

08/04/2006

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

RIGHT NUMBER: 3-7034

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.300 CFS
432.000 AFY

Water shall not be diverted under this right when flows in the Snake River are below established minimum flow amounts at any of the following locations: Weiser, 4750 cfs; Johnson Bar, 5000 cfs; Lime Point 13,000 cfs.

Right Nos. 3-7034 and 67-4016 are limited to a total combined annual diversion volume of 432 AF.

PRIORITY DATE: 05/03/1984

POINT OF DIVERSION:

T10N R05W S17 NWNW Within WASHINGTON County

T10N R05W S17 NWNW is unsurveyed, nonfederal land.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.300 CFS 432.00 AFY

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within WASHINGTON County

T10N R05W S17	NWNE	19.00	T10N R05W S17	SWNE	19.00
T10N R05W S17 Lot 4	NENW	21.00	T10N R05W S17 Lot 3	SENE	37.00

96 ACRES TOTAL

Right Nos. 3-7034 and 67-4016 are limited to the irrigation of a combined total of 96 acres in a single irrigation season.

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: BASIS OF CLAIM - License

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 03-07034

Priority: May 3, 1984 Amount: 1.30 CFS 432.0 AFA

This is to certify, that CITY OF WEISER
55 W. IDAHO ST.
WEISER, ID 83672

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated May 3, 1984, and has submitted proof to the Department of Water Resources on March 5, 1985, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 1.300 cfs of water from:

SNAKE RIVER tributary to COLUMBIA RIVER

source and that a water right has been established as follow:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	03/15 to 11/15	1.30 CFS	432.0 AFA

LOCATION OF POINT OF DIVERSION(S): NWNW , Sec. 17, Township 10N, Range 05W
WASHINGTON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	05W	17	NWNE 16	SWNE 24	NENW 20	96
			SENE 36			

Total number of acres irrigated: 96

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Water shall not be diverted under this license unless the flow of the Snake River at the U.S. Geological Survey stream gaging station at Murphy exceeds 3,300 cubic feet per second and at Weiser exceeds 4,750 cubic feet per second.

SEP 20 1980

SEP 20 1988

F-247
F-247
T1184

A 13.6

F-228
F-228
T1142

A 10.0

B 17.9

B 12.4

1 19.1

2 8.8

12.1

8.9

F-53
F-53
T1095

F-86
F-86
T1100

F-5

D 8.3
F-227
F-227
T1171

A 15.8

1 37.5

F-5+
F-5+
T1097

B 5.7

F-55
F-55
T1098

A 12.1

E 16.2

E 13.2

CITY OF WEISER
AIRPORT
WATER RIGHT
03-7034

D 22.7

E 11.9

Idaho Department of Water Resources

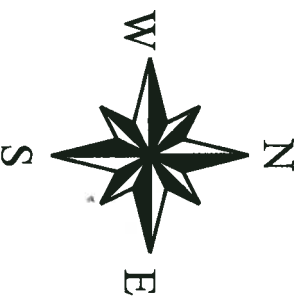
Claim Number:

