

10/17/2006

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

RIGHT NUMBER: 67-14576

NAME AND ADDRESS: KENNETH W WARD
2096 N GALENA RD
COUNCIL ID 83612

SHERRY L WARD
2096 N GALENA RD
COUNCIL ID 83612

SOURCE: UNNAMED STREAM

TRIBUTARY: CAMP CREEK

QUANTITY: 0.070 CFS

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

PRIORITY DATE: 07/01/1965

POINT OF DIVERSION:

T16N R01W S10 NENENE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS
DOMESTIC	01/01 12/31	0.040 CFS
Domestic use is for 1 home.		

PLACE OF USE: STOCKWATER Within ADAMS County

T16N R01W S10 NENE

DOMESTIC Within ADAMS County

T16N R01W S10 NENE

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 100 range cattle and 4 horses.

Parcel #: RP16N01W101950A



Idaho Department of Water Resources

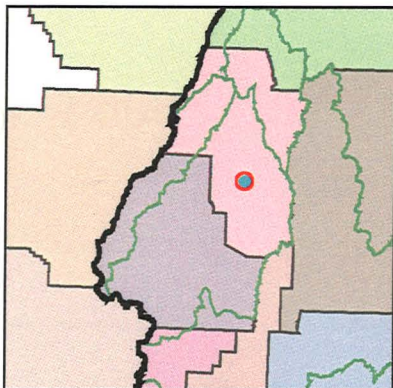
SRBA Recommendation:

67-14576

(Stockwater)

Legend

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



Adams County
IDWR Basin 67



0 0.1 0.2 Miles



Prepared by C. Saxton
On Tuesday, October 17, 2006
1987/88 Aerial Photography

Adjudication Recommendation Report 67-14576 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KENNETH W WARD 2096 N GALENA RD COUNCIL, ID 83612 (208)253-6080
Current Owner	SHERRY L WARD 2096 N GALENA RD COUNCIL, ID 83612 (208)253-6080

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	CAMP CREEK

<u>Location of Point(s) of Diversion</u>		
UNNAMED STREAM	NE1/4NE1/4NE1/4	Sec. 10, Twp 16N, Rge 01W, B.M.
ADAMS County		

[illegible][illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14576 V1

Conditions of Approval:

1. X01 Domestic use is for 1 home.
2. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
3. X02 Stockwater use is for 100 range cattle and 4 horses.
4. Parcel #: RP16N01W101950A
5. N11 The quantity of water decreed for this water right 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 10/17/2006 Field Exam
Comment: Field Exam by Melanie Vining on 7-28-06
2. csaxton 10/17/2006 From Claim (1)
Comment: Clark Childers constructed drain ditch to put the water where it is now, early summer of 1965.
3. csaxton 10/17/2006 From Claim (2)
Comment: 67-10251 water right is a ground water source and insufficient in quantity

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: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	10/17/2006 1:54:38 PM	csaxton			Active
Priority Date	10/17/2006 1:55:42 PM	csaxton			Active
POD	10/17/2006 1:55:51 PM	csaxton			Active
Source	10/17/2006 2:06:22 PM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14576 V1

Summary	10/17/2006	csaxton	Active
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	10/17/2006 1:54:41 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam by Melanie Vining on 7-28-06.
General	10/17/2006 1:55:45 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? Description for Question 12/13 - Affidavit from previous owner.
POD	10/17/2006 1:55:54 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?
POD	10/17/2006 1:56:17 PM	csaxton	Updated shape
POD	10/17/2006 1:56:29 PM	csaxton	Updated PLS
Source	10/17/2006 2:06:27 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 - Field Exam by Melanie Vining on 7-28-06.
POU	10/17/2006 2:07:26 PM	csaxton	Updated shape for Active POU
POU	10/17/2006 2:07:48 PM	csaxton	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14576 V1

Summary	10/17/2006 2:11:42 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:

Craig or Mon-

See all notes. These claims ~~are~~ were all filed by Merrell Childers ~~#A~~ originally, but now some are owned by Ken Ward, son-in-law. He farms all of this land. He said that all info re: current ownership is correct and that same should indeed still be in the Childers' names, but Taxlot data shows Ken owns all the land...?

See 67-11492. May need amended POU, or accomplished transfer.

