

BURTON & KROLL

ATTORNEYS AT LAW

P. O. BOX 367

WEISER, IDAHO 83672

IRA T. BURTON
CHARLES R. KROLL

208 549 1652

RECEIVED
MAY 5 1989

May 3, 1989

Department of Water Resources
Western Regional Office

DET → Linda W. Not Available

Mr. Dave Tuthill, Jr.
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Re: Myrtle M. and Genevieve L. Witte

Dear Dave:

Genevieve and Myrtle Witte of Weiser have asked me to check with the Department of Water Resources to determine whether or not their claim to water right was ever granted pursuant to their application filed in February of 1977. I am enclosing a copy of their claim which indicates that it was published in March of 1977. There is nothing on the form, however, that indicates whether or not final approval was granted by the State.

Also, would you please advise whether or not the Wittes must refile under the Snake River Readjudication that is pending. If so, it is my understanding that those filings have to be done sometime in June of 1989. Also, if refiling is necessary, would you please forward copies of the appropriate claims to me.

Thank you for your help in this matter.

Sincerely yours,

BURTON & KROLL

Ira T. Burton

Ira T. Burton

ITB/nd

Encl.

cc: Myrtle and Genevieve Witte

Handled per telecon by DET

Based on this letter I called

Mr. Burton to explain the process,
and mailed him an adjudication

claim for A67-04173 (computer
generated) on 5/5/89 DET

MICROFILMED
AUG 05 1994

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: A67-04173
Date Received: 5/26/1989
Receipt No: W003033
Received By: TH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MYRTLE M. WITTE
Address: RT. 1 BOX 104
863 EATON RD.
WEISER, ID

83672

Name: GENEVIEVE L. WITTE
Address: RT. 1 BOX 104
863 EATON RD.
WEISER, ID

83672

2. Date of Priority: JUN 01, 1910

3. Source: SCOTT CREEK
WARM SPRINGS CREEK

Trib. to: SNAKE RIVER
SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	06W	20	SW	NW		3	WASHINGTON
			NE	SW			WASHINGTON

5. Description of diverting works:
2 PUMPS IN WARM SPRINGS CREEK /DIVERSION DAM ON SCOTT CREEK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.110		

7. Total Quantity Appropriated is:
2.110 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A67-04173

Page 1

Date: 08/11/89

MICROFILMED
AUG 05 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	06W	19	NE	NE		IRR	2.0
						Section Acres	2.0
		20	NW	NW		IRR	26.0
			SE	NW		IRR	29.0
			NE	SW		IRR	25.0
			NW	SW		IRR	26.0
						Section Acres	106.0
						Total Acres	108.0

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

AC. IRR.=107.3.

SOURCES ARE SCOTT CK. & WARM SPRINGS CK., TRIB. SNAKE R.

P/D INCOMPLETE.

15. Basis of Claim: STATUTORY CLAIM

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

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

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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: A67-04173
Date Received: ~~5/05/1989~~ 5/26/89
Receipt No: W003033 158.00
Received By: _____

RECEIVED
MAY 26 1989

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MYRTLE M. WITTE
Address: RT. 1 BOX 104 - 863 Eaton Rd.
WEISER, ID 83672

Name: GENEVIEVE L. WITTE
Address: RT. 1 BOX 104 - 863 Eaton Rd.
WEISER, ID 83672

2. Date of Priority: JUN 01, 1910

3. Source: SCOTT CREEK Trib. to: SNAKE RIVER
WARM SPRINGS CREEK SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	06W	20	SW	NW		3	WASHINGTON
			NE	SW			WASHINGTON

5. Description of diverting works: 2 pumps in Warm Springs Creek
Diversion Dam on Scott Creek

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.110		

7. Total Quantity Appropriated is:
2.110 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A67-04173

Page 1

Date: 05/05/89

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AUG 05 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	06W	19	NE	NE		IRR	2.0
						Section Acres	2.0
		20	NW	NW		IRR	26.0
			SE	NW		IRR	29.0
			NE	SW		IRR	25.0
			NW	SW		IRR	26.0
						Section Acres	106.0
						Total Acres	108.0

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

AC. IRR.=107.3.

SOURCES ARE SCOTT CK. & WARM SPRINGS CK., TRIB. SNAKE R.

P/D INCOMPLETE.

