

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: A37-00473B

Date Received: 7/22/91

Receipt No: C021267

Received By: B

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WANDA MAE HAAS 213-860-5832
Address: 17402 S. IBEX AVE.
ARTESIA, CA 90701

OR

Name: LESLIE L. HAAS 213-860-5832
Address: 17402 S. IBEX AVE.
ARTESIA, CA 90701

2. Date of Priority: JUN 1, 1883

3. Source: ELK CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	15E	23	SW	SE			CAMAS

5. Description of diverting works:
DIVERSION DAM & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.750		

7. Total Quantity Appropriated is:
0.750 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 800.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	15E	26	NE	NE		IRR	40.0

A37-00473B

Page 1

Date: 07/22/91

MICROFILMED
FEB 22 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	15E	26	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 320.0

Total Acres 320.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
37-00474B, 37-04175

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree 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 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): Wanda Mae Shaw Date: 7-22-91

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of July 19 91

Seal

Anna Baumhoff
Notary Public

Residing at Anna Baumhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994



TIN

R15E



BLAINE NW, IDAHO
N4322.5—W11437.5/7.5

1974

ADVANCE PRINT

MICROFILMED
FEB 22 1993

NOV 16 2006

DEPARTMENT OF
11/01/2006

NOTICE OF ERROR
REPLY

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: November 21, 2006

Water right number: 37-473B

LESLIE L HAAS
17402 S IBEX AVE
ARTESIA CA 90701
Telephone Number: (213) 860-5832

*Deceased
4-30-01*

WANDA MAE HAAS
17402 S IBEX AVE
ARTESIA CA 90701
Telephone Number: (213) 860-5832

562

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: 11-11-06 SIGNATURE: Wanda Mae Haas
Please print your name: WANDA MAE HAAS

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (800) 451-4129

SCANNED
NOV 16 2006

10/17/2006

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

RIGHT NUMBER: 37-473B

NAME AND ADDRESS: LESLIE L HAAS
17402 S IBEX AVE
ARTESIA CA 90701

WANDA MAE HAAS
17402 S IBEX AVE
ARTESIA CA 90701

SOURCE: ELK CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 0.750 CFS

PRIORITY DATE: 06/01/1883

POINT OF DIVERSION:

T01N R15E S23 NWSWSE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.750 CFS

PLACE OF USE:

IRRIGATION Within CAMAS County

T01N R15E S26	NENE	7.30	T01N R15E S26	NWNE	2.80
T01N R15E S26	SWNE	8.10	T01N R15E S26	SENE	21.00
T01N R15E S26	NESE	32.00	T01N R15E S26	NWSE	9.80
T01N R15E S26	SWSE	22.00	T01N R15E S26	SESE	37.00

140 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 140 acres in a single irrigation season. Combined Right Nos.: 37-473B, 37-474B, and 37-4175.

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 - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

SRBA Recommendation:

