

12/05/2006

NOTICE OF ERROR
REPLY

RECEIVED
DEC 08 2006
DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 13, 2006

Water right number: 67-14802

ETHEL J PEARSON
2982 CUTLER RD
CAMBRIDGE ID 83610-5166
Telephone Number: (208)257-3541

ROBIN L THORSEN
2982 CUTLER RD
CAMBRIDGE ID 83610-5166
Telephone Number: (208)257-3541

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

2. Describe the changes you wish to make in the proposed recommendation:

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

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

DATE: 12-6-06 SIGNATURE: Ethel J. Pearson

Please print your name: Ethel J. Pearson

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 11 2006

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

Use of this right is combined with water from Little Weiser Irrigation District.



Idaho Department of Water Resources

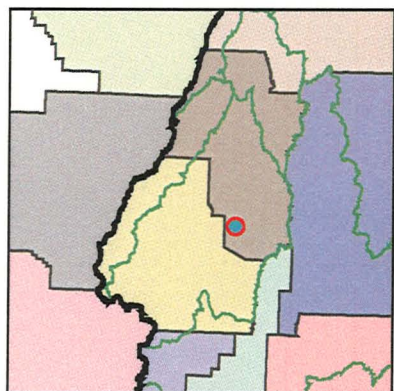
SRBA Recommendation:

67-14802

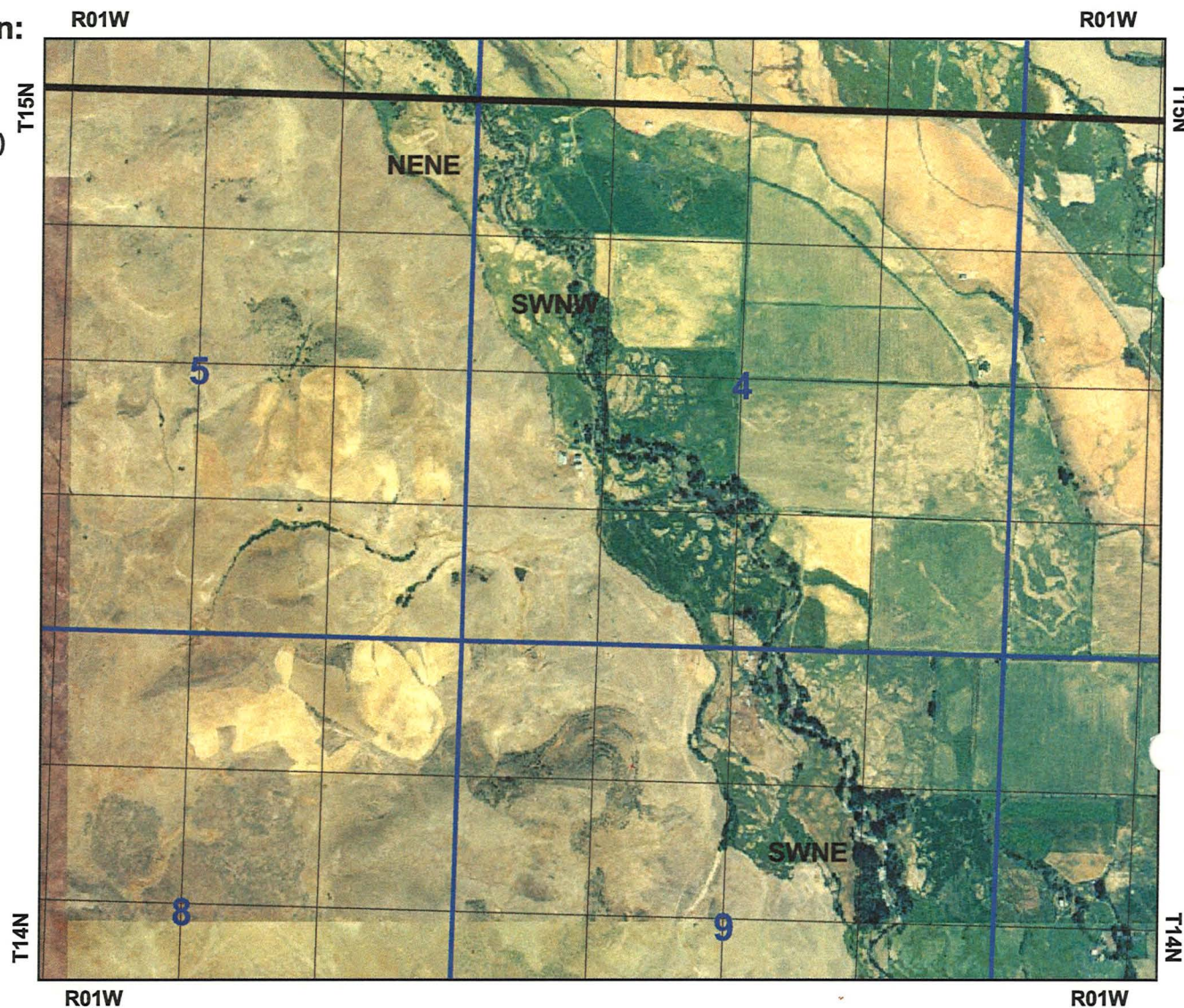
(Water Use: _____)

