

Weiser Irrigation District
P.O. Box 591
Weiser, Idaho 83672

September 23, 2001

Gary Spackman
Regional Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5058

*Taken care of *
on 9/24/01 by
Bosco Bosler & Jerry
Myers. They
reviewed on site &
spoke to Jay Edwards.
v
Gary
Spackman*

Re: Middle Valley Ditch

Dear Sir:

The upstream storage system on the Weiser River is empty. The Weiser Irrigation District is relying on the Weiser River flow for the balance of the season. The Middle Valley Ditch appears to be diverting the bulk of the Weiser River into their unmeasured system. We will forward to you pictures that are being developed. We are enclosing a copy of Muir vs Allison water decree and Water right No. 67-25. We are unclear if our SENIOR water rights are protected and enforced to have the flow continued past the Middle Valley Diversion. Would you please determine what actions if any that we need to take.

Sincerely yours,

J
Jay Edwards
Sec.

Enc

** Bosco & Jerry found that there was sufficient
water flowing in the Weiser River to satisfy
Weiser Irrigation District's water rights.
Gary*

Martin and William M Woods, C E McDonald,
Defendants.

It is ordered, adjudged and decreed that the waters of the Weiser River and all of its tributaries be and the same are hereby decreed to the plaintiffs herein and to the various defendants and cross-complainants hereinafter named, in the following amounts and from the dates and in the order of priority hereinafter stated each inch of water as hereinafter stated being the equivalent of one fiftieth of a cubic second foot flow, said waters to be diverted from the said Weiser River and its tributaries by the plaintiffs and defendants and cross-complainants hereinafter named and through the ditches and from the various tributaries of the said Weiser River hereinafter named:

WATER ALLOTMENTS CONTAINING NAMES OF PARTIES, AMOUNTS ALLOTTED IN INCHES WITH DATES OF PRIORITY.

| Names. | Amounts in Inches | Dates |
|--|-------------------|---------------|
| Main Weiser River. | | |
| Sunnyside Ditch. | 112 1/2 | June 1, 1887 |
| John T Muir and William H Muir | | |
| George F Smith, John L Smith and Minnie B Smith and <i>Gertie D. Smith</i> | 62 1/2 | June 1, 1887 |
| Chester A Smith | 100 | May 1, 1899 |
| Sunnyside Ditch Company | 436 | May 1, 1900 |
| Kelly Anderson Ditch. | | |
| Anna Galloway Dickerson, Frances H Galloway, Guy Galloway, Catherine Galloway, J W Galloway and Thomas C Galloway, Jr. | 70 | June 1, 1889 |
| <i>(Galloway Ditch)</i> | 15 | June 1, 1889 |
| J Newton and Bessie Wingfield | | |
| Weiser Mill Ditch. | 450 | Sept. 1, 1880 |
| Weiser City Water Ditch & Irrigating Company | | |
| Weiser Irrigation Ditch. | 100 | May 1, 1868 |
| Weiser Irrigation District | 1500 | Aug. 29, 1883 |
| | 250 | May 1, 1887 |
| | 250 | May 1, 1888 |
| Weiser Irrigation District (Con) | 300 | May 1, 1889 |
| | 200 | May 1, 1890 |
| | 200 | May 1, 1891 |
| | 200 | May 1, 1892 |

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| | | |
|--|------|----------------|
| Middle Valley Ditch. | 1000 | July 7, 1883 |
| Middle Valley Irrigating Ditch Company | 700 | Nov. 1, 1887. |
| | 500 | May 1, 1889 |
| Allison Jewell Ditch. | 68 | July 4, 1882 |
| Alexander Allison | 54 | May 1, 1902 |
| | 100 | July 4, 1882 |
| Joseph Allison | 100 | July 4, 1882. |
| Eugene Looney | 165 | July 4, 1882 |
| Harry Coon | | |
| Smith-James-Martin Ditch | 10 | July 4, 1886 |
| E. F. James | 90 | July 4, 1886 |
| Marion Smith | 90 | July 4, 1886 |
| Hairs of R H Martin | | |
| Post-Weston Ditch. | 125 | May 6, 1884 |
| J Emmett Pfost | 25 | May 6, 1884 |
| Grace Everest | 50 | Aug. 27, 1910 |
| Goldie Abernathy | 50 | Aug. 27 1910 |
| Fred Jewell | 41 | March 25, 1911 |
| John A Pfost | | |
| Farmers Canal. | 60 | June 1, 1891 |
| Mark Winkler | 19 | June 1, 1891 |
| Carrie Winkler | 50 | June 1, 1891 |
| E Hinkle | 32 | Jan 1, 1900 |
| | 19 | June 1, 1891 |
| S A Moudy and E Hinkle | 82 | June 1, 1891 |
| George Gould | 7 | June 1, 1905 |