03-07034

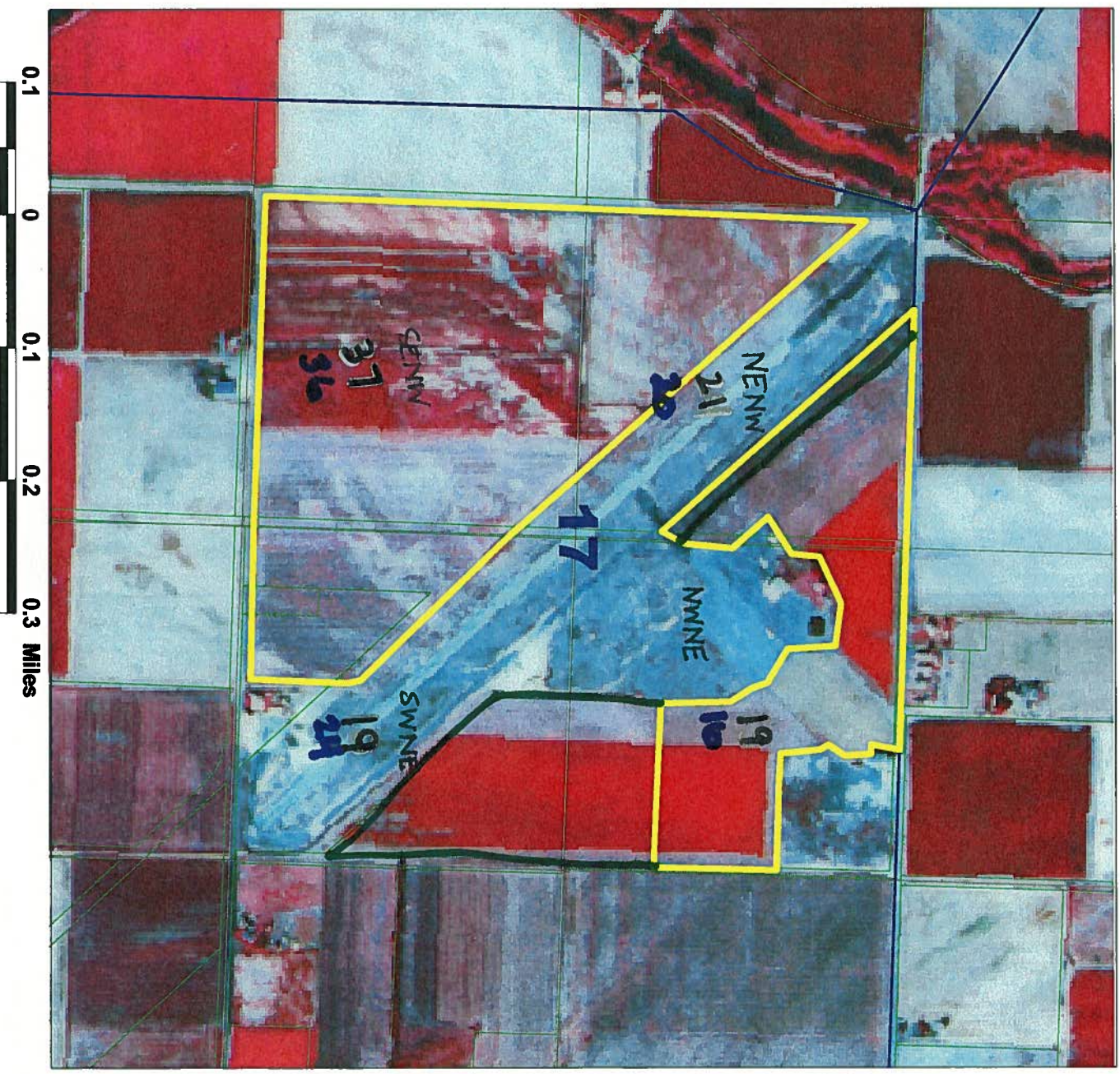
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-  Sections
-  GCDB10N05W GCDB
-  Washington taxlots