Legend

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



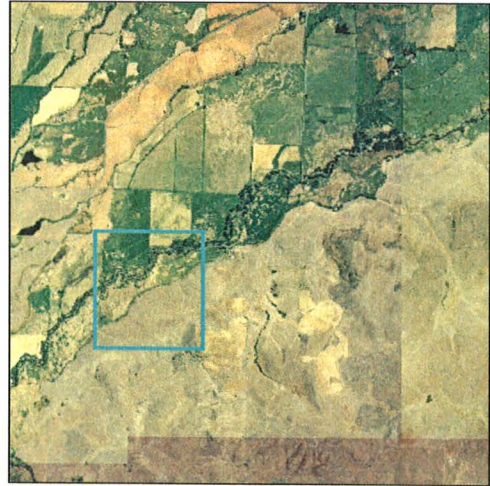
Adams County
IDWR Basin 67



0 0.7 1.4 Miles

Prepared by IDWR State Office
On Saturday, December 2, 2006
1987/88 Aerial Photography

67-14802



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14802 V1

WATER RIGHT NUMBER: 67-14802 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ETHEL J PEARSON 2982 CUTLER RD CAMBRIDGE, ID 83610-5166 (208)257-3541
Original Owner	JUDITH T ELLIS PO BOX 5 INDIAN VALLEY, ID 83632 (208)256-4440
Original Owner	ALAN E ELLIS PO BOX 1 INDIAN VALLEY, ID 83632 (208) 256-4550
Current Owner	ROBIN L THORSEN 2982 CUTLER RD CAMBRIDGE, ID 83610-5166 (208)257-3541

Priority Date: 05/04/1940

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
MONDAY GULCH CREEK	LITTLE WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.480 CFS	
	<u>Total Diversion:</u>	0.480 CFS	

Location of Point(s) of Diversion

MONDAY GULCH CREEK	NW1/4SW1/4NE1/4	Sec. 9,	Twp 14N,	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	
14N	01W	4							11.0										11.0
14N	01W	5	13.0																13.0
			L 1																

Total Acres: 24

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14802 V1

Conditions of Approval:

1. Use of this right is combined with water from Little Weiser Irrigation District.
2. E56 The rights listed below are limited to the irrigation of a combined total of 24.0 acres in a single irrigation season. Combined Right Nos.: 67-14802 & 67-14804
3. E51 Right Nos. 67-14802 and 67-14804 are limited to a total combined diversion rate of 0.48 cfs.
4. 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 11/23/2006 ECVR
Comment: See ECVR for 67-10497
2. csaxton 11/23/2006 From Claim
Comment: This right is a split from former right 67-10497.

