

08/14/2006

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

RIGHT NUMBER: 3-7009

NAME AND ADDRESS: CITY OF WEISER
55 W IDAHO ST
WEISER ID 83672

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.460 CFS

PRIORITY DATE: 11/15/1972

POINT OF DIVERSION:

T11N R05W S32 SWSW Within WASHINGTON County

The point of diversion described above is within unsurveyd accretion land.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	1/01 12/31	4.460 CFS

PLACE OF USE:

Place of use is within the service area of the City of Weiser municipal water supply system as provided for under Idaho Law.

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

Rights have also been claimed to water from Basin 67 for the same purpose of use at the same place of use described above, which will be included in a Directors Report to be filed at a later date. Any water rights recommended in the Basin 67 report for the same purpose of use at the same place of use described above will contain combined use limitations, if any, for this right and the Basin 67 rights.

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: BASIS OF CLAIM - License

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that _____ **CITY OF WEISER**

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Municipal	from January 1 to December 31	at 4.46 cfs and	N/A
	from to at cfs and		
	from to at cfs and		

Description and location of place of use:

[illegible]

SCANNED

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 14th day of April, 19 81

Director

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: A03-07009
Date Received: 10/28/1989
Receipt No: C012378
Received By: _____

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

1. Name: CITY OF WEISER 208-549-1964
Address: 55 W. IDAHO ST.
WEISER, ID 83672

2. Date of Priority: NOV 15, 1972

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	05W	32	SW	SW			WASHINGTON

5. Description of diverting works:
RIVER INTAKE, PUMPS ON BANK, TREATMENT PLANT TO CITY WATER GRID

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	4.460		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
M/ CITY OF WEISER

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? YES

13. Other Water Rights Used:

A67-04291, A67-07727, A03-10010, A67-02320, A67-10975

14. Remarks:

PLACE OF USE WITHIN CITY LIMITS OF WEISER.

15. Basis of Claim: LICENSE

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____ Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

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: 03-7009
Date Received: 10-18-89
Receipt No: C012378
Received by: *RL*

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

1. Name of applicant: City of Weiser Phone: 549-1964
Address: 55 W. Idaho St.
2. Date of priority: Nov. 15, 1972
3. Source of water supply: Snake River Tributary to: Columbia
4. Point of diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
11N 5W 32 SW SW WASHINGTON
5. Description of existing diversion works: River intake structure with pumps
on bank pumping into the treatment plant then into the city water line grid.
6. Water is claimed for the following purposes:
(both dates are inclusive)

Purposes	From	To	C.F.S.	(OR)	A.F.A.
MUN.	1/1	12/31	4.46		
7. Total quality claimed (a) 4.46 (cfs) and/or (b) (acre feet)
8. Total consumptive use claimed is: MUNICIPAL
9. Non-irrigation uses; MUNICIPAL
10. Lands irrigated of Place of Use: WITHIN THE CITY LIMITS OF WEISER

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
----------	-------	---------	-----	----	-----	-----	-----	-------

Total number of acres irrigated

Last Name: Weiser

Ident. Number: 03-7009

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11. Place of Use in counties: Washington

12. Do you own the property listed above as place of use? yes
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Other Water Rights Used: 67-4291, 67-07727, 31633/67-2320

14. Remarks:

15. Basis of Claim: LICENSE

Case Number:

Court:

Decree Date:

vs

Plaintiff

Defendant

16. Signatures(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 ORGANIZATIONS: I do solemnly swear or affirm that I am R. Dale Thomason, Mayor

of City of Weiser, that I have signed

the foregoing document in the space below as Mayor

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

Signature of Authorized Agent

R. Dale Thomason

Title and Organization

Mayor

Date 10-16-89

State of Idaho

SS.

County of Washington

Last Name: Weiser

Ident. Number: 03-7009

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Subscribe and sworn (or affirmed) before me this 16th day of Oct 1989

Seal

Notary Public M. J. Moan

Residing at Weiser, Idaho

My Commission Expires Jan 30, 1992

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: Weiser

Ident. Number: 03-7009

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Relin Contour 1.

