

NOTICE OF ERROR
REPLY

08/18/2006

RECEIVED

AUG 30 2006

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 22, 2006

Water right number: 79-7070

FENN WATER AND SEWER DIST
PO BOX 41
FENN ID 83531

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 08/28/06

SIGNATURE:

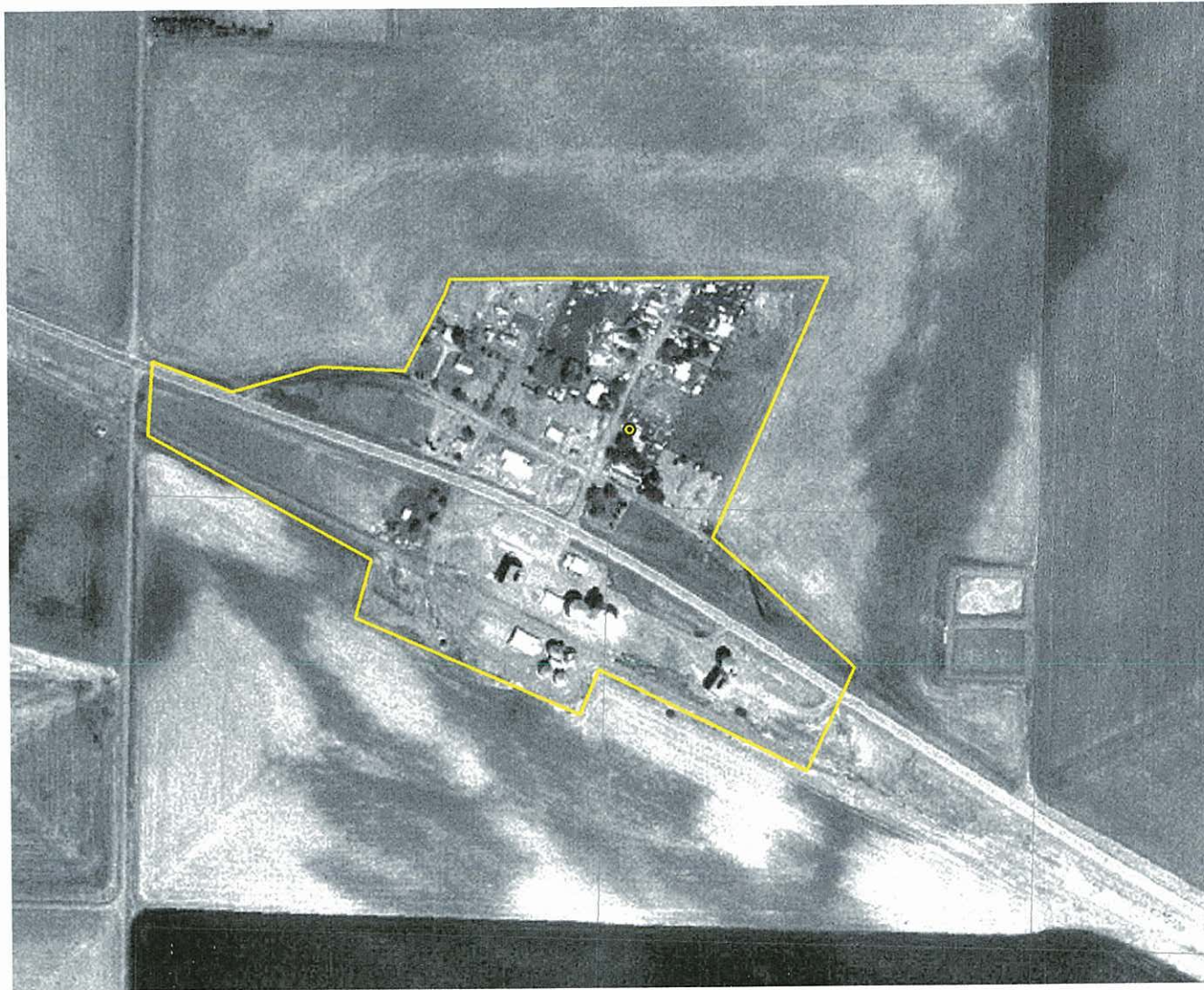
Allen J. Whitcomb

Please print your name:

Allen J Whitcomb KOTI

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

79-7070



T30N R02E
Section(s) 6

● Point of Diversion
□ Place of Use



Map prepared by: Greg Taylor
Date Prepared: December 21, 2004
Photography: 1992 DOQQ
Idaho Department of Water Resources

0 500 1000 1500 2000 Feet

A horizontal scale bar with alternating black and white segments. The segments are labeled with the numbers 0, 500, 1000, 1500, and 2000, followed by the word 'Feet'.

