

MEMORANDUM

TO: Water Right No. 67-206

FROM: Phill Hummer

DATE: 12/05/2016

RE: Error Correction

While processing an extension of time to avoid forfeiture filed by Leonard and Sandra Mason for water right no. 67-15155 an error was discovered in the way water right no. 67-206 was split. The deed submitted with the application indicates Leonard and Sandra Mason only own the property north of Mill Creek Road and west of Brownlee Road (State Highway 71). The right was incorrectly split giving the applicants all of the authorized acres and associated cfs within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 32, township 16N, range 04W. The correct split would allocate 0.9 acres to the Mason's with the remaining 2.7 acres in that QQ staying with water right no. 67-206 as indicated in the attached map and split tree. This error will be fixed during the processing of the extension of time to avoid forfeiture. A copy of the corrected water rights will be sent to each owner along with a map showing the correct place of use.



State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082
PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Interim Director

02/03/17

HAROLD GIBSON
C/O CHAD GIBSON
16770 AGATE LN
WILDER ID 83676

RE: Water Right No. 67-206

Dear Water Right Holder:

Recently we conducted a review of water right no. 67-15155. When reviewing the history of the water right an error was discovered in the way the parent water right (no. 67-206) was divided when a notice in change in water right ownership was submitted on 05/05/2016. The right was incorrectly split giving the claimant all of the authorized acres and associated rate within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 32, township 16N, range 04W despite their deed indicating they only own the property north of Mill Creek Road and west of Brownlee Road (also called State Highway 71). The correct division should have allocated 0.9 acres to the new owners and the rest of the acres in that QQ (2.7) should have remained on water right no. 67-206 as indicated by the enclosed map and split tree. This error has been fixed and a copy of the corrected water right is also enclosed with this letter.

If you have and questions or concerns regarding this error correction please contract this office at 208-334-2190 if you have any questions concerning this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'PH', followed by a wavy line.

Phill Hummer
Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Email: phill.hummer@idwr.idaho.gov



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GARY SPACKMAN, Interim Director

02/03/17

HAROLD GIBSON
C/O GENE GIBSON
20 LILAC LN
SAGLE ID 83860

RE: Water Right No. 67-206

Dear Water Right Holder:

Recently we conducted a review of water right no. 67-15155. When reviewing the history of the water right an error was discovered in the way the parent water right (no. 67-206) was divided when a notice in change in water right ownership was submitted on 05/05/2016. The right was incorrectly split giving the claimant all of the authorized acres and associated rate within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 32, township 16N, range 04W despite their deed indicating they only own the property north of Mill Creek Road and west of Brownlee Road (also called State Highway 71). The correct division should have allocated 0.9 acres to the new owners and the rest of the acres in that QQ (2.7) should have remained on water right no. 67-206 as indicated by the enclosed map and split tree. This error has been fixed and a copy of the corrected water right is also enclosed with this letter.

If you have and questions or concerns regarding this error correction please contract this office at 208-334-2190 if you have any questions concerning this matter.

Sincerely,

Phill Hummer
Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Email: phill.hummer@idwr.idaho.gov

