

Proof Report

Water Right 78-4130

After Split

Owner Type **Name and Address**
 Current Owner LYNETTE WALTERS
 PO BOX 397
 NEW MEADOWS, ID 83654
 (208)347-2482

Current Owner PHIL WALTERS
 PO BOX 397
 NEW MEADOWS, ID 83654
 (208)347-2482

Priority Date: 9/26/1922**Basis:** Decreed**Status:** Active

Source
 THREEMILE CREEK
 SEAWELL CREEK

Tributary
 GOOSE CREEK
 GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.480 CFS	
	<u>Total Diversion</u>		3.480 CFS	

Source and Point(s) of Diversion

THREEMILE CREEK	SENW	Sec. 9, Twp 19N, Rge 02E, ADAMS County
THREEMILE CREEK	SENW	Sec. 9, Twp 19N, Rge 02E, ADAMS County
SEAWELL CREEK	NWNE	Sec. 9, Twp 19N, Rge 02E, ADAMS County(I)
SEAWELL CREEK	SENW	Sec. 9, Twp 19N, Rge 02E, ADAMS County(R)
SEAWELL CREEK	SENW	Sec. 9, Twp 19N, Rge 02E, ADAMS County(R)
SEAWELL CREEK	NWNE	Sec. 35, Twp 20N, Rge 02E, ADAMS County

Place Of Use

IRRIGATION within ADAMS County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	02E	8				18.0					32.0				27.7	32.6		36.8	147.1
19N	02E	9										20.0 L3	7.0 L4						27.0

POU Total Acres: 174.1

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. E56 The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 78-250, 78-251, 78-252 78-4130, 78-12440, 78-12441, 78-12442, and 78-12443.
3. G01 Point of injection into and points of redirection from Threemile Creek.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/29/2016

Comments:

1. CFRITSCH 7/14/2005 Copied from Remarks
WATER IS INJECTED INTO THREEMILE CREEK IN T 20N, R 2E, SEC. 34, SW NE SE.
THERE ARE 2 POINTS OF REDIVERSION FROM THREEMILE CREEK IN T 19N, R 2E, SEC.
9, NW SE NW. THIS IS A FLOOD WATER RIGHT.

2. CFRITSCH 7/14/2005 Memo to File
THE LEGAL DESCRIPTION OF THE P/D FROM SEAWELL CREEK MAY BE IN ERROR. A
DITCH APPEARS ON THE ORTHOPHOTOQUAD (R 59) WITH A P/D IN THE SW NW NE OF
SEC. 35. THIS DITCH HAS A POINT OF INJECTION INTO AN UNNAMED STREAM ON
THE LINE BETWEEN THE NE SW SW AND THE NW SE SW OF SEC. 3, T 19N, R 2E. MR.
WALTERS DID NOT THINK THAT THIS WAS HIS SYSTEM, HOWEVER THERE IS NO
EVIDENCE OF HIS SYSTEM ON THE ORTHOPHOTOQUAD. THE MAP INDICATES THAT
THE POINT OF INJECTION IS IN THE SW NW SE OF SEC. 34 AND THE REMARKS STATE
THE POINT OF INJECTION AS BEING IN THE SW NE SE OF SEC. 34. BOTH OF THESE
LEGALS MAY BE IN ERROR, AND THE SYSTEM SHOULD BE FIELD INSPECTED TO
VERIFY THE LEGAL DESCRIPTIONS.
CLF 1-17-89

3. CFRITSCH 7/14/2005 Source and Priority Date
Statutory Claim stated a single source (Threemile Creek) and a 1940 priority date which was
supported by a letter from Leonard M. Wallace. See also Statutory Claim 78-4077 (not claimed
in SRBA) which explains the use of Threemile Creek water early in the irrigation season when
the Seawell Creek diversion is still snowbound.
However, this will be treated like any floodwater right for lands decreed in Clay v. Clark.

