: WEISER RIVER

QUANTITY: 3.840 CFS

PRIORITY DATE: 06/21/1921

POINT OF DIVERSION:

T13N R04W S1 NENWNW Lot 4 Within WASHINGTON County

T13N R04W S2 NESWNE Within WASHINGTON County

T14N R03W S31 NESENE Within WASHINGTON County

T14N R03W S31 SENENW Rediversion Within WASHINGTON County

T14N R03W S31 SENENW Within WASHINGTON County

T14N R04W S35 NESENW Injection Within WASHINGTON County

T14N R04W S36 NESWNE Within WASHINGTON County

T14N R04W S36 NESWNE Rediversion Within WASHINGTON County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|---|---|---|
| IRRIGATION | 03/15 10/31 | 3.840 CFS |

PLACE OF USE: IRRIGATION in WASHINGTON County

| | | | | | |
|---|---|---|---|---|---|
| T14N R03W S30 Lot 4 | SWSW | 24.00 | T14N R03W S30 | SESW | 18.00 |
| T14N R03W S31 | NENE | 0.20 | T14N R03W S31 | NWNE | 11.00 |
| T14N R03W S31 | SWNE | 7.10 | T14N R03W S31 | SENE | 0.50 |
| T14N R03W S31 | NENW | 26.00 | T14N R03W S31 Lot 2 | SWNW | 26.00 |
| T14N R03W S31 | SENW | 26.00 | T14N R03W S31 | NESW | 26.00 |
| T14N R03W S31 Lot 3 | NWSW | 25.00 | T14N R03W S31 | NESE | 17.00 |
| T14N R03W S31 | NWSE | 25.00 | T14N R04W S25 | SESW | 25.00 |
| T14N R04W S25 | NESE | 0.10 | T14N R04W S25 | NWSE | 1.80 |
| T14N R04W S25 | SWSE | 25.00 | T14N R04W S25 | SESE | 25.00 |
| T14N R04W S35 | SENE | 25.00 | T14N R04W S35 | NESE | 21.00 |
| T14N R04W S36 | NENE | 25.00 | T14N R04W S36 | NWNE | 25.00 |
| T14N R04W S36 | SWNE | 25.00 | T14N R04W S36 | NENW | 25.00 |
| T14N R04W S36 | SWNW | 25.00 | T14N R04W S36 | SENW | 25.00 |
| T14N R04W S36 | NWSW | 6.90 | | | |

511.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of

511.6 acres in a single irrigation season. Combined Right Nos.: 67-152, 67-153, 67-168, 67-171, 67-182B, and 67-14404

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

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

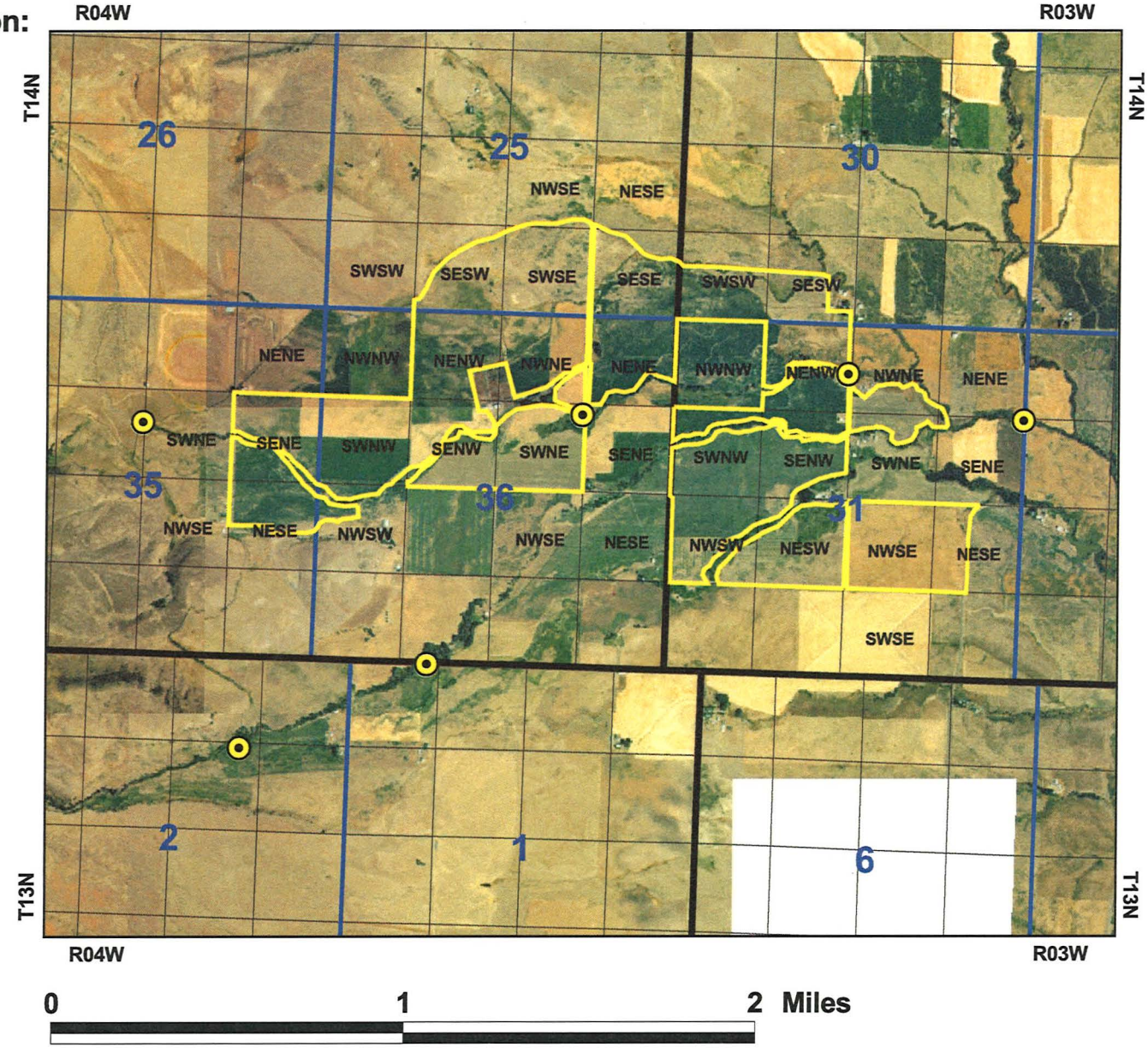
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

# Idaho Department of Water Resources

**SRBA Recommendation:**

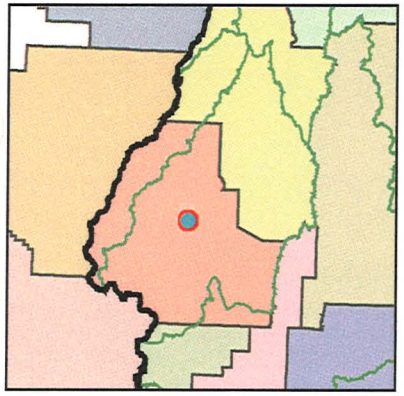
***67-14403***

(Irrigation)




## Legend

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



Washington County
IDWR Basin 67

N

Prepared by C. Saxton
On Tuesday, November 7, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14403 V1