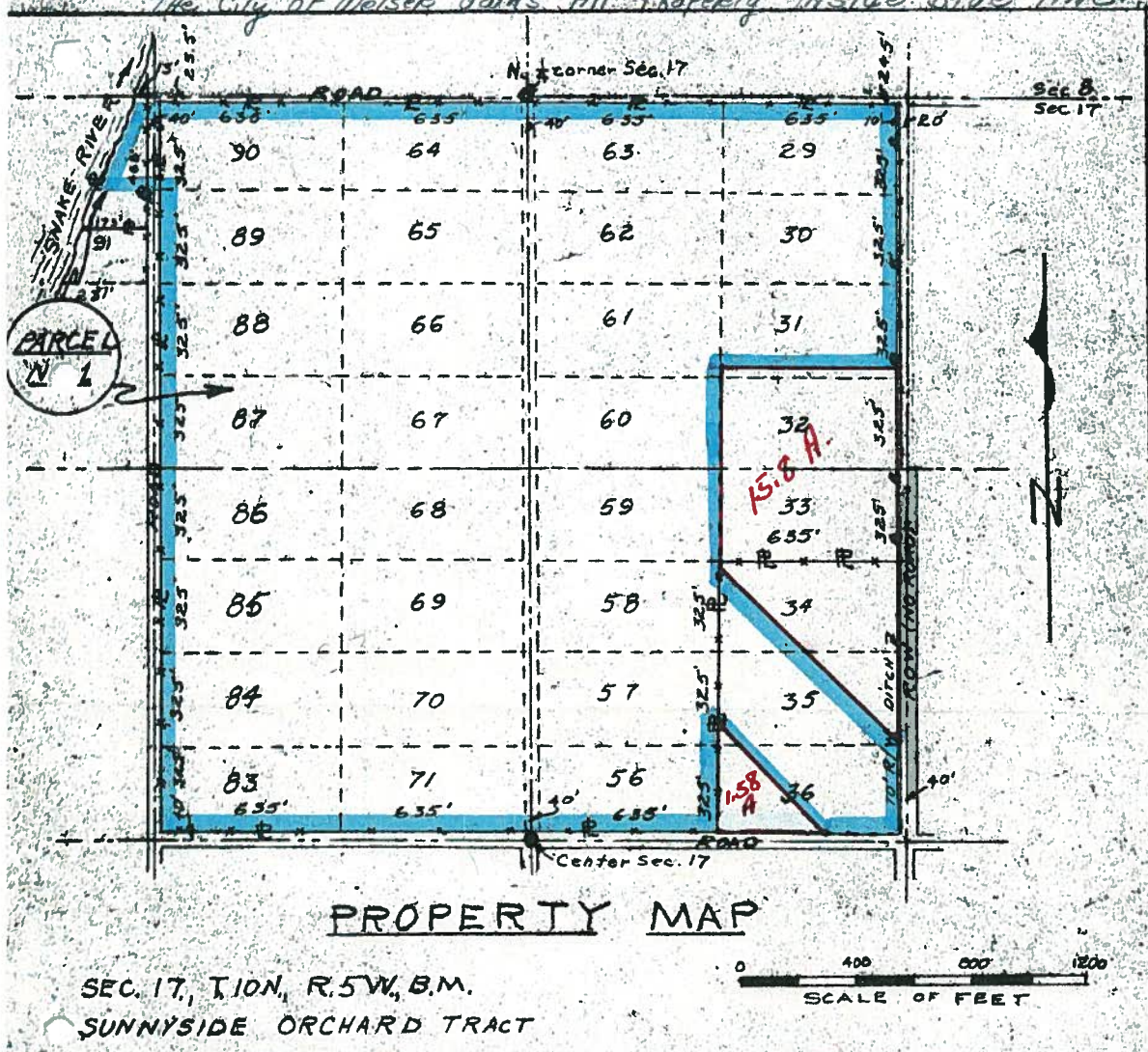
Legal: T10N, R05W, S17

*Field Exam
1988*



1987 Aerial Photo





PARCEL NO. 1 — City of Weiser owned in fee simple 141 Acres, more or less. Lots 29, 30, 31, 32, 33, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 83, 84, 85, 86, 87, 88, 89, 90 and the North or Northerly one acre of Lot 31 - All being in Sunnyside Orchard Tract, Section 17 T10N, R5W, B.M. 40' Road Right-of-Way from center of Sec. 17 to N 1/4 cor. Sec. 17 included.

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 03-07034 Date: 11-07-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	10N	5W	17		16	24		20			36									96
GIS					18	17		17			.7									52.7
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 96

Overlapping FOU Claim #'s:

Total GIS Acres: 52.7

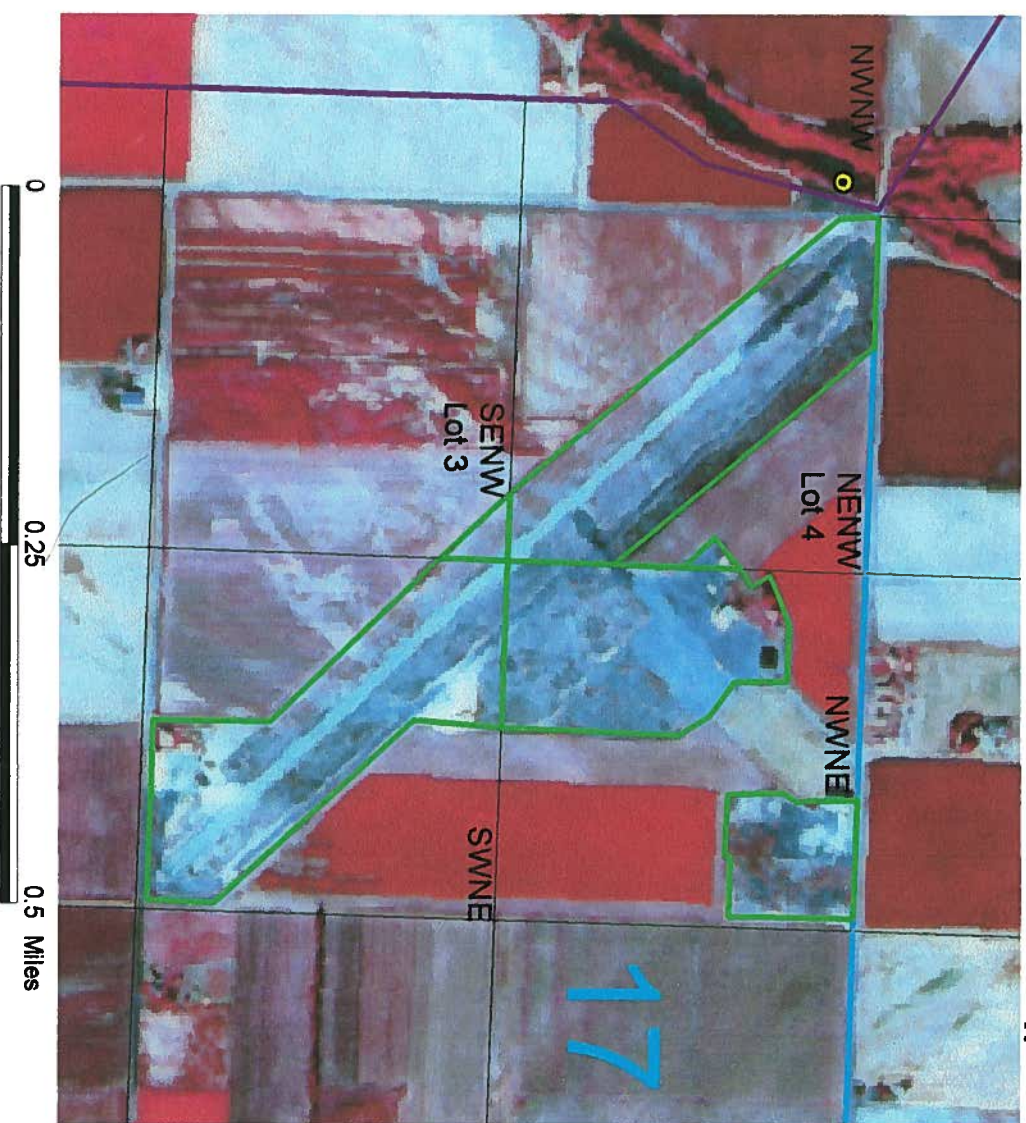
COMMENTS:

No ownership data available in county data. Per Original W.R. map.

1987 Napp Photo

Reviewed By:

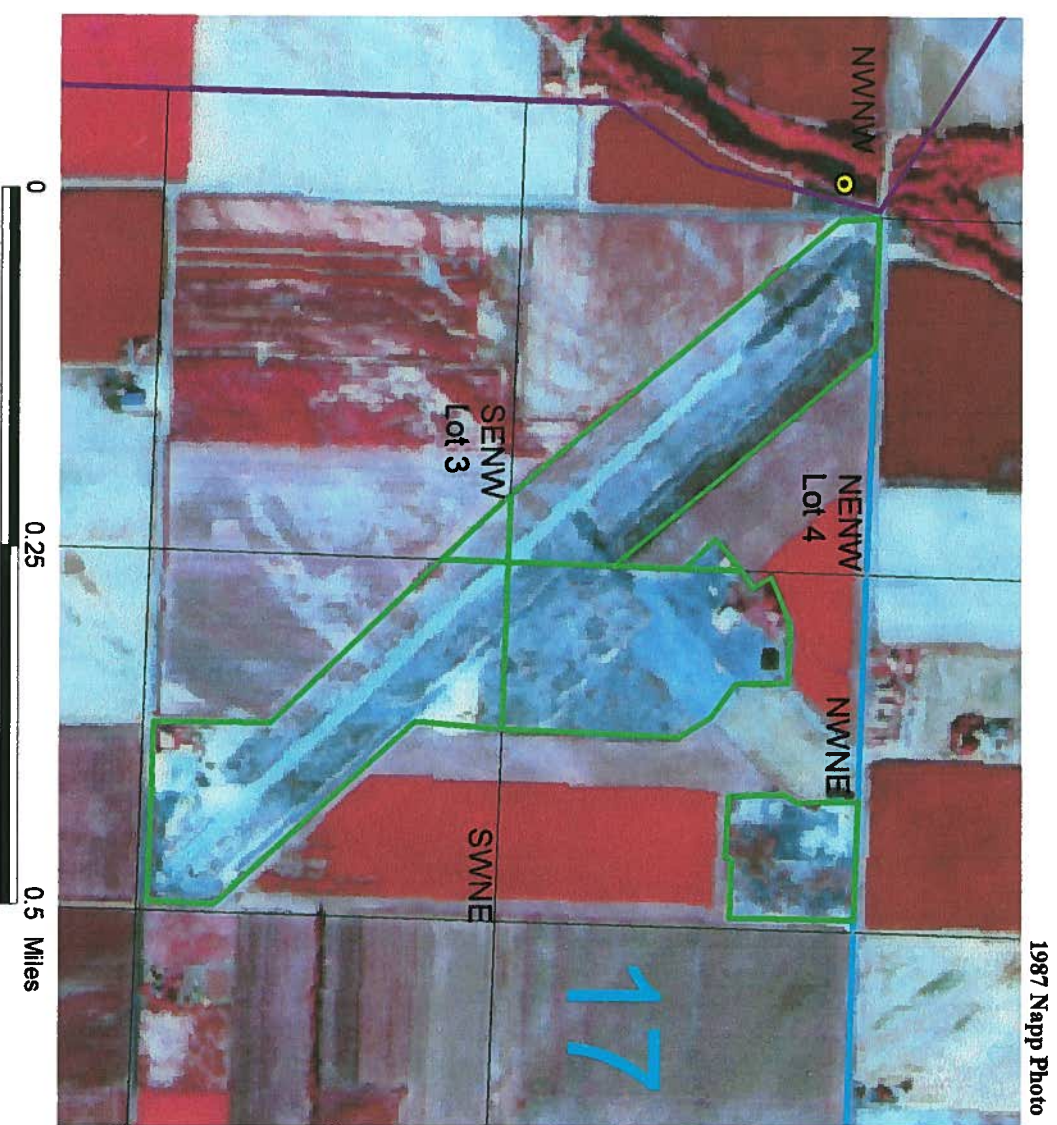
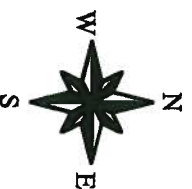
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Idaho Department of Water Resources

Claim Number: 03-07034
Legal: T10N, R05W, S17
Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines
-  Township/Range Lines



State of Idaho
Department of Water Resources



WATER RIGHT LICENSE

WATER RIGHT NO. 03-07034

Department of Water Resources
Western Regional Office

Priority: May 3, 1984

Amount: 1.30 CFS

432.0 AFA

This is to certify, that CITY OF WEISER
55 W. IDAHO ST.
WEISER, ID 83672

has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated May 3, 1984, and
has submitted proof to the Department of Water Resources on March 5, 1985, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of 1.300 cfs of water from:

Snake River tributary to COLUMBIA RIVER

source and that a water right has been established as follow:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	03/15 to 11/15	1.30 CFS	432.0 AFA

LOCATION OF POINT OF DIVERSION(S): NWNW , Sec. 17, Township 10N, Range 05W
WASHINGTON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	05W	17	NWNE 16	SWNE 24	NENW 20	96
			SENE 36			

Total number of acres irrigated: 96

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
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3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Water shall not be diverted under this license unless the flow of the Snake River at the U.S. Geological Survey stream gaging station at Murphy exceeds 3,300 cubic feet per second and at Weiser exceeds 4,750 cubic feet per second.