12/21/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 79-7070

NAME AND ADDRESS: FENN WATER AND SEWER DIST
PO BOX 41
FENN ID 83531

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.150 CFS
21.600 AFY

PRIORITY DATE: 09/18/1979

POINT OF DIVERSION:

T30N R02E S6 SWNESW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	01/01 12/31	0.150 CFS 21.60 AFY
DOMESTIC	01/01 12/31	0.150 CFS 21.60 AFY

PLACE OF USE: DOMESTIC Within IDAHO County

T30N R02E S06	NESW	T30N R02E S06 Lot 6	NWSW
T30N R02E S06 Lot 7	SWSW	T30N R02E S06	SESW
<u>FIRE PROTECTION same as DOMESTIC</u>			

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 79-07070

Priority: September 18, 1979

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.15 CFS
21.6 AF

This is to certify, that FENN WATER & SEWER INC.

P.O. BOX 41

FENN, ID 83531

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 18, 1979; and has submitted Proof of Beneficial Use on September 17, 1980. An examination indicates that the works have a diversion capacity of .150 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.15 CFS	21.6 AF
FIRE PROTECTION	01/01 to 12/31	0.15 CFS	21.6 AF
	Totals	0.15 CFS	21.6 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 6, Township 30N, Range 02E
IDAHO County

PLACE OF USE: DOMESTIC

TWN RGE SEC

30N 02E 6

NESW
SESW

LOT 6(NWSW)

LOT 7(SWSW)

PLACE OF USE: FIRE PROTECTION, same as DOMESTIC use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 18 homes.

MICROFILMED

NOV 22 1989

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: A79-07070
Date Received: 7/11/1988
Receipt No: N000573
Received By: EJR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FENN WATER AND SEWER DISTRICT
Address: FENN, ID 83531
2. Date of Priority: SEP 18, 1979
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
30N	02E	6	SW	NE	SW		IDAHO
5. Description of diverting works:
472' WELL WITH 1500 GALLON STORAGE
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.150		
FIRE PROTECTION	01/01	12/31	0.150		
7. Total Quantity Appropriated is:
0.150 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
D/18 HOMES.
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
30N	02E	6	NE	SW		DOMEST	
			NW	SW		DOMEST	

A79-07070

Page 1

Date: 08/20/88

MICROFILMED
OCT 06 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
30N	02E	6	SW	SW		DOMEST	
			SE	SW		DOMEST	

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:

WELL IN LOT A OF FENN TOWNSITE.

15. Basis of Claim: PERMIT

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: 39356

Ident. Number

A79-07070

Date Received

07/11/88

Receipt Number

N573

RECEIVED
JUL 21 1988

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JUL 11 1988

Department of Water Resources
Western Regional Office

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) FENN WATER AND Sewer DISTRICT Phone (208) NONE
Mailing Address FENN, ID Zip 83531
2. Date of Priority (Only one (1) per claim) 9/18/79
3. Source of water supply (a) GROUND WATER
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 30N Range 2E Section 6,
SW 1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of IDAHO
Additional points of diversion if any: NONE
- 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. 472' WELL w/ 1500 GALLON
STORAGE TANK Provide water for 18 Households.

MICROFILMED

OCT 08 1992

Copies White Copy, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from _____ to _____ amount .15 or _____

For Fire Protection purposes from _____ to _____ amount — or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .15 (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.) 18 Households for Domestic use And Fire Protection

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
30N	2E	6									D	D	D	D					—

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes X 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.
_____ or None (X)

14. Remarks:

Last Name FENN Water And Ident No. 79-7070
Sewer DISTRICT

MICROFILMED
OCT 06 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 79-7070
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 x Allen J. Whisenand Chairman of the Board
of Fenn W/S Dist. Organization, that I have signed the foregoing
document in the space below as Chairman of the Board of Fenn W/S Dist.
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 22 day of June 19 88

