

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

Use of this right is combined with water from East Fork Ditch Co LTD.



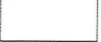
Idaho Department of Water Resources

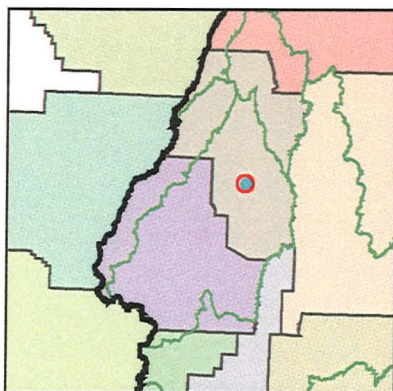
SRBA Recommendation:

67-14579

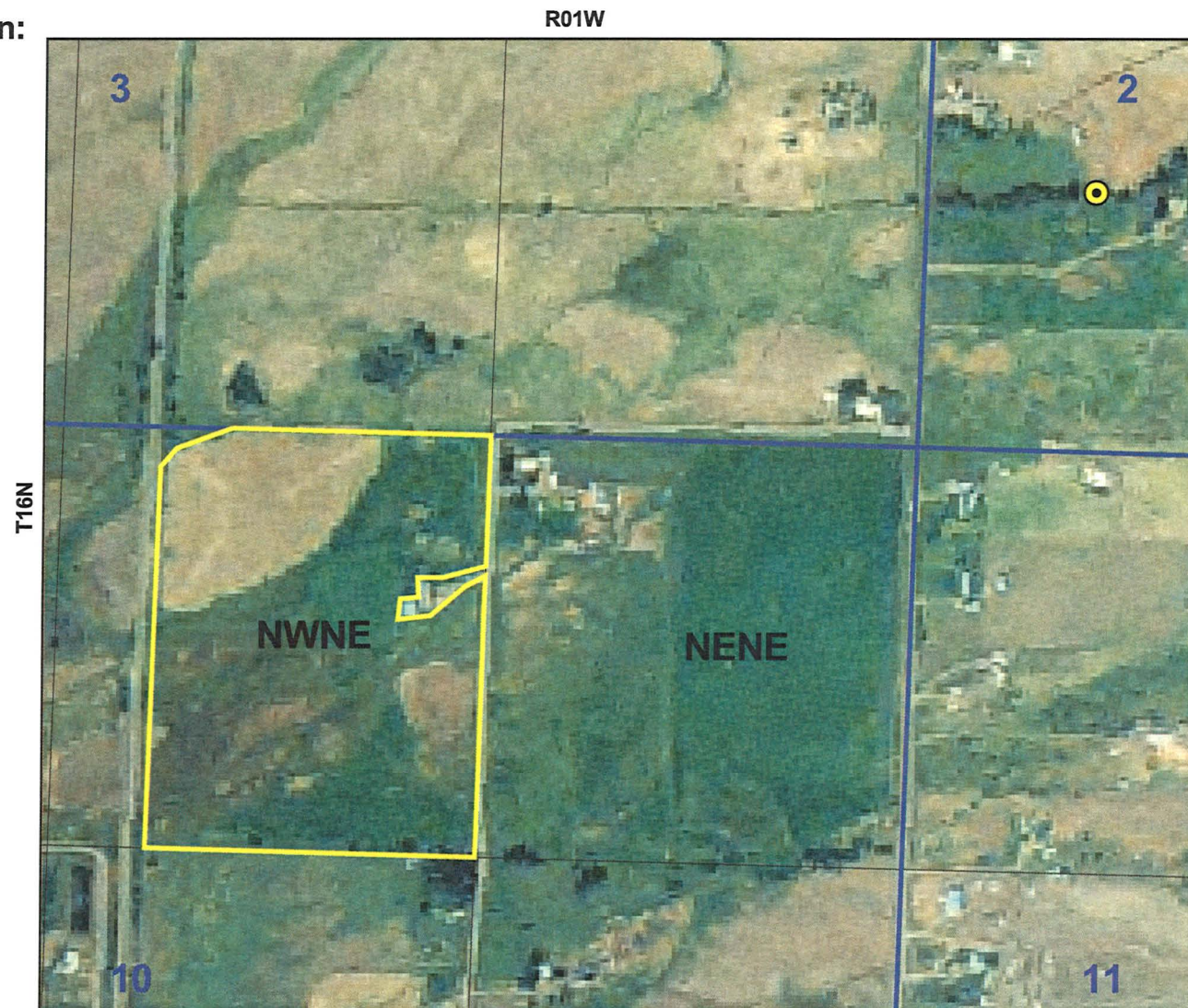
(Irrigation)

