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In File

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 67-2169G
Date Received: 10/8/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WEISER IRRIGATION DISTRICT Phone: (208)414-1792
C/O JAY EDWARDS
PO BOX 591
WEISER ID USA 83672

2. Date of Priority: 12/18/1936

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	Type
11N	06W	35	NW	NW	1	WASHINGTON	
11N	04W	35	SW	NE	NE	WASHINGTON	

5. Description of diverting works:

Integrated surface water delivery system within the boundaries of Weiser Irrigation District.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	120	

7. Total Quantity Appropriated is:
120 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

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: 67-8 through 67-22, 67-2169, 67-10279

14. Remarks:

Place of use is located within the boundaries of Weiser Irrigation District.
For additional remarks see attachment A.

15. Basis of Claim: Decreed

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 67-2169 G
Date Received 10-8-02
Receipt Number

RECEIVED

OCT 08 2002

WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) WEISER IRRIGATION DISTRICT Phone (208) 414-1792

Mailing Address C/O JAY EDWARDS PO BOX 554 WEISER ID Zip 83672

2. Date of Priority (Only one (1) per claim) 12/18/1936

3. Source of water supply (a) WEISER RIVER
which is tributary to (b) SNAKE RIVER

4. a. Location of existing point of diversion is: Township 11N Range 6W Section 35,
1/4 of NW 1/4 of NW 1/4, Govt. Lot, 1 B.M., County of WASHINGTON

Additional points of diversion if any: SWNE S35 11N 4W

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. INTEGRATED SURFACE WATER DELIVERY SYSTEM
WITHIN THE BOUNDARIES OF WEISER IRRIGATION DISTRICT.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3/1 to 11/15 amount 120.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 120.0 (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.) _____

10. Description of place of use:

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? N/A Yes _____ No _____
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.
67-8 THROUGH 67-22, 67-2169, 67-10279 or None ()

14. Remarks:
SEE ATTACHMENT A.

Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X 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 _____ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

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 Secretary _____

Title

of Weiser Irrigation District _____, that I have signed the foregoing
Organization

document in the space below as Secretary _____ of Weiser Irrigation District _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization Sec. Weiser Irrigation District Date 10-3-02

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

Subscribed and sworn (or affirmed) before me this _____

3rd day of October 192002

Notary Public _____

Residing at Weiser, ID

My Commission Expires 11/4/2003

Please Print Name

17. Notice of Appearance

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

WEISER IRRIGATION DISTRICT
CLAIM SUMMARY

Vincent Derig, with Weiser Irrigation District, combined all the District's decreed and licensed rights from the Weiser River on SRBA beneficial use claim 67-10280. He used the earliest decreed priority date as the claim's priority date. The District now wishes to "uncombine" the claim and file separate claims on their decreed and licensed rights to properly preserve the integrity of their rights.

Mr. Derig also filed claim 67-10279 for 18,000 af of Crane Creek Reservoir water. I talked to Jackie Ray, Secretary of the Reservoir Co. (549-0765), and she stated that Weiser Irrigation District has 15,100 af (shares) of primary water and 2800 af (shares) of secondary water for a total of 17,900 af of storage water. Jackie stated that the Reservoir Co. did not file for all its shareholders because some folks with historical storage rights refused to participate as shareholders. As a result, the total deliverable storage water in Crane Creek Reservoir is divided and claimed as follows:

Institute Canal Co.:	4200.0 af (A67-10557, A67-10558)
Crane Creek Reservoir	
Independent Water Users:	10061.7 af (A67-10894)
Weiser Irrigation Dist.:	17900.0 af (A67-10279)
Weiser Cove Irrig. Dist:	16015.3 af (A67-10895)
Non-participants:	<u>3823.0 af (various claims, see file -10894)</u>
Total active (deliverable) af:	52000.0 af

(Total reservoir capacity is 56800 af per John Westra)

The District's primary and secondary shares have a common priority date of 4/9/1920. Claim A67-10279 will be amended to correct the priority date and total af the District owns in Crane Creek Reservoir. The District's A & B share proportions will be designated in the claim remarks.

