

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 63-31507
Date Received: 6/13/2002
Receipt No: W029342
Received By: SB 6/18/02

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

1. Name of Claimant(s)

WILLIAM H WESSELS Phone: (208) 459-2004
18501 HWY 20-26
CALDWELL ID USA 83607

2. Date of Priority: 01/01/1866

3. Source: UNNAMED STREAM Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	04W	2	NE SW	CANYON	Beginning Point
04N	04W	2	SE SE	CANYON	Ending Point

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.2 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
04N	04W	2	NE SW	STOCKWATER	
			SE SE	STOCKWATER	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

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): Will H. Hirsch Date: 4/18/02

Date:

State of Idaho)
County of Ada) SS.

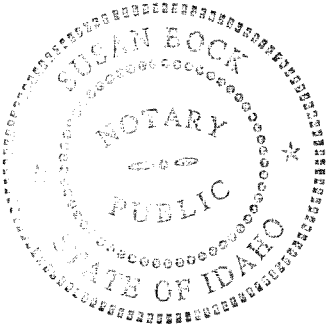
Subscribed and sworn (or affirmed) before me this
of June 18 2002

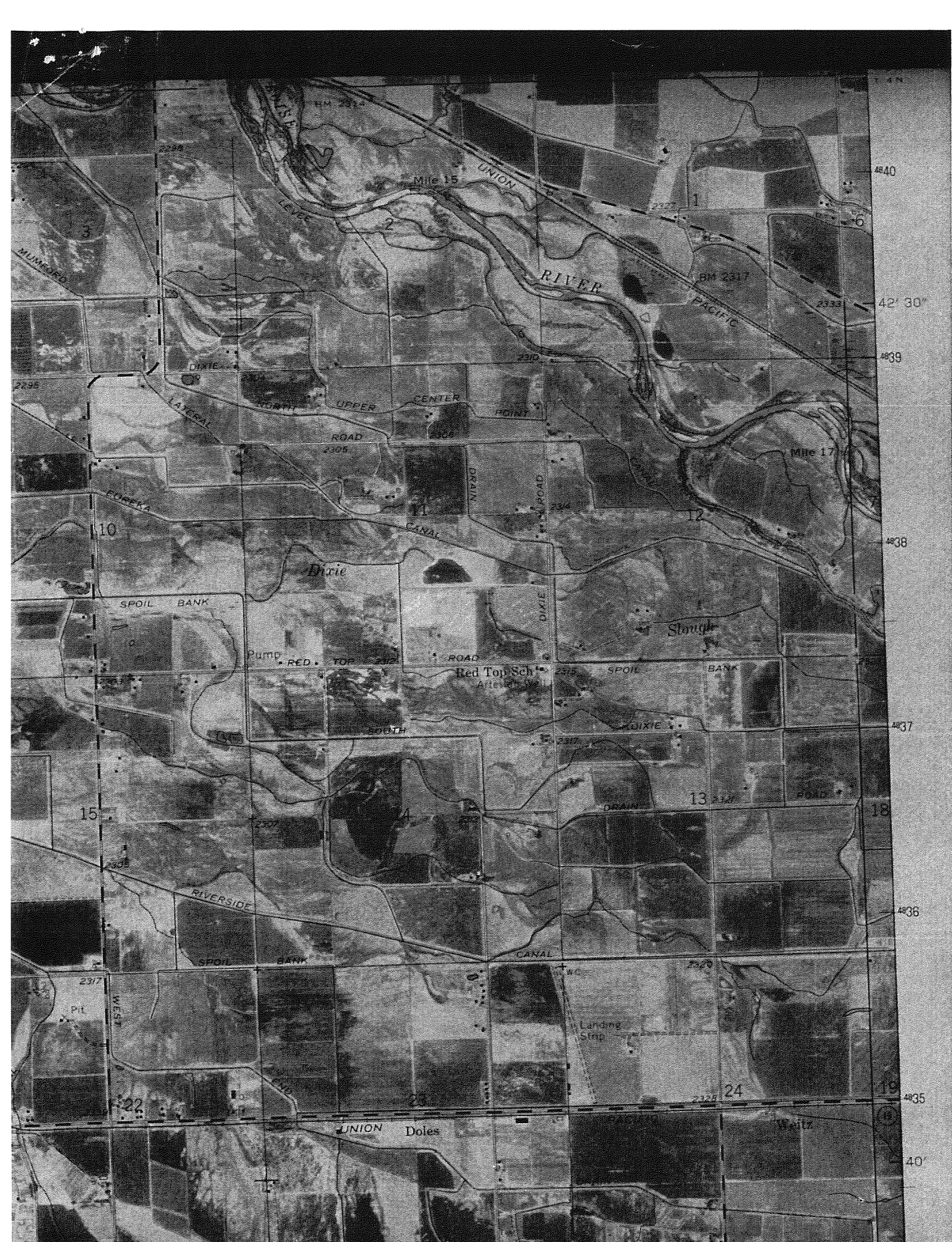
Sue Beck

Notary Public

Residing at Merida

My commission Expires 10/23/2004





FROM :

FAX NO. : 208 459 2004

Oct. 31 2006 03:14PM P1

020

11/2/06

A Ha K Brown

NOTICE OF ERROR
REPLY

09/29/2006

RECEIVED

NOV 02 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: October 31, 2006

RECEIVED

NOV 06 2006

WATER RESOURCES
WESTERN REGION

Water right number: 63-31507

WILLIAM H WESSELS
18501 HWY 20-26
CALDWELL ID 83607
Telephone Number: (208)459-2004

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

10/31/06

SIGNATURE:

William H Wessels

Please print your name:

William H WESSELS

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

SCANNED

NOV 02 2006

ku

03/28/2006

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

RIGHT NUMBER: 63-31507

NAME AND ADDRESS: WILLIAM H WESSELS
18501 HWY 20-26
CALDWELL ID 83607

SOURCE: UNNAMED STREAM

TRIBUTARY: BOISE RIVER

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 01/01/1866

POINT OF DIVERSION:

T04N R04W S2 NESE Lot 1 Begin of Stream Flow Within CANYON County

T04N R04W S2 NESE Lot 1 End of Stream Flow Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within CANYON County

T04N R04W S02 Lot 1 NESE

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 50 range animals.
Parcel No. R3593001000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 63-31507

1. No Change NAME IS SAME

NEW OWNER: _____

No Change ADDRESS

NEW ADDRESS: _____

2. No Change - DATE OF PRIORITY: Completed evidence submitted
Incomplete - Claimant should be asked during the exam when was water first
used and submit proof of date of priority.