WATER RIGHT NUMBER: 67-14403 V1

| Owner Type | Name and Address |
|---|---|
| Current Owner | KENNETH SEID<br>2504 SMITH RD<br>MIDVALE, ID 83645<br>(208)355-2339 |

Priority Date: 06/21/1921

Basis: Beneficial Use

Status: Active

| Source | Tributary |
|---|---|
| HOPPER CREEK | KEITHLY CREEK |
| KEITHLY CREEK | WEISER RIVER |

| Beneficial Use | From To | Diversion Rate | Annual Volume |
|---|---|---|---|
| IRRIGATION | 03/15 to 10/31 | 3.840 CFS | |
| | Total Diversion: | 3.840 CFS | |

Location of Point(s) of Diversion

| | | | | |
|---|---|---|---|---|
| KEITHLY CREEK<br>WASHINGTON County | NE1/4SW1/4NE1/4 | Sec. 2, | Twp 13N, | Rge 04W, B.M. |
| KEITHLY CREEK<br>WASHINGTON County | L4 (NE1/4NW1/4NW1/4) | Sec. 1, | Twp 13N, | Rge 04W, B.M. |
| KEITHLY CREEK<br>WASHINGTON County | NE1/4SE1/4NE1/4 | Sec. 31, | Twp 14N, | Rge 03W, B.M. |
| KEITHLY CREEK<br>WASHINGTON County | NE1/4SE1/4NW1/4<br>(Injection) | Sec. 35, | Twp 14N, | Rge 04W, B.M. |
| HOPPER CREEK<br>WASHINGTON County | NE1/4SW1/4NE1/4 | Sec. 36, | Twp 14N, | Rge 04W, B.M. |
| KEITHLY CREEK<br>WASHINGTON County | NE1/4SW1/4NE1/4<br>(Rediversion) | Sec. 36, | Twp 14N, | Rge 04W, B.M. |
| KEITHLY CREEK<br>WASHINGTON County | SE1/4NE1/4NW1/4<br>(Rediversion) | Sec. 31, | Twp 14N, | Rge 03W, B.M. |
| HOPPER CREEK<br>WASHINGTON County | SE1/4NE1/4NW1/4 | Sec. 31, | Twp 14N, | Rge 03W, B.M. |

Place of Use

IRRIGATION

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14403 V1

| | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 14N 03W | 30 | | | | | | | | | | | 24.0 L 4 | 18.0 | | | | | | 42.0 |
| 14N 03W | 31 | .2 | 11.0 | 7.1 | .5 | 26.0 | | 26.0 L 2 | 26.0 | 26.0 | 25.0 L 3 | | | 17.0 | 25.0 | | | | 189.8 |
| 14N 04W | 25 | | | | | | | | | | | | 25.0 | .1 | 1.8 | 25.0 | 25.0 | | 76.9 |
| 14N 04W | 35 | | | | 25.0 | | | | | | | | | 21.0 | | | | | 46.0 |
| 14N 04W | 36 | 25.0 | 25.0 | 25.0 | | 25.0 | | 25.0 | 25.0 | | 6.9 | | | | | | | | 156.9 |

Total Acres: 511.6

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 511.6 acres in a single irrigation season. Combined Right Nos.: 67-152, 67-153, 67-168, 67-171, 67-182B, and 67-14404
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

Comments:

1. csaxton 11/7/2006 PPU
Comment: 67-152, 67-153, 67-168, 67-171, 67-182B, and 67-14404 are decreed rights recommended in a PPU on 511.6 acres as that is the maximum amount of acres that could be irrigated with the decreed water at 5/8 inches per acre. 67-14403 claims flood water that not only overlaps the decreed water, but adds additional acreage. However, no evidence was submitted supporting when the additional acres were added. Without additional evidence, I am going to have to recommend the flood water only for the acres that are decreed. The shape shows more acreage than being recommended. Actual acreage found is 667.3 acres.

Per Field exam By Gene Gibson on 7-20-06, water is delivered through a common system and should be recommended as a PPU. All water can get to any part of the farm.

2. csaxton 11/7/2006 Quantity
Comment: Use of this right with decreed water brings diversion rate for irrigated ground up to one inch per care. Or this right is recommended at 3/8 inches per acre.

3. csaxton 11/7/2006 From Claim (1)
Comment: POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM HOPPER CREEK.

4. csaxton 11/7/2006 From Claim (2)
Comment: This claim is for high water diversions that have occurred historically in addition to the underlying decreed and licensed rights. These additional diversions are curtailed when stream flows diminish and regulation on the river begins.

5. csaxton 11/7/2006 From Claim (3)
Comment: Other water rights used: 67-182B, 67-152, 67-153, 67-158, 67-159, 67-168, 67-171 & 67-2143.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14403 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:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

| Rate | Volume | Acres |
|---|---|---|
| | | 511.6 |

Combined Water Rights: 67-168 , 67-182B , 67-152 , 67-153 , 67-171 , 67-14404 , 67-14403

Element Reviewed/Verified Dates:

| Element | Last Reviewed Date | Reviewer | Last Verified Date | Verifier | Status |
|---|---|---|---|---|---|
| Contacts | 11/7/2006 4:31:37 PM | csaxton | | | Active |
| Priority Date | 11/7/2006 4:32:25 PM | csaxton | | | Active |
| POD | 11/7/2006 4:40:43 PM | csaxton | | | Active |
| Source | 11/7/2006 4:41:05 PM | csaxton | | | Active |
| POU | 11/7/2006 4:42:19 PM | csaxton | | | Active |
| Use | 11/7/2006 4:42:28 PM | csaxton | | | Active |
| Season | 11/7/2006 4:44:04 PM | csaxton | | | Active |
| Quantity | 11/7/2006 4:44:40 PM | csaxton | | | Active |
| Summary | | | 11/07/2006 | csaxton | Active |

Verification Log:

| Element | Date Time Stamp | Reviewer | Log text |
|---|---|---|---|
| Contacts | 11/7/2006 4:32:04 PM | csaxton | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: Field exam by Gene Gibson 7-20-06 |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14403 V1

| | | | |
|---|---|---|---|
| General | 11/7/2006 4:32:52 PM | csaxton | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(No) 4. Is the basis of claim decree or license?<br>(No) 7. Is the basis of claim a Application or Permit?<br>(No) 8. Is the basis of claim a posted notice?<br>(No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use?<br>(Yes) 12. Does the claim file contain sufficient evidence of Priority Date?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required?<br>Description for Question 12/13 - Direct overlap with decreed water. No additional EOP required. |
| POD | 11/7/2006 4:34:29 PM | csaxton | Updated shape |
| POD | 11/7/2006 4:34:38 PM | csaxton | Updated PLS |
| POD | 11/7/2006 4:35:08 PM | csaxton | Updated shape |
| POD | 11/7/2006 4:35:48 PM | csaxton | Updated shape |
| POD | 11/7/2006 4:35:57 PM | csaxton | Updated PLS |
| POD | 11/7/2006 4:36:26 PM | csaxton | Updated shape |
| POD | 11/7/2006 4:36:35 PM | csaxton | Updated PLS |
| POD | 11/7/2006 4:38:49 PM | csaxton | Updated shape |
| POD | 11/7/2006 4:41:12 PM | csaxton | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the POD?<br>(Yes) 9. Does the file contain all the necessary information to verify the POD?<br>(No) 10. Is a POD remark and/or condition required? |
| POD | 11/7/2006 4:35:15 PM | csaxton | Updated PLS |
| POU | 11/7/2006 4:41:53 PM | csaxton | Updated shape for Active POU |
| POD | 11/7/2006 4:33:40 PM | csaxton | Updated shape |
| POU | 11/7/2006 4:42:48 PM | csaxton | (No) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2b. Is the POU required?<br>(No) 3. Is the basis of claim a Application or Permit?<br>(No) 7. Is there evidence that there has been a change in the POU?<br>(Yes) 13. Does the file contain all the necessary information to verify the POU?<br>(Yes) 14. Is a POU remark and/or condition required?<br>Description for Question 13 - Field exam by Gene Gibson 7-20-06 |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14403 V1