SEAL

Notary Public Jean G. Lister

Residing at Longville, Idaho

My Commission Expires June 12 1993

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 _____

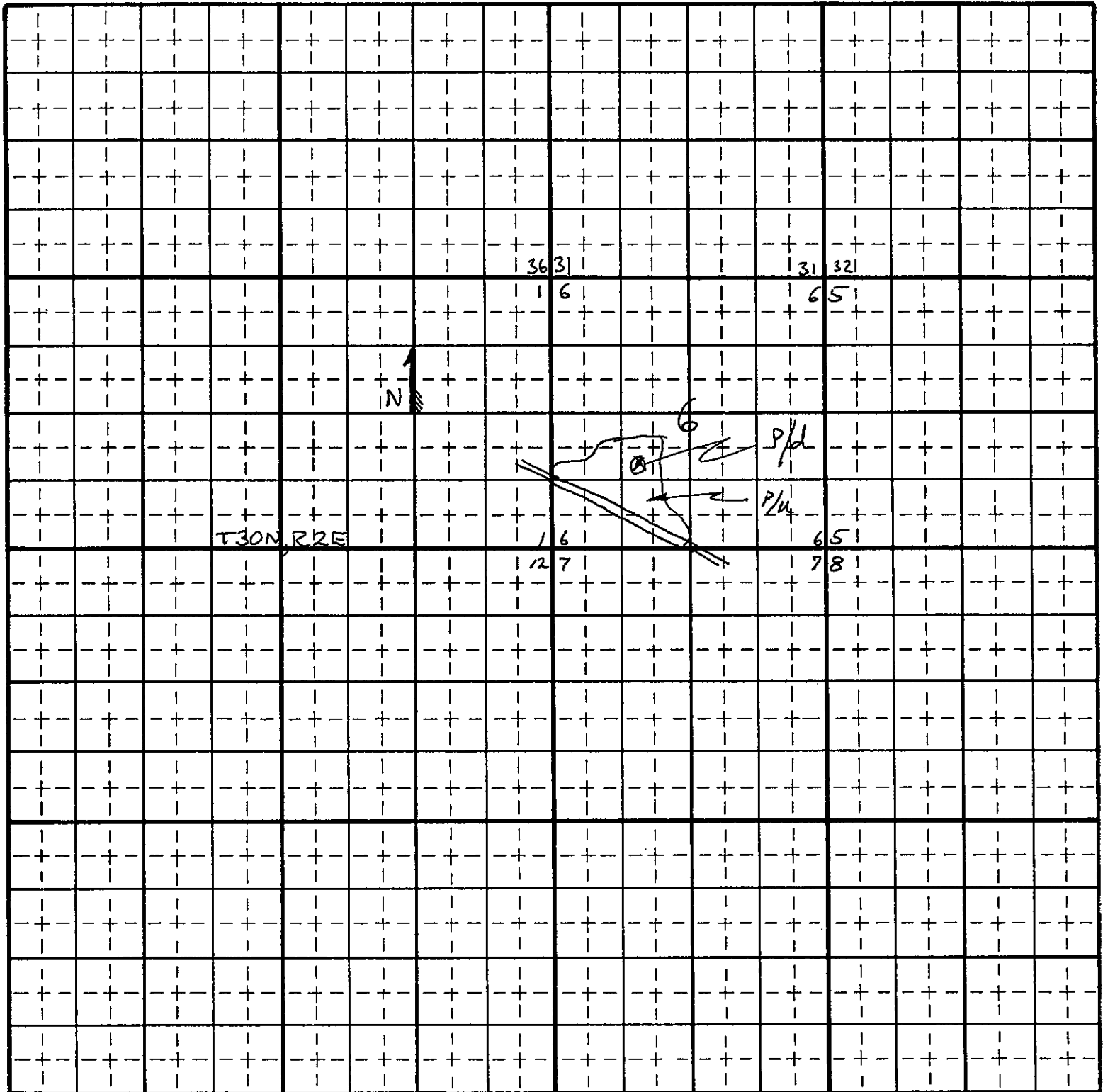
Last Name Fenn Water And Ident. Number 79-7070
Sewer District