Legend

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



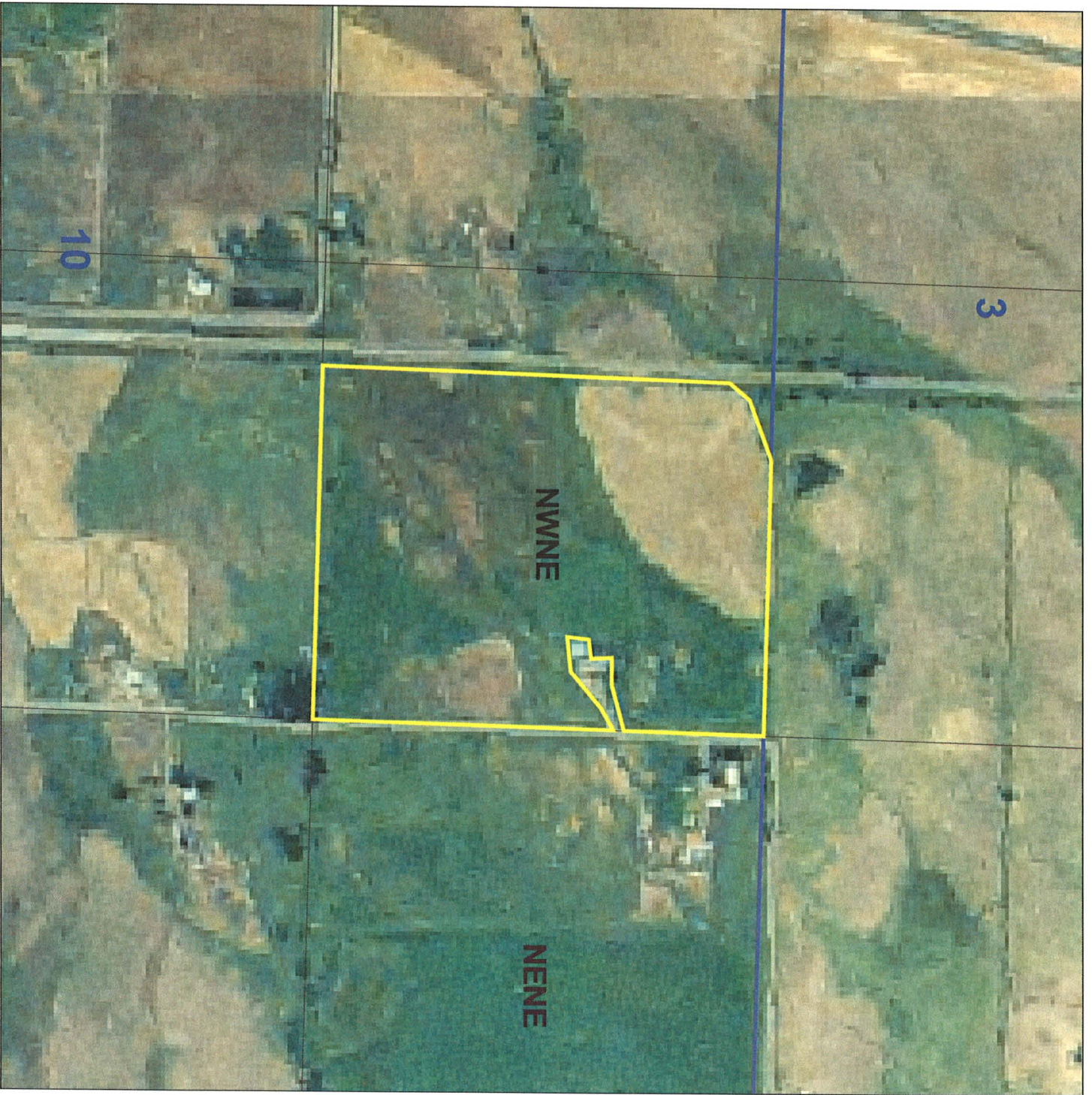
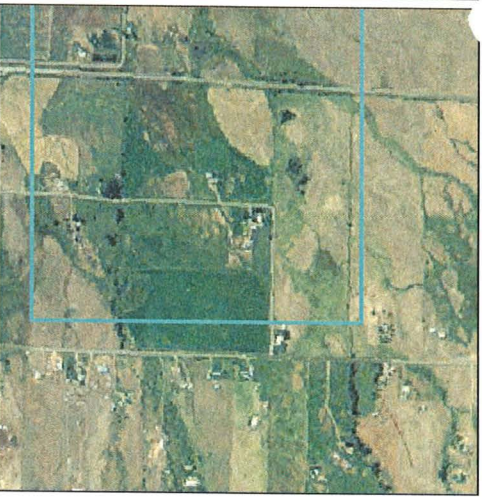
Adams County
IDWR Basin 67