Craig - he is an old geology major from UofT!
Ken is very nice, helpful, if you need to call him or have me talk w/ him again re: any of the above issues.
Thanks!
Mel

11

Priority Date Data Entry Form

Claim Number 67-14576

Claimed Priority Date: 7/1/1965

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 ____

Recommended Basis _____

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

claimant will submit evid. prior.

Reviewer: mvDate: 7/28/05

RECEIVED
OCT 19 2005
DEPARTMENT OF
WATER RESOURCES

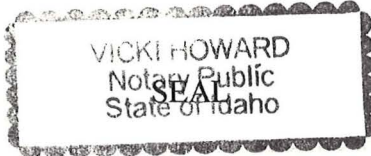
IN THE MATTER OF)
NOTICE OF CLAIM TO A)
WATER RIGHT NO.)
67-14576)

AFFIDAVIT

STATE OF IDAHO)
COUNTY OF ADAMS)

Merrell Childers being first duly sworn, deposes and says:

In reference to the above water right; In 1965 my father; Clarke Childers modified a drain ditch to bring this water into the existing ditch system for stockwater.



Merrell Childers
(Signature)

Subscribed and sworn to before me
this day 17 of Oct, 2005

Vicki Howard
(Notary Public)

Residing at New Meadows Rd

My Commission Expires 11-10-10

SCANNED
OCT 19 2005

Point of Diversion and Source Data Entry Form

Claim Number 67-14576

Claimed Point of Diversion and Source

T16N R01W S10 NENENE Within ADAMS County Source: UNNAMED STREAM CAMP CREEK



Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

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

Other rights from this POD? _____

Document how the POD and Source were verified:

POD - see map. This is where water from a series of springs (general wet area) collect runs off & is collected in a pipe, then diverted under Hwy 95 to Ken Ward's ditch. Stock drink directly from ditch. This is especially important in the winter as this source of water does not freeze. This claimant did not know exact location of springs as there are many, and does not believe the source is merely run off from irrigation above as it is a year-round flow. He simply collects the water from the low area it naturally flows to, and diverts under Hwy.

Reviewer: mwDate: 7/28/05

Place Of Use Data Entry Form

Claim Number 67-14576

Claimed Place Of Use

T16N R01W S10 NENE

T16N R01W S10 NENE

Total Acres

☒ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

See corrections to claimed POU above

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

Total Acres

Document how the POU was verified:

F.E. stockwater - drink directly from ditch - no tankReviewer: MVDate: 7/28/05



Idaho Department of Water Resources

see this map

T16N R01W

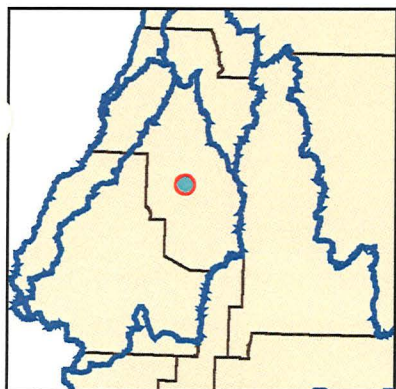
Adjudication Claim Number:

