

10/17/2006

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

RIGHT NUMBER: 67-14580

NAME AND ADDRESS: SHERRY L WARD
2096 N GALENA RD
COUNCIL ID 83612

KENNETH W WARD
2096 N GALENA RD
COUNCIL ID 83612

SOURCE: CAMP CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.700 CFS

PRIORITY DATE: 02/12/1965

POINT OF DIVERSION:

T16N R01W S2 SWS Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.700 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T16N R01W S10 NENE 35.00

35 ACRES TOTAL

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

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



Idaho Department of Water Resources

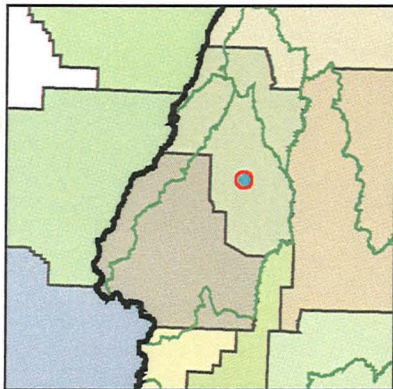
SRBA Recommendation:

67-14580

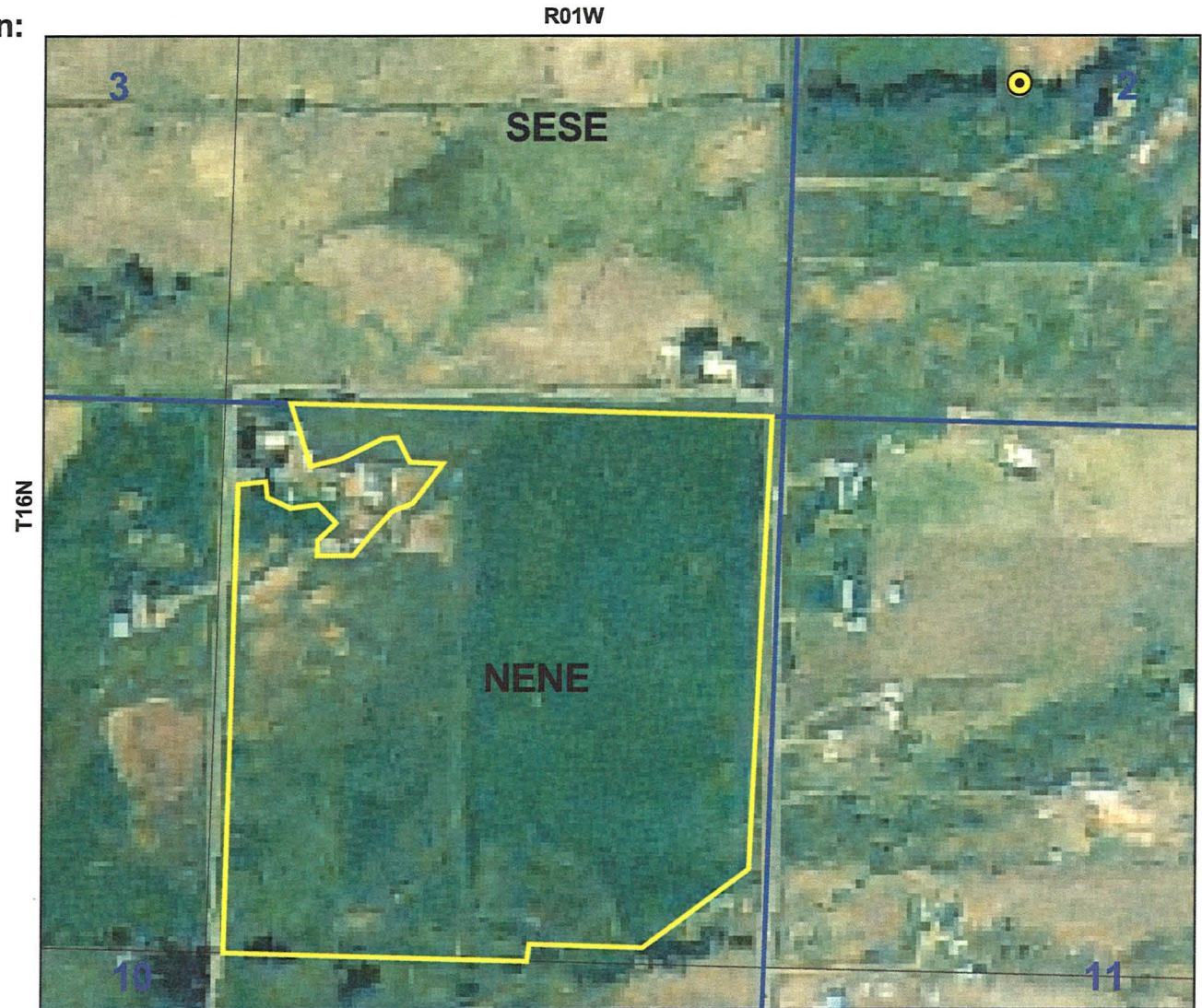
(Irrigation)

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14580 V1

WATER RIGHT NUMBER: 67-14580 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MERRELL CHILDERS PO BOX 597 HORSESHOE BEND, ID 83629-0597 (208)793-2787
Current Owner	SHERRY L WARD 2096 N GALENA RD COUNCIL, ID 83612 (208)253-6080
Original Owner	SHARON CHILDERS PO BOX 597 HORSESHOE BEND, ID 83629-0597 (208)793-2787
Current Owner	KENNETH W WARD 2096 N GALENA RD COUNCIL, ID 83612 (208)253-6080

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	0.700 CFS	
	<u>Total Diversion:</u>	0.700 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	35.0																35.0

Total Acres: 35

Conditions of Approval:

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14580 V1

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 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.

