

WEISER IRRIGATION DISTRICT
P.O. BOX 591
WEISER, IDAHO 83672

RECEIVED
NOV 07 2005
Department of Water Resources

NOVEMBER 3, 2005

DANIELLE FAVREAU
IDAHO DEPARTMENT OF WATER RESOURCES
322 EAST FRONT STREET
P.O. BOX 83720-0098
BOISE, IDAHO 83720-0098

RE: water right no. 67-4173 Witte

Dear Danielle:

Recently, we had a chance to look at the above mentioned water claim. The Weiser Irrigation District objects to the claim. The land was originally in the Weiser Irrigation District and in 1920 they requested to be segregated from the District. (see attached minutes) Witte built dams in both Warm Springs and Scott's Creek. Since then the movement of water through the area has changed. Both Warm Springs and Scott's Creek are intermittent and are completely dry of natural flow in June.

In 1936 the District moved its Dam and acquired additional water under 67-2169 (120cfs) The Witte property was covered in this application and license. At the same time the Irrigation District acquired shares in the Crane Creek Reservoir to supplement late flow.

The delivery system has changed. We use both Warm Springs and Scotts Creek to deliver water to users. At Warm Springs we dump water for the users of the Warm Springs Lateral. They have a separate diversion in the Creek to pickup the water into their lateral. There are 4 other users who have pumps in the Creek as their water is spilled in to Warm Springs Creek.

The actual Grimmett Lateral runs continually as it empties directly into Scotts Creek. It provides water to over a 100 acres and 5 different users. Each user has their own diversion in Scotts Creek. As the creek crosses Island Road, the Witte's have build their dam that irrigates the bulk of the Witte land.

Witte's are using water supplied from the Weiser River and Crane Creek Reservoir through the Galloway Canal. The land should be annexed back into the District.

Sincerely yours,

Jay Edwards
Sec.

Enc.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

11/03/2005

WATER RIGHT NO. 67-4173

Owner Type	Name and Address
Current Owner	GENEVIEVE L WITTE
Current Owner	MYRTLE M WITTE
	RT 1 BOX 104
	863 EATON RD
	WEISER, ID 83672

Priority Date: 06/01/1910
Basis: Statutory Claim
Status: Active

Source	Tributary
SCOTT CREEK	SNAKE RIVER
WARM SPRINGS CREEK	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	2.11 CFS	
Total Diversion			2.11 CFS	

Location of Point(s) of Diversion:

WARM SPRINGS CREEK	SWNW Lt 3	Sec. 20	Township 11N	Range 06W	WASHINGTON County
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SCOTT CREEK	NESW	Sec. 20	Township 11N	Range 06W	WASHINGTON County
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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	Tra
11N	06W	19		NENE	2								
		20		NWNW	26		SENW	29					
				NESW	25		NWSW	26					

Total Acres: 108

Conditions of Approval:

1.	AC. IRR.=107.3. SOURCES ARE SCOTT CK. & WARM SPRINGS CK., TRIB. SNAKE R. P/D INCOMPLETE.
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Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

of the
WEISER IRRIGATION DISTRICT

December 7th. 1920.

The Board of Directors of the Weiser Irrigation District meet this day in regular session, there being present Harry Townley, Chairman, S. R. Snyder Director, E.d. R. Coulter, Attorney and Oliver J. Smith, Secretary.

The minutes of the last meeting were read and approved.

The following claims were examined and allowed and warrants issued for same:

MAINTENANCE CLAIMS:

S. M. French.....	Research.....	\$1.50
E. L. Owens.....	Labor on ditch.....	2.00
John Walker.....	Supplies.....	7.50
J. A. Sommercamp.....	Water Taxes.....	370.00
A. T. Pennington.....	Taxes refunded.....	3.13
John Walker.....	" ".....	5.00
Weiser Investment Co.....	" ".....	85.81
Harry Townley.....	Labor on Canal & Use of Car.....	21.20
John Jackson.....	Labor on Canal.....	2.50
Lyal Hetrick.....	" " ".....	4.00
Frank Townley.....	" " ".....	5.00
S. R. Snyder.....	Labor & Services.....	39.20
Alexus Jackson.....	Damages from break.....	450.00
Weiser American.....	Printing.....	68.25
James Shaw.....	Taxes refunded.....	2.24
Ira Hopper.....	" ".....	17.44
John J. McCrea.....	" ".....	15.36
C. E. Camp.....	" ".....	13.44
R. J. Smith.....	Labor at head of canal.....	9.75
William Cousins.....	Taxes refunded.....	3.92
W. E. Adams.....	" ".....	.32
Brinkley & Brown.....	" ".....	1.68
H. T. Mecham.....	" ".....	.54
John Wavrick.....	" ".....	1.12

CONSTRUCTION CLAIMS:

Mitchells' Quick Print...	Printing.....	42.70
Chas. W. Luck.....	Engineering.....	62.90
Oliver J. Smith.....	Postage.....	20.00
Oliver J. Smith.....	Postage & Expense.....	4.00
Chas. W. Luck.....	Engineering.....	116.28
Oliver J. Smith.....	Rent.....	15.00
James Shaw.....	Taxes Refunded.....	2.10
W. E. Talboy.....	Special meeting.....	3.00
Ira Hopper.....	Taxes Refunded.....	16.35
John J. McCrea.....	" ".....	14.40
C. E. Camp.....	" ".....	12.60
William Cousins.....	" ".....	3.67
W. E. Adams.....	" ".....	.30
Brinkley & Brown.....	" ".....	1.57
H. T. Mecham.....	" ".....	.58

excluded shall not be relieved of their obligation to pay their proportionate share already created and existing of any bonded indebtedness of such Irrigation District, and that said lands shall remain a part of such Irrigation District for the purpose of discharging such bonded indebtedness.