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:
 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>
Summary			11/23/2006	csaxton	Active
Contacts	12/1/2006 12:05:33 PM	mvanbussum			Active
Priority Date	12/1/2006 12:06:52 PM	mvanbussum			Active
POD	12/1/2006 12:07:05 PM	mvanbussum			Active
Source	12/1/2006 12:07:39 PM	mvanbussum			Active
POU	12/1/2006 12:08:02 PM	mvanbussum			Active
Use	12/1/2006 12:09:05 PM	mvanbussum			Active
Season	12/1/2006 12:09:20 PM	mvanbussum			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14802 V1

Quantity	12/1/2006 12:09:50 PM	mvanbussum	Active
Summary	12/01/2006	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	12/1/2006 12:05:32 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
POU	12/1/2006 12:08:29 PM	mvanbussum	Updated shape for Active POU
POD	12/1/2006 12:07:03 PM	mvanbussum	(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?
POU	12/1/2006 12:08:37 PM	mvanbussum	Updated PLS for Active POU
General	12/1/2006 12:06:50 PM	mvanbussum	(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 - Date is based on 67-2385 a water right for the Weiser Irrigation District which shows delivery of water to the same area as this claim.
Source	12/1/2006 12:07:37 PM	mvanbussum	(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 - aerial photo and field exam

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14802 V1

POU	12/1/2006 12:08:01 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - aerial photo
Use	12/1/2006 12:09:04 PM	mvanbussum	(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
Season	12/1/2006 12:09:18 PM	mvanbussum	(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 administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	12/1/2006 12:09:48 PM	mvanbussum	(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 - Flow measurement completed during field exam. Ample capacity for recommended flow.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14802 V1

Summary	12/1/2006 12:10:21 PM	mvanbussum	(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? (No) 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?
POD	11/23/2006 11:14:13 AM	csaxton	Updated PLS
POU	11/23/2006 11:14:36 AM	csaxton	Updated shape for Active POU
Summary	11/23/2006 11:18:33 AM	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?
POD	11/23/2006 11:14:04 AM	csaxton	Updated shape
POU	11/23/2006 11:14:53 AM	csaxton	Updated PLS for Active POU

Water Supply Bank:

11/23/2006

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

RIGHT NUMBER: 67-14802

NAME AND ADDRESS: ETHEL J PEARSON
2982 CUTLER RD
CAMBRIDGE ID 83610-5166

ROBIN L THORSEN
2982 CUTLER RD
CAMBRIDGE ID 83610-5166

SOURCE: MONDAY GULCH CREEK TRIBUTARY: LITTLE WEISER RIVER

QUANTITY: 0.480 CFS

Right Nos. 67-14802 and 67-14803 are limited to a total combined diversion rate of 0.48 cfs.

PRIORITY DATE: 05/04/1940

POINT OF DIVERSION:

T14N R01W S9 NWSWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.480 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T14N R01W S04	SWNW	11.00	T14N R01W S05 Lot 1 NENE	13.00
---------------	------	-------	--------------------------	-------

24 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 24.0 acres in a single irrigation season. Combined Right Nos.: 67-14802 & 67-14803

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 Little Weiser Irrigation District.



Idaho Department of Water Resources

SRBA Recommendation:

67-14802

(Irrigation)