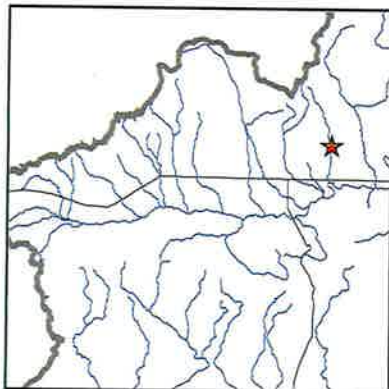
37-473B

37-474B

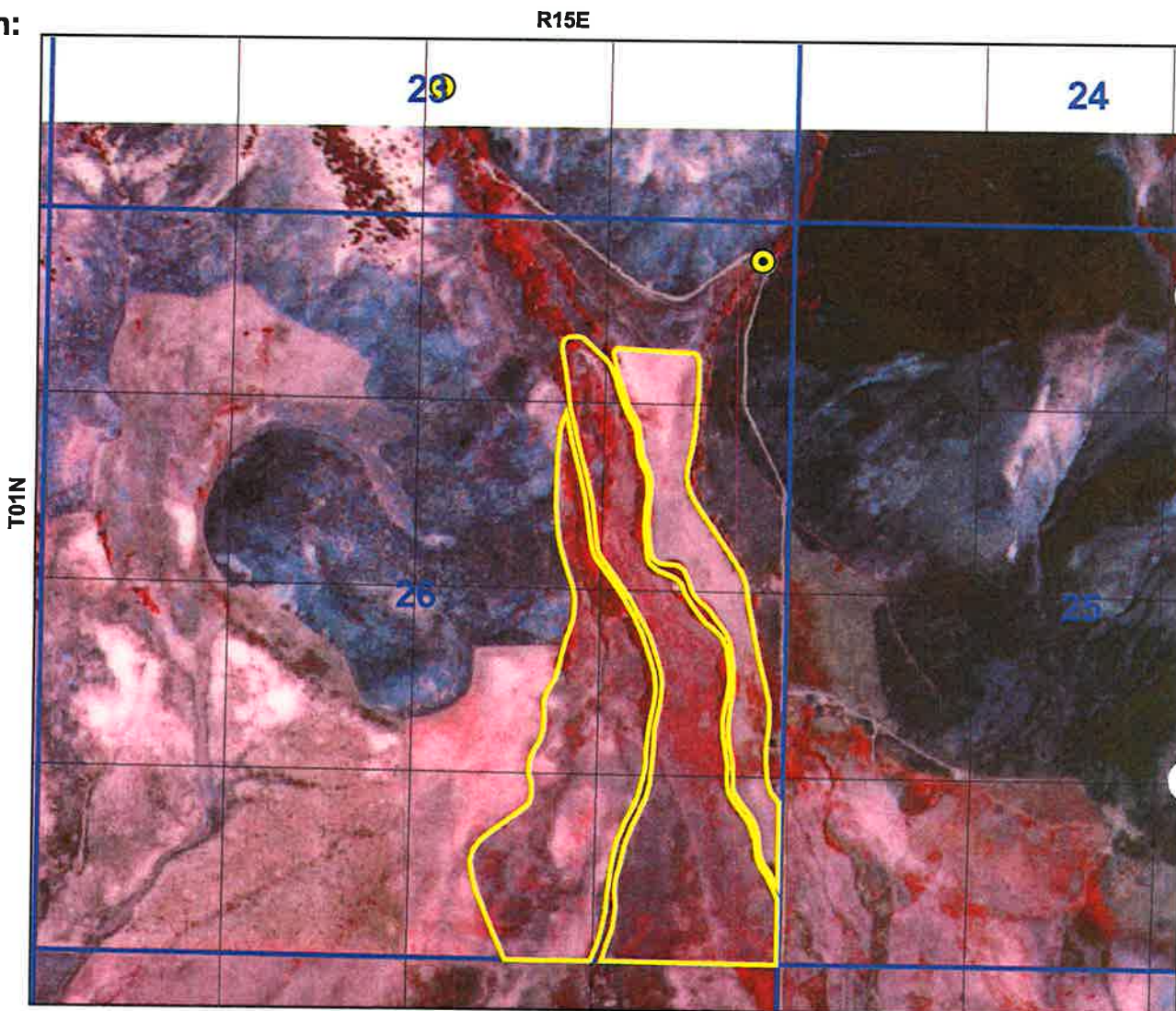
37-4175

Legend

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



Camas County
IDWR Basin 37



0 0.25 0.5 Miles

Prepared by M. Anders
On Tuesday, October 17, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-473B, 37-474B, 37-4175

Background Data

37-473B

- Source is Elk Creek tributary to Camas Creek
- 37-473 decree for 1.5 cfs on 7 QQ
- SRBA claims
 - 37-473A claimed 0.75 cfs for Irrigation of 325 acres
 - 37-473B claimed 0.75 cfs for Irrigation of 320 acres

37-474B

- Source is Elk Creek and Minnehaha Creek tributary to Camas Creek
- 37-474 decree for 1.6 cfs on 7 QQ
- SRBA claims
 - 37-474A claimed 0.8 cfs for Irrigation of 325 acres
 - 37-474B claimed 0.8 cfs for Irrigation of 320 acres

37-4175

- Beneficial Use Claim
- Source is Elk Creek tributary to Camas Creek
- Claimed 6.4 cfs for Irrigation of 320 acres

Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.
Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo

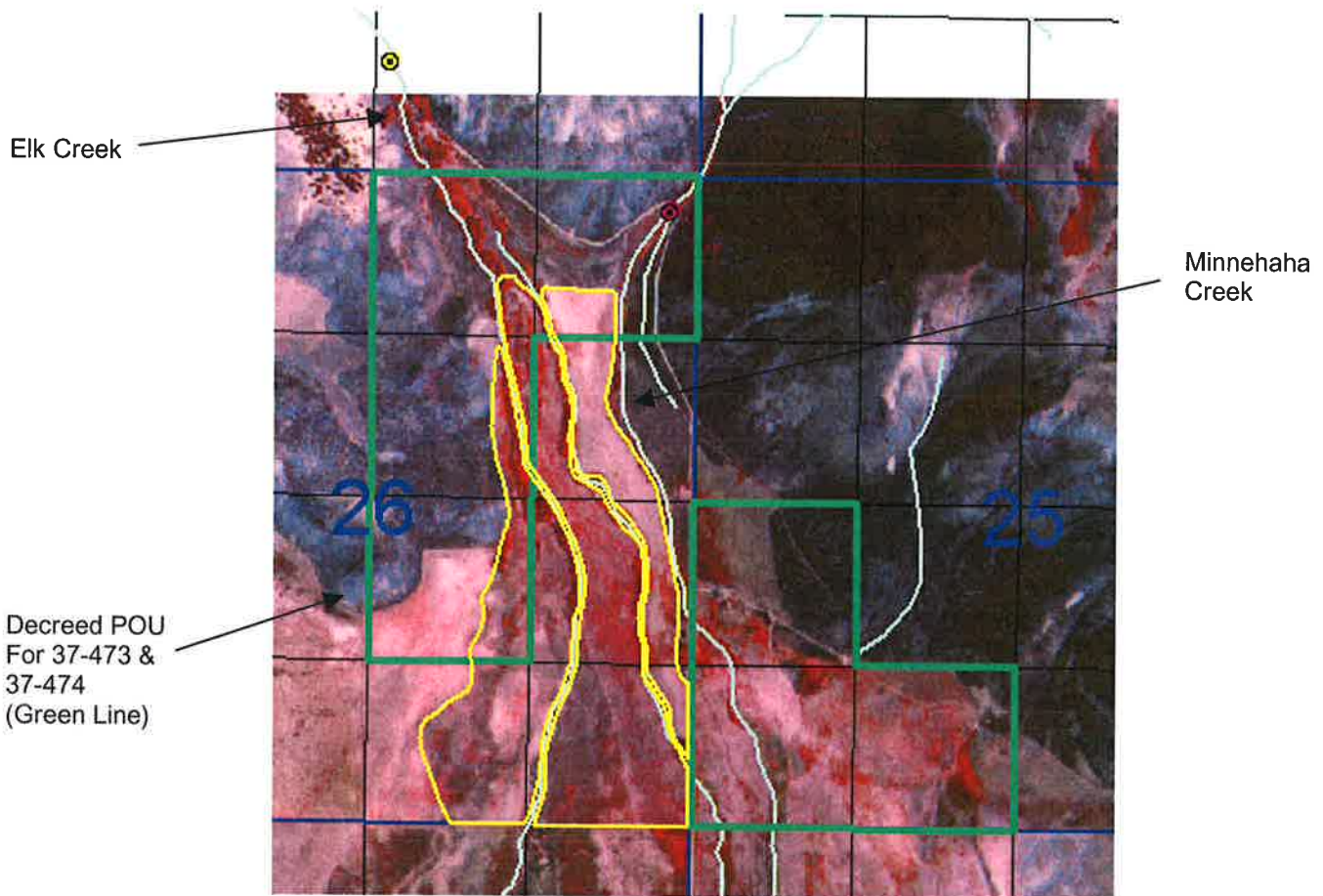




Photo near POD on Elk Creek taken during field exam.



Photo near POD on Elk Creek taken during field exam.



Photo near POD on Minnehaha Creek taken during field exam.