67-14576

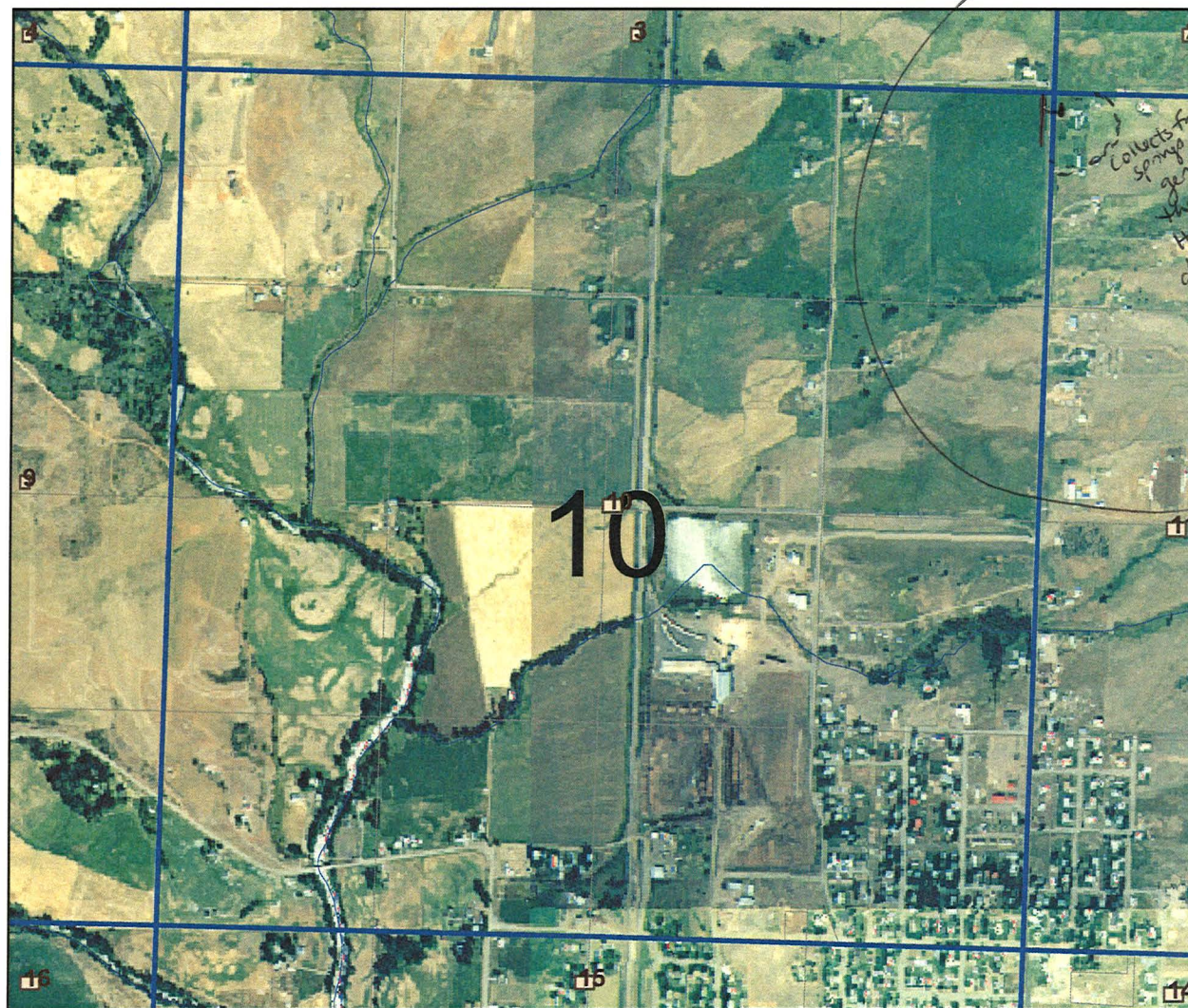
*still use as source
see notes
source in named stream*

Legend

- PLSS Section Lines Gcdb_sections.shp
- GCDB16N01W GCDB
- B-67 streams.shp



Adams County
IDWR Basin 67



*collects from runoff +
spring in this
general area
then piped into
ditch
July 1980
stock
water
from
ditch*