Note: the District's outstanding permit 67-2129 is part of license 67-2384A and should be relinquished. License 67-2384A is included in claim A67-10279.

Mr. Derig also filed claim A03-7005 on the District's Snake River license 3-7005. This claim appears to be acceptable.

Weiser Irrigation District paid a total of \$9,788.57 for claims A67-10279, A67-10280 and A67-03-7005 and 9,522.5 acres of irrigation. Jay Edwards, with Weiser Irrigation District, is currently working with Mark Larson to establish an accurate District boundary. Additional fees for additional acres may be required, depending on the end result. Fees should not be required for the District's late claim filings. Once the District's PPU has been established, balance paid -vs- balance due can then be determined.

Weiser Irrigation District
P.O. Box 591
Weiser, Idaho 83672
208-414-1792
fax 208-414-1794

RECEIVED
OCT 02 2002
WATER RESOURCES
WESTERN REGION

October 1, 2002

Lori Graves
Sr. Water Resource Agent
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

Re: Weiser Irrigation District

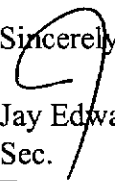
Dear Lori:

It was a pleasure to meet you on Monday. For the near future , we will be working together on this project. I will be sending you information as I gather it. I have checked out the Muir vs Allison decree and I find that all is Ok through 1904 up through 67-22. In 1936 a new dam was built upstream and a new permit was requested for an additional 120 cfs. . I am enclosing a copy of the application for permit No. 25683. When the State received it, they issued license No. 18429. In May 1939, a Decree from the 7th Judicial District of the State of Idaho awarded the 120 cfs to the Weiser Irrigation District. I am enclosing a copy of that Decree recorded in Book I of Judgments at page 431.

As the canal was moved upstream, various individual ditches and water rights were incorporated and now delivered to the land. I will research them out and send you copies of what I have. After 1940, the Weiser Irrigation District entered into several contracts to deliver a portion of the 120 cfs to lands along the Canal outside the District boundary. I will create a map and descriptions of those contracts. Many of the current land owners have filed claims on their portion of the 120 cfs.

It will be a pleasure to work with you to unravel this water situation.

Sincerely yours,


Jay Edwards
Sec.
Enc.

RECEIVED

OCT 02 2002

WATER RESOURCES
WESTERN REGION

(Form No. 1)

Address all communications to

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 25683

Permit No.

District No.

1. Name of applicant: Weiser Irrigation District

Postoffice address Weiser County Washington State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: Weiser, Idaho. January 13, 1902.

(b) Amount of capital stock: \$ (c) Amount paid in: \$

(d) Names and addresses of directors: John J. McCrea, Fred Ruffner and George Cartwright, all of Weiser, Idaho

II. The financial resources of the applicant are: (a) Cash on hand: \$

(b) Treasury stock: None (c) Bonds to be issued: Attached hereto is financial

(d) Other resources: statement showing assets and liabilities of Weiser Irrigation District, the applicant

2. Quantity of water claimed: 120 cubic feet per second.

3. Source of water supply: Weiser River

which is a tributary of Snake River

4. Location of point of diversion: S. 49° 30' W. 1360 feet distant from the NE corner

of Section 35, T. 11 N., R. 4 W., B. M., and is in the NE 1/4 NE 1/4

of Section 35, T. 11 N., R. 4 W., B. M., County of Washington

5. Water is to be used for: irrigation and domestic purposes

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T., R., B. M., in the of Section, T., R., B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section, T., R., B. M., in the

of Section, T., R., B. M.

7. Estimated cost of works: \$150,000.00 work now completed.

8. Kinds of works: Concrete dam and headgates, earth ditch
(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam 5 feet; length of dam at top 212 feet; length of dam at bottom 212
(If height of dam will exceed 10 feet, send to Department of Reclamation for Regulations)

feet; material used in dam Concrete

10. Size of headgate: Width 26 feet; Height 12 feet.

11. Ditch: Width at bottom 14 feet; Width at water line 20 feet; Depth of water 3 1/2 feet;

Dimensions of flume Diameter of pipe no inches;

Length of conduit 26 miles. Average grade per mile 2 feet.

