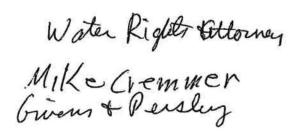
FIRST AMERICAN TITLE 31 SOUTH MAIN STREET POST OFFICE BOX 345 PAYETTE, IDAHO 83661 (208) 642-3351 (208) 642-3590 FAX



December 12, 2018

John Hoff 990 Jenkins Creek Road Weiser, Idaho 83672

RE:

Monroe Creek Dam T12NR5W Sec. 6

Dear John:

The Reservoir was created about 1914 as referenced by the water right 67-2044 that diverted water from Monroe Creek to this Reservoir. I checked out the Patents for Sec. 6 that were recorded in Book 47 of Deeds, page 70, Book 49 of Deeds at page 164 and 165. Each Patent is subject to a reservation subject to rights of Ditches and reservoirs ...constructed by the authority of the United States. These Patents were all recorded later than 1927. There should be Dam permit by the Bureau of Reclamation for the Monroe Creek Dam. The permit should mirror water right 67-2044.

I looked at early conveyance for your irrigated land and found in 1903 in Book 14 of Deed at page 20 a conveyance from Edward and Mary Warren to Edward Paddock which references to include all reservoirs and reservoir sites associated with Jenkins Creek. The next Deed is from Edward Paddock to the Idaho Industrial Institute in Book 14 of Deeds page 22 including the same reference to all reservoirs and reservoir sites.

I would suggest to secure a copy of the Government permit to build the Dam . The 1978 Water right Decree for Monroe Creek clearly states you can divert 320 acre feet of water from Monroe Creek to your reservoir during the whole year. And from March 15 to November 15, you can release 320 acre feet for irrigation.

It appears the Monroe Creek Reservoir was build to benefit your land. The system of canals, ditches and Dam would be maintained and operated by the user. Agreements would need to made for any additional user.

I have enclosed copies of documents for your review.

Sincerely yours,

Jay Edwards

HO Water Resources



Home / Water Rights / Research / Search Water Rights

WATER RIGHT REPORT

12/12/2018

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 67-2044

Owner Type Name and Address

Current Owner DOUBLE C & J LAND CO INC

990 JENKINS CREEK RD

WEISER, ID 83672

2085491232

Original Owner GRACE L MAINVIL

Original Owner JOHN B MAINVIL

990 JENKINS CREEK RD

WEISER, ID 83672

2085490178

Priority Date: 05/03/1914

Basis: Decreed Status: Active

Source

Tributary

MONROE CREEKWEISER RIVER

| Beneficial Use | From | To | Diversion Rate | Volume |
|--------------------------------|-------|-------|----------------|---------|
| IRRIGATION STORAGE | 01/01 | 12/31 | | 320 AFA |
| IRRIGATION FROM STORAGE | 03/15 | 11/15 | | 320 AFA |
| DIVERSION TO STORAGE | 11/15 | 03/15 | 6.4 CFS | |
| Total Diversion | | | 6.4 CFS | |

Location of Point(s) of Diversion:

MONROE CREEKSENENESec. 25 Township 13N Range 06W WASHINGTON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION FROM STORAGE WASHINGTON County

| Township | Range | Section | Lot Trac | ct Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot Tract | Acres |
|----------|-------|---------|----------|----------|-----|-------|-------|-----|-------|-------|-----------|-------|
| 11N | 05W | 6 | NES' | W 4 | 7 | SWSW | 6.6 | | SESW | 32 | | |
| | | 7 | NEN | W32 | 1 | NWNW | 6.3 | 2 | SWNW | 1.3 | SENW | 36 |
| | | | NES | W 37 | 3 | NWSW | 9 | 4 | swsw | 19 | SESW | 34 |
| | | | NWS | E 6 | | SWSE | 11 | | | | | |
| | | 18 | NEN | W19 | 1 | NWNW | 28 | 2 | SWNW | 41 | SENW | 12 |

Total Acres: 453

Conditions of Approval:

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.

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before

2.539 March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a

partial decree is entered for this right.

Right Nos. 67-2044, 67-2097A, 67-2097B, 67-4520, 67-14246, 67-14247 and 67-3. E51 14251 are limited to a total combined diversion rate of 9.06 cfs for irrigation purposes.