CHANGE OF OWNERSHIP SPLIT

FOR _____

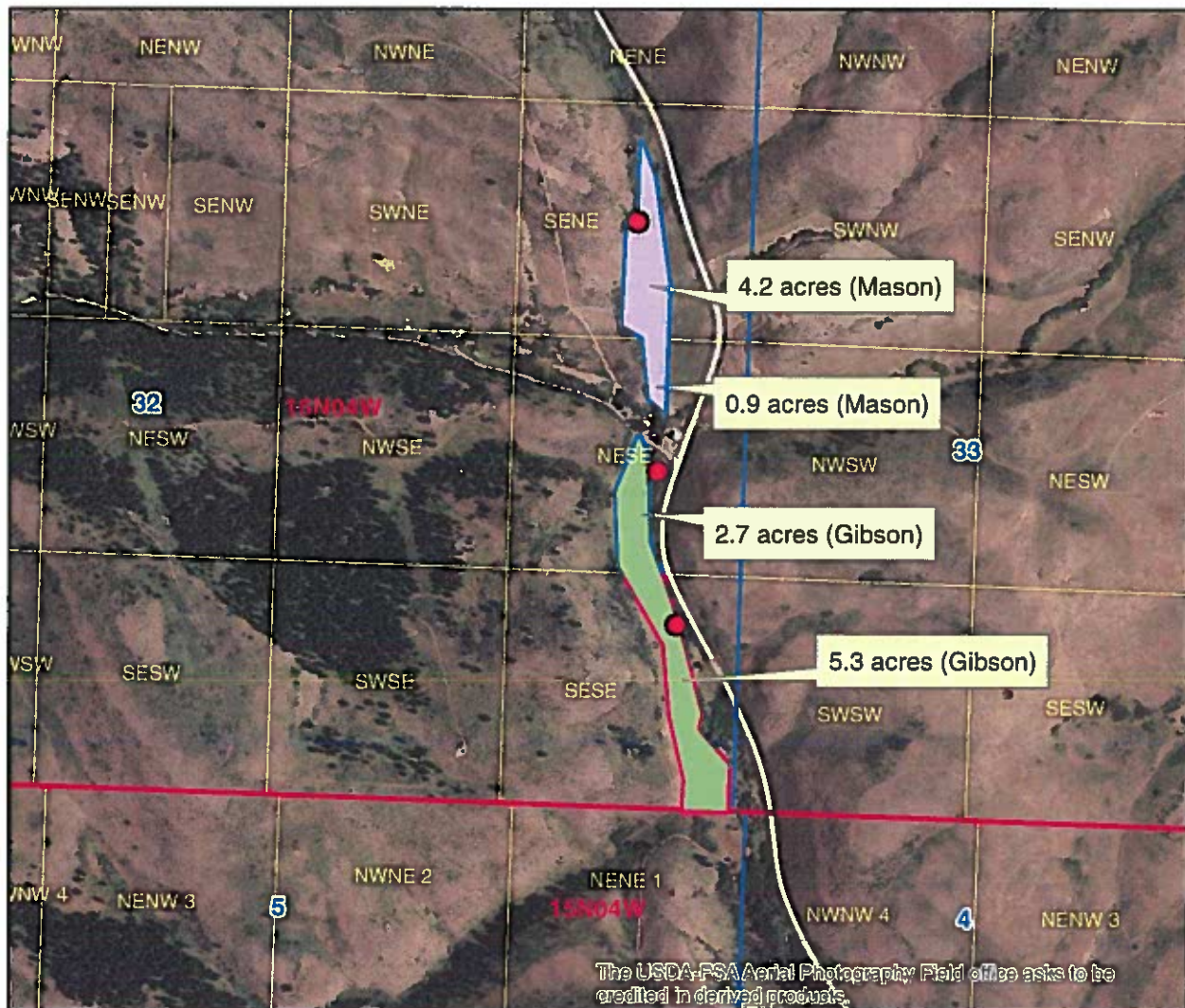
#	67-706			
Name	Estelle & Harold Gibson			
Irrigation:				
12.1 acres	0.30 cfs			— AF
Stockwater				— AF
Domestic				— AF
Total	0.30 cfs			— AF

#	67-15155			
Name	Leonard or Sandra Mason			
Irrigation:				
5.1 acres	0.12 cfs			— AF
Stockwater				— AF
Domestic				— AF
Total				— AF

#	67-706			
Name	Estelle & Harold Gibson			
Irrigation:				
30 acres	0.18 cfs			— AF
Stockwater				— AF
Domestic				— AF
Total				— AF

State of Idaho
Department of Water Resources
Map Showing the Correct POU Boundaries
67-206 and 67-15155

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.