12. The time required for the completion of such work is 1 years.

13. The time required for the complete application of the water to the proposed use is 1 additional years.

14. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 40-acre subdivision.)

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10 N.	4 W.	2						10											10
		3					10	20	30										60
		4	30	35	40	40	40	40	20	40	10				5	5			305
		5	35	30			35	40	5										145
		6	40	40			40	40	30	10									200
10 N.	5 W.	1	35			40	20												95
		2	10																10
11 N.	4 W.	31									5		35	40	15	20	40	40	195
		32									5	5	40	40			40	40	170
		33											20						20
		34												20			40	40	100
		35											40	25					65
11 N.	5 W.	28																10	10
		29									25	25	40	40	40	30	40	20	260
		30									40	40	40	40	20	30	40	40	290
		31	40	40	35	40	40	39	15	20.5					15	5			289.5
		32	33.2	40	40	10	40	40	40	40	25	30		25		10			373.2
		33	20	20			20	20											80
		34			20		20	40		10					20	30		10	150
		35											40	40			10		90
11 N.	6 W.	14						10			10	30	40	40					130
		15			40	20			40	40	40	40	40	40	40	40	40	40	460
		16	10	10	40	40			28	37	40	40	40	40	40	40	40	40	485
		17			6	12	12			30	30	3	37	25	40	40	40	40	315
		18															10	10	20
		19	29.5	10.5			3.3												43.3
		20	40	40	35.2	40	40	40	35.5	36.7	40	26.2	17.5	40	34.6	35.2	40	40	580.9
		21	40	40	40	40	40	40	40	40	39.8	34.7	40	40	40	40	39	39	632.5
		22	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		23	10	40	40	20	40	40	40	40	40	40	40	40	40	40	40	40	590
		24									20	20	40	40		10	20		150
		25		30	40	20	40	40	40	40	40	40	38.4	39.1	40	40	40	40	567.5
		26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		28	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		29	40	40	40	40	40	13.2	7.3	40	24.2				40	40	21.8	40	426.5
		33	40	40	40	40	40	20	12	40.7	11.3				40				324
		34	40	40	34.7	9.8	40	40	40	40	33.6	20	20	30.6		6			394.5
		35	23.5	10			20	30											83.5
		36	39.1	40.4	10	10	40	40	12.5	18.5									210.5

Total Number of Acres to be Irrigated 10,890.9

WEISER IRRIGATION DISTRICT
CONSOLIDATED BALANCE SHEET
DECEMBER 31, 1936

EXHIBIT A.

ASSETS:

CASH:

In Office	\$	23.97	\$
First Nat'l Bank-General Fund		5 504.80	
First Nat'l Bank-Time Checking		35.85	
First Nat'l Bank-Bond & Interest		60.00	
First Nat'l Bank-West Ridge "		<u>14.47</u>	
Total Cash			5 639.09

REVENUES RECEIVABLE:

1935 assessment roll-unpaid			
Schedule A-2		9 924.14	
Tax Sale Certificates ditto		<u>12 284.09</u>	
Total Revenues Rec.			22 208.23

ACCOUNTS RECEIVABLE:

Weiser Bench Irrigation Co.			
For Maintenance	2 589.04		
For Construction	<u>2 979.10</u>	5 568.14	
Miscellaneous accts.		<u>886.09</u>	
Total Acct's Receivable			6 454.23

PLANT PROPERTY & EQUIPMENT:

Right of Way		30 000.00	
Structures		<u>125 551.49</u>	
Water Rights		300 000.00	
Machinery, Tools & Equip.		1 138.50	
Office Furn. & Fixtures		150.00	
Extension & Diversion Works		<u>15 293.96</u>	
West Ridge Line & Right of way		<u>23 500.00</u>	
Total Plant etc.			<u>495 633.95</u>

TOTAL ASSETS \$529 935.50

LIABILITIES:

STAMP CERTIFICATES OUTSTANDING		7.00	
WEST RIDGE PIPE LINE		16.50	
WARRANTS OUTSTANDING-Schedule E-1		<u>7 182.08</u>	
COUPONS OUTSTANDING		141.00	
BONDS OUTSTANDING:			
Weiser Irrigation	110 000.00		
West Ridge	<u>19 200.00</u>		
Total Bonds Payable		<u>129 200.00</u>	

TOTAL LIABILITIES 136 546.58

NET SURPLUS, Detailed schedule A-6 \$393 388.92

Approval of Commissioner of Reclamation

The number of this permit is.....

Recorded in Book.....Page.....Approved.....

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$.....to be filed on or before.....

Work to begin on or before....., and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before

The whole of said work to be completed on or before.....

Beneficial use of water appropriated in accordance herewith, to be made on or before.....

Witness my hand this.....day of, 193.....

Commissioner of Reclamation.

No.....

PERMIT

Date of first receipt at office of Commissioner of Reclamation

11:00 A. M., December 18, 1936

Returned to applicant for correction

January 12, 1937

Corrected application received

February 10, 1937

Fees, \$ 34.75 Pd.

FILING FEES FOR USE PERMIT:

For the first Sec. Ft.....\$5.00

For each additional Sec. Ft. or fraction thereof 25

372

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF WASHINGTON.

WEISER IRRIGATION DISTRICT,
a public corporation,

Plaintiff,

vs.

T. C. WOOD, Water Master of
Water District No. 41 of the
State of Idaho,
Defendant.

May 16-1939
Ray Wilson
Clerk District Court
Recorded in Judgment Book 431
Page 431

D E C R E E

This cause came on regularly for hearing before the court in open court at the hour of ten o'clock in the forenoon of this date.

Plaintiff appeared in person of Ed. R. Coulter, its attorney of record. Defendant appeared neither in person nor by attorney, and the following proceedings were had:

It appearing from the records and files in this action that due process in this action was had upon defendant T. C. Wood, as Water Master of Water District No. 41 of the State of Idaho, within Washington County, Idaho, on the 20th day of March, 1939, and that time for answer has long since expired and that the defendant has not answered or otherwise appeared, on motion of Ed. R. Coulter, attorney for the plaintiff, the default of the defendant T. C. Wood, Water Master of Water District No. 41 of the State of Idaho, is hereby entered.

And it further appearing from the records and files that the plaintiff did cause to be published in the Weiser American, a weekly newspaper of general circulation published in Washington County, Idaho, in three weekly issues of said paper, beginning with the issue of March 23,

1939, and ending with the issue of April 13, 1939, of a notice containing the title of said court and cause, the name of the stream of water in which plaintiff claims an interest, date of priority of claim and short title consisting of the name of the first plaintiff and the first defendant of the decree heretofore entered in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Washington, adjudicating the waters of Weiser River and fixing the permanent rights in said stream; that said notice was in the form provided for and contained all of the statements required under the provisions of Section 41-1305 I C A.

And it further appearing that there has been no appearance in said action of anyone protesting the matters and things set forth in the complaint of plaintiff, on motion of Ed. R. Coulter, attorney for the plaintiff, the default of all water users of Water District No. 41 of the State of Idaho, and of all people claiming rights adverse to the rights of plaintiff as set forth in said notice and application, are hereby entered.

Thereupon the hearing was had of said petition. Witnesses were sworn and examined on behalf of the plaintiff and the taking of evidence was closed and the cause was submitted to the court for decision.

After due deliberation thereon by the court the court doth find, adjudge and decree as follows:

I.

That during all the times mentioned in said complaint plaintiff was and still is a public corporation organized under the irrigation district laws of the State of Idaho, and situated, lying and being wholly within Washington County, Idaho.

II.

That T. C. Wood was the duly elected, qualified and acting water

master of Water District No. 41 of the State of Idaho, which water district embraces all the irrigable lands in Washington and Adams Counties, Idaho.

III.