Right Nos. 67-2044, 67-2097A, 67-2097B, 67-4520, 67-14246 and 67-14247 are

4. E55 limited to the irrigation of a combined total of 453 acres in a single irrigation season.

Dates:

Licensed Date:

Decreed Date: 10/20/2008 Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 453

Combined Volume Limit:

Combined Rate Limit: 9.06

Civil Case Number:

Old Case Number:

Decree Plantiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

unlac

Jands 3 Patents Sour Cou

1921

INSTRUMENT NO 47806

Rotor 000000

THE UNITED STATES OF AMERICA

TO ALL TO UNCE THESE PRESENTS SEALL COME, CHESTINGS

deposited in the General Land Office, thereby it appears that, pursuent to the Act of Occurrence of May 20, 100%, "To Secure Semestants to Actual Settlers on the Public Donain," and the acts supplemental therete, the claim of EDSTE HILLIAMD has been established and duly concumnated, in conformity to low, for the

Let Seven of Section Six, the Let One, the Hant Half of the Northwest Quarter, and the Hast Half of the Southwest Quarter of Section Seven and the Northwest Quarter of the Sorthwest Quarter of the Sorthwest Quarter of the Sorthwest Quarter of Section Eighteen in Township Twelve North of Range Five Unet of the Boise Meridian, Idaha, containing three hundred fifteen and sixteen-bundredths acres,

according to the Official Plat of the Survey of the said Land, returned to the OERERAL Lim-

NOW MON YX, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of land above described; TO HAVE AND TO HOLD the said tract of land with the appartenances thereof, unto the said claimant and to the heirs and sasigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courtes and there is reserved from the lands hereby granted a right of may thereon for ditches or canals constructed by the suthority of the United States.

IN TESTIMONY WERREST, Leading Wilson, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunte affixed.

CIVER under my hand, in the District of Columbia, the TMENTY-SECOED day of OCTO-MER, in the year of our Lord Cas Thousand nine hundred and TMENTY and of the Independence of the United States the one hundred and FORTY-FIFTH.

GRAITED STATES GENERAL LAND OFFICE)
RECORDED: Patent Pumber 776757

By the President: Modrow Wilson By M P LeBoy, Secretary

John O'Connell Acting Recorder of the General Land Office

Filed for Focerd at the request of Cartter Hilliard at 3:15 o'cleck P M, May 20, 1927.
Frank E Maith, Mesorder

Fee \$1.00

Lat 7

6-12-5

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THE SELECT STATES OF AMERICA il to them these presents thall came, Greetings torive north of Range five went of the Hoise Meridian, Idaho, containing westy-three acres and seven hundredths of an acre, annording to the Official Plot of the Surrey of the said land, on file to the SENERAL LAND OFFICES BOT MINT YE, flat there is, Guerafore, granted by the IMETER BEArab unto the and cistment thetreot of land above described; fo HAVE AND TO HOLD the said tract of land, with the appartenances thereof, unto the exid eletisant and to the heirs and applican of the and claiment forevery subject to any vented and retermed mater rights for mining, scricultual, manufacturing, or other purposes, and rights to distribe and reservoirs used in commettee with such sater rights, as may be recognized and acknowledged by the local number, land, and decisions of courts; and there is reserved from the lands hereby granted, a right of may thereon for ditches or canels constructed by the authority of the United States. Encepting and reserving, newseer, to the dutied blaten all the coal and other sincrals is to lands se entered and patented, together with the right to prospect for, when, and respethe same pursuant to the provisions and limitations of the Act of December 29, 1916 (80 to IN COSTRONY BUSINESS, I, dalwin Smalldge, President of the United States of America, have caused these letters to be made fatest, and the seal of the descriptions Given under my ment, at the city of Sannington, the PERST INC. may of APRIL 50 the year of our Lord one thousand also munical and faculty-bayen and of the independence of the United States the one one hundred and FIFTY-PIRAL. (United States denoral Land Office) by the Presidents Calvin Couldy, By Viola & Pugh, Secretary RECORDER Patent Rusher 10:0147: Filed for record at the request of Cartler Hillians at 1420 o'clock P 8, April 11, 1926. Frank & Baith, Resorder Hy Mary Worneth, Deputy Pes \$1.00 Swnw, St 4 5-12-5

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Boise 028445

THE WITTH STATES OF AMERICA

TO ALL TO SHOW THERE PREDETS MALL DOME, SECRITORS

THERMAS, a cortificate of the Begister of the Lead Office at Beioe, Edahe, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Contract of May 20, 1862, " To Becare Manesteade to Actual Settlers on the Public Bonnia," and the acts supplemental thereto, the claim of Thomas Milliard has been established and duly consummated, in conformity to law, for the Lot six and the mortheast quarter of the moutheast quarter of Section Six and the lots two, three and four and the morthwast quarter of the northwast quarter of Section seven in Township twelve morth of Range five west and the cauth haif of the southeast quarter of Section twelve in Township trains earth of Range six must of the Boise Meridian, Idaho, containing three hundred wine acres and mixty-one hundredths of an acre, according to the Official Plat of the Survey of the said Land, on file in the GYMERAL LAND OFFICE:

HOW NOOF YE, That there is, therefore, granted by the UNITED STATES unto the said cialment the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appartenances thereof, unto the said claiment and to the heirs and assigns of the said claiment forever; subject to any vested and accreed unter rights for mining, agricultural, manufacturing, or other purposes, and rights to disches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for disches or canals constructed by the authority of the United States. Excepting and reserving, however, to the United States all the soul and other minerals in the lands as entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 State, 562).