Legend

- 67- 206 and 67-15155 POD
- 67-206 Incorrect POU
- 67-206 Correct POU
- 67-15155 Incorrect POU
- 67-15155 Correct POU
- Township/Range
- Sections
- QQ



0 0.075 0.15 0.3 Miles
|-----|-----|-----|

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 67-206

12/5/2016

Owner Type **Name and Address**
 Current Owner HAROLD W GIBSON
 C/O GENE W GIBSON
 20 LILAC LN
 SAGLE, ID 83860

Correct Split

Current Owner HAROLD W GIBSON
 C/O CHAD C GIBSON
 16770 AGATE LN
 WILDER, ID 83676

Original Owner DENBRAE SHEEP CO
 , ZZ

Priority Date: 6/1/1891

Basis: Decreed

Status: Active

Source
 PINE CREEK

Tributary
 WEISER RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	10/31	0.180 CFS	
	<u>Total Diversion</u>		0.180 CFS	

Source and Point(s) of Diversion

PINE CREEK	NESE	Sec. 32, Twp 16N, Rge 04W, WASHINGTON County
PINE CREEK	SENE	Sec. 32, Twp 16N, Rge 04W, WASHINGTON County
PINE CREEK	SESE	Sec. 32, Twp 16N, Rge 04W, WASHINGTON County

Place Of Use

IRRIGATION within WASHINGTON County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	04W	32													2.7			5.3	8.0

POU Total Acres: 8.0

Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. 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.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 67-206

12/5/2016

1. csaxton 7/11/2008 Amended DR
Removed POD and POU associated with Little Pine Creek per objection.

2. medl 8/21/2014 POU correction
I received an office day inquiry in reference to this decreed right. I found that SRBA Recommendation 2 did not match the Special Master's report. The POU for the former was entirely in section 32, while the POU for the latter is in both section 32 and section 33. The acres listed in section 33 appear to be an error.

A correction is likely and V. Kelley (AG paralegal) has been assigned the next step in the processing of that correction.

3. Ownership Change 5/5/2016 Split Right
Split into 67-206 and 67-15155 due to change in ownership.

4. jhersley 5/5/2016 POU
Updated Shape

5. phummer 12/5/2016 POU correction
The acres, rate and pou shapefile created via notice of change in water right ownership submitted by Mason on 05/05/2016 was done incorrectly. The Mason's only own the property north of Mill Creek Road and west of Borwnlee Road. See the scanned map and split tree.

6. phummer 12/5/2016 POU
Updated Shape

Dates and Other Information

Decreed Date: 5/13/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: Or
Water District Number: 67
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

SubCaseNumber: 67-206
Class: 1
SF5 Filed Date: 2/19/2009
Special Master Recom Signed Date: 2/25/2009
Attorney Assigned:
Adjudication Agent: Vmusic
Basis of Claim: Decreed
Date Filed: 4/16/2007