MICROFILME

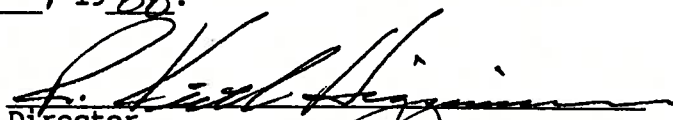
AUG 10 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 03-07034

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 16th
day of August, 19 88.


Director

MICROFILMED

AUG 10 1992

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: A03-07034
Date Received: 10/18/1989
Receipt No: C012377
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: MAY 3, 1984

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
10N	05W	17	NW	NW			WASHINGTON

5. Description of diverting works:
RIVER INTAKE STRUCTURE W/PUMPS ON BANK INTO IRRIGATION SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.300		432.00

7. Total Quantity Appropriated is:
1.300 C.F.S. (and/or) 432.00 A.F.A.

8. Total consumptive use is 1.3 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	17	NW	NE		IRR	16.0
			SW	NE		IRR	24.0
			NE	NW		IRR	20.0
			SE	NW		IRR	36.0

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AUG 10 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	96.0
					Total Acres	96.0

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:
NONE

14. Remarks:

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: _____

MICROFILME
AUG 10 1992

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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AUG 10 1992

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: 03-07034

Date Received: 10-18-89

Receipt No: 6512377

Received by: *DF*

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: May 3, 1984

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 of	Lot	County
10N	5W	17		NW	NW		WASHINGTON

5. Description of existing diversion works: River intake structure with pumps on bank pumping into the irrigation system.

6. Water is claimed for the following purposes:

(both dates are inclusive)

Purposes	From	To	C.F.S.	(OR)	A.F.A.
IRRIGATION	3/15	11/15	1.30		432.0

7. Total quality claimed (a) 1.30 (cfs) and/or (b) 432.0 (acre feet)

8. Total consumptive use claimed is: 1.30

9. Non-irrigation uses;

10. Lands irrigated of Place of Use: THE CITY OF WEISER AIRPORT

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10N	5W	17	SW	NE		Irr.	24
10N	5W	17	NW	NE		Irr.	16
10N	5W	17	SE	NW		Irr.	36
10N	5W	17	NE	NW		Irr.	20

Total number of acres irrigated: 96

Last Name: Weiser

Ident. Number: 03-07034

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AUG 10 1992

Page 2 of 3

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:

14. Remarks:

15. Basis of Claim: PERMIT

Case Number:

Court:

Decree Date:

Plaintiff vs _____
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 - City of Weiser

Date 10-16-89

State of Idaho)

SS.

County of Washington)

Last Name: Weiser

Ident. Number: 03-07034

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AUG 10 1992

Page 3 of 3

Subscribe and sworn (or affirmed) before me this 16th day of Oct 19 89

Seal

Notary Public M. J. Moore

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: 03-07034

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AUG 10 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

RECEIVED
DEC 18 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Department of Water Resources

November 21, 1989

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

Rec # C013581
\$ 49.70

Re: Snake River Basin Adjudication SRBA
Washington County, A67-10971, A03-07034

Dear Claimants:

The claims of the City have been received, and we are enclosing Receipt #C012377 in the amount of \$151.30 for the filing fees. However, the fees submitted were insufficient. Seventy-one dollars (\$71.00) of the amount you sent was applied to the water right for the airport well (A67-10971). The balance due for the river water right (A03-07039) is \$49.70.

Please remit \$49.70 to this office to the attention of the adjudication bureau before December 21, 1989, to avoid any late filing fee. Do not hesitate to contact this office if you have any questions or concerns.

Yours Truly,

Donald V. Shaff
Manager, Adjudication Section

DVS:cp:state:tf
Enclosures:

Notices of Claim A67-10971, A03-07034
Instructions (short)

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AUG 10 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Weiser CityCLAIM IDENT. NO. A03-07034DATE RECEIVED 10-18-89CK # 385AMOUNT \$ 151.30
1.82

YES NO Required Info?

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

Claim checked by: [Signature]Date: 10-18-89Claim 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: 10-18-89Date: [Signature]Date: [Signature]Checked by: [Signature] Date: [Signature]Comments: Fees Due \$130 \$71 with 16 Acres Applied to A67-10971 (Airport well)Balance Due: 49.70

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AUG 10 1992