

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

B-996-P.
79-4017
79-4055A
79-4056-2,2.
79-4054-2,2.
79-10014-2,2.
79-10014-2,2.

BERTHA G BURNS
PO BOX 112
WHITE BIRD



07/25/2006

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

RIGHT NUMBER: 79-4023A

NAME AND ADDRESS: JANET S WILLIAMSON
PO BOX 332
LUCILE ID 83542

ROBERT V WILLIAMSON
PO BOX 332
LUCILE ID 83542

SOURCE: GROUND WATER
SALMON RIVER

TRIBUTARY: SALMON RIVER
TRIBUTARY: SNAKE RIVER

QUANTITY: 0.120 CFS

The quantity of water under this right for domestic use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 03/01/1963

POINT OF DIVERSION:

T25N R01E S2 SWNW Lot 5 Within IDAHO County
T25N R01E S2 SWNW Lot 5 Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02/15 11/30	0.110 CFS
DOMESTIC	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T25N R01E S02 Lot 5 SWNW 3.60

DOMESTIC same as IRRIGATION

3.6 ACRES TOTAL

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.

Diversion from the well under this right is limited to those times when
water is available for diversion under the priority of this right from the
Salmon River at the original point of diversion in T25N, R01E, Section 2,
SWNW, Lot 5.

The quantity of water decreed for this water right for domestic use is not
a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in source pursuant to Section 42-1425,
Idaho Code.

79-4023A

T25N R01E
Section(s) 2



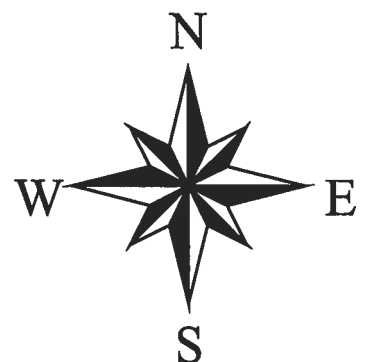
0.05 0 0.05 0.1 Miles



Place of Use



Point of Diversion



Layout prepared on April 4, 2006
By Greg Taylor
Idaho Department of Water Resources

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: A79-04023A

Date Received: 5/31/1988

Receipt No: C001022

Received By: DE JAL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT V. WILLIAMSON 208-628-3973
Address: P.O. BOX 332
LUCILE, ID 83542

OR
Name: JANET S. WILLIAMSON 208-628-3973
Address: P.O. BOX 332
LUCILE, ID 83542

2. Date of Priority: MAR 01, 1963

3. Source: SALMON RIVER Trib. to: SNAKE RIVER
GROUNDWATER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
25N	01E	2	NW	NW	NW	5	IDAHO

5. Description of diverting works:
WELL + PUMP IN RIVER, BOTH REPLACED A COMMUNITY WELL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	12/01	0.120		
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is 12.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSEHOLD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
25N	01E	2	NW	NW		DOMEST	
			NW	NW	5	IRR	4.0
						Section Acres	4.0
						Total Acres	4.0

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:
NONE

14. Remarks:

THE WATER RIGHT IS SPLIT MR. HART'S # IS A79-04023B MR. WILLAIMSON IS # A79-04023A. DOMESTIC WAS CLAIMED ON THIS FORM, BUT IT WOULD BE A EXPANSION, SO A SEPARATE CLAIM MUST BE MADE.

15. Basis of Claim: BENEFICIAL USE

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: A79-04023A
Date Received: 5/31/1988
Receipt No: C001022
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT V. WILLIAMSON 208-628-3973
Address: P.O. BOX 332
LUCILE, ID 83542

OR

Name: JANET S. WILLIAMSON 208-628-3973
Address: P.O. BOX 332
LUCILE, ID 83542

2. Date of Priority: MAR 01, 1963

3. Source: SALMON RIVER Trib. to: SNAKE RIVER
GROUNDWATER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
25N	01E	2	NW	NW			IDAHO