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 67-206

12/5/2016

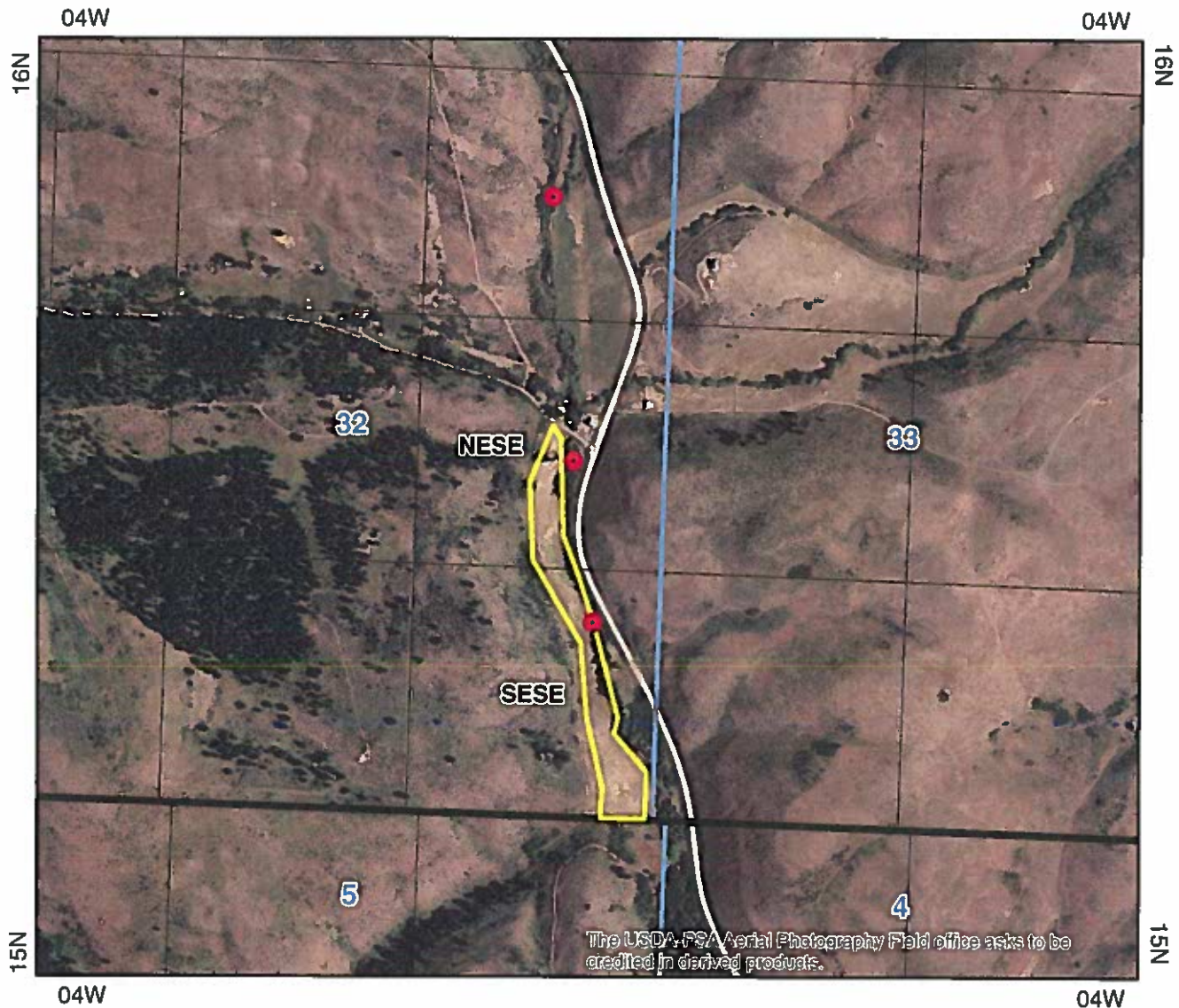
Objection Status: Active

Water Supply Bank:
N/A

State of Idaho
Department of Water Resources
Attachment to Water Right License
67-206

Correct POU

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
- Quarter Quarters

0 0.1 0.2 0.4 Miles



IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 67-15155

12/5/2016

Owner Type **Name and Address**
 Current Owner LEONARD G MASON
 7432 QUARTZ VALLEY RD
 FORT JONES, CA 96032
 (503) 598-9855

Correct Split

Current Owner SANDRA M MASON
 7432 QUARTZ VALLEY RD
 FORT JONES, CA 96032
 (503) 598-9855

Original Owner DENBRAE SHEEP CO
 , ZZ

Previous Owner HAROLD W GIBSON
 C/O GENE W GIBSON
 20 LILAC LN
 SAGLE, ID 83860

Previous Owner HAROLD W GIBSON
 C/O CHAD C GIBSON
 16770 AGATE LN
 WILDER, ID 83676

Priority Date: 6/1/1891

Basis: Decreed

Status: Active

Source
 PINE CREEK

Tributary
 WEISER RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	10/31	0.120 CFS	
	<u>Total Diversion</u>		0.180 CFS	

Source and Point(s) of Diversion

PINE CREEK	NESE	Sec. 32, Twp 16N, Rge 04W, WASHINGTON County
PINE CREEK	SENE	Sec. 32, Twp 16N, Rge 04W, WASHINGTON County
PINE CREEK	SESE	Sec. 32, Twp 16N, Rge 04W, WASHINGTON County

Place Of Use

IRRIGATION within WASHINGTON 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	
16N	04W	32				4.2									0.9				5.1