| | | | |
|---|---|---|---|
| Use | 11/7/2006 4:42:57 PM | csaxton | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the Purpose of Use?<br>(Yes) 11. Does the file contain all the necessary information to verify the Water Use?<br>(No) 13. Is a Purpose of Use remark and/or condition required?<br>Description for Question 10,11,12 - Field exam by Gene Gibson 7-20-06 |
| POD | 11/7/2006 4:33:49 PM | csaxton | Updated PLS |
| POD | 11/7/2006 4:37:11 PM | csaxton | Updated shape |
| POD | 11/7/2006 4:37:20 PM | csaxton | Updated PLS |
| POD | 11/7/2006 4:40:47 PM | csaxton | Updated shape |
| Season | 11/7/2006 4:44:33 PM | csaxton | (No) 1. Is the basis of claim Decree or License?<br>(No) 2. Is the basis of claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the Period of Use?<br>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?<br>(No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined?<br>(Yes) 15. Is irrigation claimed as a Purpose of Use?<br>(No) 18. Is a Period of Use remark and/or condition required? |
| Quantity | 11/7/2006 4:45:09 PM | csaxton | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is the basis of claim a posted notice?<br>(No) 7. Is a flow measurement required?<br>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?<br>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?<br>(No) 12. Is a Quantity remark or condition required?<br>Description for Question 7 - Field exam by Gene Gibson 7-20-06. Gene stated that the sytem is capable of diverting the recommended capacity. |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14403 V1

| | | | |
|---|---|---|---|
| Source | 11/7/2006 4:41:34 PM | csaxton | (No) 1. Is the basis of claim Decree or License?<br>(No) 2. Is the basis of claim an Application or Permit?<br>(No) 6. Is the basis of claim a Posted Notice?<br>(No) 7. Is there evidence that there has been a change in the source?<br>(Yes) 10. Does the file contain all the necessary information to verify the source?<br>(No) 11. Is a Source remark and/or condition required?<br>Description for Question 10 - Field exam by Gene Gibson 7-20-06 |
| POU | 11/7/2006 4:43:13 PM | csaxton | Edited Season Of Use |
| Summary | 11/7/2006 4:48:05 PM | csaxton | (Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?<br>(Yes) 5. Does this right have any combined use limits with other rights?<br>(Yes) 6. Is an additional remark and/or condition required?<br>(Yes) 7. Would you like to view the recommended right?<br>(No) 8. Is this a split or combined right?<br>(No) 9. Do you have documents you would like to attach or link to the file?<br>(Yes) 10. Would you like to set the verification date? |

Water Supply Bank:

**Split Analysis**

**Water Right Number:** Seid, Kenneth
**Diversion Rate:** CFS
**Reviewer Name:** Craig L. Saxton
**Date:** 11/7/2006

**Acreage Analysis**

| | | | | | Parent | Children Acres | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Claimed | Actual Acres | Recommended | | | | | | |
| Twp | Rng | Sec | Q-Q | Lot | Seid, Kenneth | Found | Land List | | | | | | |
| 14N | 3W | 30 | NESW | | 15 | | | | | | | | |
| | | | NWSE | 3 | 34 | | | | | | | | |
| | | | SWSW | 4 | 36 | 24 | **24** | | | | | | |
| | | | SESW | | 32 | 18 | **18** | | | | | | |
| | | 31 | NENE | | 39 | 0.2 | **0.2** | | | | | | |
| | | | NWNE | | 39 | 11 | **11** | | | | | | |
| | | | SWNE | | 38 | 7.8 | **7.1** | | | | | | |
| | | | SENE | | 39 | 0.5 | **0.5** | | | | | | |
| | | | NENW | 3 | 18 | 36 | **26** | | | | | | |
| | | | SWNW | | 25 | 36 | **26** | | | | | | |
| | | | SENW | | 17 | 32 | **26** | | | | | | |
| | | | NESW | | 35 | 37 | **26** | | | | | | |
| | | | NWSW | 3 | 38 | 34 | **25** | | | | | | |
| | | | NESE | | 22 | 17 | **17** | | | | | | |
| | | | NWSE | | 38 | 39 | **25** | | | | | | |
| 14N | 4W | 25 | NESW | | 24 | | | | | | | | |
| | | | NESE | | 36 | 0.1 | **0.1** | | | | | | |
| | | | NWSE | | 40 | 1.8 | **1.8** | | | | | | |
| | | | SWSE | | 40 | 39 | **25** | | | | | | |
| | | | SESE | | 38 | 33 | **25** | | | | | | |
| | | | SESW | | 34 | 25 | **25** | | | | | | |
| | | 35 | SENE | | 38 | 37 | **25** | | | | | | |
| | | | NESE | | 30 | 21 | **21** | | | | | | |
| | | 36 | NENE | | 36 | 31 | **25** | | | | | | |
| | | | NWNE | | 37 | 34 | **25** | | | | | | |
| | | | SWNE | | 35 | 37 | **25** | | | | | | |
| | | | NENW | | 37 | 35 | **25** | | | | | | |
| | | | SWNW | | 38 | 39 | **25** | | | | | | |
| | | | SENW | | 24 | 35 | **25** | | | | | | |
| | | | NWSW | | 5 | 6.9 | **6.9** | | | | | | |
| | | | | | 957 | 667.3 | 0 | | | | | | |
| | | | | | | | **511.6** | | | | | | |

**Claim**

| Basin | Sequence | Suffix | Basis | Status | Priority Date | Rate(cfs) | Acres | Source | Water Use(s) | Owner(s) | Source Table |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 67 | 152 | | Decreed | Active | 1879-05-15 | 1.25 | 209 | KEITHLY CRE | IRRIGATION | SEID, KENNE | Claim |
| 67 | 153 | | Decreed | Active | 1897-05-01 | 0.16 | 209 | LITTLE KEITH | IRRIGATION | SEID, KENNE | Claim |
| 67 | 168 | | Decreed | Active | 1884-05-15 | 1 | 330 | KEITHLY CRE | IRRIGATION | SEID, KENNE | Claim |
| 67 | 171 | | Decreed | Active | 1896-05-15 | 0.07 | 60 | KEITHLY CRE | IRRIGATION | SEID, KENNE | Claim |
| 67 | 182 | B | Decreed | Active | 1877-05-15 | 3 | | KEITHLY CRE | IRRIGATION | SEID, KENNE | Claim |
| 67 | 2143 | | License | Active | 6/19/1924 | 1 | | HOPPER CRE | IRRIGATION | SEID, KENNE | Claim |
| 67 | 14404 | | Decreed | Active | 1883-05-15 | 0.92 | | KEITHLY CRE | IRRIGATION | SEID, KENNE | Claim |
| | | | | | | | | | | | |
| 67 | 7523 | B | License | Active | 1/29/1981 | 0.78 | 37 | KEITHLY CRE | IRRIGATION | CORBETT, N | wrAdjudicationClaim |
| 67 | 7523 | C | License | Active | 1/29/1981 | 0.45 | 26.5 | KEITHLY CRE | IRRIGATION | CORBETT, W | wrAdjudicationClaim |