Priority date, per claimant, is: 1/1/1866 - stockwater claim
(If the priority date, based on your exam, seems questionable, explain below.)

less than 13,000 gpd - evidence not
required

3. No Change - SAME SOURCE

Source is different than that claimed:

Source found: _____

4. No Change — POINT OF DIVERSION

Point of diversion is different than the claim and/or new P/D's:

Township 4N Range 4W Section 2 1/4 _____ 1/4 NE 1/4 SE GL 1 → Begin
Township 4N Range 4W Section 2 1/4 _____ 1/4 NE 1/4 SE GL 1 → End

5. No Change - DESCRIPTION OF DIVERTING WORKS

Incomplete description, list below:

instream stock -

6. No Change - WATER USES
Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. No Change - TOTAL VOLUME N/A - surface water

Incomplete on claim, the total is, Amount _____ CFS _____ AFA _____

Changes found, the new total is, Amount _____ CFS _____ AFA _____

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: _____ Stock # ukn - allow up to 50 head
List types: since filed on 0.02
per Admin Memo-App.
Additional comments: process # 4

9. No Change — PLACE OF USE: (If changed, list below.)

Use: <u>Stock</u> Township <u>4N</u>	Range <u>4W</u>	Section <u>2</u>	1/4 <u>NE</u>	1/4 <u>SE</u>
Use: _____ Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____ Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____ Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) See additional attachment

Per tax lot info claimant does not
own property in NESW or SESE
Sec. 2 - Limited poe to his property

SYSTEM DIAGRAM INCLUDED

NA

Shown on GIS Layout

CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 3-28-2006

FIELD EXAMINER:

Kay Walker

Print Name

Kay Walker

Signature

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31507 V1

WATER RIGHT NUMBER: 63-31507 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM H WESSELS 18501 HWY 20-26 CALDWELL, ID 83607 (208)459-2004

Priority Date: 01/01/1866
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	L1 (NE1/4SE1/4)	Sec. 2,	Twp 04N,	Rge 04W, B.M.
CANYON County	(Beginning of Reach)			
UNNAMED STREAM	L1 (NE1/4SE1/4)	Sec. 2,	Twp 04N,	Rge 04W, B.M.
CANYON County	(Ending of Reach)			

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04W	2													X				
															L 1				

Conditions of Approval:

1. X02 Stockwater use is for 50 range animals.
2. Parcel No. R3593001000
3. C18 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.
4. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
5. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.

