

07/09/2003

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

RIGHT NUMBER: 2-2428

NAME AND ADDRESS: CHERYL WILLIAMS
RT 1 25969 GRAPHIC LN
WILDER ID 83676

RICHARD D WILLIAMS
RT 1 25969 GRAPHIC LN
WILDER ID 83676

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.280 CFS

PRIORITY DATE: 07/23/1956

POINT OF DIVERSION:

T03N R05W S11 NWSW Lot 1 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.280 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T03N R05W S11 Lot 1 NWSW 14.0

14 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.

EXPLANATORY MATERIAL: License

Idaho Department of Water Resources

Place of Use Layout 2-02428

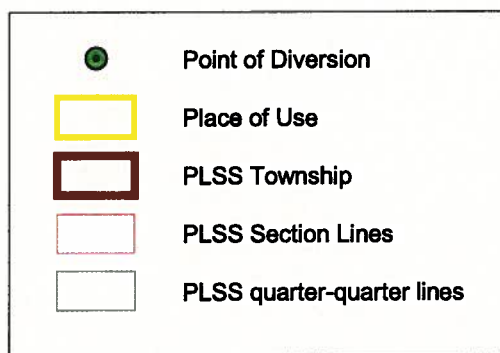


0 0.25 0.5 Miles

Township 03N Range 05W Section 11 Lot 1



GIS Place of Use Presentation
1987 NAPP photography.
Map prepared by: Scott King
Date prepared: July 9, 2003



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: A02-02428
Date Received: 7/05/1989
Receipt No: 008035
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD D. WILLIAMS 208-337-3016
Address: RT. 1 25969 GRAPHIC LN.
WILDER, ID 83676

AND/OR

Name: CHERYL WILLIAMS 208-337-3016
Address: RT. 1 25969 GRAPHIC LN.
WILDER, ID 83676

2. Date of Priority: JUL 23, 1956

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
03N	05W	11	NE	SW	SW		CANYON

5. Description of diverting works:
5 HP PUMP INTO OPEN DITCH, FLOOD IRRIG. GATED PIPE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.420		

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

8. Total consumptive use is 73.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	05W	11	NW	SW		IRR	14.0
			SW	SW		IRR	7.0
					Section Acres		21.0
					Total Acres		21.0

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:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 26437

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): *Charles M. Williams* Date: 7-5-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of July 19 89
Anna Baunhoff
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 7, 1994

POD: NE, SW, SW

X

HOMEDALE QUADRANGLE
IDAHO
7.5 MINUTE SERIES (ORTHOPHOTOQUAD)

RMA 14 MI. DER 4.2 MI. 55' 507 508 509 200 000 FEET 116° 52' 30" 43° 37' 30"



HUSTON 2 MI.
CALDWELL 3 MI.

710 000
FEET

4828

4827

4826

MICROFILMED

AUG 07 1992

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 02-02428

Date: 6-6-02

	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	3N	5W	11									14	7							21
GIS												10	10	98						16
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 21

Overlapping POU Claim #'s:

Total GIS Acres: 16

COMMENTS:

POU - per county data & image interp, & claim map. County data indicates they only own 13.8 acres.

POD per claim map.