Notes

T1N R15E Sections 25 & 36

- Notes in claim say water was split evenly between the A & B parts, meaning the acreage must be the same. Based on field exam notes, the irrigated POU for both parts is 140 acres.
- Diversion rates:
 - Decrees
 - Smith vs. Ferris decree (1887)
 - Smith 1/2 of discharge in Elk Creek and 3/4 of discharge in Minnehaha Creek
 - Ferris 1/2 of discharge in Elk Creek and 1/4 of discharge in Minnehaha Creek
 - Frost Decree – Mehle (successor to Ferris) is decreed
 - 37-473 for 1.5 cfs from Elk Creek for irrigation of 7 QQ
 - 37-474 for 1.6 cfs from Elk and Minnehaha Creek for irrigation of 7 QQ
 - Between 1911–1936, alleged agreement between Mehle and W. Peck (successor to Smith)

- Mehle recognizes W. Peck's right to 1/2 of the water from Elk and Minnehaha Creeks
 - Mehle gets
 - All the discharge from Minnehaha Creek
 - 1/2 discharge from Elk Creek
 - W. Peck gets
 - 1/2 discharge from Elk Creek
 - Mehle was decreed 3.1 cfs from Elk and Minnehaha Creeks in the Frost Decree. Assuming that Mehle did not reduce his Frost decree diversion rate, this agreement suggests that there was 3.1 cfs left in Elk and Minnehaha Creeks. So the total discharge in Elk and Minnehaha Creeks is 6.2 cfs.
 - Field Exam
 - The discharge in Elk Creek was 0.41 cfs and the discharge of Minnehaha Creek was so low it could not be measured.
 - The channel dimensions of Elk Creek at flood stage are 5.0 ft wide by 1.25 ft deep. Assuming an average velocity of 0.7 ft/sec (the average velocity measured in Elk Creek during field exam), the maximum flow is less than 4.55 cfs.
 - The channel dimensions of Minnehaha Creek at flood stage are 11.0 ft wide by 0.5 ft deep. Assuming an average velocity of 0.7 ft/sec (the average velocity measured in Elk Creek during field exam), the maximum flow is less than 3.85 cfs.
 - Field exam suggests maximum flow of Elk and Minnehaha Creeks is less than 8.4 cfs.
 - Summary
 - The combined discharge of Elk and Minnehaha Creeks appears to be 6.2 cfs.
- Priority date
 - 37-4174 and 37-4175 represent the half of the water from Elk and Minnehaha Creeks that was decreed in Ferris vs. Smith (1887), but not decreed in the Frost (1909).
 - Ferris vs. Smith decree is dated July 12, 1887.
 - Frost decree in 1909
 - 37-473 from Elk Creek has priority date of 6/1/1883
 - 37-474 from Elk and Minnehaha Creeks has a priority date of 6/1/1893
 - The Frost decree states that previous decrees are honored (pages 30-31):
 - "It is Further Ordered, Adjudged and Decreed that the respective parties, plaintiffs and defendants, in the various actions named in the Findings herein, to-wit:...(list of decrees)....they and their successors in interest, be and they are hereby awarded the right to the use of the waters of the Big Wood River and its tributaries, and the various dry streams named in said decrees, to the extent that they are respectively awarded such use in the various actions and decrees to which they are parties, respectively; but that this right shall not be construed to be a double appropriation of the waters of said streams, and wherein the said parties are reawarded such amounts in this decree, they and their successors in interest, respectively, shall be

entitled to the use of only one of such rights, to-wit: either the right named in said decree, or the right otherwise awarded in this decree.”

- In the Frost decree, 37-473 was given a priority date of 1883, before the Ferris vs. Smith decree, and 37-474 was given a priority date of 1893, which is after the Ferris vs. Smith decree. Many other older decrees were reaffirmed in the Frost decree with the same priority dates and diversion rates. This suggests a problem with the Ferris vs. Smith decree that required proof of beneficial to be reestablished for the Frost decree.
- Several affidavits were submitted with the statutory claim filed in 1981. Fred Walton said he remembers back to 1909 that all the water from Elk and Minnehaha Creeks was used on the W. Peck and Mehle ranches.
- The fact that the water from the Ferris vs. Smith decree that was in the Frost was assigned different priority dates raises uncertainty about the Ferris vs. Smith decree. The next evidence is priority is 1909 by Fred Walton, the same year as the Frost decree. Decided to assign 37-4174 and 37-4175 a priority date of the first day after the Frost decree: 12/14/1909.