Remarks:

*See
comments
next page.*

*CVR
completed
on computer.*

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31507 V1

Comments:

1. kwalker 3/28/2006 Claim Review

Comment: Per tax lot information Mr. Wessels only owns land in NESE, S02 so have changed pods and pou to reflect lands owned by claimant that the unnamed stream flows through. See tax lot layout in file for evidence of his ownership.

2. kwalker 3/28/2006 Number of stock

Comment: Claim was filed for 0.02 cfs of water. Claim did not mention the number or type of stock claimed so recommend allowing 50 head of animals since Admin. Memo App. Processing No. 4 allows 0.02 for up to 50 head.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

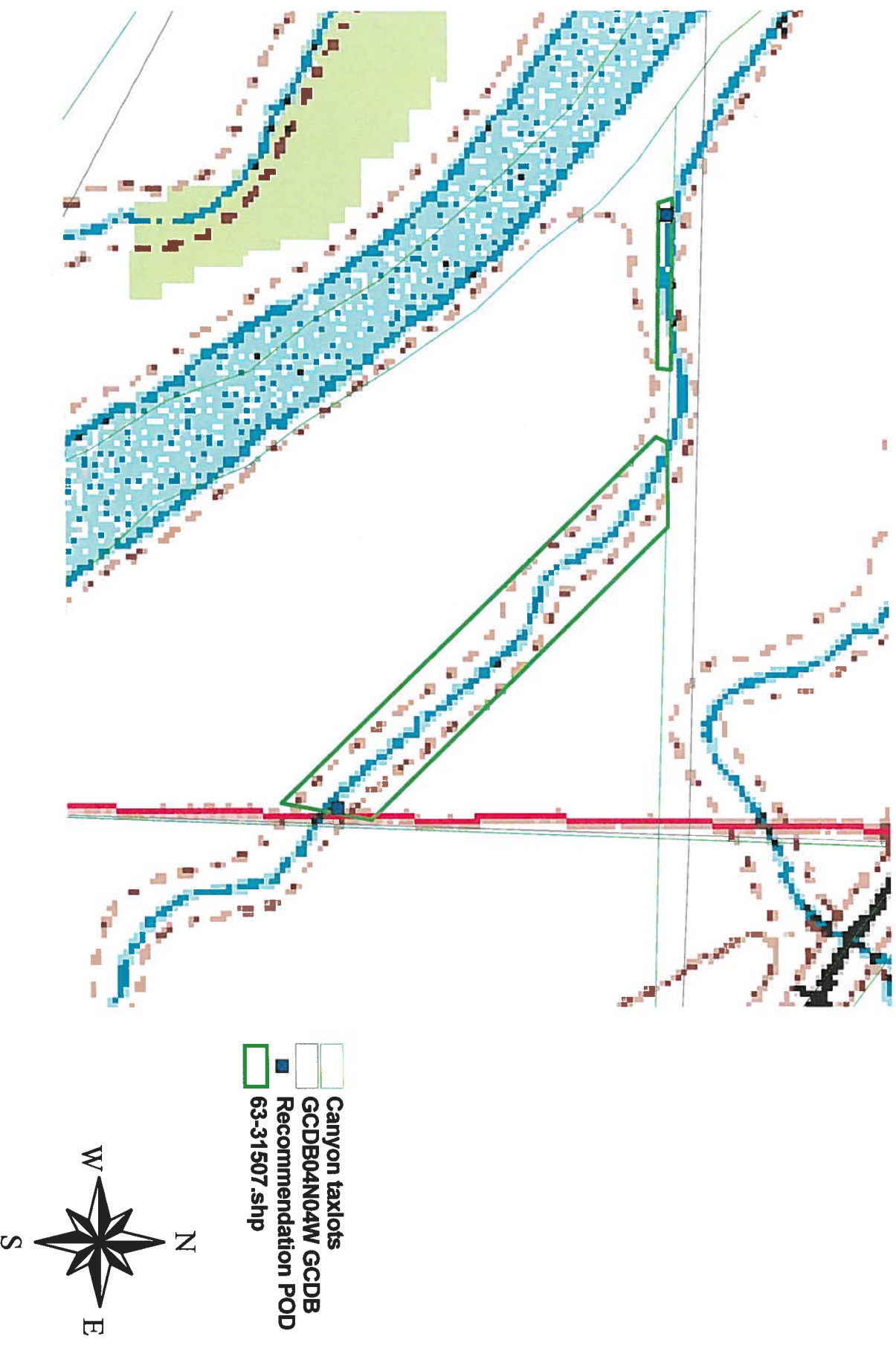
Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