0 0.5 1 Miles

Prepared by M. Van Bussum
On Wednesday, June 29, 2005
1987 Aerial Photography

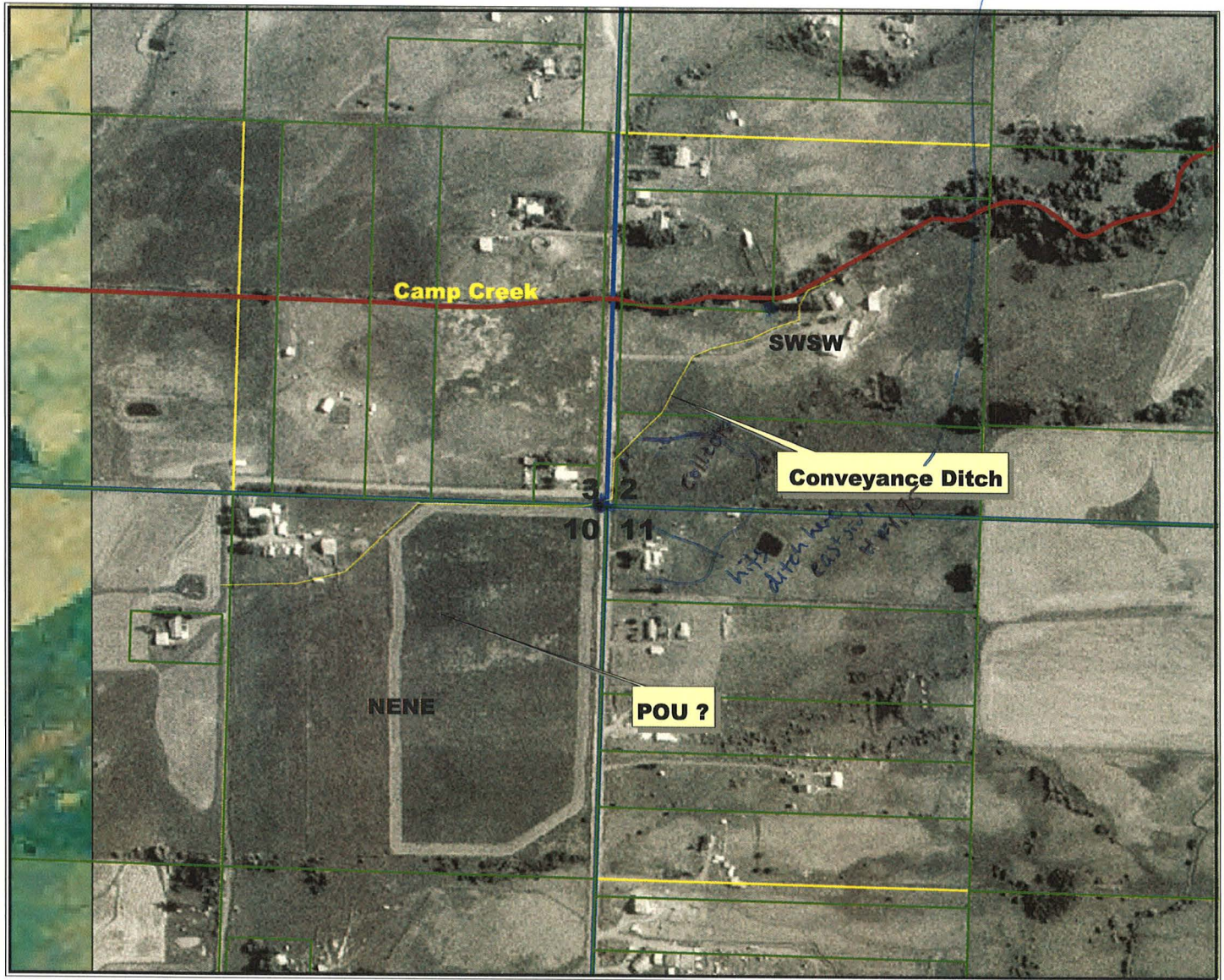


State of Idaho

POU Claim Map 67-14576

Map Source: USGS DOQQ

not pertinent to this right



1320 0 1320 Feet

○ Claimed Point of Diversion - Irrigation

□ Claimed Place of Use

□ Tax Lot Data

□ Quarter Quarter Lines

□ Section Lines

Claimed Irrigated Acres: D&S
Initial Acres Found: N/A

Winter Stockwater



Prepared By: Craig L. Saxton
Date: May 2005

Purpose of Use Data Entry Form

Claim Number 67-14576

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
DOMESTIC	1		
STOCKWATER		100 Range Cattle, 4 Horses	

☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
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Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

F.E. - "domestic" claim still valid, as ~~it~~
unused portion of this water could be sent
through ditch to water yard.

Reviewer:

MV

Date:

7/28/05

Period of Use and Quantity Data Entry Form

Claim Number 67-14576

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
STOCKWATER	01/01	12/31	0.03	
DOMESTIC	01/01	12/31	0.04	

Overall Diversion Rate 0.07 Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
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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:

phase review in-office

no flow measurement needed - < 200 cfs

Reviewer: mvDate: 7/28/05

Contacts Data Entry Form**Claim Number: 67-14576**

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	KENNETH W WARD	2096 N GALENA RD	COUNCIL	ID	83612	(208)253-6080
Current Owner	SHERRY L WARD	2096 N GALENA RD	COUNCIL	ID	83612	(208)253-6080

Date of Field Exam:

7/28/05

Time:

1pm

Accompanied By:

Ken Ward

Phone Number:

Relationship to Claimant:

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

Reviewer:

MV

Date:

7/28/05

Notes 06/29 MVB Ward 67-14576

Craig has notes in this file re: source/POD

0.07 cfs - no flow measurement needed

D&S claim

See his notes before talking to claimant

5-24-05: This is a de-minimus claim where a \$25⁰⁰ Fee was paid.