0 0.2 0.4 Miles

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

67-14579



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14579 V1

WATER RIGHT NUMBER: 67-14579 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MERRELL CHILDERS PO BOX 597 HORSESHOE BEND, ID 83629-0597 (208)793-2787
Current Owner	SHARON CHILDERS PO BOX 597 HORSESHOE BEND, ID 83629-0597 (208)793-2787

Priority Date: 02/12/1965

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.600 CFS	
	<u>Total Diversion:</u>	0.600 CFS	

Location of Point(s) of Diversion

CAMP CREEK	SW1/4SW1/4	Sec. 2, Twp 16N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	01W	10			30.0														30.0

Total Acres: 30

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. Use of this right is combined with water from East Fork Ditch Co LTD.
3. E56 The rights listed below are limited to the irrigation of a combined total of 60.0 acres in a single irrigation season. Combined Right Nos.: 67-11492 & 67-14579

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14579 V1

Comments:

1. csaxton 10/17/2006 Quantity

Comment: Since this right is diverted through the same system that East Fork Ditch Co uses, and we know that both company water and private floodwater rights cannot be delivered at the same time, if the pod can divert company water, it has the capacity to divert the private water claimed.

2. csaxton 10/17/2006 Flood Water

Comment: This water is diverted from the source early in the season, prior to East Fork Ditch Co turning water into the ditch. Once East Fork Ditch turns water into Camp creek, this right is no longer being served as the water is company water diverted from a different source.

3. csaxton 10/17/2006 From Claim (1)

Comment: ADDRESS CHANGED BY LH 3/4/96.

4. csaxton 10/17/2006 From Claim (2)

Comment: This right is a split from former right 67-10254.

5. csaxton 10/17/2006 From Claim (3)

Comment: FLOOD WATER ** AMENDMENT TO CLAIM ON 12/4/89 MR. CHILDERS CALLED AND REQUESTED THAT I AMEND THIS CLAIM TO A NON-FLOODWATER USAGE. L.W.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	10/17/2006 2:38:59 PM	csaxton			Active
Priority Date	10/17/2006 2:39:29 PM	csaxton			Active
POD	10/17/2006 2:39:41 PM	csaxton			Active
Source	10/17/2006 2:40:21 PM	csaxton			Active
POU	10/17/2006 2:40:39 PM	csaxton			Active
Use	10/17/2006 2:42:17 PM	csaxton			Active
Season	10/17/2006 2:42:26 PM	csaxton			Active
Quantity	10/17/2006 2:43:25 PM	csaxton			Active
Summary			10/17/2006	csaxton	Active

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 67-14579 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	10/17/2006 2:39:08 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam by Melanie Vining on 7-28-05.
POD	10/17/2006 2:39:50 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?
POD	10/17/2006 2:40:07 PM	csaxton	Updated shape
General	10/17/2006 2:39:39 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 Merrill Childers.
POD	10/17/2006 2:40:14 PM	csaxton	Updated PLS
Source	10/17/2006 2:40:31 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 7-28-05.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14579 V1

POU	10/17/2006 2:40:49 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 - Field Exam by Melanie Vining on 7-28-05.
POU	10/17/2006 2:41:43 PM	csaxton	Updated PLS for Active POU
Use	10/17/2006 2:42:28 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 - Field Exam by Melanie Vining on 7-28-05.
Season	10/17/2006 2:42:36 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?
Quantity	10/17/2006 2:43:35 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 - This water is diverted from the source early in the season, prior to East Fork Ditch Co turning water into the ditch. Once East Fork Ditch turns water into Camp creek, this right is no longer being served as the water is company water diverted from a different source.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14579 V1

POU	10/17/2006 2:41:35 PM	csaxton	Updated shape for Active POU
Summary	10/17/2006 2:54:21 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? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

Craig or Man-

See all notes. These claims ~~are~~
were all filed by Merrell Childers ~~#~~
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 some
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.

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

Craig -
he is an
old geology
major from
UofT!

11



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

June 17, 2005

MERRELL AND SHARON CHILDERS
PO BOX 597
HORSESHOE BEND ID 83629-0597

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #67-14579

Dear Claimants:

Enclosed is a copy of the Notice of Claim referenced above.