Recommendation 63-31507





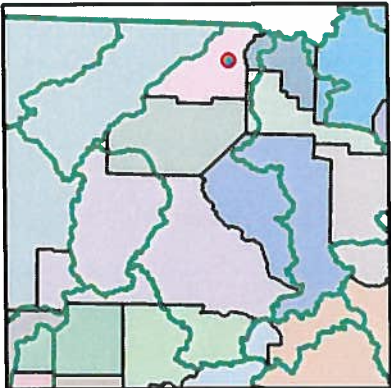
Idaho Department of Water Resources

Adjudication Claim:

63-31507

Legend

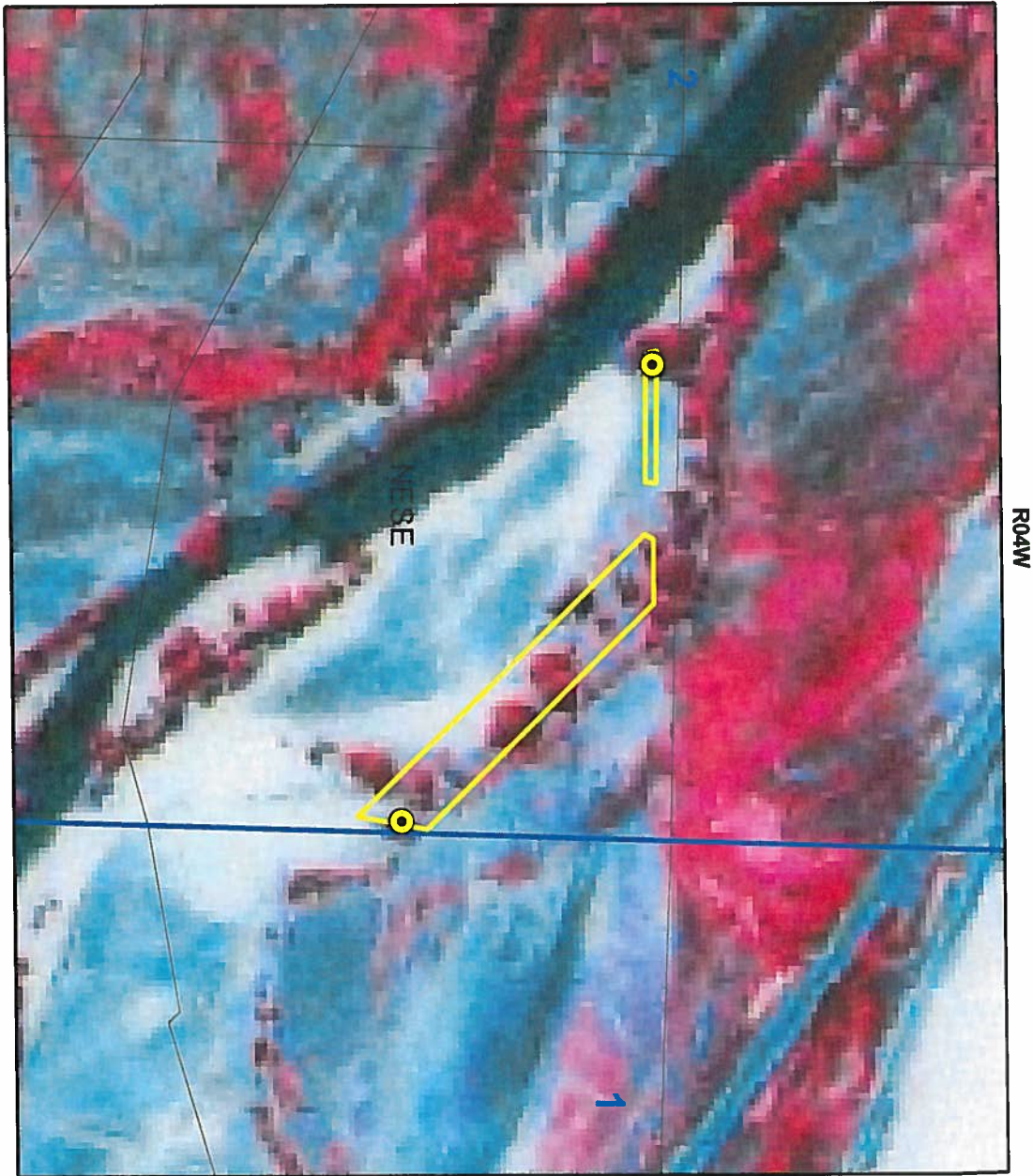
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63