MICROFILMED

OCT 06 1992

Official White Stamp, Yellow-Claimant

Scale: 2 inches equals 1 mile



Last Name FENN WATER AND Ident No. 79-7070

Sewer District

Copies: White-Slave-Young-Claimant
MICROFILMED

OCT 06 1992

	YES	NO
Is the name and address complete with zip code?	☒	☐
Is priority date entered?	☒	☐
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd). A Permit is required for surface water developed after May 20, 1971 (except for instream stockwater).		
(a) Is a source entered?	☒	☐
(b) Is a tributary to entered? (if required)	☒	☐
Is the legal description of the p.d. complete?	☒	☐
Is there a description of the diverting works?	☒	☐
Are the water uses appropriate for the form? The short form limited domestic and stockwater. Instream stockwater must use long form.	☒	☐
Is the period of use included?	☒	☐
Is a quantity claimed for each use?	☒	☐
Is a total quantity claimed entered?	☒	☐
Is the consumptive use correct?	☒	☐
If required is a consumptive use entered?	☒	☐
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, each household must file a separate claim.	☒	☐
10. Is (are) the place(s) of use entered?	☒	☐
11. Is (are) the county(ies) entered?	☒	☐
12. Is the ownership of p.u. checked?	☒	☐
13. Are other water rights listed or "none" checked?	☒	☒
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 checked?	☒	☐
16. Is the claim signed by the claimant? Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☒	☐
Has the claim been signed, sealed, and dated by a notary?	☒	☐
Is the fee enclosed correct?	☒	☐
Should this claim be receipted and data entered?	☒	☐
If this claim is based on an existing water right, has the identification number been entered?	☒	☐