As a result of selling a portion of your property and water right to Kenneth and Sherry Ward, the identification number to your water right has been changed as follows:

From
67-10254

To
67-14579

Please use the new number in future inquiries or correspondence you may have with our Department.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim.

Thank you for your patience and cooperation. We have had several water right changes to process. Please call me at 1/800-451-4129 if you have any questions or concerns.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:

Copy of Notice of Claim Referenced Above

SCANNED

JUN 17 2005

Priority Date Data Entry Form

Claim Number 67-14579

Claimed Priority Date: 2/12/1965

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. of priority

Reviewer: MV Date: 7/28/05

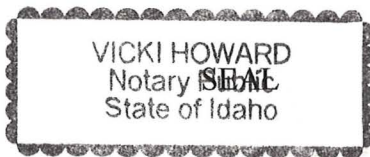
IN THE MATTER OF)
NOTICE OF CLAIM TO A)
WATER RIGHT NO.)
67-14579 & 67-14580)

AFFIDAVIT

STATE OF IDAHO)
COUNTY OF ADAMS)

Merrell Childers being first duly sworn, deposes and says:

In reference to the above water rights; since 1961, I have worked on the property where the ditches were in place and being used to irrigate the property. The water was used from Camp Creek before the East Fork Ditch was turned on to maximum flow.



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 67-14579

Claimed Point of Diversion and Source

T16N R01W S2 SWSW Within ADAMS County Source: CAMP CREEK WEISER RIVER

☐ 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:

GPSd - # A0016899
230 7570
150 7998

Reviewer: mvDate: 7/28/05

Place Of Use Data Entry Form

Claim Number 67-14579

Claimed Place Of Use

T16N R01W S10 NWNE 30.0

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 _____

Document how the POU was verified:

_____ F.E, claimant viewed aerial photos _____

★ the method of irrigation for this area is both gravity feed and sprinklers - the map for small area that cannot be irrigated by gravity feed. Sprinkler info: 4.5 hp pump
 16 nozzles: 2 on ends: 5/32"
 other 14: 9/64"

Water pumped out of small pond that is filled off ditch when needed -

Reviewer: MVDate: 7/28/05 ^{see} map

Purpose of Use Data Entry Form

Claim Number 67-14579

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

☒ 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.

Reviewer: MMVDate: 7/28/05

Period of Use and Quantity Data Entry Form

Claim Number 67-14579

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	04/01	08/01	.60 cfs.	
Overall Diversion Rate	6	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
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:

↓
please review m-office
diversion: needs flow measurement
↓

water delivered via East Fork ditch,
but not part of Co. rights

Reviewer: mv

Date: 7/28/05

Contacts Data Entry Form

Claim Number: 67-14579

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	MERRELL CHILDERS	PO BOX 597	HORSESHOE BEND	ID	83629-059 7	(208)793-2787
Current Owner	SHARON CHILDERS	PO BOX 597	HORSESHOE BEND	ID	83629-059 7	(208)793-2787

Date of Field Exam: 7/28/05 Time: 1 pmAccompanied By: Ken Ward Phone Number: 253-6080
(Saw in law)Relationship to Claimant: ↑

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

* This may need a c/o to Ken Ward.
He said that it should still be in name
of the Childers, but taxlot data shows
him as owner of parcel ... ?

Reviewer: MVDate: 7/28/05

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 67-14579
Date Received: 6/17/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MERRELL CHILDERS Phone: (208)793-2787

PO BOX 597
HORSESHOE BEND ID USA 83629-0597

SHARON CHILDERS Phone: (208)793-2787

PO BOX 597
HORSESHOE BEND ID USA 83629-0597

2. Date of Priority: 02/12/1965

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16N	01W	2	SW SW	ADAMS	

5. Description of diverting works:

WOODEN STRUCTURE & 14' OF 14" PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	08/01	0.6	

7. Total Quantity Appropriated is:
0.6 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
16N	01W	10	NW	NE	IRRIGATION	30
					Section Acres	30
					Total Acres	30

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:

ADDRESS CHANGED BY LH 3/4/96.

FLOOD WATER ** AMENDMENT TO CLAIM ON 12/4/89 MR. CHILDERS CALLED AND REQUESTED THAT I AMEND THIS CLAIM TO A NON-FLOODWATER USAGE. L.W.

This right is a split from former right 67-10254 .

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)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20____

Notary Public

Residing at _____

My commission Expires _____