POU Total Acres: 5.1

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 67-15155

12/5/2016

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
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.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Comments:

1. jhersley 5/5/2016 split right
This water right is the result of split from 67-206 due to change in ownership.
2. jhersley 5/5/2016 POD
Updated Shape
3. jhersley 5/5/2016 POU
Updated Shape
4. phummer 6/3/2016 Extension to Avoid Forfeiture
Extension to avoid forfeiture filed along with change in ownership that split wr 67-206 received 5/05/2016. Protection from forfeiture is only for split portion now wr 67-15155. See memo for details regarding validity and error correction of the ownership split
5. phummer 12/5/2016 POU
Updated Shape

Dates and Other Information

Decreed Date: 5/13/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: And
Water District Number: 67
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

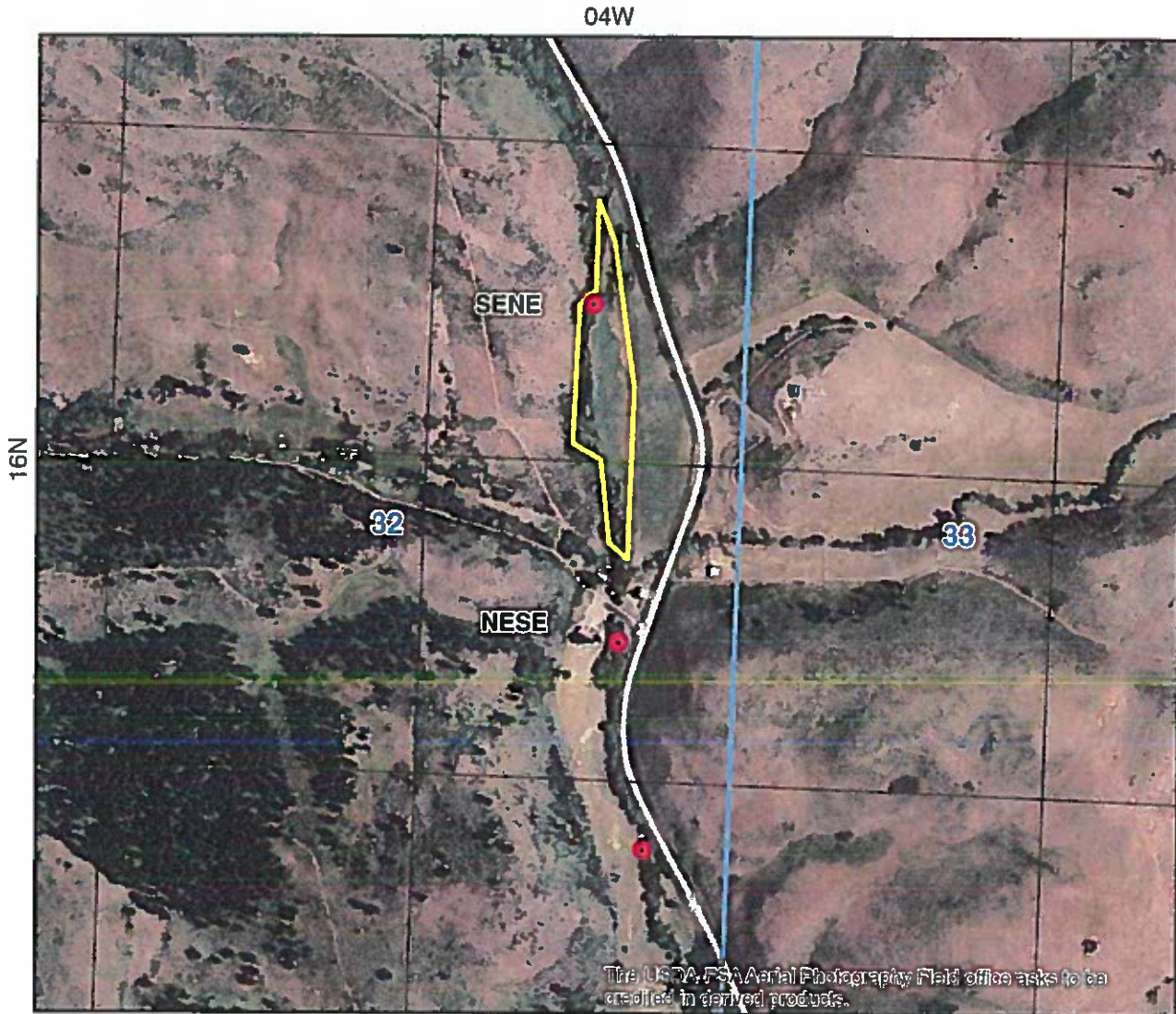
State of Idaho
Department of Water Resources

