

08/14/2006

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

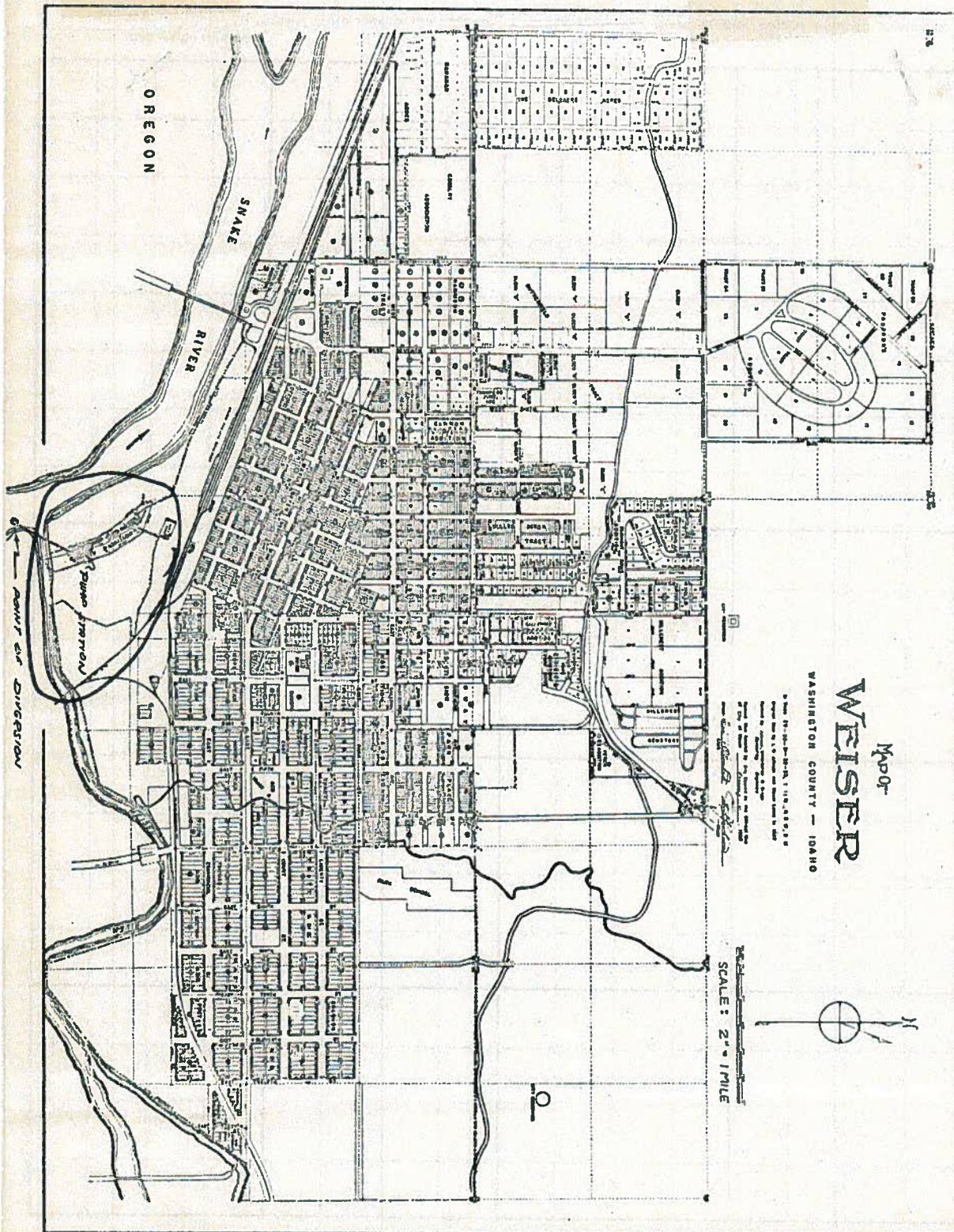
RIGHT NUMBER: 3-10010

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

DISALLOWED: Recommended as Right No. 3-7009.

EXPLANATORY MATERIAL:

Recommended as Right No. 3-7009: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

(Applicant)

[Signature]
Mayor

3 7009

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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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: A03-10010
Date Received: 10/18/1989
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: OCT 12, 1887

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 INTO TREATMENT PLANT THEN CITY 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:
MUNICIPAL/ 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

A03-10010

Page 1

Date: 06/28/90

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13. Other Water Rights Used:

A03-07009, A67-02320, A67-07727, A67-04291, A67-10975

14. Remarks:

THIS MAKES A CLAIM FOR THE HISTORIC WATER USE BY THE CITY OF WEISER.

#10 PLACE OF USE IS WITHIN THE CITY LIMITS OF THE CITY OF WEISER

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 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 _____

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

City of Weiser

CLAIM IDENT. NO.

A03-10010

DATE RECEIVED

10/18/89

CK #

0012378

AMOUNT \$

496-

YES

NO

Required
Info?

1. Is the name and address complete with zip code? 1 weiser ID 89672 *
2. Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. 1 *
3. (a) Is a source entered? 1 *
- (b) Is a tributary to entered? (if required) N/A 1 *
4. Is the legal description of the p.d. sufficient? 1 *
5. Is there a description of the diverting works? 1 *
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. 1 *
- Is the period of use included? 1 *
- Is a quantity claimed for each use? 1 *
7. Is a total quantity claimed entered? 1 *
8. If required is a consumptive use entered? N/A 1 *
- Is the consumptive use correct? N/A 1 *
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 1 *
10. Is (are) the place(s) of use and purpose(s) indicated? 1 *
11. Is (are) the county(ies) entered? 1 *
12. Is the ownership of p.u. checked? 1 *
13. Are other water rights listed or "none" indicated? 1 mod.
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 1 B.U. mod.
15. Is the basis of the claim indicated? 1 *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A 1 *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. 1 *
18. Has the claim been signed, sealed, and dated by a notary? 1 *
19. Was this claim filed on time, or was an extension granted? 1 *
20. Is the fee enclosed correct? Exempt 1 *
21. If this claim is based on an existing water right, has the identification number been entered? N/A 1 *
22. Should this claim be data entered? 1 *

Claim checked by: AB

Date: 5/18/90

Claim must be returned to claimant:

(Yes) (No)

Claimant must be notified of modifications:

(Yes) (No)

Receipt Prepared by:
Claim data entered by:
Sent to claimant by:

Date:

Date: 6/28/90

Date:

Checked by:

Date:

Comments:

(changed 67-02009 → 03-02009 #13)

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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: A03-10010
Date Received: 10-18-89
Receipt No: 6012378
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: Oct 12, 1887

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:

Purposes	(both dates are inclusive)		C.F.S.	(OR)	A.F.A.
	From	To			
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
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Total number of acres irrigated

Last Name: Weiser

Ident. Number:

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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, 67-7009

14. Remarks: This makes a claim for the historic water use by the City of Weiser.

15. Basis of Claim: Claim

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)

County of Washington)

SS.

Last Name: Weiser

Ident. Number:

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AUG 10 1992

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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:

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