**Recommendation**

| Basin | Sequence | Suffix | Basis | Status | Priority Date | Rate(cfs) | Acres | Source | Water Use(s) | Owner(s) | Source Table |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 67 | 152 | | Decreed | Active | 1879-05-15 | 1.25 | 100 | KEITHLY CRE | IRRIGATION | SEID, KENNE | Recommendation |
| 67 | 153 | | Decreed | Active | 1897-05-01 | 0.16 | 12.8 | HOPPER CRE | IRRIGATION | SEID, KENNE | Recommendation |
| 67 | 168 | | Decreed | Active | 1884-05-15 | 1 | 80 | HOPPER CRE | IRRIGATION | SEID, KENNE | Recommendation |
| 67 | 171 | | Decreed | Active | 1896-05-15 | 0.07 | 5.6 | KEITHLY CRE | IRRIGATION | SEID, KENNE | Recommendation |
| 67 | 182 | B | Decreed | Active | 1877-05-15 | 3 | 240 | KEITHLY CRE | IRRIGATION | SEID, KENNE | Recommendation |
| 67 | 14404 | | Decreed | Active | 1883-05-15 | 0.915 | 73.2 | KEITHLY CRE | IRRIGATION | SEID, KENNE | Recommendation |
| | | | | | | 6.395 | 511.6 | | | | |
| 67 | 14403 | | Beneficial | Active | 6/21/1921 | 3.84 | 511.6 | HOPPER CRE | IRRIGATION | SEID, KENNE | Recommendation |
| | | | | | | 10.232 | 511.6 | = 1 inch per acre | | | |
| 67 | 2143 | | License | Active | 6/19/1924 | 1 | 60 | HOPPER CRE | IRRIGATION | SEID, KENNE | Recommendation |
| 67 | 7523 | B | License | Active | 1/29/1981 | 0.62 | 37 | KEITHLY CRE | IRRIGATION | CORBETT, N | Recommendation |
| 67 | 7523 | C | License | Active | 1/29/1981 | 0.45 | 25.5 | KEITHLY CRE | IRRIGATION | CORBETT, W | Recommendation |

**Water Master Delivery Records**

| Page # | Parcel | Name | Inches | WR # | Original Owner | Priority | |
|---|---|---|---|---|---|---|---|
| 13 | **14N04W257200** | SEID, KENNETH | 62.50 | 152 | C W Randleman | 5/15/1879 | |
| 13 | **14N04W257200** | SEID, KENNETH | 8.00 | 153 | C W Randleman | 6/8/1884 | |
| 13 | **14N03W324810** | KENNETH SEID | 50.00 | 168 | E Wiggins | 5/15/1884 | |
| 11 | **13N03W060600** | VERLINDA WAITE | 3.5 | 171 | Wm Wicks | 5/15/1896 | Claimed by Kenneth Seid |
| 12 | **14N04W254800** | KENNETH SEID | 2.00 | 159 | W F Seid | 5/15/1883 | 67-14404 |
| 12 | **14N04W254800** | KENNETH SEID | 44.00 | 158 | W F Seid | 5/15/1883 | |
| 12 | **14N04W254800** | KENNETH SEID | 100.00 | 182 | Sara Keithley | 5/15/1877 | |
| 11 | **14N04W363600** | KENNETH SEID | 50.00 | 182 | Sara Keithley | 5/15/1877 | |
| 14 | **14N03W311800** | SEID, KENNETH | 78 | 7523 | Wm Corbett | 6/29/1981 | |
| 12 | **14N04W263600** | KENNETH SEID | 2.50 | 507 | J W Lapish | 5/1/1885 | |
| 12 | **14N03W314230** | KENNETH SEID | 39.00 | 509 | J M Hopper | 5/1/1897 | |
| 12 | **14N03W314230** | KENNETH SEID | 20.00 | 510 | J M Hopper | 5/1/1911 | |
| 12 | **14N03W314230** | KENNETH SEID | 20.00 | 511 | L Hopper | 5/1/1910 | |
| 14 | **14N03W324810** | SEID, KENNETH | 35 | 2176 | E Wiggins | 5/3/1945 | |
| 11 | **14N03W304900** | SEID, KENNETH | 11.00 | 170 | W J Hopper | 5/15/1885 | Not claimed by Kenneth Seid |
| | | | 205.5 | 328.8 | | | |

Not claimed, but are delivered

| | | | | | | |
|---|---|---|---|---|---|---|
| 67 | 507 | Decreed | Active | 1885-05-01 | 0.05 | HOPPER CRE IRRIGATION LAPISH, J W wrWaterRight |
| 67 | 508 | Decreed | Active | 1886-05-01 | 0.8 | HOPPER CRE IRRIGATION LAPISH, J W wrWaterRight |
| 67 | 509 | Decreed | Active | 1897-05-01 | 0.78 | HOPPER CRE IRRIGATION HOPPER, JO wrWaterRight |
| 67 | 510 | Decreed | Active | 5/1/1911 | 0.4 | HOPPER CRE IRRIGATION HOPPER, JO wrWaterRight |
| 67 | 511 | Decreed | Active | 4/1/1910 | 0.4 | HOPPER CRE IRRIGATION HOPPER, LE wrWaterRight |

WR

| | | | | | | |
|---|---|---|---|---|---|---|
| 67 | 7107 | | Closed | 8/30/1972 | 1 | WASTE WAY IRRIGATION SEID, KENNE wrWaterApplication |
| 67 | 7107 | | Relinquished | 8/30/1972 | 1 | WASTE WAY IRRIGATION SEID, KENNE wrWaterPermit |
| 67 | 507 | Decreed | Active | 1885-05-01 | 0.05 | HOPPER CRE IRRIGATION LAPISH, J W wrWaterRight |
| 67 | 508 | Decreed | Active | 1886-05-01 | 0.8 | HOPPER CRE IRRIGATION LAPISH, J W wrWaterRight |
| 67 | 509 | Decreed | Active | 1897-05-01 | 0.78 | HOPPER CRE IRRIGATION HOPPER, JO wrWaterRight |
| 67 | 510 | Decreed | Active | 5/1/1911 | 0.4 | HOPPER CRE IRRIGATION HOPPER, JO wrWaterRight |
| 67 | 511 | Decreed | Active | 4/1/1910 | 0.4 | HOPPER CRE IRRIGATION HOPPER, LE wrWaterRight |