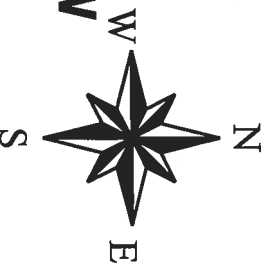
T04N



Prepared by K. Walker
On Tuesday, March 28, 2006
1987/88 Aerial Photography



 **Section 2, Twp. 4N, Rge. 4W**
 **Canyon taxlots**



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31507

WATER RIGHT NUMBER: 63-31507

Owner Type Name and Address
 Current Owner WILLIAM H WESSELS
 18501 HWY 20-26
 CALDWELL, ID 83607
 (208)459-2004

Parcel No:
R 3593001000
13.95 AC

Priority Date: 01/01/1866
 Basis: Beneficial Use
 Status: Active

Source Tributary
 UNNAMED STREAM BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NE1/4SW1/4	Sec. 2, Twp 04N, Rge 04W, B.M.
CANYON County	(Beginning of Reach)	
UNNAMED STREAM	SE1/4SE1/4	Sec. 2, Twp 04N, Rge 04W, B.M.
CANYON County	(Ending of Reach)	

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	04W	2																	
											X							X	

Conditions of Approval:Remarks:Comments:

WILLIAM H Weasels-
118501 Hwy 20/26
Caldwell Id 83607

Wessels kw 3/28/04

9-29-05

Wessels kw
Mr. Weasel was uncooperative at time of field exam. He claimed on phone he had an 1859 water write. But in file states 1865 water right. Mr. Wessel and I went over maps. He pointed out point of division. When I asked him about his date of priority he got angry and started yelling. I knew I was getting no where and I polite and thanked him for his time and left the property. **Filed exam was not completed**

J Merlaine Bishop.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31507

02/03/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
-171	Claim	04N	04W	2	NE	SW		IRRIGATION	18/1083	LOWER CENTERPOINT DITCH CO
-177	Claim	04N	04W	2	NE	SW		IRRIGATION	18/1083	LOWER CENTERPOINT DITCH CO
-208	Claim	04N	04W	2	NE	SW		IRRIGATION	18/1083	LOWER CENTERPOINT DITCH CO
5022	Claim	04N	04W	2	NE	SW		IRRIGATION	18/1083	LOWER CENTERPOINT DITCH CO
20563	Claim	04N	04W	2	NE	SW		IRRIGATION	18/1083	LOWER CENTERPOINT DITCH CO
20566	Claim	04N	04W	2	NE	SW		IRRIGATION	18/1083	LOWER CENTERPOINT DITCH CO
5022	Water Right	04N	04W	2	NE	SW		IRRIGATION	18/1083	LOWER CENTER POINT DITCH CO
31507	Claim	04N	04W	2	NE	SW		STOCKWATER		→ WILLIAM H WESSELS
223G	Claim	04N	04W	2	SE	SE		IRRIGATION	25/648	UPPER CENTER POINT DITCH CO
233M	Claim	04N	04W	2	SE	SE		IRRIGATION	25/648	UPPER CENTER POINT DITCH CO
19547	Claim	04N	04W	2	SE	SE		IRRIGATION	25/648	UPPER CENTER POINT DITCH CO
31507	Claim	04N	04W	2	SE	SE		STOCKWATER		→ WILLIAM H WESSELS

No OL

Receipt Details for ID W029342

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
6/18/2002 3:26:26 PM	6/19/2002 2:00:52 PM	WESTERN	\$200.00	Check
Payer		WILLIAM WESSELS		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1957			
Card Expiration Date	Credit Card Transaction #		

Comment THIS IS TO COVERS CLAIMS 63-31506,7 AND 63-9695

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$200.00	ADJUDICATION FILING FEE	42503	0337			1155

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
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Print Report