➤ Recommendations

- 37-473
 - 37-473A: 0.75 cfs for Irrigation of 140 acres
 - 37-473B: 0.75 cfs for Irrigation of 140 acres
 - 37-474
 - 37-474A: 0.80 cfs for Irrigation of 140 acres
 - 37-474B: 0.80 cfs for Irrigation of 140 acres
 - 37-4174
 - 1.25 cfs for Irrigation of 140 acres
 - Priority date: 12/14/1909
 - 37-4175
 - 1.25 cfs for Irrigation of 140 acres
 - Priority date: 12/14/1909
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

File No.

A37-04175 = 4174

William M & Opal Davis 37-4174
Rt 1 Box 1210
Fairfield, Id

9/25/06

Wanda Mae Haas [sold]
Charles Gaskel [New Owner]
Fairfield ,Id.

I got an appt. With Bill Davis and Charles Gaskel today and went up East of Fairfield and met both guys together at Bills house and discussed these files, I told Charles he needed to contact IDWR and file a Change of ownership for his water and he said he would take care of this problem. Bill drew on the color photo of the POD for both creeks where the ditch's are and his wife gave me a black photo of there property which is east of Charles on the color photo in file 4175. Elk creek # 1- Photo 1030307 looking S is where their POD is out of Elk creek when there is enough water to divert but at this date what little water is in this creek is going on down the creek for stock water , photo 308 looking N is my measurement just up stream of the POD. See measurement notes. When there is more water in this creek Bills water goes into a ditch and flows into Minnehaha and then down his ditch to his property as shown on photo.

Minnehaha Cr. # 2=this creek is almost out of water but a little goes down Bills ditch a short distance and sinks into the ground the rest goes down into Charles property for stock water. Photo 309 looking SW is the POD and separation of what little water there is in this creek which was not able to measure so just above POD I showed the width & depth of approx. high water flow which Bill agreed to. While visiting with both fellows they informed me that all their grounds are sub irrigated no corrugates, or sprinklers.

Description		GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Elk Cr POD	1	Bill 1	2448478	1355745	None	1030307-308
Minnehaha	2	" 2	2449178	1355376	"	309