06/04/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 67-25

Owner Type Name and Address
Current Owner MIDDLE VALLEY DITCH CORP
 C/O MILDRED HORTON SEC
 RT 1 BOX 12
 MIDVALE, ID 83645

Priority Date: 05/01/1889
Basis: Decreed
Status: Active

Source Tributary to
WEISER RIVER SNAKE RIVER

Beneficial Use From To Diversion Rate Volume Subuse Code
IRRIGATION 3/15 11/15 10 CFS

Total Diversion 10 CFS

Location of Point(s) of Diversion:

WEISER RIVER SESW Sec. 22 Township 14N Range 03W WASHINGTON County

IRRIGATION Use:
Acre Limit: 3759

Place(s) of use:

Place of Use Legal Description: IRRIGATION WASHINGTON County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | | | | | | |
|----------|-------|---------|-----|-------|-------|------|-------|-------|------|-------|-------|-----|-------|-------|----|--|------|----|------|----|
| 13N | 03W | 3 | | NENW | 25 | | NWNW | 40 | | SWNW | 40 | | SENW | 15 | | | | | | |
| | | | | NWSW | 20 | | 4 | NWNE | | 40 | SWNE | | 40 | SENE | 40 | | | | | |
| | | NENW | 40 | NWNW | 20 | SWNW | | 40 | SESW | 40 | | | | | | | | | | |
| | | NESW | 40 | NWSW | 40 | SWSW | | 40 | SESW | 40 | | | | | | | | | | |
| | | NESE | 40 | NWSE | 40 | SWSE | | 40 | SESE | 40 | | | | | | | | | | |
| | | SENE | 15 | 5 | | | | | | | | | | | | | | | | |
| | | NESE | 25 | | | | | | | | | | | | | | SESE | 10 | 8 | |
| | | NENE | 40 | NWNE | 35 | SWNE | 40 | SENE | 40 | | | | | | | | | | | |
| | | NENW | 40 | SWNW | 10 | SESW | 40 | 9 | | | | | | | | | | | | |
| | | NESW | 25 | NWSW | 10 | SWSW | 10 | | | | | | | | | | SESW | 40 | | |
| | | NESE | 40 | NWSE | 40 | SWSE | 40 | SESE | 40 | | | | | | | | | | | |
| | | NENE | 40 | NWNE | 40 | SWNE | 40 | SENE | 40 | | | | | | | | | | | |
| | | NENW | 40 | NWNW | 40 | SWNW | 40 | SESW | 40 | | | | | | | | | | | |
| | | NESW | 40 | NWSW | 40 | SWSW | 40 | SESW | 40 | | | | | | | | | | | |
| | | NESE | 40 | NWSE | 40 | SWSE | 40 | SESE | 25 | | | | | | | | | | | |
| | | 10 | | | | NWNW | 12 | | SWNW | 12 | | | | | | | | | | |
| | | | | | | NENE | 5 | | NWNE | 40 | | | | | | | SWNE | 25 | | |
| | | 16 | | | | NENW | 40 | | NWNW | 40 | | | | | | | | | | |
| | | | | | | NESW | 30 | | NWSW | 40 | | | | | | | SWSW | 35 | SESW | 40 |
| | | | | | | NWSE | 5 | | | | | | | | | | | | | |
| | | | | | | NENE | 40 | | | | | | | | | | NWNE | 40 | SWNE | 40 |
| | | 17 | | | | NENW | 40 | | NWNW | 20 | | | | | | | | | | |
| | | | | | | NESW | 35 | | NWSW | 15 | | | | | | | SWSW | 35 | SESW | 40 |
| | | | | | | NESE | 40 | | NWSE | 40 | | | | | | | SWSE | 40 | SESE | 40 |

| | | | | | | | |
|-----|----|------|----|------|----|------|------|
| | 18 | SESE | 5 | | | | |
| | 19 | NENE | 35 | NWNE | 5 | SWNE | 10 |
| | | NESE | 40 | NWSE | 15 | SWSE | 5 |
| | 20 | NENE | 35 | NWNE | 40 | SWNE | 40 |
| | | NENW | 40 | NWNW | 40 | SWNW | 40 |
| | | NESW | 30 | NWSW | 40 | SWSW | 40 |
| | | NWSE | 10 | | | | |
| | 21 | NWNW | 10 | | | | |
| | 29 | NENW | 5 | NWNW | 40 | | |
| | 30 | NENE | 35 | NWNE | 20 | | |
| 14N | 33 | SESW | 10 | | | | |
| | | NESE | 35 | NWSE | 10 | | |
| | 34 | NWNE | 5 | SWNE | 10 | SWSE | 30 |
| | | SWSW | 25 | SESW | 10 | | SESE |
| | | NWSE | 30 | | | | 40 |

Total Acres: 3759