: Questions.

1) Should source actually be Camp Creek and thus change POB?

2) if source is actually an unnamed stream, then is this instream stock

5-26-05: Called and left message to call me back.



Stock drink
from ditch

Water still flows in winter - source - springs/ponds?

See aerial
photo

RECEIVED

MAY 23 2005

DEPARTMENT OF
WATER RESOURCES

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 67-14576
Date Received: 5/20/2005
Receipt No: W032960
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KENNETH W WARD Phone: (208)253-6080
2096 N GALENA RD
COUNCIL ID USA 83612

SHERRY L WARD Phone: (208)253-6080
2096 N GALENA RD
COUNCIL ID USA 83612

2. Date of Priority: 07/01/1965

3. Source: UNNAMED STREAM Trib. to: CAMP CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16N	01W	10	NE NE NE	ADAMS	

5. Description of diverting works:

The water enters my property in a constructed drain ditch which flows from the NENE corner Sec. 10, Twp. 16N, Rge. 01W, through my property and out at the SW corner of the NENE, Sec. 10 Twp. 16N, Rge. 01W.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.03	
DOMESTIC	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 100 Range Cattle, 4 Horses

Number of homes: 1

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
16N	01W	10	NE	NE		DOMESTIC	
			NE	NE		STOCKWATER	

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

Clark Childers constructed drain ditch to put the water where it is now, early summer of 1965.

67-10251 water right is a ground water source and insufficient in quantity

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

Identification No. AL 7-14576
Date Received 5-20-05
Receipt Number W032960

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

RECEIVED

MAY 20 2005

WATER RESOURCES
WESTERN REGION

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Kenneth W. Ward and Sherry L. Ward Phone (208) 253-6080
Mailing Address 2096 North Galena Road, Council, Idaho Zip 83612

2. Date of Priority (Only one per claim) July 01, 1965 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other (X) (a) un-named stream
which is tributary to (b) Camp Creek Name or kind of source

4. Location of point of diversion is: Township 16N Range 01W
Section 10 NE 1/4 of NE 1/4 of NE 1/4, Govt. Lot _____, BM.,
County of _____

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. The water enters my property in a constructed drain ditch which flows from the NE NE corner Sec. 10 T6N R1W through my property and out at the SW corner of the NE NE Sec. 10 T16N R1W.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For Domestic purposes from 1-1 Month/Day to 12-31 Month/Day amount 0.04 (cfs)
For Stockwater purposes from 1-1 (Both dates are inclusive) to 12-31 amount 0.03

7. Total quantity claimed 0.07 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock)

Domestic, 1 household
Stockwater, 100 head range cattle, 4 horses

SCANNED

MAY 24 2005

10. Place of use is: Township: 16 N Range 01 W
Section 10, NE 1/4 of NE 1/4, Govt. Lot _____, B.M.,
County of Adams for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

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

12. Do you own the property listed above as place of use? Yes ☒ 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.
67-10251 water right is a ground water source and insufficient in quantity

14. Remarks: Clarke Childers constructed drain ditch to put the water
where it is now early summer of 1965

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Kenneth W. Ward Date 5-17-05
Sherry L Ward Date 5-17-05

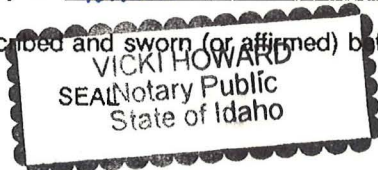
For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

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

Subscribed and sworn (or affirmed) before me this 17th day of May, 2005



Notary Public Vicki Howard

Residing at New Meadows, Id

My Commission Expires 11-10-10

Last Name _____ Ident No. _____

SCANNED

MAY 24 2005

Receipt Details for ID W032960

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
5/20/2005 11:23:15 AM	5/20/2005 12:16:17 PM	WESTERN	\$25.00	Check
Payer	WARD, KENNETH/SHERRY			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1157			
Card Expiration Date	Credit Card Transaction #		

Comment Adjudication Claim Fee

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	ADJUDICATION FILING FEE	42503	0337			1155

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
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Print Report