4. Ownership Change 6/27/2016 Split Right
Split into 78-12443

5. dmerriman 6/27/2016 POU
Updated Shape

Dates and Other Information

Decreed Date: 11/6/2007
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: And
Water District Number: 78C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		184.0
78-250 ,78-251 ,78-252 ,78-4130 ,78-12440 ,78-12441 ,78-12442 ,78-12443		

SubCase:

N/A

Water Supply Bank:

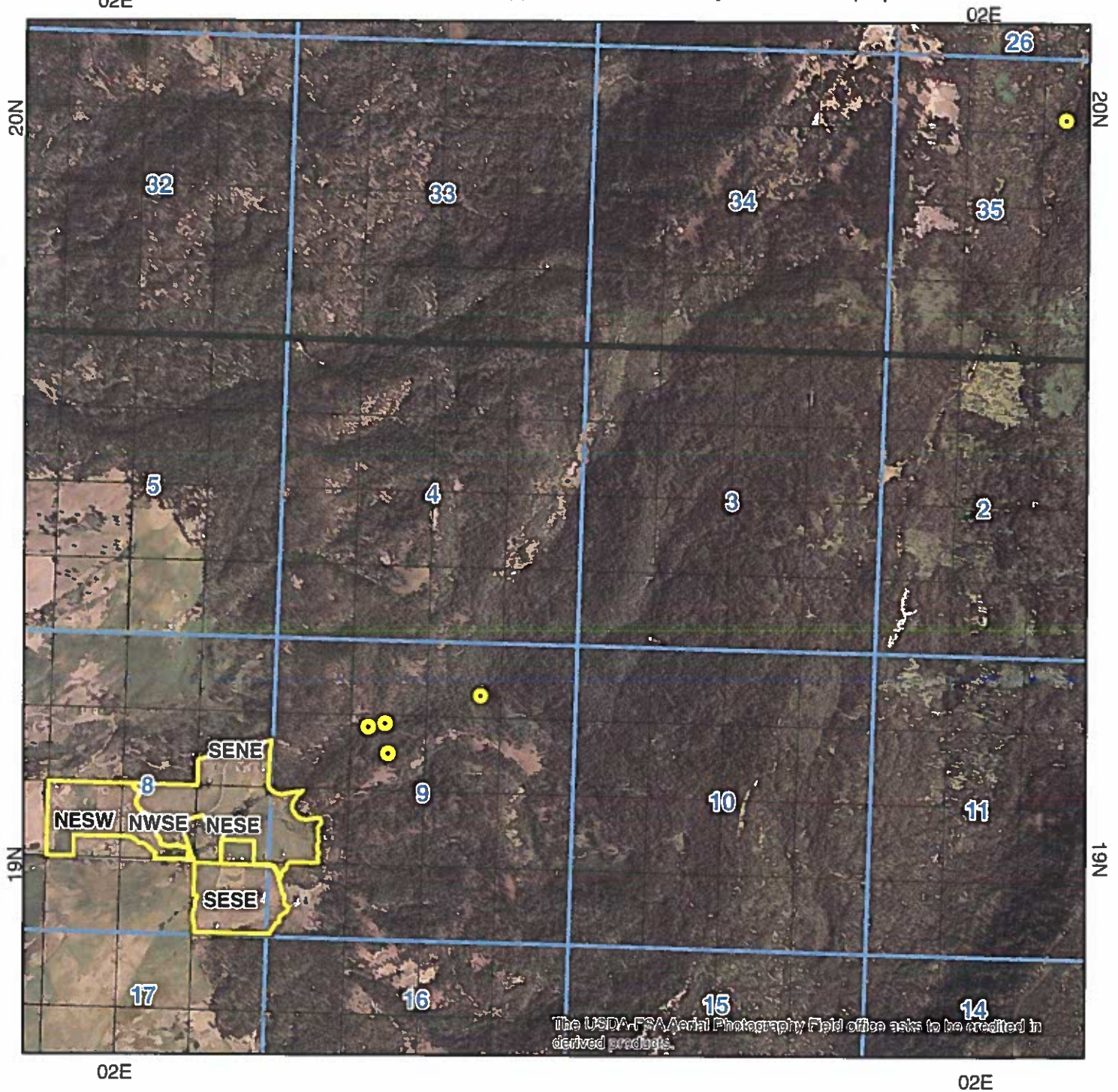
N/A

State of Idaho
Department of Water Resources

Attachment to Water Right License

78-4130 After Split 6/27/16

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.325 0.65 1.3 Miles