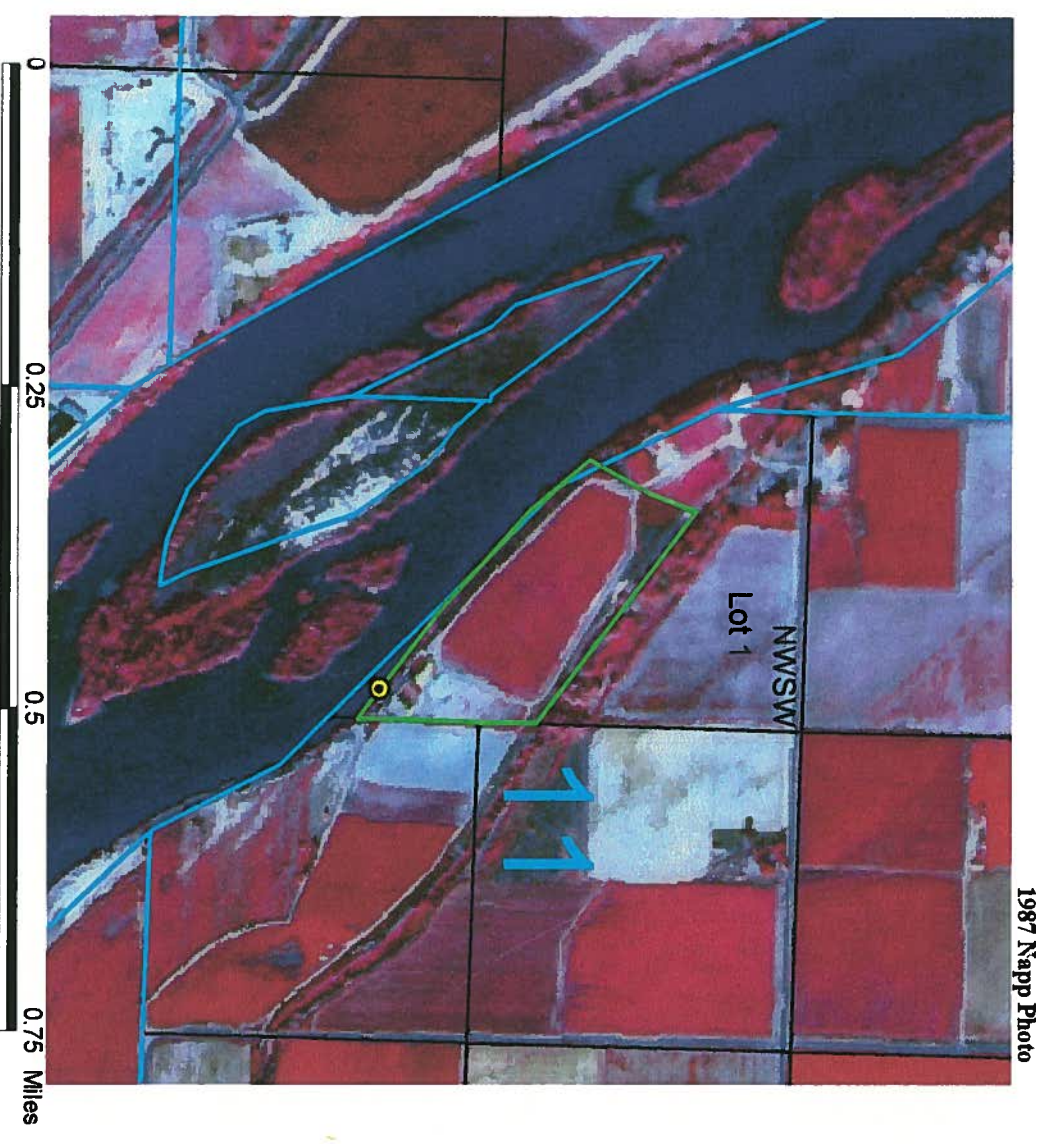
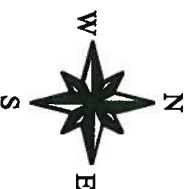
Idaho Department of Water Resources

Claim Number: 02-02428

Legal: T03N, R05W, S11

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



Idaho Department of Water Resources

Claim Number: 02-02428

Legal: T03N, R05W, S11

Reviewed By:



Point of Diversion



Place of Use

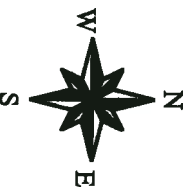
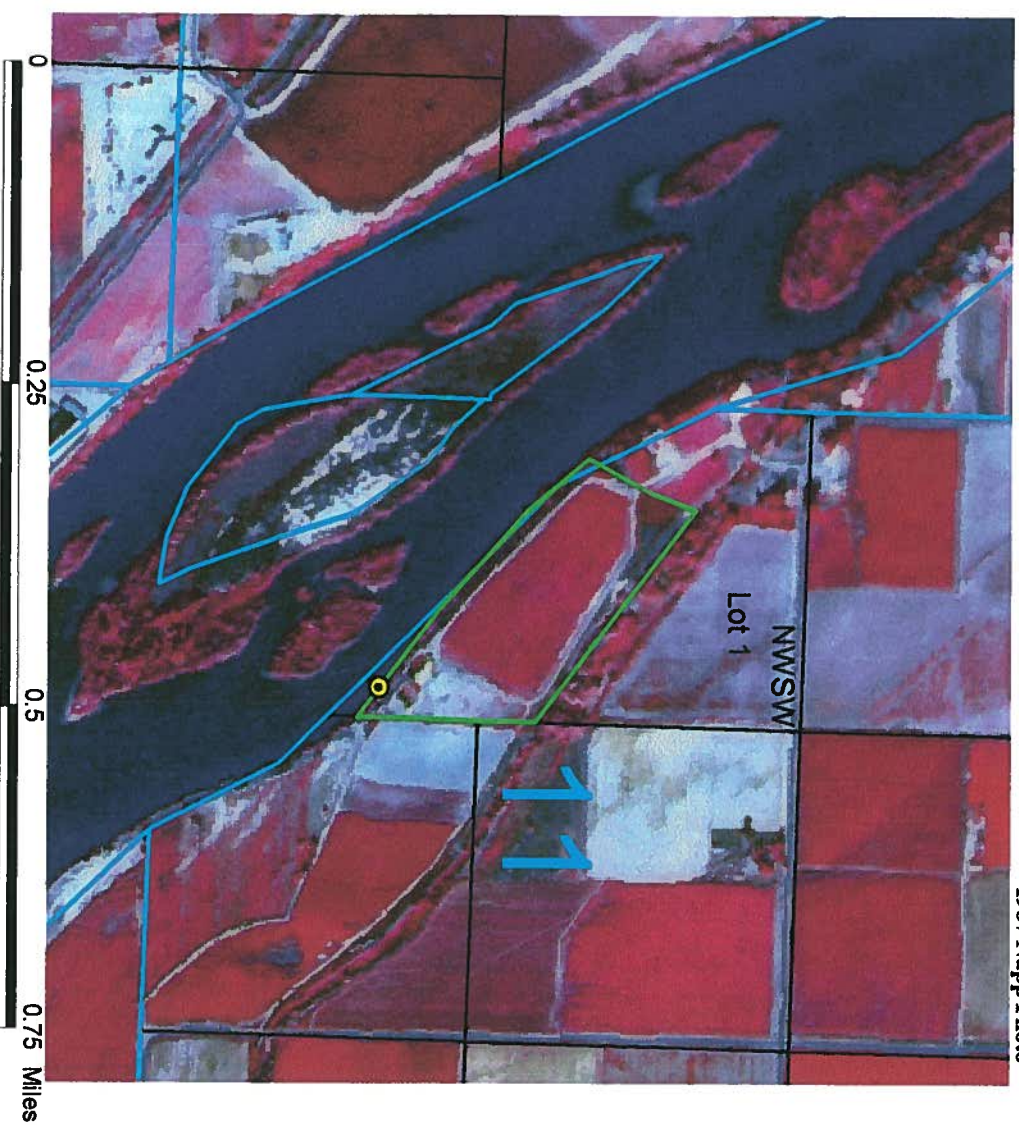


Section Lines



Quarter Quarter Lines

1987 Napp Photo



State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. SHAFF

Date 6/17/83

Right No. 02-2428

Claimant WILLIAMS

Recommendation differs from claim: ☐ Yes ☒ No ☐ Disallow
(Document any differences)

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

☒ License

☐ Previous Statutory Claim.

☐ Permits, valid or lapsed. Number(s) if different than above _____

☐ Decree. Name & date _____

☐ Conveyance Loss Calculations. See printout included.