15. Basis of Claim: STATUTORY CLAIM

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Maryette M. Witte Date: 5/23/89
Genevieve L. Witte Date: 5/23/89

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 23rd day

of May 19 89

S. Oranella Newman
Notary Public

Seal

Residing at Weiser, Idaho

My Commission Expires 6/1/1994

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

Section 42-225a, Idaho Code

USERS

FEB 9 1967

CLAIM TO A ~~WATER~~ RIGHT

Department of Water Resources

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Myrtle M. and/or Genevieve L. Witte
(name of claimant)

of Route 1, Box 104, Weiser, Idaho 83672w, claims a right to the diversion and beneficial use of
(mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) (1). Scotch (Scotts) Creek
and (2). ~~Spring Creek~~ Warm Spring Creek, tributary to, Snake River

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

- | | | | | | | | | | |
|-----|--------|----------------------|-----|-------------------------------|----------------|------|-------------|----|------------------------|
| (1) | Amount | <u>1.28</u> cf | Use | <u>64"</u> | Period of Use: | From | <u>3-15</u> | To | <u>11-15</u> |
| (2) | Amount | <u>0.83</u> cf | Use | <u>42"</u> | Period of Use: | From | <u>3-15</u> | To | <u>11-15</u> |
| | Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| | | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | | (both dates inclusive) |

- (3) Total quantity of water claimed: _____ cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1910

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
1. NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20 Twp. 11 Rge. 6 B. M. County of Washington

Additional points of diversion:

2. Lot 3, Sec. 20, Twp 11 Rge 6, B.M. Washington County

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. 1. Dam in Scotts Creek ~~XXXXXXXXXX~~