Said lands so ordered to be excluded herein are more particularly described as follows:

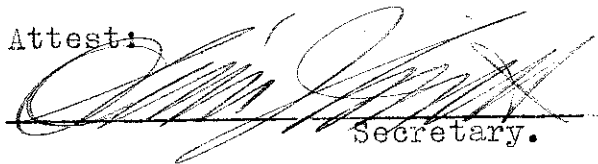
"The Southeast Quarter of the Northwest Quarter; the Northeast Quarter of the Southwest Quarter; and the Lots numbered two and three, in Section 20; and the Lots numbered one and two, in Section 19, Township 11 North of Range 6 West of the Boise Meridian, lying South and West of the Oregon Short Line Railway right of way. Save and except the following described land:

Beginning at the Southeast corner of the Northeast Quarter of the Southwest Quarter of Section 20, Township 11 North of Range 6 West of the Boise Meridian; thence West 16 chains 85 Links; thence North 34 degrees 52 minutes East 11 chains 80 Links; thence North 84 degrees 40 minutes East 10 chains; thence South 10 chains 60 Links to the place of beginning.

ALSO EXCEPTING: Beginning at the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 20, and from thence run west along the North boundary of said Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter; thence where the said boundary intersects the Oregon Short Line Railway Right of Way 1452 feet; thence along the North Line of said right of way South 68 degrees 15 minutes East 231 feet to where the said right of way increases in width from 100 feet to 200 feet; thence North 21 degrees 45 minutes East 50 feet; thence South 68 degrees 15 minutes East along said North Line of said 200 feet right of way 1524.4 feet to the East boundary of said Southeast Quarter of the Northwest Quarter; thence North 0 degrees 15 minutes west along said East boundary 518.32 feet to the place of beginning, containing 8.15 acres. ✓

There being no further business to come before the Board at this time adjournment is taken *seni dia*.

Attest:


Secretary.

President.

years, and whereas it is agreed that these damages amounted to \$450.00 and the said Alexis Jackson agrees to release the District from all liability because of damages heretofore incurred upon receipt of a like amount, motion is made seconded and carried ordering that it be and it is hereby ordered that a claim be allowed and warrant issued in the manner heretofore registered.

Now comes Henry Witte and Myrtle Witte and file a petition asking for the exclusion of certain lands from the District, and after hearing said petition and in consideration of the facts therein set forth motion is made seconded and carried ordering that it be and it is hereby ORDERED, ADJUDGED and DECREED as follows:

That all of the facts and statements contained in said petition of said HENRY WITTE and MYRTLE WITTE, are true.

That said HENRY WITTE and MYRTLE WITTE are the owners and in possession of the land hereinafter described; that it will be for the best interests of said lands that they be excluded from the Weiser Irrigation District; that said lands are situated on the East and North bank of the Snake River; that the said owners of said lands have installed a good, adequate and sufficient water system for said lands independent of the water system of the Weiser Irrigation District, for the irrigation of said lands, on account of the inability to get water to irrigate said lands from the Weiser Irrigation District except through the long and expensive lateral through which water has been taken to get same upon said lands.

THAT THEREFORE, the said Board of Directors of said Weiser Irrigation District does hereby order that the lands hereinafter described and set forth be and the same are hereby taken from the said Weiser Irrigation District and the boundaries of said District are ordered to be changed so as to exclude from said District said lands and the said lands so excluded shall not form a part of said Weiser Irrigation District for any purpose save and except that the lands so ordered

RECEIVED
SEP 16 2005
Department of Water Resources

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
67-4173)
_____)
_____)

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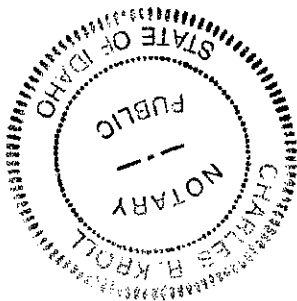
STATE OF IDAHO)
County of Washington) ss.

MYRTLE M. WITTE, being first duly sworn, deposes and says:

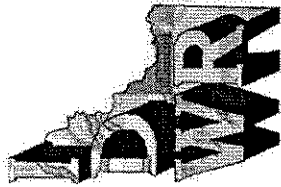
My parents, Henry and Myrtle Witte purchased this land irrigating approximately 117 acres from two dams my father built in Warm Springs Creek and Scott's Creek between 1910 and 1913. I was born on this property on November 19, 1923, and have lived here since. I have personal knowledge of the dams and irrigation from these diversion points from 1929 to the present time. I still irrigate with two pumps placed in Warm Springs Creek near the dam and divert to irrigate from the dam on Scott's Creek.

Myrtle Witte
Myrtle M. Witte

SUBSCRIBED AND SWORN to before me this 15th day of September, 2005.



Charles R. Kroll
Notary Public for State of Idaho
Residing at Weiser, Idaho
Commission Expires: 9-27-10



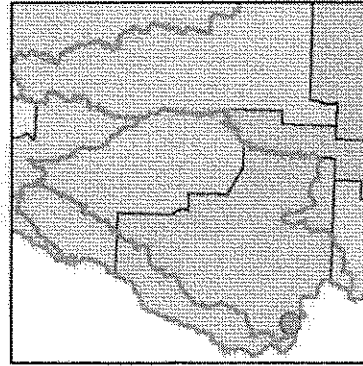
Idaho Department of Water Resources

Adjudication Claim Number: **67-4173**

T11N R06W

Legend

- ☐ PLS Sections
- ☐ GCDB Quarter Quarters



Washington County
IDWR Basin 67



Prepared by D. Narsavage
On Thursday, September 1, 2005
1987/88 Aerial Photography