Legend

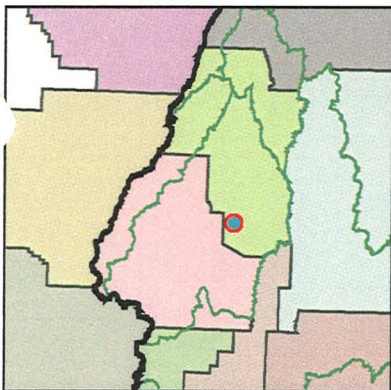
● Point of Diversion

□ Place of Use

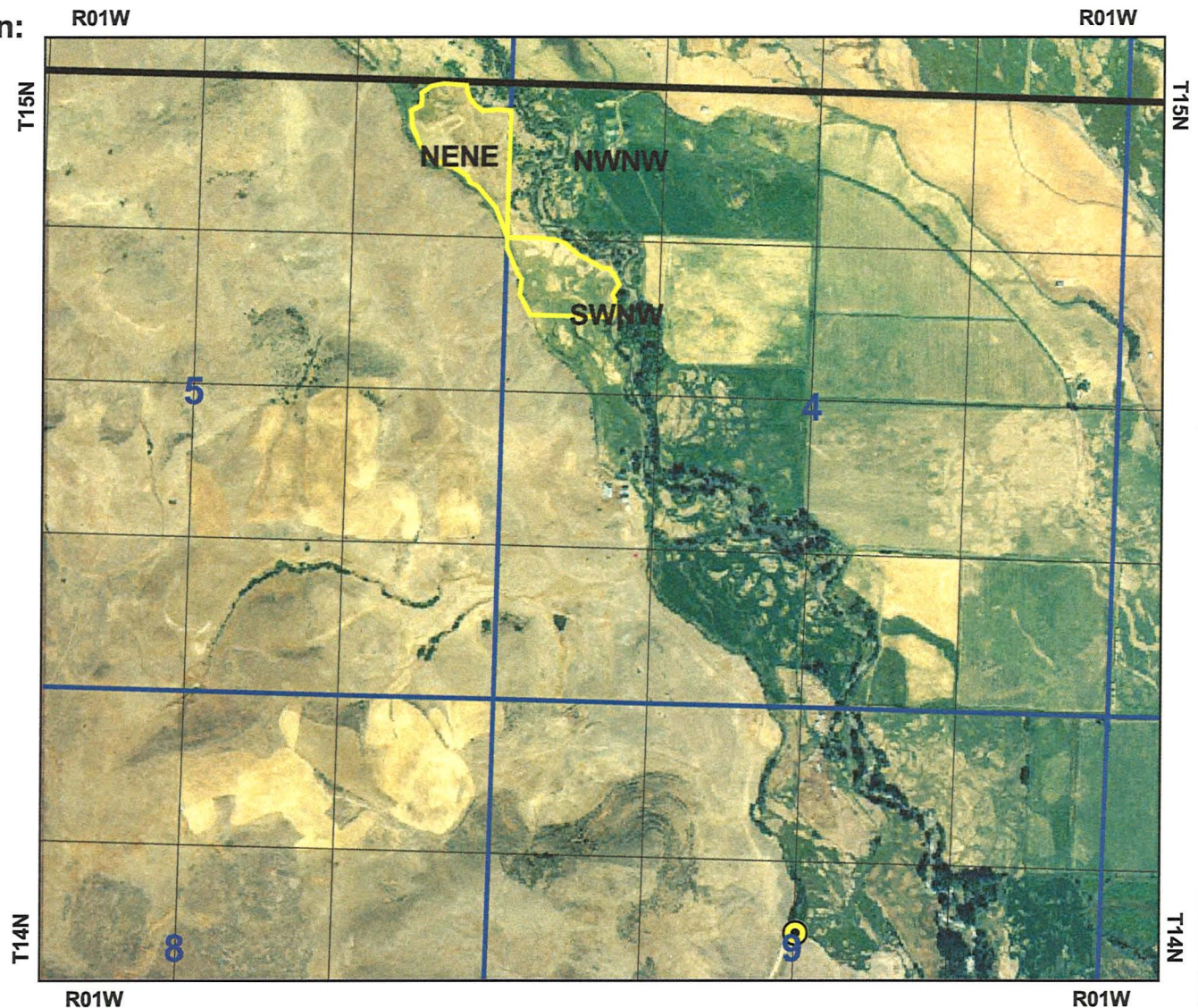
□ Townships

