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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-14129
Date Received: 4/20/1998
Receipt No: W023767
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: CITY OF WEISER
Address: 55 W IDAHO
WEISER ID 83672
208-549-1965
2. Date of Priority: JUN 1, 1962
3. Source: WEISER RIVER Trib. to: SNAKE RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	05W	32	SW	SW			WASHINGTON
5. Description of diverting works:
18" INTAKE STRUCTURE W/50 HP PUMPS TO 14" PIPE TO TREATMENT PLANT
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	5.000		
7. Total Quantity Appropriated is:
5.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
MUNICIPAL, CITY OF WEISER
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
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11. Place of use in counties:
12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

A03-07009, A67-10010, A67-02320, A67-04291, A67-07869.

14. Remarks:

POINT OF DIVERSION IS OWNED BY THE CITY OF WEISER, PLACE OF USE
IS OWNED BY THE CITIZENS OF WEISER.

THE PLACE OF USE IS WITHIN THE CITY LIMITS OF WEISER.

15. Basis of Claim: BENEFICIAL USE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

APR 20 1998

WATER RESOURCES
WESTERN REGION
39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

467-14129
4/20/98
W023767
W023447

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) CITY OF WEISER Phone (208) 549-1965Mailing Address 55 WEST IDAHO, WEISER ID Zip 836722. Date of Priority (Only one (1) per claim) JUNE 1, 19623. Source of water supply (a) WEISER RIVER
which is tributary to (b) SNAKE RIVER4. a. Location of existing point of diversion is: Township 11N Range 5W Section 32,
1/4 of SW 1/4 of SW 1/4, Govt. Lot, B.M., County of WASHINGTON

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.18" INTAKE STRUCTURE WITH 50 HPPUMPS ON BANK PUMPING INTO 14" PIPE TO TREATMENT PLANT, THEN TO CITY WATER
LINE GRID.

RECEIVED

APR 5 0 1988

WESTERN REGION
WATER RESOURCES

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For MUNICIPAL purposes from 01/01 to 12/31 amount 5.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 5.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) MUNICIPAL, CITY OF WEISER

10. Description of place of use: CITY OF WEISER MUNICIPALITY AND AREA OF IMPACT

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? WASHINGTON

12. Do you own the property listed above as place of use? Yes _____ No x

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

A03-07009, A03-10010, 67-02320, 67-04291, A67-07869 or None ()

14. Remarks:

POINT OF DIVERSION IS OWNED BY THE CITY OF WEISER. PLACE OF USE IS OWNED BY THE
CITIZENS OF WEISER.

Last Name CITY OF WEISER Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do xx do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Mayor _____ Title _____
of City of Weiser, Idaho 83672 _____, that I have signed the foregoing
Organization _____
document in the space below as Mayor _____ of City of Weiser _____
Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature] _____
Title and Organization Mayor of City of Weiser _____ Date 4-9-98

State of Idaho/or _____)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 9th day of April 19 98

SEAL

Notary Public [Signature] _____
Residing at Weiser _____

My Commission Expires JANUARY 5, 2002

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Chuck Kroll will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Chuck Kroll _____

Address 350 East Liberty Weiser, Idaho 83672

Date April 9, 1998

Last Name CITY OF WEISER Ident. Number _____

Copies White-State, Yellow-Claimant

From: DWR80::MMINICUC 20-APR-1998 15:17:04.80
To: DWR01::DALLEN
CC: MMINICUC
Subj: Change in receipt codes

Debbie: The City of Weiser submitted an Application for Permit in error. The application has been Withdrawn, and the fees are to be applied to their new SRBA claim. Accordingly, please move the fees for receipt no. W023447 to Fund 0337, PCA 41503, SubObject 1155. Please do not hesitate to contact me if you need any additional information. Thanks for your help.
Maria Minicucci
334-2266 Ext. 112
DWR80::Mminicuc



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 6, 1998

NATE MARVIN
CITY OF WEISER
55 WEST IDAHO
WEISER ID 83672

Water Service
434-63
#370⁰⁰

RE: Snake River Basin Adjudication (SRBA) Claim for Municipal use
from the Weiser River

Dear Mr. Marvin:

As per our telephone conversation today, I am sending to you a partially completed SRBA claim form as described above. This claim will replace the City's recently filed application for permit. Please review this form carefully, initial any changes, add the appropriate notarized signature, and return the form to this office with the appropriate fee.

As we discussed, Mr. Robbins' statement verifies use of the municipal water right from the Weiser river in 1962. The City can file a "grandfather" beneficial use claim in the SRBA on this right. The SRBA claim will protect the priority date of the right and will not be subject to any mitigation requirements. The application for permit has a 1998 priority date and may be subject to mitigation.

The fee for the SRBA claim is \$550 - \$50 base fee plus \$100 per cfs. The \$180 fee submitted with the Application for Permit can be applied to the SRBA claim fee when you complete and return the enclosed Withdrawal form. This will leave a balance of \$370, payable to the Idaho Department of Water Resources.

IDWR will hold the application for permit for thirty (30) days. If no response to this letter is received by that time IDWR will move forward to process the application for permit.

Please do not hesitate to contact me if you have any questions or need additional information. If I am not available any of our technical staff will be able to assist you.

Sincerely,


Maria Minicucci
Sr. Water Agent

Enc.