Lee R. Peterson

Adjudication Claim Notes

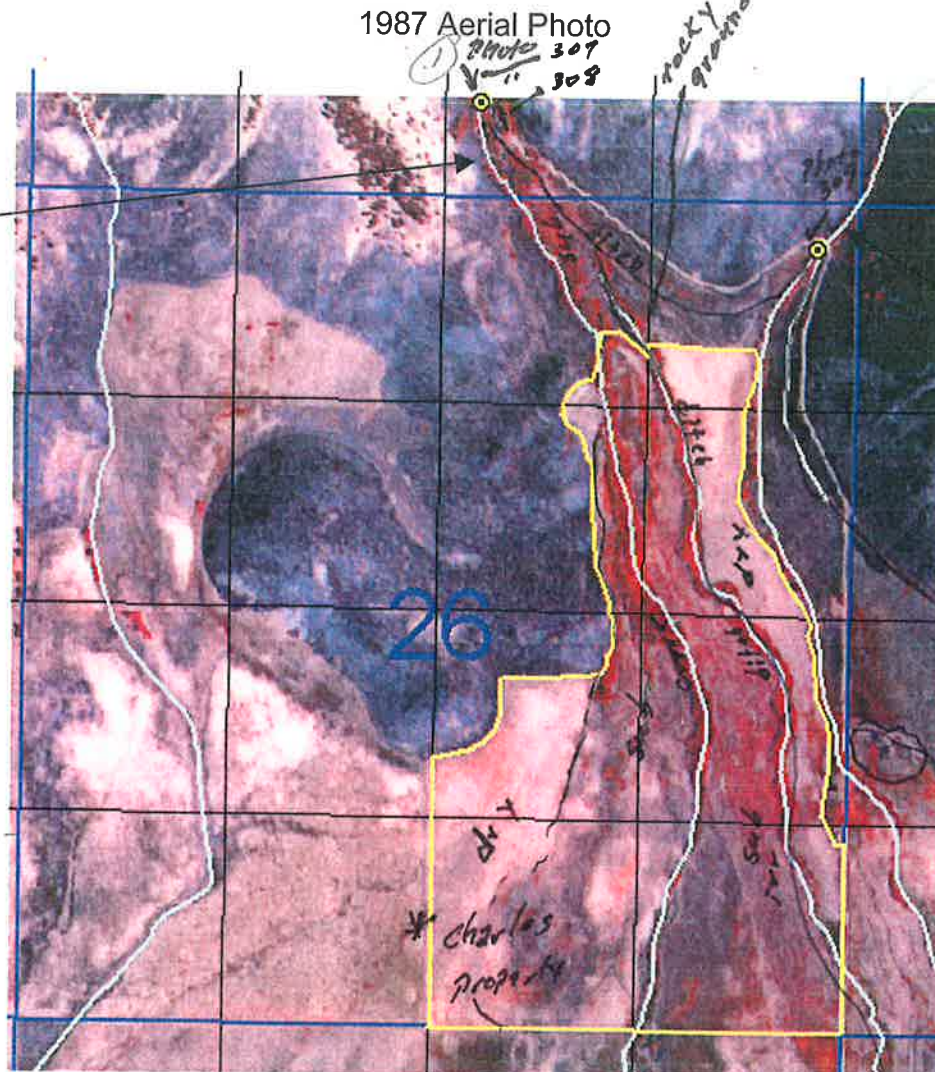
Claim(s): 37-4174, 37-4175

Background Data

- Source is Elk Creek and Minnehaha Creek

Place Of Use Data

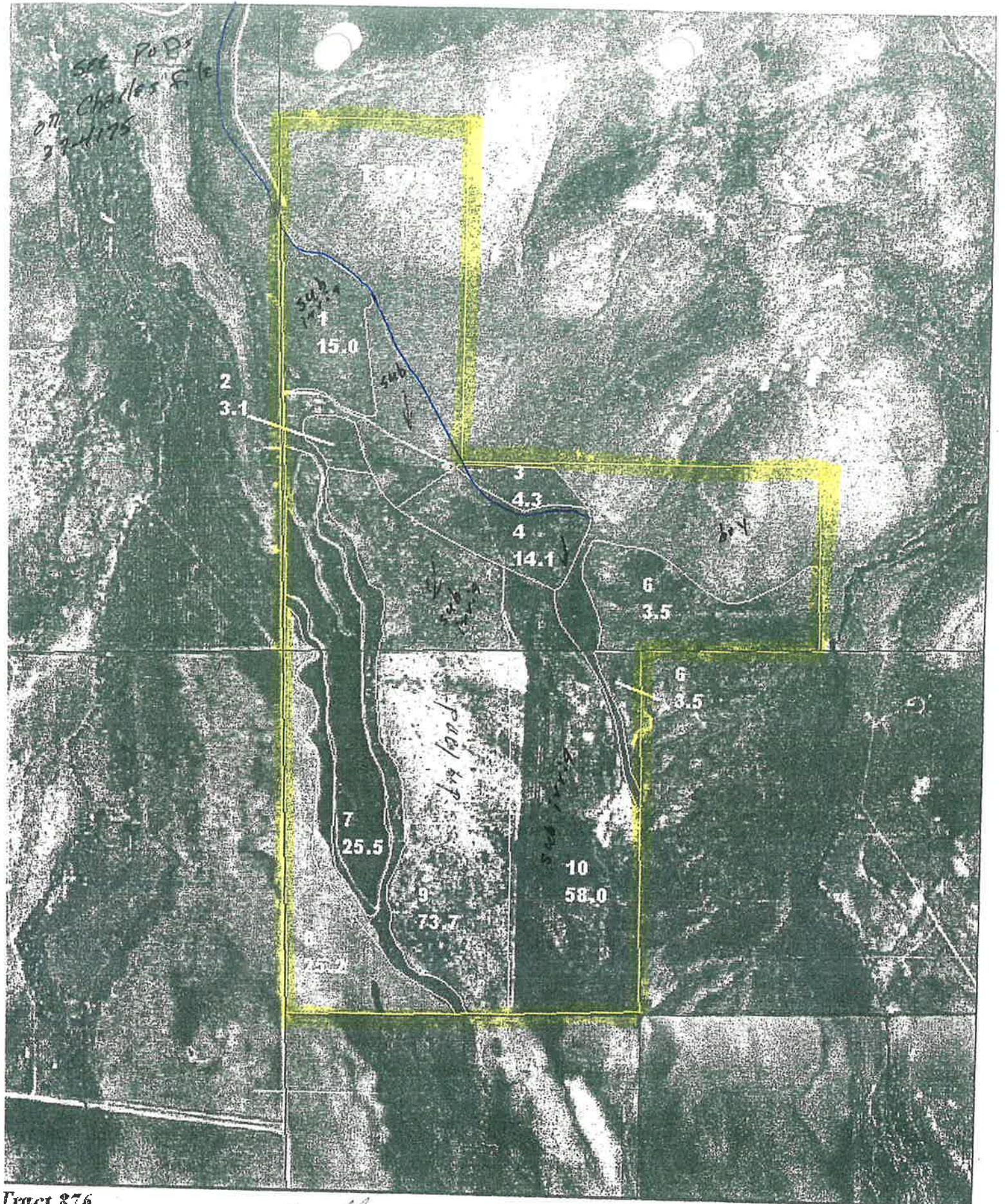
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Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.
Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)