□ PLS Sections

□ Quarter Quarters



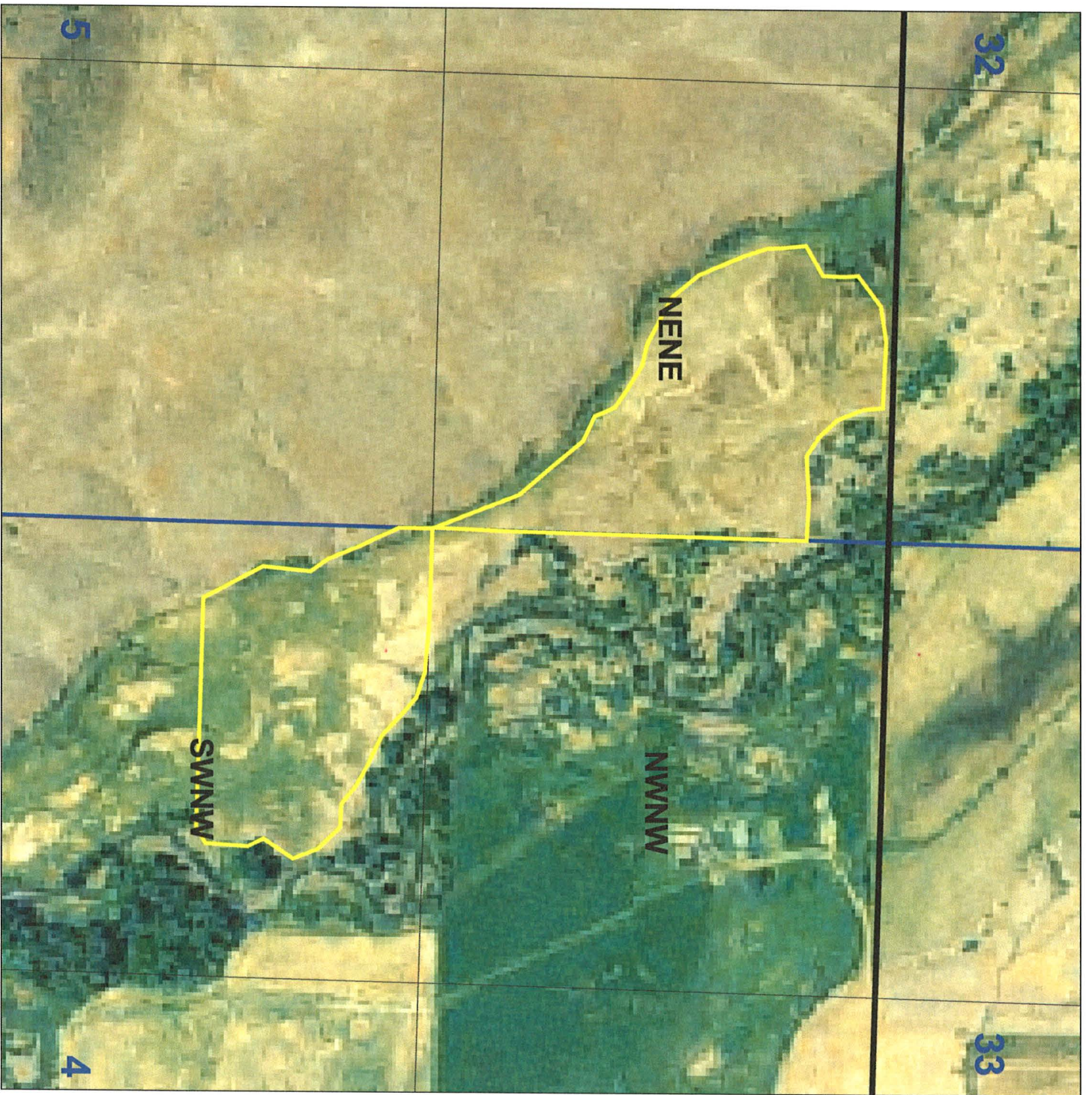
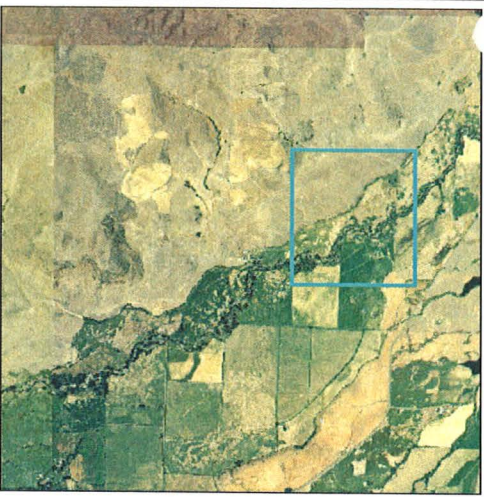
Adams County
IDWR Basin 67