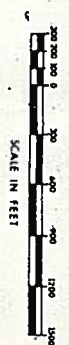
OREGON

Township 11N
Range 5W
Section 29-30-31-32-33

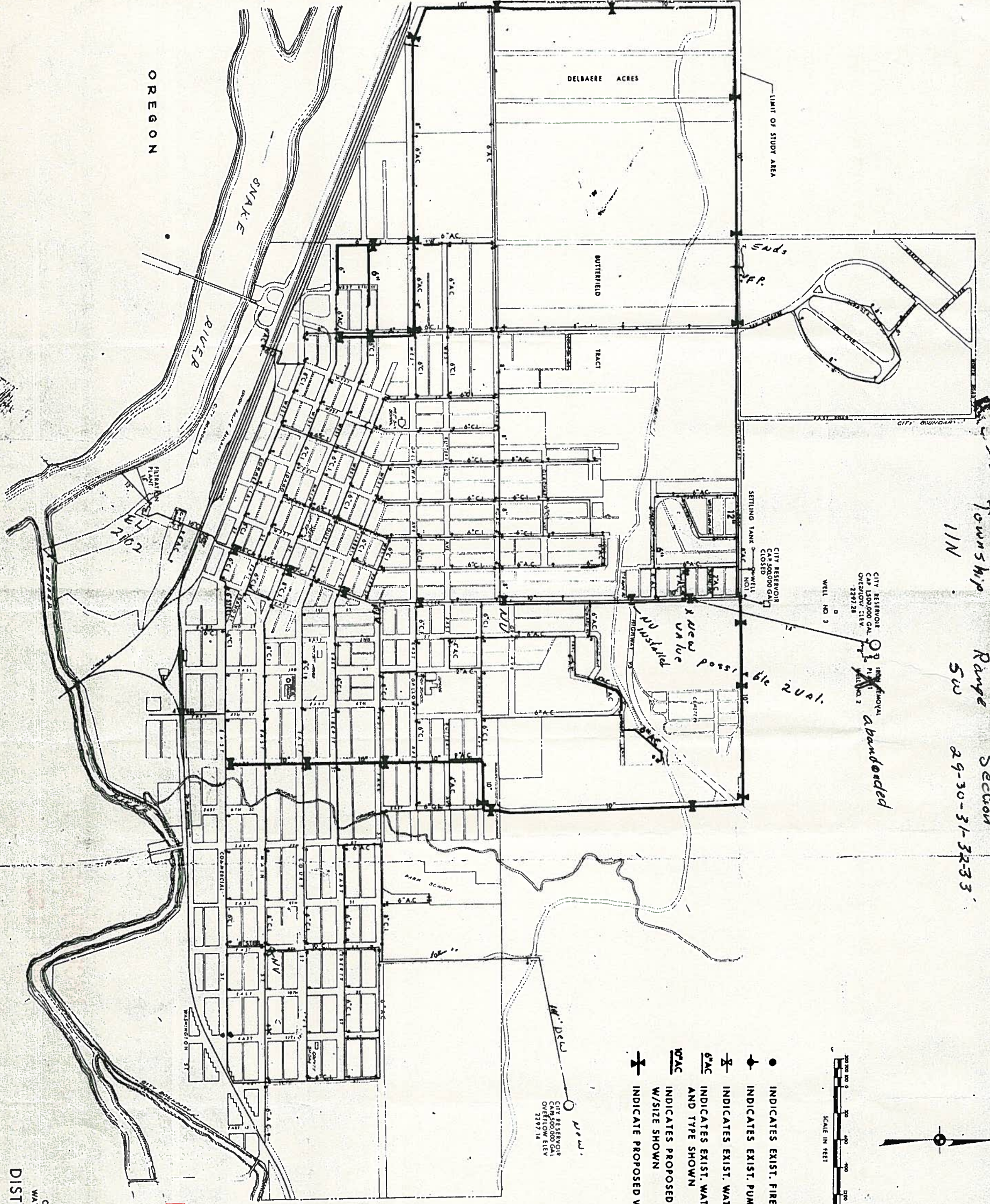
CITY RESERVOIR
CAP 500,000 GAL
OVERFLOW ELEV
2297.28
WELL NO. 3
abandoned

CITY RESERVOIR
CAP 500,000 GAL
CLOSING
SETTING TANK

- INDICATES EXIST. FIRE HYDRANT
- ◆ INDICATES EXIST. PUMPER
- ⊞ INDICATES EXIST. WATER VALVE
- 6"AC INDICATES EXIST. WATER LINE W/SIZE AND TYPE SHOWN
- WAC INDICATES PROPOSED WATER LINE(PHASE 2) W/SIZE SHOWN
- ⊞ INDICATE PROPOSED VALVE



CITY RESERVOIR
CAP 500,000 GAL
OVERFLOW ELEV
2297.14



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FIGURE 3
CITY OF WEISER, IDAHO
WATER SYSTEM INVESTIGATION
DISTRIBUTION SYST

FILE

CLAIM/WR NO: 003-10010
AGENT: Sue Bock
DATE: January 6, 1998
REF: CITY OF WEISER WATER RIGHTS

Today I spoke with Joe Qualls, City of Weiser Water Plant Operator. He was concerned about the City's water rights. He had called and found out the City has two water rights off of the Snake River and 3 G.W. rights. He expressed surprise as the City has the ability to divert off of the Weiser River.