To do on field exam:

- 1) GPS PODs
- 2) Measure diversion rate from Minnehaha Creek
- 3) Measure diversion rate from Elk Creek

See P.D.
on Charles E. 16
37-4175



Tract 376
Farm 827
Camas County, Idaho

Belly Property

Plss_a_id_utm11.shp
Clu_a_id025.shp

0.09 0 0.09 0.18 0.27 0.36 Miles



WM Davis
37-4174

A 37-04175
37- 4174
Water Right No
(if applicable)

.90

.92

1. Name of stream or ditch: Elk Creek & Minnehaha Cr. .92
2. Location: LN- 15E SEC. 23-26 .93
3. Person conducting measurement: Lee Peterson .94
4. Date and time of measurement: 9/25/06 2 PM .95
5. Accompanied by: William M. Davis .96
6. Measuring device size and ID no. Teledyne-Gurley 622 .97
7. Spin test before measurement OK? yes after measurement OK? yes .98
8. Purpose of measurement: FW2/4245 flow .99

.99

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Water Right No.
(if applicable)

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: _____ .92
2. Location: _____ .93
3. Person conducting measurement: _____ .94
4. Date and time of measurement: _____ .95
5. Accompanied by: _____ .96
6. Measuring device size and ID no.: _____ .97
7. Spin test before measurement OK? _____ after measurement OK? _____ .98
8. Purpose of measurement: _____ .99

3. MEASUREMENT DATA

Corrected to make measurements center of cell.

Angle co-efficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
Elk Creek											
1		0.75	0.10				0.80				0.06
2		0.50	0.10				0.50				0.03
3		0.50	0.15				0.80				0.06
4		0.50	0.20				0.80				0.08
5		0.50	0.25				0.50				0.06
6		0.50	0.20				0.80				0.08
7		0.50	0.15				0.50				0.04
8		0.75	0.10				Ø				Ø
										Total	0.41
Minnelike Co. Max											
channel = 4' x 0.5' = 5.5 ft ²											
Elk Creek Max											
channel = 5' x 1.25' = 6.25 ft ²											

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-473

WATER RIGHT NUMBER: 37-473

Owner Type Name and Address

Current Owner HERMAN MEHLE

, ZZ

Priority Date: 06/01/1883

Basis: Decreed

Status: Active

Source

ELK CREEK

Tributary

CAMAS CREEK

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

1.500 CFS

Annual VolumeTotal Diversion: 1.500 CFSLocation of Point(s) of Diversion

ELK CREEK

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	
01N	15E	25									X	X	X						
01N	15E	26	X	X	X											X			

Conditions of Approval:Remarks:Comments:

INTER-DEPARTMENT MEMO — 1

FROM Anna Baumhoff

DATE 7-23-91

TO FILE # A37-00473B and
A37-00474B

SUBJECT

filing fees:

The above claims are not subject to late fees at this time because Mr. and Mrs. Haas ~~are~~ have just recently become the owners, and are filing timely.


SIGNATURE

MICROFILMED
FEB 22 1993