5. Description of diverting works:
WELL + PUMP IN RIVER, BOTH REPLACED A COMMUNITY WELL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	12/01	0.137		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
SEE REMARKS

A79-04023A

Page 1

Date: 02/17/89

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
25N	01E	2	NW NW		IRR	4.0
			NW NW		DOMEST	

Section Acres 4.0

Total Acres 4.0

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:
NONE

14. Remarks:

THE WATER RIGHT IS SPLIT MR. HART'S # IS A79-04023B MR.WILLAIMSON
IS # A79-04023A. DOMESTIC WAS CLAIMED ON THIS FORM, BUT IT
WOULD BE A EXPANSION,SO A SEPARATE CLAIM MUST BE MADE.

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: 39356
Ident. Number 479-040234
Date Received 5-31-88
Receipt Number C001022

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAY 31 1988

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Robert V. and Janet S. Williamson Phone (208) 628-3973
Mailing Address Box 332 Lucile, Idaho Zip 83542

2. Date of Priority (Only one (1) per claim) March 1, 1963

3. Source of water supply (a) Salmon River & Groundwater
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 25N Range 1E Section 2,
1/4 of NW 1/4 of NW 1/4, Govt. Lot, 5 B.M., County of Idaho

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,

_____ 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.

6" cased well 68' deep
approx. 20' from the salmon River in the river
bed gravel. also pump in the River. Both
pumps are submersible The wells have replaced
a community well that was used by both Mr.
Williamson and Mr. Hart (1985).

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Copies: White State, Yellow Claimant

54.00

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-1 to 12-1 amount .12 or _____

For Domestic purposes from 1-1 to 12-31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.14 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 12 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1 Domestic

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	
25N	1E	2						Lot 5											4
		2						D											

Total number of acres irrigated 4

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 ✓ 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 _____ Ident No. _____