Claim checked by: LW

Comments: Other rights not listed

100-100-100-100
 100-100-100-100
 100-100-100-100

10	11	12	13
14	15	16	17
18	19	20	21
22	23	24	25
26	27	28	29
30	31	32	33
34	35	36	37
38	39	40	41
42	43	44	45
46	47	48	49
50	51	52	53
54	55	56	57
58	59	60	61
62	63	64	65
66	67	68	69
70	71	72	73
74	75	76	77
78	79	80	81
82	83	84	85
86	87	88	89
90	91	92	93
94	95	96	97
98	99	100	101
102	103	104	105
106	107	108	109
110	111	112	113
114	115	116	117
118	119	120	121
122	123	124	125
126	127	128	129
130	131	132	133
134	135	136	137
138	139	140	141
142	143	144	145
146	147	148	149
150	151	152	153
154	155	156	157
158	159	160	161
162	163	164	165
166	167	168	169
170	171	172	173
174	175	176	177
178	179	180	181
182	183	184	185
186	187	188	189
190	191	192	193
194	195	196	197
198	199	200	201
202	203	204	205
206	207	208	209
210	211	212	213
214	215	216	217
218	219	220	221
222	223	224	225
226	227	228	229
230	231	232	233
234	235	236	237
238	239	240	241
242	243	244	245
246	247	248	249
250	251	252	253
254	255	256	257
258	259	260	261
262	263	264	265
266	267	268	269
270	271	272	273
274	275	276	277
278	279	280	281
282	283	284	285
286	287	288	289
290	291	292	293
294	295	296	297
298	299	300	301
302	303	304	305
306	307	308	309
310	311	312	313
314	315	316	317
318	319	320	321
322	323	324	325
326	327	328	329
330	331	332	333
334	335	336	337
338	339	340	341
342	343	344	345
346	347	348	349
350	351	352	353
354	355	356	357
358	359	360	361
362	363	364	365
366	367	368	369
370	371	372	373
374	375	376	377
378	379	380	381
382	383	384	385
386	387	388	389
390	391	392	393
394	395	396	397
398	399	400	401
402	403	404	405
406	407	408	409
410	411	412	413
414	415	416	417
418	419	420	421
422	423	424	425
426	427	428	429
430	431	432	433
434	435	436	437
438	439	440	441
442	443	444	445
446	447	448	449
450	451	452	453
454	455	456	457
458	459	460	461
462	463	464	465
466	467	468	469
470	471	472	473
474	475	476	477
478	479	480	481
482	483	484	485
486	487	488	489
490	491	492	493
494	495	496	497
498	499	500	501
502	503	504	505
506	507	508	509
510	511	512	513
514	515	516	517
518	519	520	521
522	523	524	525
526	527	528	529
530	531	532	533
534	535	536	537
538	539	540	541
542	543	544	545
546	547	548	549
550	551	552	553
554	555	556	557
558	559	560	561
562	563	564	565
566	567	568	569
570	571	572	573
574	575	576	577
578	579	580	581
582	583	584	585
586	587	588	589
590	591	592	593
594	595	596	597
598	599	600	601
602	603	604	605
606	607	608	609
610	611	612	613
614	615	616	617
618	619	620	621
622	623	624	625
626	627	628	629
630	631	632	633
634	635	636	637
638	639	640	641
642	643	644	645
646	647	648	649
650	651	652	653
654	655	656	657
658	659	660	661
662	663	664	665
666	667	668	669
670	671	672	673
674	675	676	677
678	679	680	681
682	683	684	685
686	687	688	689
690	691	692	693
694	695	696	697
698	699	700	701
702	703	704	705
706	707	708	709
710	711	712	713
714	715	716	717
718	719	720	721
722	723	724	725
726	727	728	729
730	731	732	733
734	735	736	737
738	739	740	741
742	743	744	745
746	747	748	749
750	751	752	753
754	755	756	757
758	759	760	761
762	763	764	765
766	767	768	769
770	771	772	773
774	775	776	777
778	779	780	781
782	783	784	785
786	787	788	789
790	791	792	793
794	795	796	797
798	799	800	801
802	803	804	805
806	807	808	809
810	811	812	813
814	815	816	817
818	819	820	821
822	823	824	825
826	827	828	829
830	831	832	833
834	835	836	837
838	839	840	841
842	843	844	845
846	847	848	849
850	851	852	853
854	855	856	857
858	859	860	861
862	863	864	865
866	867	868	869
870	871	872	873
874	875	876	877
878	879	880	881
882	883	884	885
886	887	888	889
890	891	892	893
894	895	896	897
898	899	900	901
902	903	904	905
906	907	908	909
910	911	912	913
914	915	916	917
918	919	920	921
922	923	924	925
926	927	928	929
930	931	932	933
934	935	936	937
938	939	940	941
942	943	944	945
946	947	948	949
950	951	952	953
954	955	956	957
958	959	960	961
962	963	964	965
966	967	968	969
970	971	972	973
974	975	976	977
978	979	980	981
982	983	984	985
986	987	988	989
990	991	992	993
994	995	996	997
998	999	1000	1001
1002	1003	1004	1005
1006	1007	1008	1009
1010	1011	1012	1013
1014	1015	1016	1017
1018	1019	1020	1021
1022	1023	1024	1025
1026	1027	1028	1029
1030	1031	1032	1033
1034	1035	1036	1037
1038	1039	1040	1041
1042	1043	1044	1045
1046	1047	1048	1049
1050	1051	1052	1053
1054	1055	1056	1057
1058	1059	1060	1061
1062	1063	1064	1065
1066	1067	1068	1069
1070	1071	1072	1073
1074	1075	1076	1077
1078	1079	1080	1081
1082	1083	1084	1085
1086	1087	1088	1089
1090	1091	1092	1093
1094	1095	1096	1097
1098	1099	1100	1101
1102	1103	1104	1105
1106	1107	1108	1109
1110	1111	1112	1113
1114	1115	1116	1117
1118	1119	1120	1121
1122	1123	1124	1125
1126	1127	1128	1129
1130	1131	1132	1133
1134	1135	1136	1137
1138	1139	1140	1141
1142	1143	1144	1145
1146	1147	1148	1149
1150	1151	1152	1153
1154	1155	1156	1157
1158	1159	1160	1161
1162	1163	1164	1165
1166	1167	1168	1169
1170	1171	1172	1173
1174	1175	1176	1177
1178	1179	1180	1181
1182	1183	1184	1185
1186	1187	1188	1189
1190	1191	1192	1193
1194	1195	1196	1197
1198	1199	1200	1201
1202	1203	1204	1205
1206	1207	1208	1209
1210	1211	1212	1213
1214	1215	1216	1217
1218	1219	1220	1221
1222	1223	1224	1225
1226	1227	1228	1229
1230	1231	1232	1233
1234	1235	1236	1237
1238	1239	1240	1241
1242	1243	1244	1245
1246	1247	1248	1249
1250	1251	1252	1253
1254	1255	1256	1257
1258	1259	1260	1261
1262	1263	1264	1265
1266	1267	1268	1269
1270	1271	1272	1273
1274	1275	1276	1277
1278	1279		