**Claim**

| Basin | Sequence | Suffix | Basis | Status | Priority Date | Rate(cfs) | Acres | Source | Water Use(s) | Owner(s) | Source Table |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 67 | 152 | A | | Rejected | 1879-05-15 | 0.68 | | KEITHLY CRE | IRRIGATION | SEID, KENNE | Claim |
| 67 | 153 | A | | Rejected | 1897-05-01 | 0.14 | | HOPPER CRE | IRRIGATION | SEID, KENNE | Claim |
| 67 | 159 | | | Rejected | 1883-05-15 | 0.92 | | KEITHLY CRE | IRRIGATION | SEID, KENNE | Claim |
| 67 | 167 | | | Rejected | 1886-05-15 | 0.1 | | HOPPER CRE | IRRIGATION | SEID, KENNE | Claim |
| 67 | 7072 | | | Rejected | 2/9/1972 | 0.04 | | HOT CREEK | IRRIGATION, | SEID, KENNE | Claim |
| 67 | 7107 | | | Rejected | 8/30/1972 | 1 | | WASTE WAY | IRRIGATION | SEID, KENNE | Claim |
| 67 | 7174 | | | Rejected | 8/28/1973 | 0.2 | | UNNAMED S | IRRIGATION, | SEID, KENNE | Claim |
| 67 | 11340 | | | Rejected | 1879-05-15 | 0.24 | | GROUND WA | DOMESTIC, | SEID, KENNE | Claim |
| 67 | 11341 | | | Rejected | 1879-05-15 | 0.24 | | GROUND WA | DOMESTIC, | SEID, KENNE | Claim |
| 67 | 11342 | | | Rejected | 1879-05-15 | 0.24 | | GROUND WA | STOCKWATE | SEID, KENNE | Claim |
| 67 | 11343 | | | Rejected | 1879-05-15 | 0.24 | | GROUND WA | STOCKWATE | SEID, KENNE | Claim |
| 67 | 11344 | | | Rejected | 1879-05-15 | 0.24 | | GROUND WA | DOMESTIC, | SEID, KENNE | Claim |
| 67 | 11345 | | | Rejected | 1879-05-15 | 0.24 | | GROUND WA | DOMESTIC, | SEID, KENNE | Claim |
| 67 | 11346 | | | Rejected | 1879-05-15 | 0.24 | | GROUND WA | STOCKWATE | SEID, KENNE | Claim |
| 67 | 11347 | | Beneficial | Temporary | 1879-05-15 | 0.68 | | KEITHLY CRE | IRRIGATION | SEID, KENNE | Claim |

**Recommendation**

| Basin | Sequence | Suffix | Basis | Status | Priority Date | Rate(cfs) | Acres | Source | Water Use(s) | Owner(s) | Source Table |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 67 | 152 | A | | Rejected | 1879-05-15 | 0.68 | | KEITHLY CRE | IRRIGATION | SEID, KENNE | Recommendation |
| 67 | 153 | A | | Rejected | 1897-05-01 | 0.14 | | HOPPER CRE | IRRIGATION | SEID, KENNE | Recommendation |
| 67 | 159 | | | Rejected | 1883-05-15 | 0.92 | | KEITHLY CRE | IRRIGATION | SEID, KENNE | Recommendation |
| 67 | 167 | | | Rejected | 1886-05-15 | 0.1 | | HOPPER CRE | IRRIGATION | SEID, KENNE | Recommendation |
| 67 | 7072 | | | Rejected | 2/9/1972 | 0.04 | | HOT CREEK | IRRIGATION, | SEID, KENNE | Recommendation |
| 67 | 7107 | | | Rejected | 8/30/1972 | 1 | | WASTE WAY | IRRIGATION | SEID, KENNE | Recommendation |
| 67 | 7174 | | | Rejected | 8/28/1973 | 0.2 | | UNNAMED S | IRRIGATION, | SEID, KENNE | Recommendation |
| 67 | 11340 | | | Rejected | 1879-05-15 | 0.24 | | GROUND WA | DOMESTIC, | SEID, KENNE | Recommendation |
| 67 | 11341 | | | Rejected | 1879-05-15 | 0.24 | | GROUND WA | DOMESTIC, | SEID, KENNE | Recommendation |
| 67 | 11342 | | | Rejected | 1879-05-15 | 0.24 | | GROUND WA | STOCKWATE | SEID, KENNE | Recommendation |
| 67 | 11343 | | | Rejected | 1879-05-15 | 0.24 | | GROUND WA | STOCKWATE | SEID, KENNE | Recommendation |
| 67 | 11344 | | | Rejected | 1879-05-15 | 0.24 | | GROUND WA | DOMESTIC, | SEID, KENNE | Recommendation |
| 67 | 11345 | | | Rejected | 1879-05-15 | 0.24 | | GROUND WA | DOMESTIC, | SEID, KENNE | Recommendation |
| 67 | 11346 | | | Rejected | 1879-05-15 | 0.24 | | GROUND WA | STOCKWATE | SEID, KENNE | Recommendation |

# Memorandum

Date: April 20, 2006

To: Keithly Creek and Hopper Creek Files
CC: Chris Bromely

Subject: Keithly Creek and Hopper Creek decrees

*Muir vs. Allison* included Keithly Creek as a source. However, in the decree, Keithly Creek is recognized as having two forks that were formerly known as ***Big Creek*** and ***Little Creek*** (This information can be found on pg 107 of *Muir vs. Allison* or at the end of the section that categorizes water rights by the source.) In *Muir vs. Allison* the Keithly Creek rights are designated as 67-149 thru 67-182 and Keithly Creek is decreed as the source.

Now, what was ***Little Creek*** is known as **Hopper Creek** and what was ***Big Creek*** is known as Keithly Creek.

**Issue #1:** *Muir vs. Allison* decreed some rights with a source as Keithly Creek but now we call that source **Hopper Creek**.

Proposed Solution: Recommend *Muir vs. Allison* rights decreed from what was known as Little Creek with a source of Hopper Creek. No accomplished change in source because the source never really changed.

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*John Hopper v. Leonard Hopper et al. (Washington County, August 19, 1931) decree B67-F*, described decreed rights 67-507 thru 67-511 with a source as Hopper Creek. However, *Muir vs. Allison* decreed rights on this stream that were not included in ***Hopper vs. Hopper***.

The parties in *Hopper vs. Hopper* were not party to *Muir vs. Allison* (or at least are not listed in *Muir vs. Allison*).

Decreed rights 67-507 thru 67-511 have priority dates that are mixed in with the *Muir vs. Allison* priority dates. Meaning the 1931 decree didn't decree rights, as a group, for better or worse priority dates than what was decreed in *Muir vs. Allison*. It looks as if 67-507 thru 67-511 were missed in *Muir vs. Allison* but were there, so when decreed in 1931, the priority dates could date back into *Muir vs. Allison*.

**Issue #2:** There are two separate decrees for the same source and it does not appear that one supercedes the other.

Proposed Solution: Actually, I don't see this as a big issue. I will just recommend the *Hopper vs. Hopper* rights as they were decreed, and the *Muir vs. Allison* rights from that source as they were decreed, **except** for changing the source to Hopper Creek.