☐ Title abstract. ☐ In file. Or, Name & location _____

☐ County records. ☐ In file. Or, Name & location _____

☐ Affidavits. ☐ In file.

☐ Posted Notices, Water Locations Notices. ☐ In file.

☐ Deed Records. ☐ In file. Or, Name & location _____

☐ Patent Records. ☐ In file. Or, Name & location _____

☐ Metzker Maps. Identify _____

☐ A.S.C.S. Records. Year & Photograph No. _____

☐ Irrigation Company/District Records. ☐ In file. Or Name & location _____

☐ Historical Books. Name(s) & location _____

☐ Interview(s). Attach conversation memorandum.

☒ Other GOVT SURVEY PLAT 3N, 5W

☐ _____

Field Exam Made: ☒ Yes ☐ No Date 7/24/62

☐ Adj. Report in file ☒ Beneficial Use Report in License (S.O.) File
COPY IN THIS FILE

Measurement .886 cfs. Amount recommended .42 cfs.

Type of measuring device: CIPPOLETTI WEIR Meter No. _____

Condition _____ Date 7/24/62 Time _____

Adjudication Photo(s) Used: Name or No. HOMEDALE 1977 U2 2878-77-138

Field Photographs Taken ☐ Yes ☒ No

Memorandum in file ☐ Yes ☒ No

Remarks _____

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF
SNAKE RIVER FROM BASE OF MILNER DAM TO OREGON DRAINAGE BASIN BORDER

NOTICE OF CLAIM
TO A
WATER RIGHT

02-2428	
I.D. No.	Map No.
\$ 10.00	17279
Fee Paid	Receipt No.

Notice is hereby given that Richard D. and/or Cheryl Williams
(Name of Claimant)
Rt. 1, Box 457, Wilder, ID. 83676 Telephone No. 337-3016
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:
(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 7/23/1956

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Snake River tributary to Columbia River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Quantity .42 cfs Use Irrigation Period of Use From 3/15 To 11/15
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

(4) .42 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source SW ¼ SW ¼
Sec. 11, Twp. 3N, Rge. 5W, B.M., Canyon County
Additional Points: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
5 HP pump into gravity ditch.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	5W	11									14	7							21

Total no. of acres 21

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case. _____
☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 02-2428

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

February 2, 1981
(Date)

State of Idaho ss. Organization
County of Ada Seal
(Signature of Authorized Agent)

On this 2nd day of February, 1981, before me
a notary public, personally appeared Richard D. and/or Cheryl Williams
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or) executed the same.

My commission expires Life Notary Public residing at Boise, Idaho

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
SNAKE RIVER FROM BASE OF MILNER
DAM TO OREGON DRAINAGE BASIN
BORDER

**NOTICE OF CLAIM
TO A
WATER RIGHT**

<u>02-2428</u> I.D. No.	<u>17279</u> Map No.
<u>\$ 10.00</u> Fee Paid	<u>17279</u> Receipt No.

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(Mailing Address)

(Zip Code)

Telephone No. 337-3016

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- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 7/23/1956
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) SNAKE RIVER tributary to COLUMBIA RIVER
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Quantity .42 cfs Use IRRIGATION Period of Use From 3/15 To 11/15
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- (4) .42 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source SW 1/4 SW Sec. 11, Twp. 3N, Rge. 5W, B.M., CANYON County
Additional Points: SCI: 2720(1) 417.3
B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
5 HP pump into gravity ditch.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>3N</u>	<u>5W</u>	<u>11</u>										<u>14</u>	<u>7</u>						<u>21</u>
												<u>Tr. 1</u>							
												<u>21</u>							

Total no. of acres 21

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:
- (8) Remarks

- (9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case.
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February 2, 1981

(Date)

State of Idaho

Organization

County of Ada

ss.

Seal

(Signature of Authorized Agent)

On this 2nd day of February, in the year 1981 before me
a notary public, personally appeared Richard D. and/or Cheryl Williams
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation,
partnership or) executed the same.