State of Idaho
Department of Water Resources

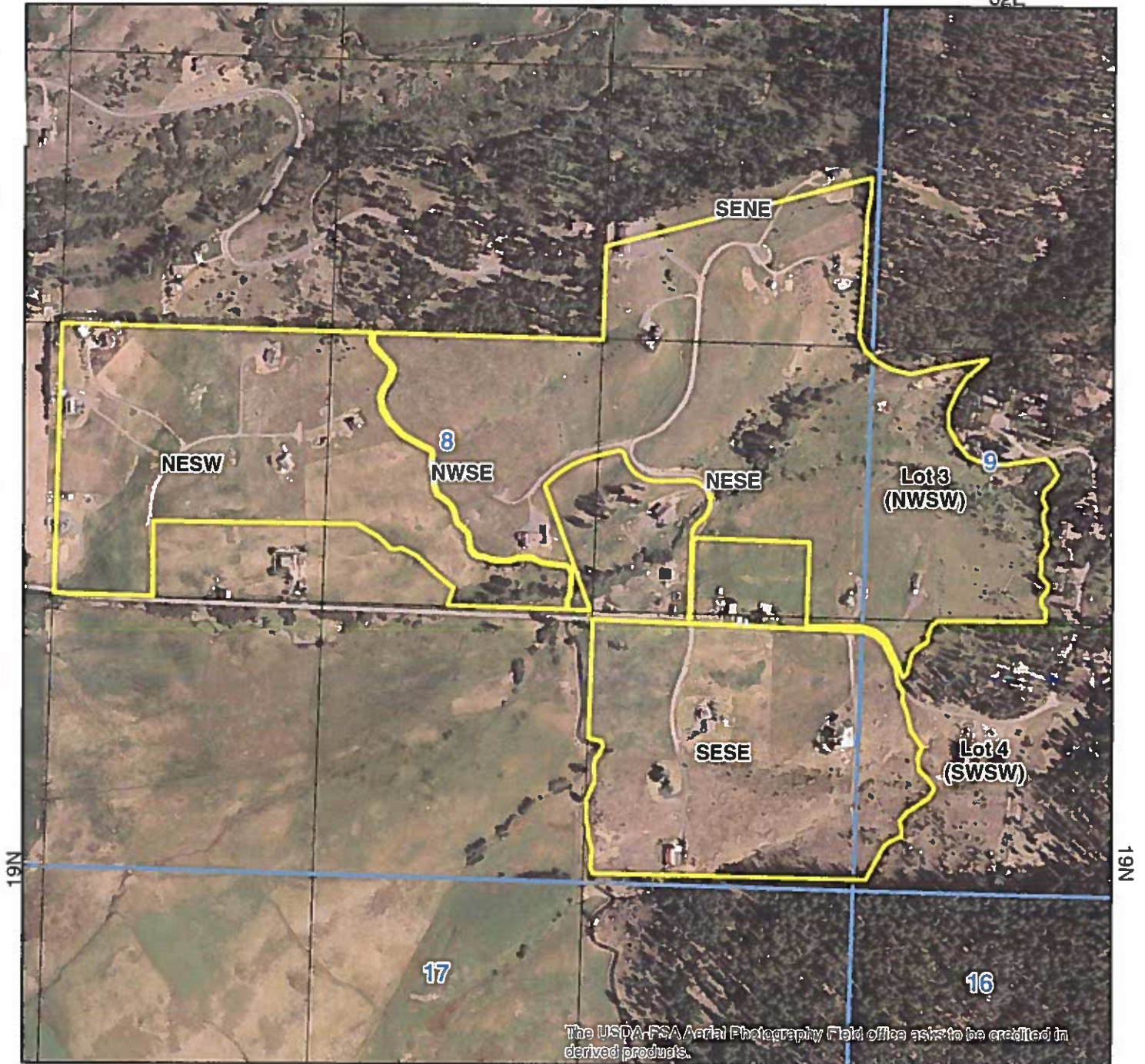
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78-4130 After Split 6/27/16

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02E

02E



02E

02E

- Place Of Use Boundary
- Townships
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0 0.075 0.15 0.3 Miles



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Priority Date: 9/26/1922

Basis: Decreed

Status: Active

Source
THREEMILE CREEK
SEAWELL CREEK

Tributary
GOOSE CREEK
GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.680 CFS	
	<u>Total Diversion</u>		3.680 CFS	