That heretofore an action was instituted in the District Court of the ~~Seventh Judicial District of the State of Idaho~~, in and for the County of Washington, by R. T. Muir et al, plaintiff, v. William Allison, et al, defendant, for the adjudication of the waters of Weiser River and its tributaries; therein such proceedings were had that the cause was tried and finally on the 11 day of May, 1918, a final decree was duly entered in said cause wherein the waters of Weiser River were adjudicated; that appeal was taken from said decree to the Supreme Court and opinion was handed down by the Supreme Court reversing said decree of the lower court in part and sustaining it in other parts, and thereafter a supplemental decree was rendered in the District Court in conformity with the remitter of the Supreme Court and said decree, as corrected, is now in full force and effect and has never been annulled, vacated or set aside, and said plaintiff accepted said decree and the findings of fact and conclusions of law upon which it is based as being binding upon it and its rights.

IV.

That by said decree aforesaid, the duty of water was fixed at five-eighths ($5/8$) inch to the acre with a high duty of water during periods of scarcity of three-eighths ($3/8$) inch to the acre.

V.

That under said decree adjudicating the waters of Weiser River there was adjudicated to the plaintiff Weiser Irrigation District and the lands thereunder, the following amounts of water, to-wit:

Dated and amounts of priorities awarded to the Weiser Irrigation District in the decree adjudicating the waters of Weiser River:

	Date of Priority	Amount-5/8ths	Amount 3/8ths
No. 1	5-1-68	100 inches	60 inches
No. 27	5-29-83	1500 "	900 "
No. 43	5-1-87	250 "	150 "
No. 47	5-1-88	250 "	150 "
No. 52	5-1-89	300 "	180 "
No. 57	5-1-90	200 "	120 "
No. 63	5-1-91	200 "	120 "
No. 66	5-1-92	150 "	90 "
No. 69	5-1-93	200 "	120 "
No. 71	5-1-94	150 "	90 "
No. 75	5-1-95	150 "	90 "
No. 79	5-1-96	150 "	90 "
No. 81	5-1-97	150 "	90 "
No. 82	5-1-98	250 "	150 "
No. 103	5-1-04	2000 "	1200 "
		<u>6000</u>	<u>3600</u>

VI.

That all of the lands embraced in the Weiser Irrigation District are within Water District No. 41, of which the defendant T. C. Wood is the water master, and all of said lands receive the direct natural flow irrigation from the waters of Weiser River and its tributaries.

VII.

That since the rendition of said decree so adjudicating the waters of Weiser River, as aforesaid, a great change has come over the farming practices in the Weiser Irrigation District; that when said decree so adjudicating the waters of Weiser River was rendered, hay and grain were the principal crops raised upon the lands of Weiser Irrigation District and the quantity of five-eighths ($5/8$) inch to the acre as low duty and three-eighths ($3/8$) inch high duty was sufficient for the raising of said crops.

That especially in late years the raising of hay and grain on the lands within Weiser Irrigation District has ceased to be the major or a substantially large portion of the crops raised on said lands; that at the present time the best paying and the largest crops raised on

said lands are sugar beets and late potatoes. That these crops require a large amount of water late in the season, so that at the present time said lands require a great deal more water than under the conditions as they existed at the time said decree was so rendered.

That since the rendition of said decree and at the present time the Weiser Irrigation District is supplying irrigation water for some 3,000 more acres of land than were being irrigated by the works of said irrigation district at the time said decree was rendered.

VIII.

That in the decree adjudicating the waters of the Weiser River no provision is made to take care of ditch losses incidental to transportation of water between the point where the water is taken from the Weiser River and the point where the same is applied upon the lands.

That the canal system supplying the lands within the Weiser Irrigation District with irrigation water is some fifty miles in length; for many miles the ditch is all of side hill construction and the ditch losses will average in excess of 25% of the amount of water turned into the canal at the point where same is taken out of the Weiser River, with the result that the amount of water adjudicated to the lands in the Weiser Irrigation District under the decree does not supply to the lands for actual use thereon the quantity of water to which said lands are entitled under the duty water as fixed by the decree.