I found license no A03-07009 off of the Snake River with a priority date of Nov 15, 1972 and diversion of 4.460 cfs. A beneficial use claim A03-10010 has been filed for 4.460 cfs off of the Snake River with a Oct 12, 1887 priority date.

Mr. Qualls explained that the treatment plant is located at the terminus of the Weiser River into the Snake River. The plant has an intake pipe extending into the middle of the Snake River, and another pipe in the Weiser River. Mr. Qualls was concerned that if it became necessary to use the Weiser River intake, would they be in violation of their water rights. (Apparently the Weiser intake is only used if maintenance is needed on the Snake R. intake.)

I explained to Mr. Qualls that the City had 3 options.

1. They could file for a new water right off of the Weiser River and since they are the last users, the application would probably not face resistance.
2. They could file for a transfer on the license A03-07009.
3. They could file an amendment to A03-10010, claiming an alternate source of water.

Regardless of what course of action the City decides on, I suggested that they start to come up with evidence supporting the 1887 priority date they are claiming.

I am sending an application for water right to Mr. Qualls



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Date: June 28, 1990

City of Weiser
55 W. Idaho St.
Weiser, ID 83672

RE: Notices of Claim to a Water Right in the Snake River Basin
Adjudication, See List Below
County of Washington

Dear Claimant:

We are forwarding to you data entered copies of the claims you filed in the Snake River Basin Adjudication.

We have interpreted the data from these claims in the process of data entry in a manner which we feel more accurately reflects the true status of these water rights. The items that were modified are highlighted. Please review the enclosed claims to assure that these modifications are in agreement with these water rights.

If you believe our data is incorrect, and you wish to make any changes to any of these Notices of Claim, initial the changes, sign the form, have your signature notarized, and return it to this office within 30 days. If you believe the modifications are correct, please retain these copies of your claims for your records.

Please feel free to contact this office if you have any questions.

Sincerely,

John D. Carlson
Adjudication Supervisor

JDC:AB;CF;HHT;FEL;RM
Enclosure:

Claim Nos. A67-02320
A67-04291
A03-07009
A67-10975
A03-10010

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Gentlemen:

In response to your letter of Jan. 25, 1990 I am sending you what I believe is the information you requested. If I can be of any further assistance please contact me.

Sincerely

Gary E. Sinden W/WW Supt.
City of Weiser
55 West Idaho St.
Weiser, ID 83672

RECEIVED
FEB 12 1990

Department of Water Resources

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4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

City of Weiser

CLAIM IDENT. NO.

A03-07009

DATE RECEIVED

10/18/89

CK #

0012378

AMOUNT \$

496-

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ Required Info? *
2. Is a priority date entered? ☒ YES ☐ NO ☐ Required Info? *
Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ Required Info? *
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ Required Info? *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ Required Info? *
(b) Is a tributary to entered? (if required) ☒ YES ☐ NO ☐ Required Info? *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ Required Info? *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ Required Info? *
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. ☒ YES ☐ NO ☐ Required Info? *
Is the period of use included? ☒ YES ☐ NO ☐ Required Info? *
Is a quantity claimed for each use? ☒ YES ☐ NO ☐ Required Info? *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ Required Info? *
8. If required is a consumptive use entered? ☒ YES ☐ NO ☐ Required Info? *
Is the consumptive use correct? ☒ YES ☐ NO ☐ Required Info? *
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. ☒ YES ☐ NO ☐ Required Info? *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ Required Info? *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ Required Info? *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ Required Info? *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ Required Info? *
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.) ☒ YES ☐ NO ☐ Required Info? *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ Required Info? *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO ☐ Required Info? *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ Required Info? *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ Required Info? *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ Required Info? *
20. Is the fee enclosed correct? ☒ YES ☐ NO ☐ Required Info? *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO ☐ Required Info? *
22. Should this claim be data entered? ☒ YES ☐ NO ☐ Required Info? *

Claim checked by: DBDate: 5/18/90Claim must be returned to claimant: ☒ (Yes) ☐ (No)Claimant must be notified of modifications: ☒ (Yes) ☐ (No)Receipt Prepared by: [Signature]
Claim data entered by: [Signature]
Sent to claimant by: [Signature]

Date:

Date: 4/28/90

Date:

Checked by: [Signature]Date: 5/18/90

Comments: _____

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