

MEMORANDUM

To: Adjudication claims file nos. 67-00348 (All parts); Water District 67 File
From: Gary Spackman *Gary*
Date: July 18, 2003

Re: Quantities for various splits of water right no. 67-00348

The watermaster asked about the quantities of water he should deliver to water users owning a portion of water right no. 67-00348. One of the water users produced a 1994 letter from Dave Tuthill about this issue. Dave Tuthill determined that a typographical error in Water District 67 record keeping lead users of water right no. 67-00348 to believe they were entitled to more water than recognized by the Muir v. Allison decree. He discusses the error in the letter, and determines deliveries of water to several individual owners.

After reading the letter, I told Bosco Bosler, watermaster for the Weiser River, to follow the findings and conclusions of the letter.

A copy of the letter is attached to this memo. The letter and this memo should be placed in the water district files and in each of the adjudication claims related to water right no. 67-00348.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 3, 1994

Bret &/or Doris Armacost (Former Owners)
P.O. Box 437
Council, ID 83612

Gary Armacost (New Owner)
HCR 59 Box 9
Oxbow, OR 97840

Ed E. &/or Shirley A. Engel
HC 62 Box 1310
Council, ID 83612

L.O. Vaile
Box 543
Council, ID 83612

RE: Water Right No. 67-00348, All Parts

Dear Wateruser:

In my letter dated October 23, 1992 to you in the above-referenced matter, I requested information regarding the rate of flow for water right no. 67-00348 to augment your claims to water rights. As I indicated, the Muir V. Allison decree limits this water right to 25 miner's inches (0.50 cubic feet per second), but your claims significantly exceed this amount.

The information received thus far in this matter appears to point to a typographical error that occurred in the records of Water District 67 many years ago. The watermaster delivery sheet (Attachment A) shows delivery of this water right in four portions, as follows:

O. Vaile	--	46"
W. Criss	--	6"
S. Schwilling	--	6.5"
G.W. Squires	--	6.5"

The Idaho Department of Water Resources transfer file summary (Attachment B) shows that this water right has been split into four portions, as follows:

A.G. Moore	--	6.25"	(.125 cfs)
J.W. Hoover	--	6"	(.12 cfs)
W.F. Winkler	--	6.5"	(.13 cfs)
W.H. Spahr	--	6.5"	(.13 cfs)

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Claims filed in the Snake River basin Adjudication are as follows:

O. Vaile	--	46"	(A67-00348E)
E. Engle	--	6.5"	(A67-00348D)
G. Armacost	--	25"	(A67-00348C)

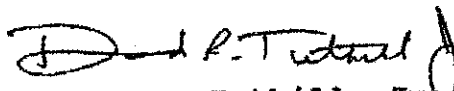
It appears that sometime in the past, the O.D. Vaile water right mistakenly had a "4" added before the "6", resulting in "46" rather than "6".

At this point there is still some sorting out to do to determine which portions of the original water right should be attributed to the claimants. This sorting out is a function of the adjudication process, which is scheduled to be arriving to Adams County in a few years. In the meantime, the waterusers will need to contact the Watermaster, Mr. Myers, to indicate what portions of the original water right they are using. To aid in this effort, I am enclosing with this letter copies of the four water right transfers that split and moved the original water right.

Accordingly, the Watermaster is directed to immediately limit the diversion under water right no. 67-00348, to be diverted from Mill Creek with priority date of May 1, 1878, to a total of 25" (0.50 cfs) for all parts. The waterusers are further advised that lockable controlling works and accurate measuring devices are required in order to receive water from the watermaster under these water rights.

If any party has additional information in this matter, I would welcome such information for further review.

Sincerely,


David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

Enclosures

cc: Jerry Myers, Watermaster

Larry Derie
2205 Jackson Cr. Rd.
Council, Idaho 83612
Sept. 2, 1992

Mr. Dave Tuthill
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Dear Mr. Tuthill:

I am writing concerning a water right on Mill Creek in Adams County Idaho.

The Muir Allison Decree, decreed a total of 25 inches of water for an 1878 water right on Mill Creek. The Watermaster's sheet shows he is delivering 65 inches on this 25 inch decreed right. After Rob Whitney and Jan researched the water right in October of 1991, they found the following: The 25 inch 1878 water right 67-0348 was split four ways.

67-0348A

67-0348B (COPY INCLUDED)

67-0348C

67-0348D

The Watermaster's sheet shows Odell Valle receiving 46 inches on right 67-0348A. The transfer sheet shows .125 CFS on 67-0348a. The research done by Rob and Jan could not find any justification for the extra 40 inches delivered to Odell Valle on an 1878 water right on Mill Creek.

I believe the error should be corrected so that the other water rights on Mill Creek can be more fairly honored.

Sincerely,

Larry Derie