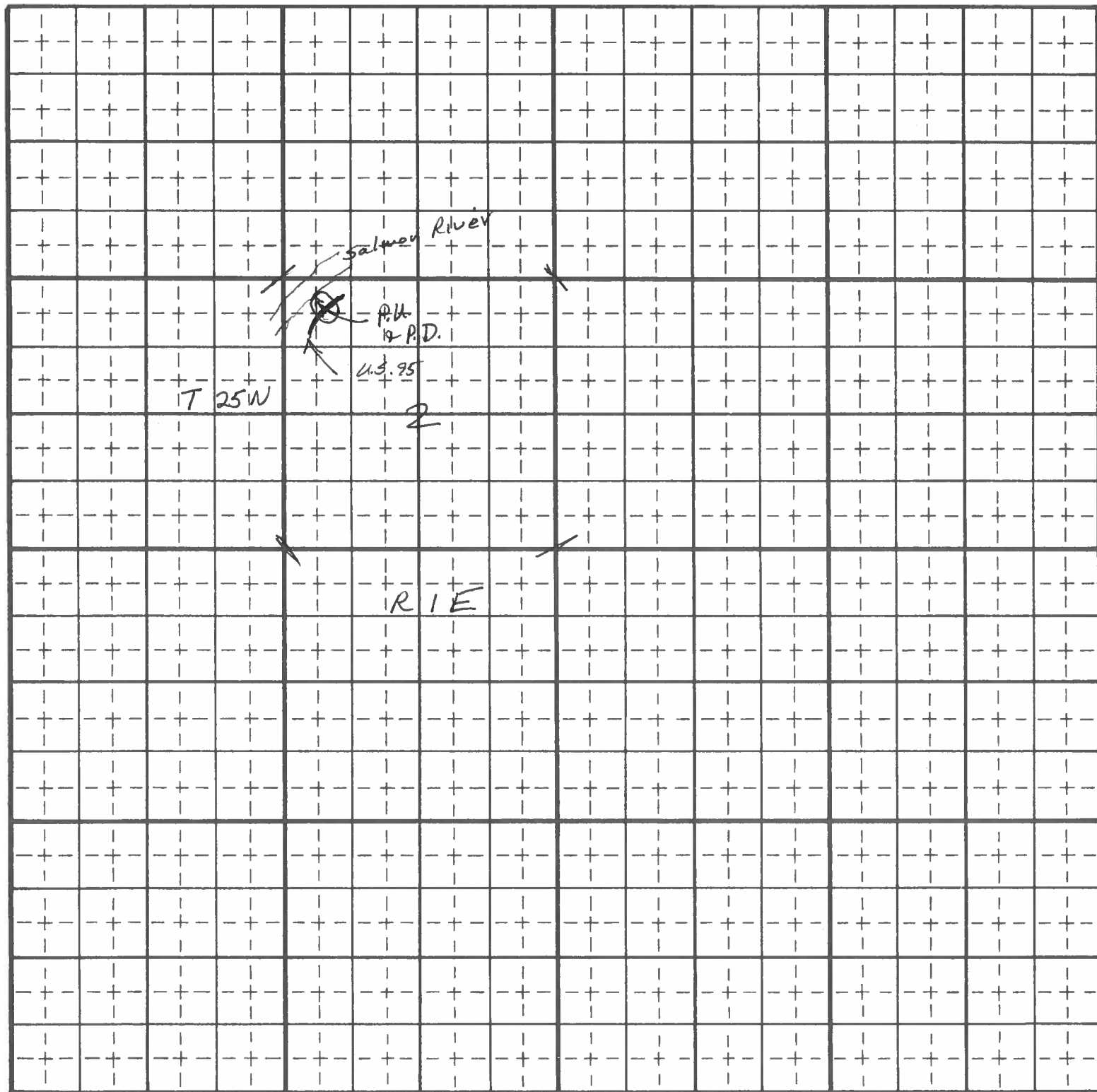
Idaho Mining State Water Claimant

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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Williamson

Ident No. A79
#28-04023A

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Copies: White-State, Yellow-Chain

OCT 06 1992

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 79-4023
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) Robert W. Williamson Date May 19, 1988

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

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 _____)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 19th day of May 19 88

SEAL

Notary Public Carsten Futschle

Residing at Eagle, Id

My Commission Expires 3-21-94

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 Robert W. Williamson Disregard R.V.W.

Address Box 332 Lucile, Idaho 83542

Date May 19, 1988

Last Name Williamson Ident. Number A79-04023A

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Copies White-State, Yellow-Claimant
OCT 06 1992

(7) If you are claiming water as a member of an organization, list name of organization: NO

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OCT 06 1992

12/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME WILLIAMSON, Robert and/or Janet S. CLAIM IDENT. NO. A79-04023A

DATE RECEIVED 5-31-88 CK # 2230 AMOUNT \$ 5400

- | | 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? | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) N/A | ☒ | ☐ | |
| 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? N/A | ☒ | ☐ | |
| Is the consumptive use correct? N/A | ☒ | ☐ | |
| 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. N/A | ☒ | ☐ | * |
| 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.) N/A | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. Has the claimant requested a monthly docket sheet? (If yes, describe payment status in "Comments" below.) | ☐ | ☒ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? | ☒ | ☐ | * |
| 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? Exempt | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? N/A | ☒ | ☐ | |
| 22. Should this claim be receipted and data entered? | ☐ | ☐ | |

Claim checked by: VERIFIED RDH Date: 3-10-89

Claim must be returned to claimant: ☐ (Yes) ☒ (No)

Claimant must be sent a copy of amended claim for approval: ☐ (Yes) ☐ (No)

Receipt Prepared by: _____ Date: _____
Claim data entered by: _____ Date: _____
Sent to claimant by: _____ Date: _____
Checked by: _____ Date: _____

Comments: SEE MEMO ATTACHED FLAG FOR FIELD EXAM 5400

MICROFILMED

Taylor, Greg

From: Fritschle, Carter
Sent: Tuesday, July 25, 2006 8:42 AM
To: Taylor, Greg
Subject: RE: Change in source/pod condition

Greg,

Looks like I forgot to include part of the condition. I think there should also be a reference to the priority date.