0 0.6 1.2 Miles

Prepared by IDWR State Office
On Thursday, November 23, 2006
1987/88 Aerial Photography

67-14802



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14802 V1

WATER RIGHT NUMBER: 67-14802 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ETHEL J PEARSON 2982 CUTLER RD CAMBRIDGE, ID 83610-5166 (208)257-3541
Original Owner	JUDITH T ELLIS PO BOX 5 INDIAN VALLEY, ID 83632 (208)256-4440
Original Owner	ALAN E ELLIS PO BOX 1 INDIAN VALLEY, ID 83632 (208) 256-4550
Current Owner	ROBIN L THORSEN 2982 CUTLER RD CAMBRIDGE, ID 83610-5166 (208)257-3541

Priority Date: 05/04/1940

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
MONDAY GULCH CREEK	LITTLE WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.480 CFS	
	<u>Total Diversion:</u>	0.480 CFS	

Location of Point(s) of Diversion

MONDAY GULCH CREEK	NW1/4SW1/4NE1/4	Sec. 9,	Twp 14N,	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	
14N	01W	4							11.0										11.0
14N	01W	5	13.0																13.0
			L 1																

Total Acres: 24

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14802 V1

Conditions of Approval:

1. Use of this right is combined with water from Little Weiser Irrigation District.
2. E56 The rights listed below are limited to the irrigation of a combined total of 24.0 acres in a single irrigation season. Combined Right Nos.: 67-14802 & 67-14803
3. E51 Right Nos. 67-14802 and 67-14803 are limited to a total combined diversion rate of 0.48 cfs.
4. 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 11/23/2006 ECVR
Comment: See ECVR for 67-10497

2. csaxton 11/23/2006 From Claim
Comment: This right is a split from former right 67-10497.

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:
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>
Summary			11/23/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	11/23/2006 11:14:13 AM	csaxton	Updated PLS
POU	11/23/2006 11:14:36 AM	csaxton	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14802 V1

Summary	11/23/2006 11:18:33 AM	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?
POD	11/23/2006 11:14:04 AM	csaxton	Updated shape
POU	11/23/2006 11:14:53 AM	csaxton	Updated PLS for Active POU

Water Supply Bank:

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 67-14802
Date Received: 10/3/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ETHEL J PEARSON Phone: (208)257-3541

2982 CUTLER RD
CAMBRIDGE ID USA 83610-5166

ROBIN L THORSEN Phone: (208)257-3541

2982 CUTLER RD
CAMBRIDGE ID USA 83610-5166

2. Date of Priority: 06/01/1890

3. Source: MONDAY GULCH CREEK Trib. to: LITTLE WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
14N	01W	4	SW	NE	SW	ADAMS	

5. Description of diverting works:

CONCRETE CHECKBOX AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.48	

7. Total Quantity Appropriated is:
0.48 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	01W	4	SW	NW	IRRIGATION	11
					Section Acres	11
14N	01W	5	NE	NE	1 IRRIGATION	13
					Section Acres	13
					Total Acres	24

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:

This right is a split from former right 67-10497.

15. Basis of Claim: Beneficial Use

Split/Overlap Analysis - Recommendation

Water Right Number: 67-10497

Diversion Rate: 0.76 CFS

[illegible]

Ellis

(13.8 ac & 0.28 cfs)

67-10497

(37.8 ac & 0.76 cfs)

Pearson/Thorsen

(24.0 ac & 0.48 cfs)

Right No:	Rate of Diversion	Irrigated Acres	CFS / Acre
67-10497	0.76	37.8	0.020
Ellis	0.28	13.8	0.020
Pearson/Thorsen	0.48	24	0.020