ATTACHMENT C

# Field Investigation Information Form

Claim Number: A67-14403

Claimant: Kenneth Seid

Contact:

Address: 2504 Smith Road

City: Midvale State: Idaho 83645 Phone: 208-355-2339 Alternate Phone:

Is there a new owner? Yes: No: X If yes, complete new owner information section

| | | | | | | |
|---|---|---|---|---|---|---|
| Point of Diversion Location: | Township: 13N | Range: 04W | Section: 01 | QQQ: NE | QQ: NW | Q: NW |
| Point of Diversion Location: | Township: 13N | Range: 04W | Section: 02 | QQQ: NE | QQ: SW | Q: NE |
| Point of Diversion Location: | Township: 14N | Range: 03W | Section: 31 | QQQ: NE | QQ: SE | Q: NE |

| | | |
|---|---|---|
| Site Tag Number: | GPS Location: | Section 01 = 44*29'56.23" N – 116* 46' 12.31" W |
| Site Tag Number: | GPS Location: | Section 02 = 44*29'41.81" N – 116* 46' 52.54" W |
| Site Tag Number: | GPS Location: | Section 31 = 2282470 – 1482342 |

Description of Diversion Works: Headgate, Ditch, Pump, Pipeline, Sprinklers.

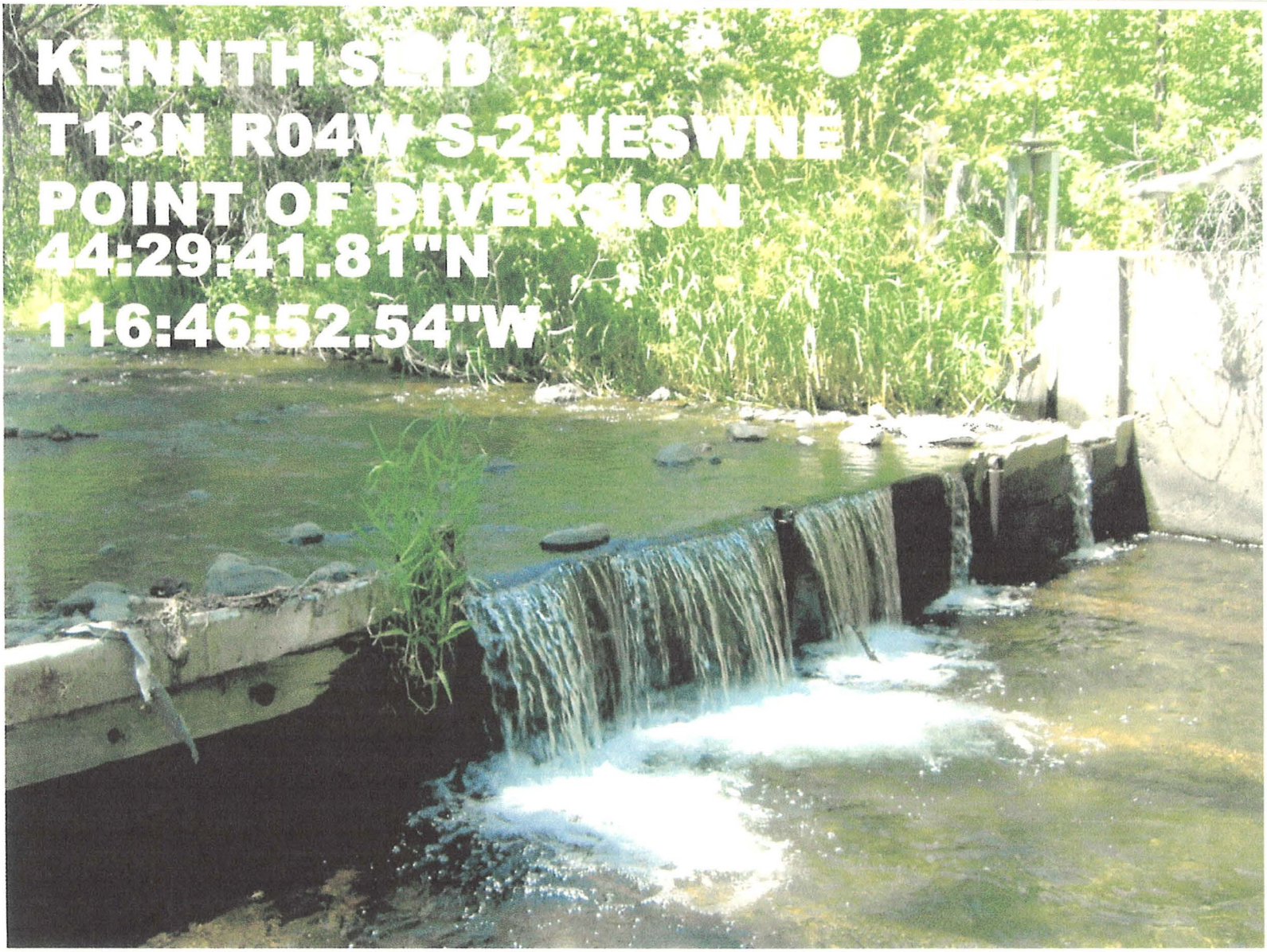
Examination Date and Narrative: On July 20, 2006, Gene Gibson performed a field examination on the Points of Diversion and rediversion, means of Conveyance, and the Places of Use on the above claim. GPS readings were taken and an examination of the claimed Points of Diversion and rediversion. Examined the means of conveyance from claimed Points of diversion and rediversion to the claimed Places of Use. Reviewed the claimed Places of Use in the file and compared it to the area that could be irrigated in the field.
The following is my findings:

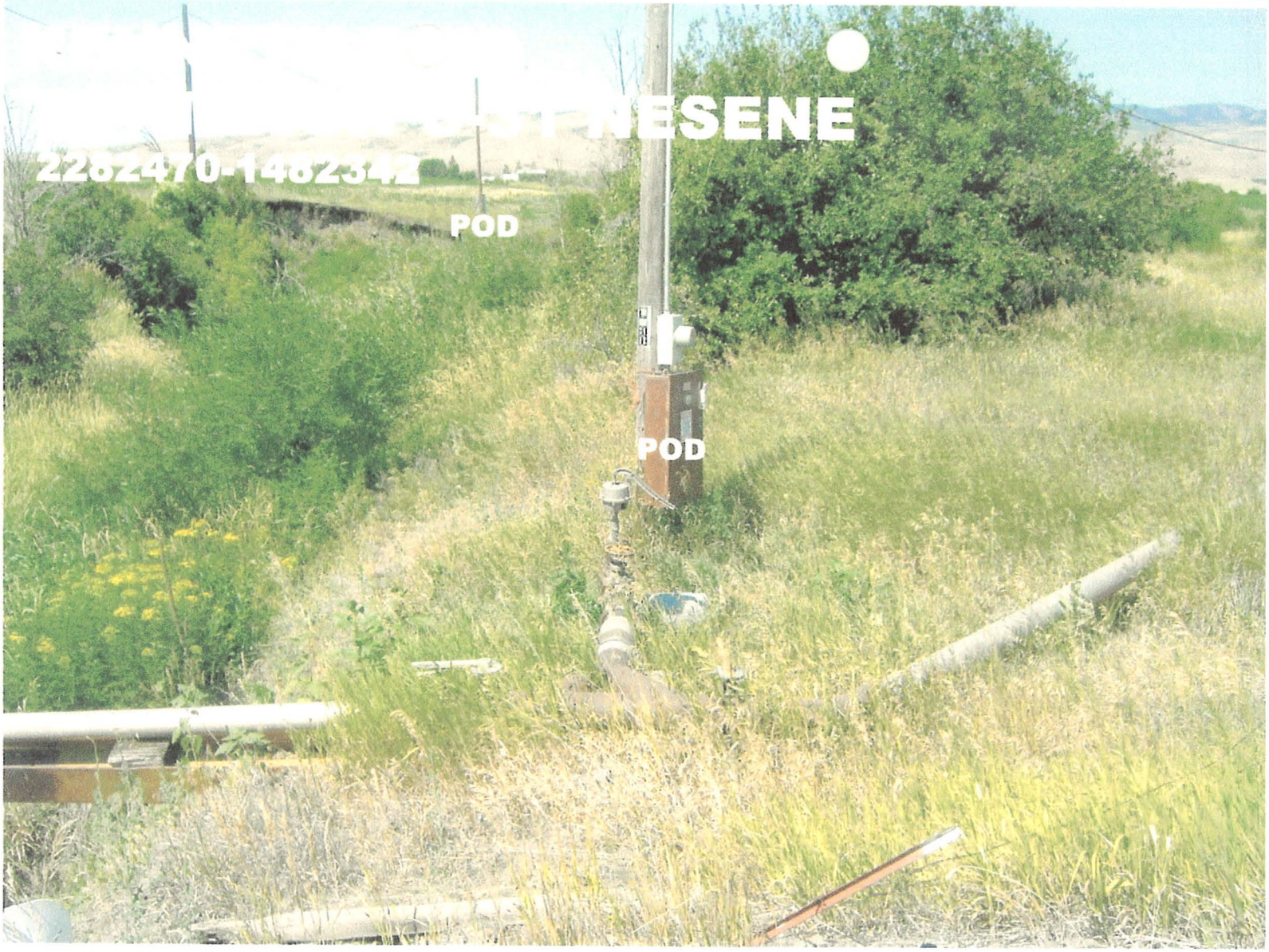
a. The Points of Diversion claimed were found and are operable.
b. The means of conveyance from the Points of Diversion to some of the Places of Use were found and are operable.
c. Some of the claimed Places of Use can be irrigated from the claimed Points of Diversion.
d. The number of irrigated acres in the field was not measured; therefore the number of acres claimed may or may not be accurate.
e. The claimed POU's shown (as cross hatched) on the map in the S ½ Section 25 and the SW ¼ Section 30 at the time of the field exam did not have a means of conveyance for irrigation.
f. See pictures and map for POD and POU locations.