Diversion of from the well under this right is limited to those times when water is available for diversion under the priority of this right from the Salmon River at the original point of diversion in T____, R____, S____, _____.

Because the condition is referring to the priority date, the source and the point of diversion, I think it should be General. I use 34-269D as my example whenever I have to deal with something like this. That was the first right that I came across that had a change in point of diversion that required water to be available at the original point of diversion.

Carter

-----Original Message-----

From: Taylor, Greg
Sent: Tuesday, July 25, 2006 9:22 AM
To: Fritschle, Carter
Subject: RE: Change in source/pod condition

C,

What is the Category for the conditions?

G

-----Original Message-----

From: Fritschle, Carter
Sent: Monday, July 24, 2006 3:16 PM
To: Taylor, Greg
Subject: RE: Change in source/pod condition

Greg,

I was thinking that since the right will have both sources, that the limitation only applies to the use of Ground Water from the well, and not to the use of Salmon River water from the river pump. Perhaps this would be less confusing:

Diversion of from the well under this right is limited to those times when water is available for diversion from the Salmon River at the original point of diversion in T____, R____, S____, _____.

I added the in front of Salmon River for the other condition as well. It seems to me that it reads better with it, but Lynne was always very stingy with using the in (the) conditions.

Carter

-----Original Message-----

From: Taylor, Greg
Sent: Monday, July 24, 2006 3:58 PM
To: Fritschle, Carter
Subject: RE: Change in source/pod condition

They look good to me. Does it confuse folks when it specifically says Groundwater in the last one? They don't think they can still divert surface water, do they?

G

-----Original Message-----

From: Fritschle, Carter
Sent: Monday, July 24, 2006 1:23 PM
To: Taylor, Greg
Subject: Change in source/pod condition

Hi Greg,

Rather than modify the municipal alternate POD condition, I think it would be best to work from the following condition.

Diversion of water under this right is limited to those times when water is available for diversion from (original source) at the original point of diversion in T____, R____, S____, ____.

For the claim where only the well is used, the condition should be straight forward, and the only source listed on the claim is Ground Water:

Diversion of water under this right is limited to those times when water is available for diversion from **[Fritschle, Carter]** the Salmon River at the original point of diversion in T____, R____, S____, ____.

For the claim where the Salmon River and the well are both used, both sources are listed on the claim, so possibly something like this could work:

Diversion of Ground Water under this right is limited to those times when water is available for diversion from Salmon River at the original point of diversion in T____, R____, S____, ____.

What are your thoughts?

Carter

RECEIVED
MAR 8 1989

MEMORANDUM

Department of Water Resources
Western Regional Office

TO: Don Shaff *DS*

DATE March 7, 1989

FROM: Carter Fritschle *CF*

SUBJECT: Claiming water right 79-04023 by Williamson and Hart

Mr. Williamson and Mr. Hart visited the Grangeville office May 19, 1988. Each had purchased a portion of the property near the townsite of Lucile that was formerly owned by John and/or Marjorie Mock. The land is now being irrigated from wells located near the river. These wells were installed in 1985 to replace a domestic well that served both parties. According to the claimants, the irrigation water and the domestic water is supplied by the same system. I do not know if the pump(s) in the river are still in use. Because water right 79-04023 included irrigation of the land they presently own, and the Salmon River is essentially the source of water for their wells, the claims were based on this right. A field inspection should be conducted to determine the extent of beneficial use, and whether the priority date of the domestic use is the same as the priority date of the irrigation use.

The origins of the initially recorded WR (243 claims) makes me unwilling to conclude another claim for expansion/presumption or otherwise is warranted at this point. I question whether the 243 claim adequately described the water right that was developed. The 243 claim is not conclusive like a license, which at times has not proven conclusive itself. I believe a determination by us should be delayed until the investigative stage on the subject of multiple rights, correct descriptions, uses, etc.

DS 3/08/89

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