2. Pumps-two

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

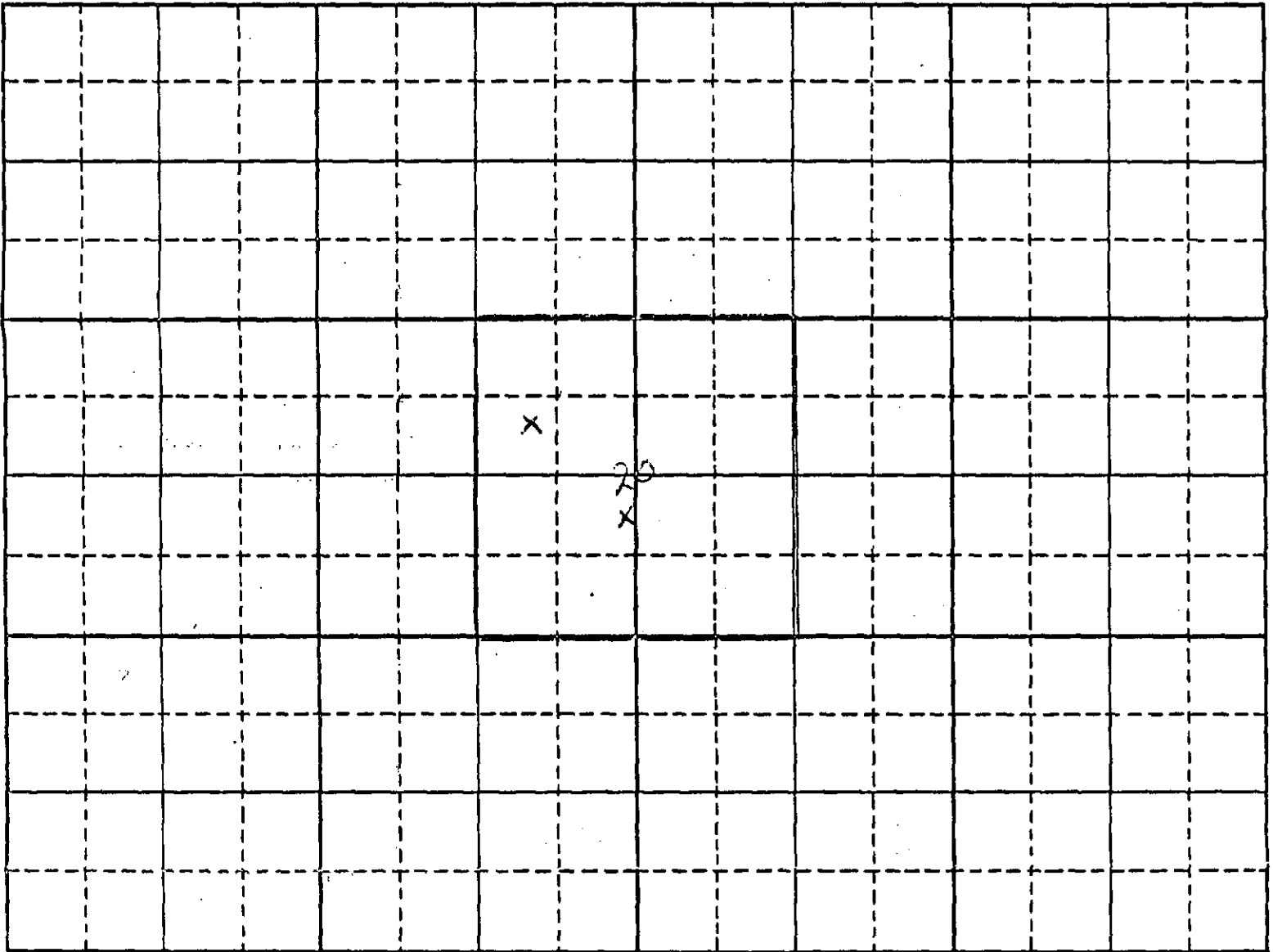
Total No. of acres ~~105.3~~ 107.3

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

All irrigation

- (7) If you are claiming water as a member of an organization, list name of organization: N/A

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Washington) ss.

Be it known that the undersigned, being duly sworn, deposes and says that ~~he~~, ~~she~~, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein, are true to the best of the affiants knowledge.

Henriette J. Witte
M. J. Witte

(Claimant)

Sworn to before me this 8th day of February, 1977.

Eugene H. Coulter
Notary Public

Residing at Wesley, Idaho

My commission expires 3/1/77

For Department Use Only

Received by KEF Date 2-24-77
Prelim. check by EEB Date 2-24-77
\$10.00 fee received by CS6719 Date 2-24-77
Approved for publication by ES 2-24-77
Published in U.S. National American
Dated March 23, 1977 March 10, 1977

Exception filed by:

Forwarded to
claimant by:

Date

1/30/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Myrtle M. + Genevieve L. Witte CLAIM IDENT. NO. AL67-04173DATE RECEIVED 5/26/89 CK # 869 AMOUNT \$ 158.00

- | | YES | NO | Required Info? |
|--|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be receipted and data entered? | ☒ | ☐ | |

Claim checked by: VADate: 8-10-89

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐
 Receipt Prepared by: _____
 Claim data entered by: _____
 Sent to claimant by: _____

 Date: _____
 Date: _____
 Date: _____

Checked by: _____ Date: _____

Comments: _____

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AUG 05 1994

BURTON & KROLL

ATTORNEYS AT LAW

P. O. BOX 367

WEISER, IDAHO 83672

IRA T. BURTON
CHARLES R. KROLL

208 549 1852

May 23, 1989

RECEIVED
MAY 30 1989

Department of Water Resources
Western Regional Office

Mr. Dave Tuthill, Jr.
Dept. of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

Re: Myrtle M. and Genevieve L. Witte

Dear Dave:

Enclosed please find the Notice of Claim to A Water Right which has been executed by Myrtle and Genevieve Witte, together with their check in the amount of \$158.00.

Thank you for your assistance in this matter.

Sincerely yours,

BURTON & KROLL



IRA T. BURTON

ITB:jas
Enclosure

cc Myrtle and Genevieve Witte

MICROFILMED

AUG 05 1994

BURTON & KROLL

ATTORNEYS AT LAW

P. O. BOX 307

WEISER, IDAHO 83072

IRA T. BURTON
CHARLES R. KROLL

208 549 1652

RECEIVED
MAY 5 1989

May 3, 1989

Department of Water Resources
Western Regional Office

DET → Linda W. Not Available

Mr. David Tamm, Jr.
Department of Water Resources
1901 North Orchard Street
Statehouse Mall
Boise, Idaho 83720

Re: Myrtle M. and Genevieve L. Witte

Dear David:

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Also, would you please advise whether or not the Wittes must file under the Snake River Reapportionment that is pending. If so, it is my understanding that these filings have to be made sometime in June of 1989. Also, if willing or necessary, would you please forward copies of the appropriate claims to me.

Thank you for your help in this matter.

Sincerely yours,

BURTON & KROLL

Ira T. Burton

Ira T. Burton

2/2/89

DET

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Handled per telecon by DET

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