Field Examiner: _____

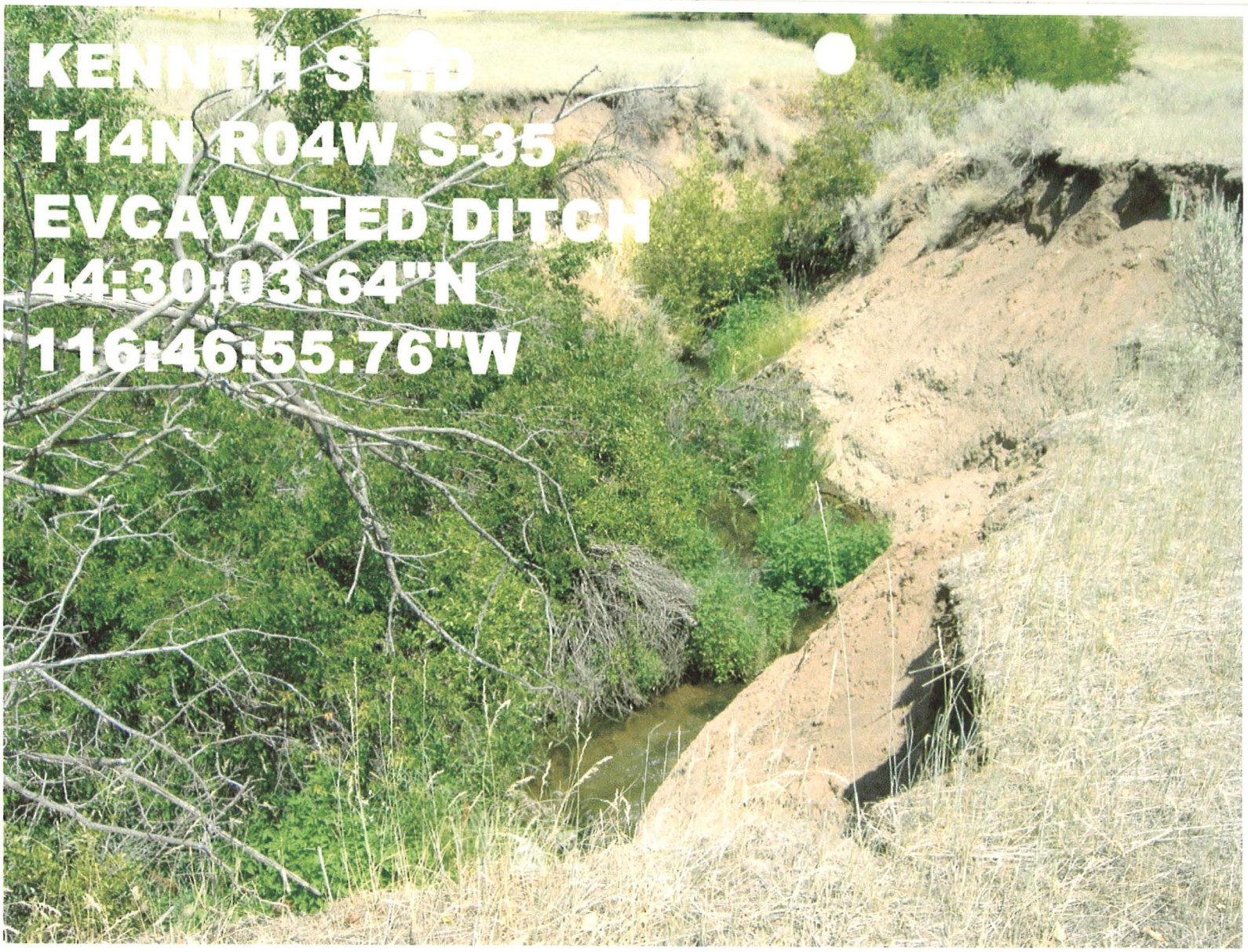
Date: 9-12-2006

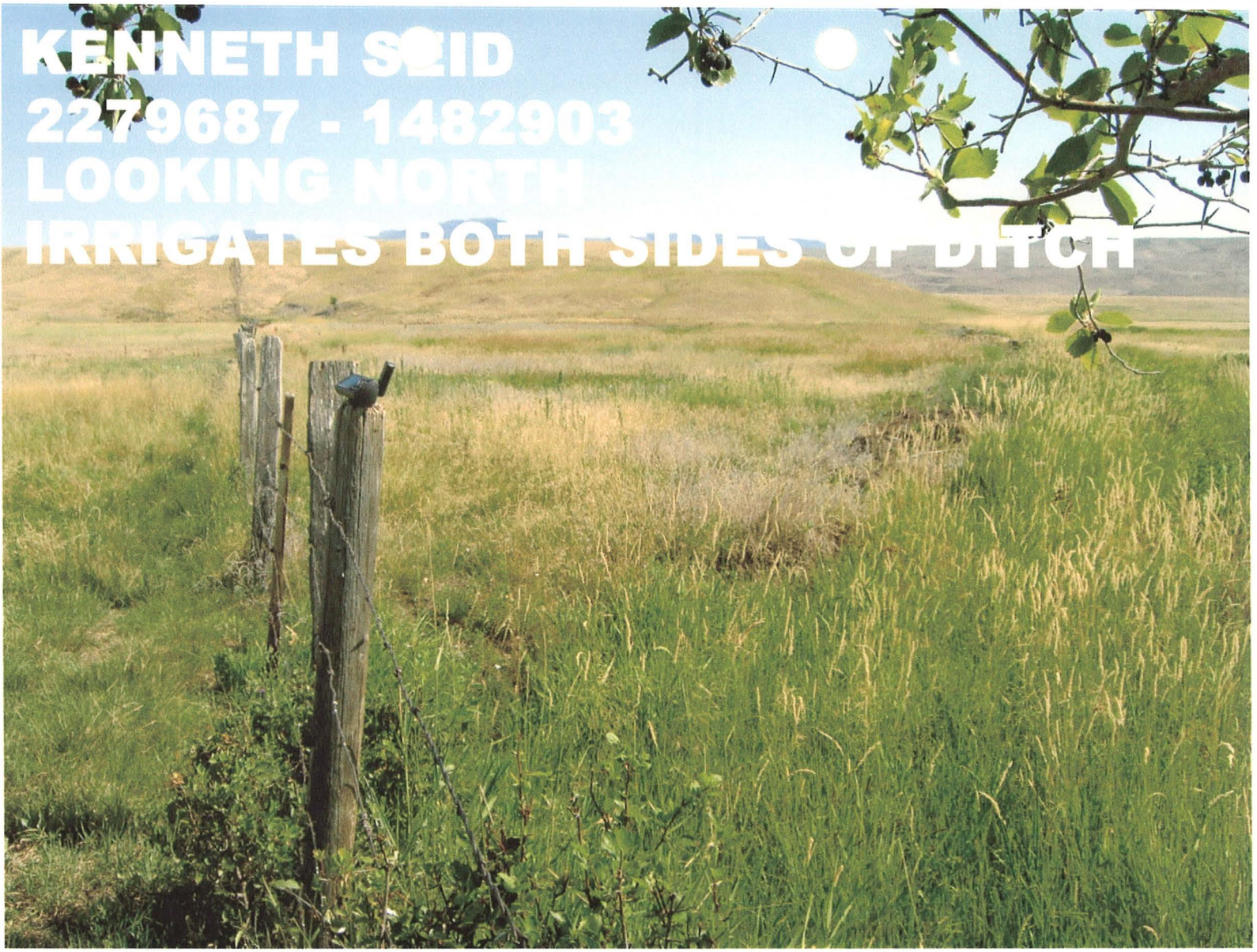

KENNETH SEID
T 13N R04W S-1 NENWNW
POINT OF DIVERSION


KENNTH SEED
T13N R04W S-2 NESWNE
POINT OF DIVERSION
44:29:41.81"N
116:46:52.54"W


NESENE
2282470-1482342
POD
POD


Kennth Seid
T14N R04W S-36 NESWNE
44:30:38.68" N
116:44:46.25W
REDIVERSION


KENNTH SEED
T14N R04W S-35
EVCAVATED DITCH
44:30:03.64"N
116:46:55.76"W


KENNETH SEID
2279687 - 1482903
LOOKING NORTH
IRRIGATES BOTH SIDES OF DITCH

KENNETH SEID

2280150 - 1483587

LOOKING




Looking SE
44*31'13.85" N
116*45'42.36" W


Looking South
44*31'13.85" N
116*45'42.36" W

KENNET
2279
L

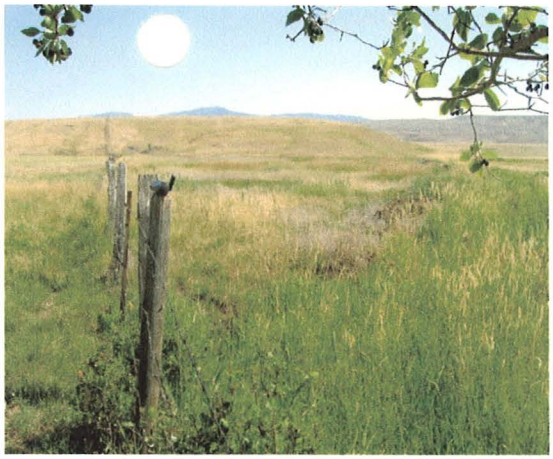



Looking East
2280150-1483538


Looking West
2280504-1483542


Looking SW
2280496-1483305



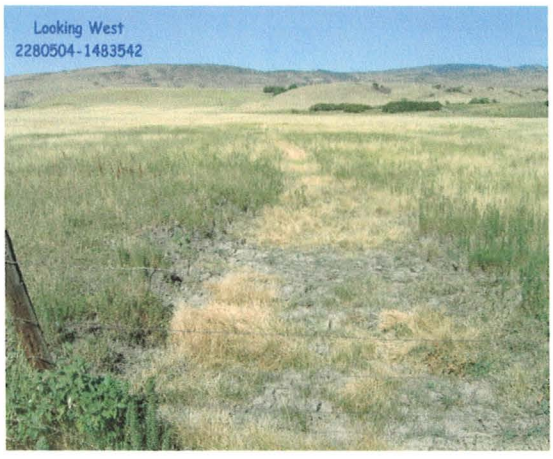




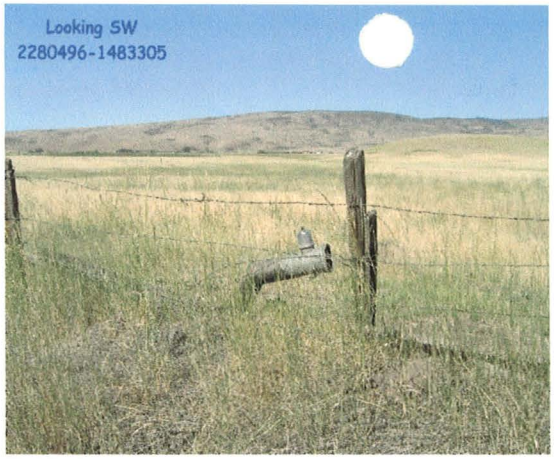


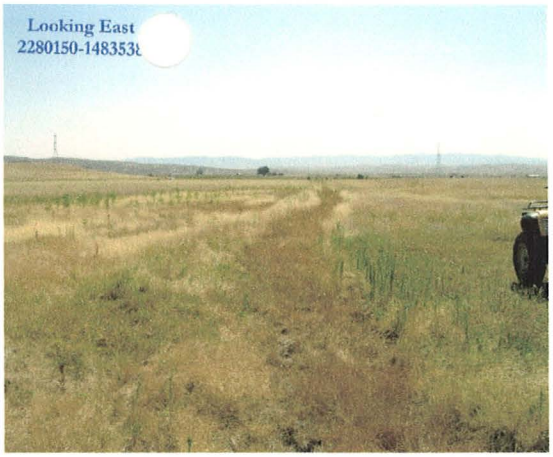





Looking West
2280504-1483542




Looking SW
2280496-1483305


Looking East
2280150-148353