Attachment to Water Right License

67-15155

Correct POV

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

0 0.075 0.15 0.3 Miles



IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 67-206

12/2/2016

Owner Type **Name and Address**
 Current Owner HAROLD W GIBSON
 C/O GENE W GIBSON
 20 LILAC LN
 SAGLE, ID 83860

Incorrect Split

Current Owner HAROLD W GIBSON
 C/O CHAD C GIBSON
 16770 AGATE LN
 WILDER, ID 83676

Original Owner DENBRAE SHEEP CO
 , ZZ

Priority Date: 6/1/1891

Basis: Decreed

Status: Active

Source
 PINE CREEK

Tributary
 WEISER RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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Place Of Use

IRRIGATION within WASHINGTON 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	
16N	04W	32																5.3	5.3

POU Total Acres: 5.3

Conditions of Approval:

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2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. 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.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 67-206

12/2/2016

1. csaxton 7/11/2008 Amended DR
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2. medl 8/21/2014 POU correction
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4. jhersley 5/5/2016 POU
Updated Shape

Dates and Other Information

Decreed Date: 5/13/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: Or
Water District Number: 67
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

SubCaseNumber: 67-206
Class: 1
SF5 Filed Date: 2/19/2009
Special Master Recom Signed Date: 2/25/2009
Attorney Assigned:
Adjudication Agent: Vmusic
Basis of Claim: Decreed
Date Filed: 4/16/2007
Objection Status: Active