IN TRITINGRY THRUNDS, 1, Galvin Coolings, President of the United States of America here exceed these letters to be made Patent, and the seal of the General Land Office to be hereunter affigued.

GIVEN under my hand, at the City of Washington, the RIGHTENITH day of MAY in the year of our Lord one thousand nine hundred and THENTY-MAYER and of the Endependence of the United States the one hundred and FIFTY-FIRST.

(United States General Land Office)

By the Presidents Calvin Coolidge By Viola B Pugh, Secretary

BECORDER - Patent Basber 1001685

H P Lakey, Reserver of the General Land Office

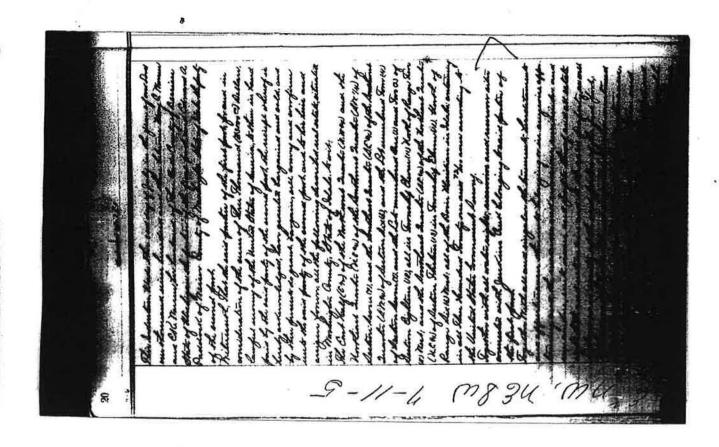
Filed for record at the request of Cartter Hilliard at 1880 e'eleck F M, April 11, 1928, Prank E Gmith, Recorder

By Mary Verneth, Deputy

Pes \$2.30

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Buse, Idena \$3720 Telephone, (208) 384-240 State W EURY ONE

JOSEPHINE P. BEEMAN
Assistant Attorney General
Legal Counsel, Idaho Department
of Water Resources
Statehouse
Boise, Idaho 83720

Clerk District Court

By Wickinson Deputy

11:30 A.M. Frid.

TELEPHONE (208) 384-2215

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF WASHINGTON

MONROE CREEK IRRIGATION DISTRICT,)

Plaintiff.

CASE Nº 6836

-vs

27

DECREE

COMPARED

DON DICKERSON, et al.,

Defendants.

Clarker Judgment weeket 183 Pg. 20

THIS MATTER Hav

THIS MATTER Having come on for trial before the court, sitting without a jury, on August 21 and 22, 1978; the court having considered the evidence and argument presented by the respective parties; in accordance with this court's previously filed Findings of Fact and Conclusions of Law filed by this court on October 9, 1978, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

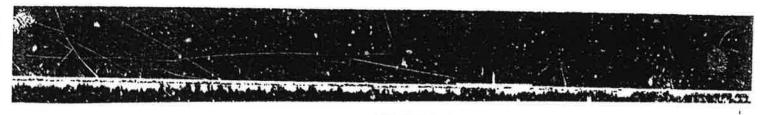
- 1. The objections of John L. Driessen, Sharon R. Driessen, and Claud P. Gann are dismissed pursuant to Rule 41 (b) of the Idaho Rules of Civil Procedure;
- 2. The water rights of the persons made party to this action are as described, commencing with page 5, in the "Proposed Finding of Water Rights in the Monroe Creek Drainage Basin" filed with this court on August 21, 1978, and attached to this decree and incorporated herein by reference.