2. 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.

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

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.

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

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

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: 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 2:19:40 PM	csaxton			Active
Priority Date	10/17/2006 2:20:19 PM	csaxton			Active
Priority Date	10/17/2006 2:20:29 PM	csaxton			Active
POD	10/17/2006 2:20:36 PM	csaxton			Active
Source	10/17/2006 2:22:52 PM	csaxton			Active
POU	10/17/2006 2:24:12 PM	csaxton			Active

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Use	10/17/2006 2:29:02 PM	csaxton	Active
Season	10/17/2006 2:29:38 PM	csaxton	Active
Quantity	10/17/2006 2:30:05 PM	csaxton	Active
Summary	10/17/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	10/17/2006 2:19:46 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam by Melanie Vining on 7-28-05.
General	10/17/2006 2:20:26 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 Merrell Childers, previous owner.
General	10/17/2006 2:20:36 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit from Merrell Childers, previous owner.
POD	10/17/2006 2:20:43 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 2:21:50 PM	csaxton	Updated shape
POD	10/17/2006 2:22:38 PM	csaxton	Updated PLS

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POU	10/17/2006 2:24:37 PM	csaxton	Updated shape for Active POU
POU	10/17/2006 2:24:45 PM	csaxton	Updated PLS for Active POU
Source	10/17/2006 2:22:59 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.
POU	10/17/2006 2:24:19 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.
Use	10/17/2006 2:29:10 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 2:29:46 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?

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Adjudication Recommendation Report 67-14580 V1

Quantity	10/17/2006 2:30:14 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 - 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.
Summary	10/17/2006 2:33:57 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?

Water Supply Bank:

Craig or Mon-

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 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.

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!

Notes 06/29 MVB

67-14580

There is a split tree in 14579 - children
in my notes.

$0.7 \text{ cfs} = 35" = 35 \text{ ac} @ 1" \text{ to the ac.}$

16N 01W 10 NENE 35 ac.

* needs flow measurement priority evidence,
GPS POD, POU verification



Idaho Department of Water Resources

☆ water centered in same system as East Fort ditches

— ditch system

XXXX = 14580

/// = 14579

T16N R01W

Adjudication Claim Number:

14579
67-14580

Ward
35 acres

Legend

- PLSS Section LinesGcdb_sections.shp
- GCDB16N01W GCDB
- B-67 streams.shp



Adams County
IDWR Basin 67



0

0.4

0.8 Miles

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

Priority Date Data Entry Form

Claim Number 67-14580

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

Reviewer: MVDate: 7/28/05

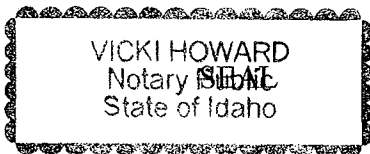
IN THE MATTER OF)
NOTICE OF CLAIM TO A)
WATER RIGHT NO.)
67-14579 & 67-14580)

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 67-14580

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:

#	A0016899
#	2307570
	1507998

Reviewer: mvDate: 7/28/05

Place Of Use Data Entry Form

Claim Number 67-14580

Claimed Place Of Use

T16N R01W S10 NENE 35.0

Total Acres 35

☒ 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 verified on aerial photos

Reviewer: MVDate: 7/28/05

Purpose of Use Data Entry Form

Claim Number 67-14580

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

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: mv

Date: 7/28/05

Period of Use and Quantity Data Entry Form

Claim Number 67-14580

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	04/01	08/01	0.7	

Overall Diversion Rate 0.7

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:

_____ please review in-office _____

needs flow measurement - water delivered
via East Fork ditch, but not part of co. rights

Reviewer: _____

mw

Date: _____

7/28/05

Contacts Data Entry Form

Claim Number: 67-14580

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	MERRELL CHILDERS	PO BOX 597	HORSESHOE BEND	ID	83629-0597	(208)793-2787
Current Owner	SHERRY L WARD	2096 N GALENA RD	COUNCIL	ID	83612	(208)253-6080
Original Owner	SHARON CHILDERS	PO BOX 597	HORSESHOE BEND	ID	83629-0597	(208)793-2787
Current Owner	KENNETH W WARD	2096 N GALENA RD	COUNCIL	ID	83612	(208)253-6080

Date of Field Exam: 7/28/05 Time: 1pmAccompanied By: Ken Ward Phone Number: 253-6080Relationship to Claimant: n/a

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

Mr. Ward was very helpful and is very
organized and aware of his ditch system and
water rights. He is also president of the East Fork
Ditch Co.

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 67-14580
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)

SHERRY L WARD Phone: (208)253-6080

2096 N GALENA RD
COUNCIL ID USA 83612

KENNETH W WARD Phone: (208)253-6080

2096 N GALENA RD
COUNCIL ID USA 83612

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	0.7	

7. Total Quantity Appropriated is:
0.7 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	NE	NE	IRRIGATION	35
					Section Acres	35
					Total Acres	35

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



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

KENNETH AND SHERRY WARD
2096 N GALENA RD
COUNCIL ID 83612

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #67-14580

Dear Claimants:

As a result of buying a portion of the property and water right from Merrell and Sharon Childers, the identification number to your water right has been changed as follows:

From
67-10254

To
67-14580

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

Enclosed is a copy of your water right claim. Please retain this copy for your file.

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