My commission expires Life

Notary Public residing at

Boise, Idaho

POOR ORIGINAL

State of Idaho
License and Certificate of Water Right

Water License No. 26437 Amount 42 cfs
Water District No. ARDELL J. METZER & NORMA J. METZER Priority July 23, 1956
- Assignee
THIS IS TO CERTIFY that C. L. BARNARD and OPAL E. BARNARD

of Wilder, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 23, 1956; that Permit No. 26437 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 42 second feet, was issued thereunder on August 10, 1962, showing that said works were completed on the 29th day of July, 1961; and that on the 29th day of July, 1961,

C. L. BARNARD and OPAL E. BARNARD

of Homedale, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Snake River, a tributary of Columbia River, for the purpose of irrigation, under Use Permit No. 26437 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7389, on the 10 day of August, 1962; The right hereby confirmed dates from July 23, 1956;

The Point of Diversion is located in the SW 1/4 SW 1/4 Sec 11, Tp. 3 N, R. 5 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 42 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	5 W.	11	SW 1/4 SW 1/4	16 5	14 7
Total number of acres to be irrigated:					21

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESSES the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 10th day of August, 1962.

RAE M. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

APR 12 1963
MICHOEIN

Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 26437

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant C. L. Barnard and Opal E. Barnard (Husband and wife)
2. Source of water supply: Snake River
3. Location of point of diversion: Is in the ~~SE 1/4~~ of Section 11
T. 3 N. R. 5 W. B. M. County of Canyon
4. Describe works as they exist, giving dimensions and capacities of same: 5 HP Westinghouse Motor # 1-765386 purchase pump # 176848 6" pulley on pump 3 belts from pump to 9" pulley on motor 4" x 25' of suction pipe to pump 8" x 40' discharge into open ditch

5. Water is used for: irrigation
6. State whether or not water has been turned into works of diversion: yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

21 acres in ~~W 1/4~~ Sec. 11, Twp. 3 N., Rge. 5 W. B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mrs. Delilah Barnard along