IX.

That on or about the 18th day of December, 1936, Weiser Irrigation District made application No. 25683 before the Commissioner of Reclamation of the State of Idaho, for 120 second feet of water of Weiser River for the irrigation of the said lands within and without the Weiser Irrigation District which were then being irrigated by and out

of the works of the Weiser Irrigation District; that on said application there issued from the office of the Commissioner of Reclamation of the State of Idaho permit No. 18429 authorizing the diversion of 120 second feet of water from Weiser River with the date of priority of December 18, 1936; that thereafter such acts and things were done and proceedings had so that on the 23rd day of January, 1939, water license and certificate of water right No. 18429 with a priority of December 18, 1936, for 120 second feet of the waters of Weiser River was issued to the Weiser Irrigation District and for the irrigation of the lands in said license and certificate described,

X.

That it requires said additional 120 second feet of the waters of Weiser River, in addition to the water adjudicated and awarded to the lands within Weiser Irrigation District by the decree adjudicating the waters of Weiser River in order to supply said lands with ample and sufficient water each irrigation season for the irrigation of same and in order to supply said lands with the quantity of water awarded to the district and fixed by the decree fixing and establishing the duty of water.

XI.

That said complaint was brought under and by virtue of the authority of, and provisions contained in, Section 41-1305, I. C. A., and for the purpose of having adjudicated to the Weiser Irrigation District to supply with irrigation water the lands described in said license and water certificate No. 18429, being the water not covered by and included in the waters adjudicated in the decree adjudicating the waters of Weiser River.

It is further ordered, adjudged and decreed that hereby there is adjudicated and awarded to the plaintiff for the irrigation of the lands in plaintiff irrigation district a supplemental water right from the waters of Weiser River with a priority of date of December 18, 1936,

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for 120 second feet of the waters of Weiser River under and by virtue of the water license and certificate of water right No. 18429 which issued from the office of the Commissioner of Reclamation of the State of Idaho on the 23rd day of January, 1939.

Done in open court this the 16 day of May, 1939.

R. L. Smith
District Judge.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-2169

WATER RIGHT NUMBER: 67-2169

Owner Type Name and Address
 Current Owner WEISER IRRIGATION DIST
 WEISER, ID

Priority Date: 12/18/1936

Basis: License

Status: Active

Source Tributary
 WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	120.000 CFS	
DOMESTIC	/ to /	120.000 CFS	
	<u>Total Diversion:</u>	120.000 CFS	

Location of Point(s) of Diversion

WEISER RIVER NE1/4NE1/4 Sec. 35, Twp 11N, Rge 04W, B.M.
 WASHINGTON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04W	2						10.0											10.0
10N	04W	3					10.0	20.0	30.0										60.0
10N	04W	4	30.0	35.0	40.0	40.0	40.0	40.0	20.0	40.0	10.0				5.0	5.0			305.0
10N	04W	5	35.0	30.0			35.0	40.0	5.0										145.0
10N	04W	6	40.0	40.0			40.0	40.0	30.0	10.0									200.0
10N	05W	1	35.0			40.0	20.0												95.0
10N	05W	2	10.0																10.0
11N	04W	28															10.0		10.0

Water Right Report 67-2169

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-2169

11N 06W 28		40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0		640.0
11N 06W 29		40.0	40.0	40.0	40.0		40.0	13.0	7.0	40.0		24.0					40.0	40.0	22.0	40.0		426.0
11N 06W 33		40.0	40.0	40.0	40.0		40.0	20.0	12.0	41.0		11.0					40.0					324.0
11N 06W 34		40.0	40.0	35.0	10.0		40.0	40.0	40.0	40.0		34.0	20.0	20.0	31.0			6.0				396.0
11N 06W 35		24.0	10.0				20.0	30.0														84.0
11N 06W 36		39.0	40.0	10.0	10.0		40.0	40.0	13.0	19.0												211.0

Total Acres: 10795

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:Comments:Dates and Other Information:

Licensed Date: 1/30/1979
 Decreed Date:
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number: 67
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False