DATED This 'Ilt' In druin

21238

Walker, Robert Hugh





Instrument No. 138213
Page 3 of 22 Pages

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR

WASHINGTON COUNTY

PROPOSED FINDING OF WATER RIGHTS

IN THE

MONROE CREEK DRAINAGE BASIN

CIVIL CASE NO. 6836

Instrument No. 138213
Page 2 of 22 Pages

Instrument No. 138213 Page 15 of 22 Pages

PROPOSED FINDING OF WATER RIGHTS - MONROE CREEK DRAINAGE

SURFACE WATER

| | NT. O. | NAME AND ADDRESS | PRIORITY | PURPOSE | PERIOD OF USE FROM - TO | AMOUNT ACRE FEET PER ANNUM | MAXIMUM RATE OF DIVERSION (cfs) | POINT OF DIVERSION |
|----|-----------|--|------------------------|---|-------------------------------|----------------------------------|--|---------------------------|
| | 0723 | MACE, Jerry and/or Mary Route 2, Box 150 Weiser, Idaho MAINVIL, John and/or Grace L. Route 1, Box 66 | 4- 1-1880 | Irrigation | 3/15 11/15 | 72.0 Bel | 0.32 | NELNWL, S.27 T12N, R5W |
| | | 11 | Mror CV | eek 1 | njecti | murroda | un los | d Roberts |
| | -2044 | MAINVIL, John and/or / Grace L. | 5- 3-1914 | Diversion to Storage | 11/15 3/15 | | 6.4 | NEINEI, S.25 T13N. R6W |
| | | Route 1, Box 66 Weiser, Idaho | 5- 3-1914 | Storage for Irrigation | -,, | 320.0 | | 1201, 101 |
| | | 9 | 5- 3-1914 | Irrigation | 3/15 11/15 | $\frac{320.0}{320.0}$ | 6.4 | |
| | | | Sec. 6, Point of in | reservoir is T12N, R5W. Djection into | Jenkins Cre | ek: NEl4SWl4 - | Sec. 6, T1 | 2N, R5W. T11N, R5W. |
| | 7-0709* | MILLER, Albert K. Route 2, Box 154 Weiser, Idaho | 1- 1-1920 | Stockwater | 1/1 12/31 | 0.7 | 0.04 | SELNEL, S.20 T12N, R5W |
| 57 | 7-0710* | MILLER, Albert K. Route 2, Box 154 Weiser, Idaho | 11-28-1949 | Stockwater | 1/1 12/31 | 0.7 | 0.04 | SELSEL, S.17 T12N, R5W |
| 67 | 7-0711* | MILLER, Albert K. Route 2, Box 154 Weiser, Idaho | 1- 1-1920 | Stockwater | 1/1 12/31 | 0.7 | 0.04 | SW4NW4, S.21 T12N, R5W |

D67-2044

Instrument No. 138213

PROPOSED FINDING OF WATER RIGHTS - MONROE CREEK DRAINAGE

SURFACE WATER

| Y | PURPOSE | PERIO US FROM | E | AMOUNT ACRE FEET PER ANNUM | MAXIMUM RATE OF DIVERSION (cfs) | POINT OF DIVERSION | PLACE OF USE AND LANDS IRRIGATED (acres) | | BASIS OF RIGHT AND REMARKS | |
|--------|---|---------------------|--------|----------------------------------|--|---------------------------|--|---------------------|---|--|
| 880 | Irrigation | 3/15 | 11/15 | 72.0 | 0.32 | NEWNWW, S.27 T12N, R5W | Sec. 27 SW\se\ T12N, R5W | 16.0 16.0 | Beneficial Use Source: Monroe Creek | |
| .914 | Diversion to Storage | 11/15 | 3/15 | | 6.4 | NELNEL, S.25 T13N, R6W | Sec. 7 NEWNWY | 7.0 32.0 | License Source: Monroe Creek | |
| 1914 | Storage for Irrigation | | 12/31 | 320.0 | | | Seinni Neiswi | 36.0 | CIGCK | |
| 1914 | Irrigation | | 11/15 | $\frac{320.0}{320.0}$ | 6.4 | , | SELSWI NWISEI Sec. 18 NEINWI | 29.0 6.0 21.0 | • | |
| c. 6, | reservoir is T12N, R5W. jection into diversion fro | Jenkin | s Crec | k: NEWSWW - | Sec. 6, T1 | 2N, R5W. F11N, R5W. | Lot 1 T11N, RSW | 28.0 | | |
| 1920 | Stockwater | | 12/31 | 0.7 | 0.04 | SELNEL, S.20 T12N, R5W | Sec. 20 SEINEI T12N, R5W | | Beneficial Use 50 Head Stock Source: Spring | |
| 8-1949 | Stockwater | 1/1 | 12/31 | 0.7 | 0.04 | SELSEL, S.17 T12N, R5W | Sec. 17 SE\sE\s T12N, R5W | | Beneficial Use 50 Head Stock Source: Spring | |
| -1920 | Stockwater | 1/1 | 12/31 | 0.7 | 0.04 | SWINWI, S.21 T12N, R5W | Sec. 21 SWLNWL T12N, R5W | | Beneficial Use 50 Head Stock Source: Spring | |