Source and Point(s) of Diversion

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Place Of Use

IRRIGATION within ADAMS County

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1/5/2016

- 184 acres in a single irrigation season.
Combined Right Nos.: 78-250, 78-251, 78-252 and 78-4130
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Dates and Other Information

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Judicial District: FIFTH
State or Federal: S
Owner Name Connector: And
Water District Number: 78C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
78-250 ,78-251 ,78-252 ,78-4130		184.0

SubCase:

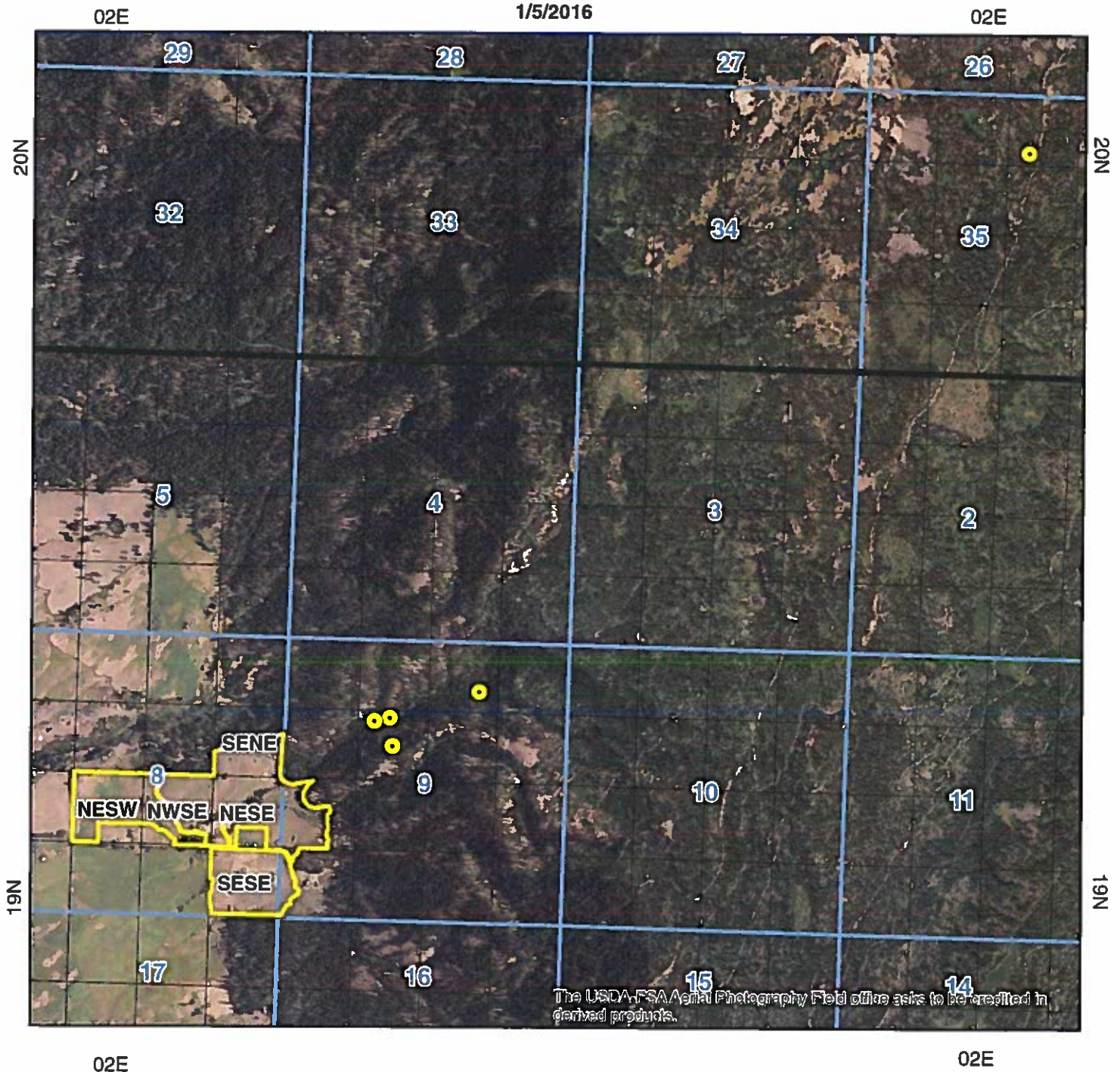
N/A

Water Supply Bank:

N/A

State of Idaho
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Water Right License

78-4130
Before Split
1/5/2016



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.35 0.7 1.4 Miles



State of Idaho
Department of Water Resources

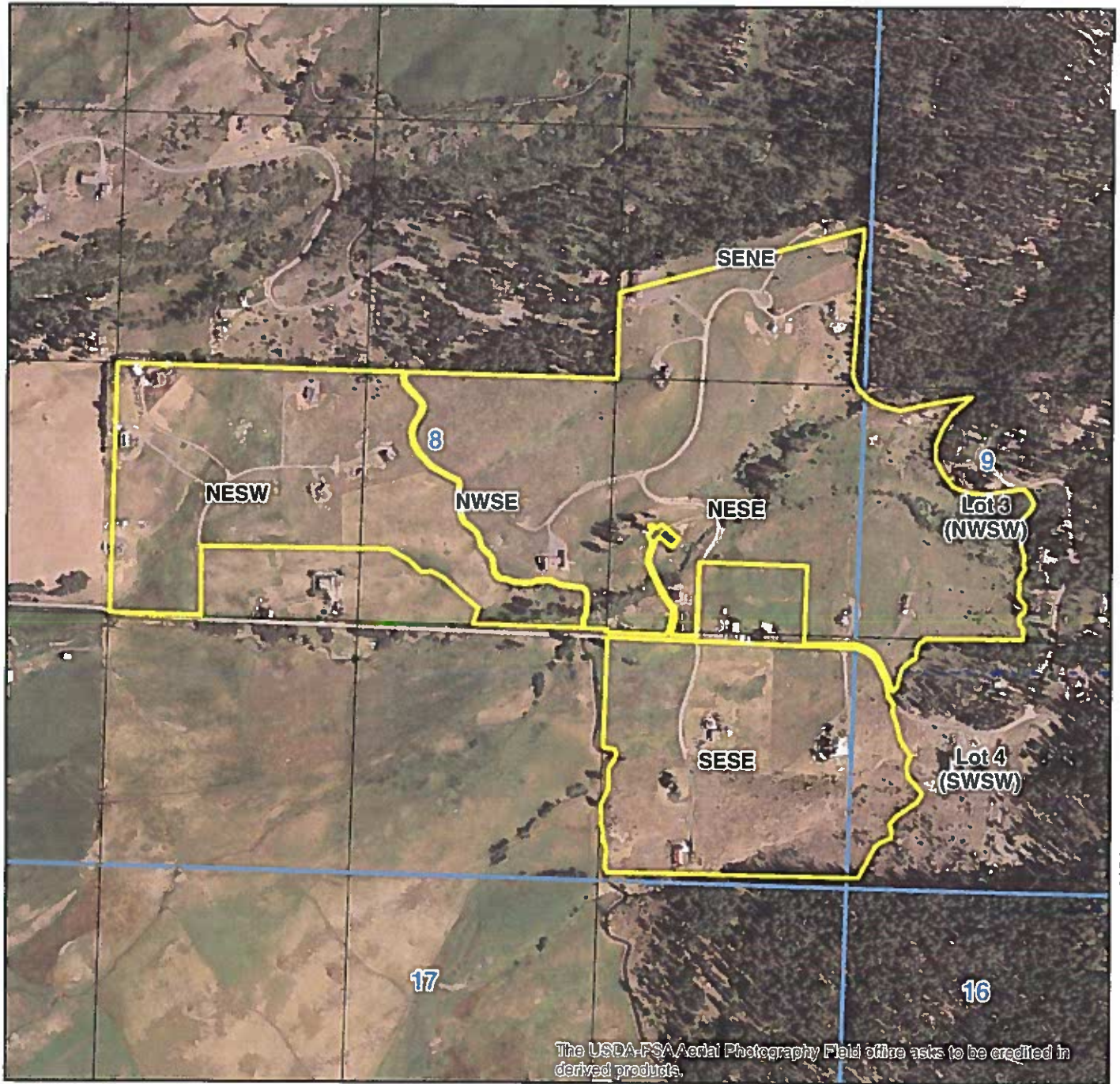
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78-4130
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02E

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02E

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- Place Of Use Boundary
- Townships
- PLS Sections

0 0.1 0.2 0.4 Miles