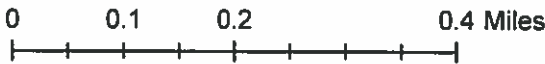
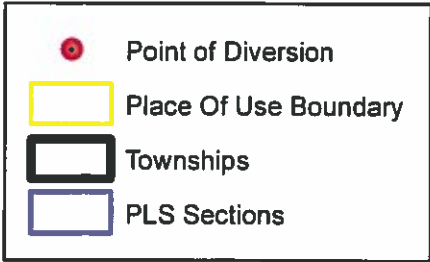
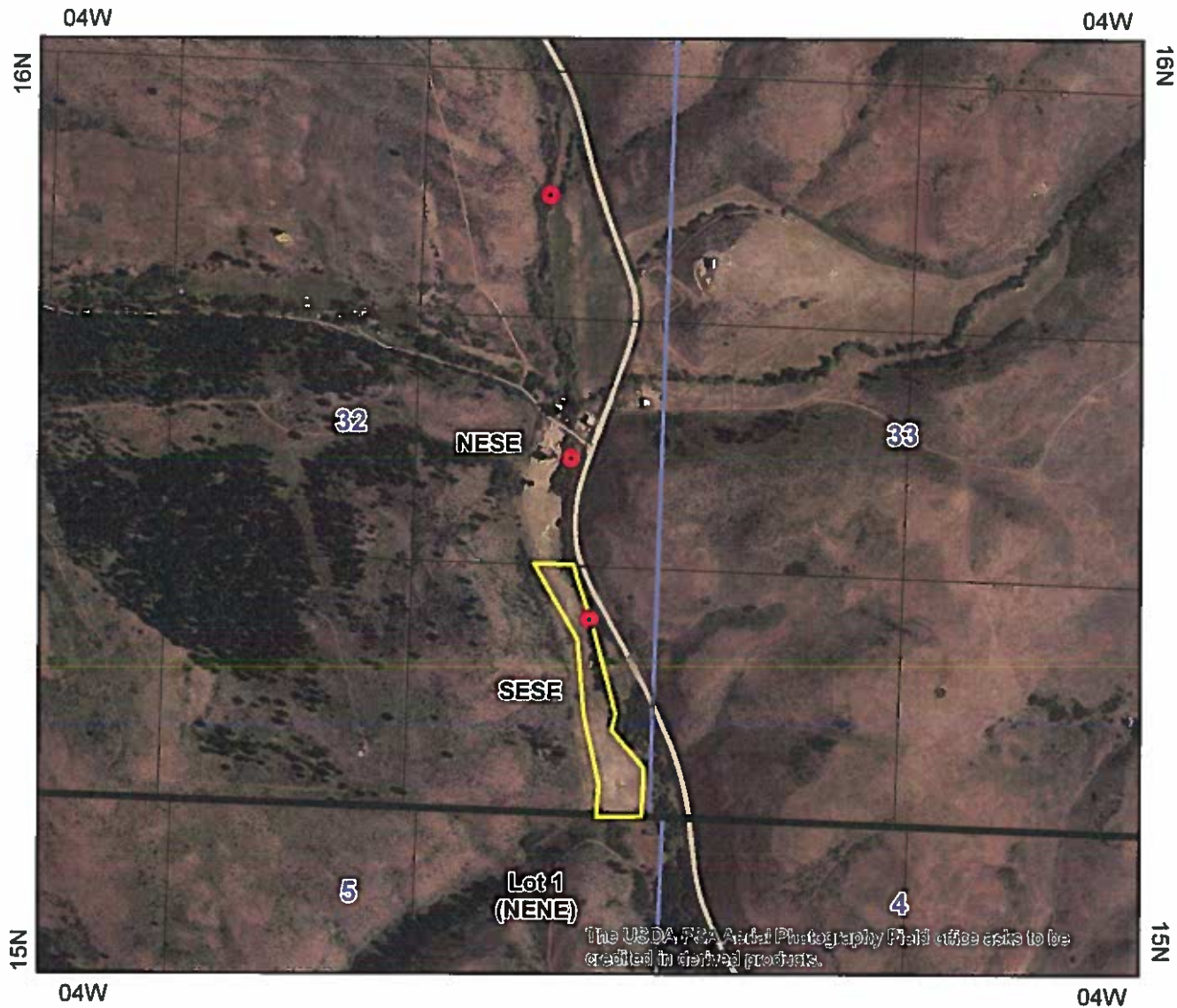
Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
Attachment to Water Right License
67-206

Incorrect split

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 67-15155

12/2/2016

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Incorrect split

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Original Owner DENBRAE SHEEP CO
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 SAGLE, ID 83860

Previous Owner HAROLD W GIBSON
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 16770 AGATE LN
 WILDER, ID 83676

Priority Date: 6/1/1891

Basis: Decreed

Status: Active

Source
 PINE CREEK

Tributary
 WEISER RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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PINE CREEK	SENE	Sec. 32, Twp 16N, Rge 04W, WASHINGTON County
PINE CREEK	SESE	Sec. 32, Twp 16N, Rge 04W, WASHINGTON County

Place Of Use

IRRIGATION within WASHINGTON 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	
16N	04W	32				4.2									3.6				7.8

POU Total Acres: 7.8

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 67-15155

12/2/2016

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
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Comments:

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2. jhersley 5/5/2016 POD
Updated Shape
3. jhersley 5/5/2016 POU
Updated Shape
4. phummer 6/3/2016 Extension to Avoid Forfeiture
Extension to avoid forfeiture filed along with change in ownership that split wr 67-206 received 5/05/2016. Protection from forfeiture is only for split portion now wr 67-15155. Water right validity confirmed per amended partial decrees issued 06/21/2014. Use to resume by 07/1/2022.

Dates and Other Information

Decreed Date: 5/13/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: And
Water District Number: 67
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
Attachment to Water Right License
67-15155

Incorrect split

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