Measurement was made with Cappabell's weir
26 over 2' weir = 44.3 inches

This examination was made on the

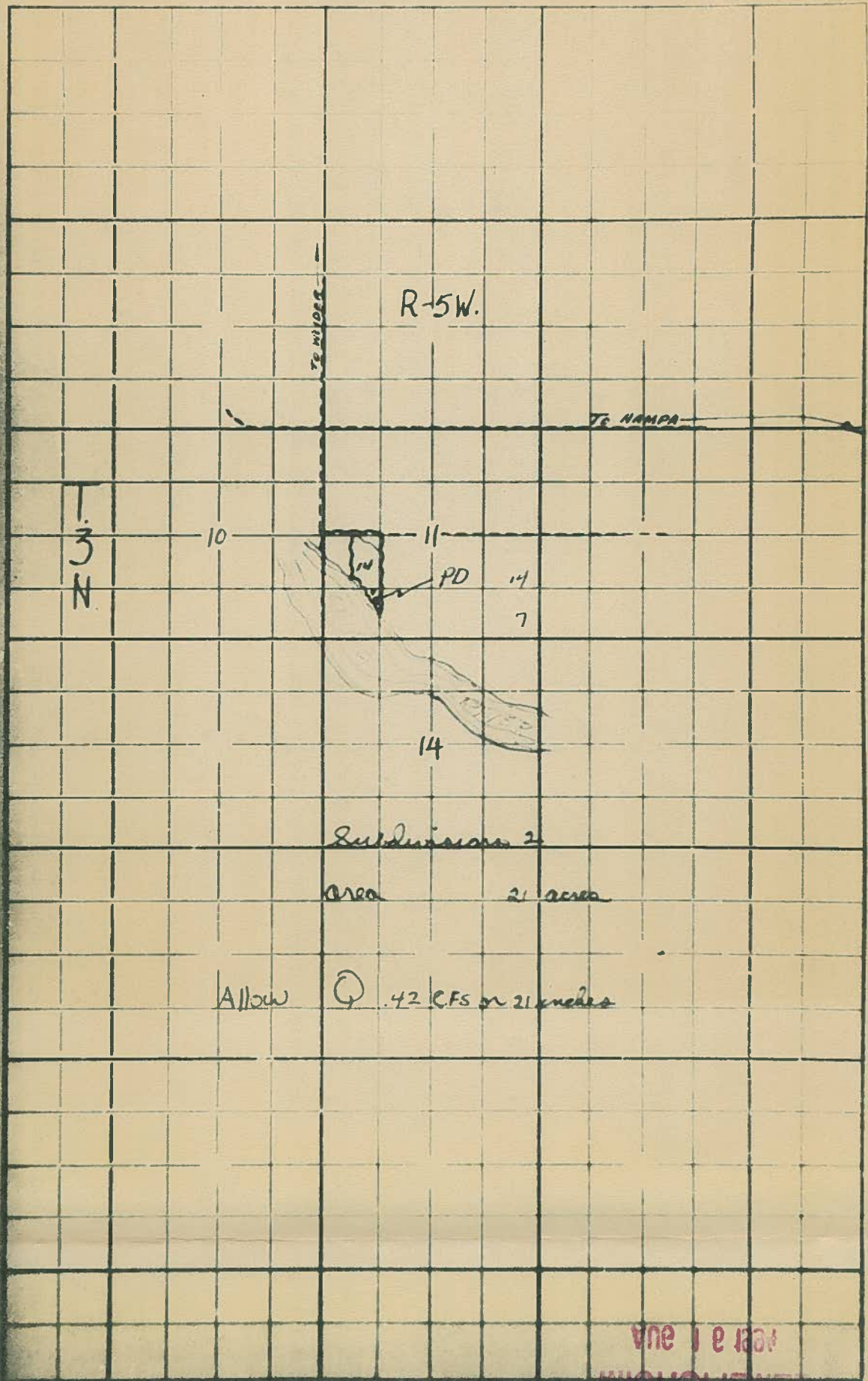
24th day of July
(Signed) Rm. Selby

AUG 18 1907

MICHAEL WEL

26437

POOR ORIGINAL



Scale: 1 inch equals 1 mile. Draw Map to Scale.

Page 1 of 1
MICROFILMED
2003

Form 16.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
OCT 4 1936
Department of Reclamation

Permit No. 26437

Proof of Application of Water to Beneficial Use

and Completion of Works
Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. C. L. Bernard and Opal E. Bernard, husband and wife, Route #1,
P. O. Box 222, Homedale, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. not applicable

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 26437, July 25, 1936

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Snake River and point of diversion is SE corner of Lot 1, Section
11, T3N, R3W, E. M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to each place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If siphon for irrigation, give number and size of siphon and operating pressure.

Ans. The water is diverted by means of pump and irrigation ditch
which will convey 42 cubic feet per second of water

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision to which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation. 16 acres are irrigated in the NW
1/4 and 5 acres are irrigated in SE 1/4 Section 11, T3N, R3W, E. M.

The premises are cultivated. The improvements as a direct result of
such irrigation are the pump and ditches used to irrigate the real property.

Ques. 6-a. If this is a ground water permit, give name and address of person that drilled the well.

Ans. not applicable

26437

POOR ORIGINAL

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Not applicable

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 42 cubic feet per second

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Permit acquired by assignment from Ardell J. Metzger and Norma Jean Metzger, husband and wife.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Water has been continuously used for irrigation for more than thirty years on the above described premises and the full amount of the 42 cubic feet per second has been used for that purpose during such period of time.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. No other water has been diverted or applied for use on the premises. The premises formerly held a water right with the Wilder Irrigation District but water could not be delivered and such lands were excluded from the district.

(Sign) E. L. Bernhard

I hereby certify that the foregoing testimony was read to the above subscribed before he signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Homestead County of Ogden

State of Idaho, on this 29 day of July A. D. 1963

Doro M. Parker

My commission expires 6-10-63

26437

JUN 10 1963
RECORDED