

06/16/2006

NOTICE OF ERROR
REPLY

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: 7/21/06

Water right number: 3-10221

BENJAMIN L JANICEK
1386 RIVERSIDE DR
WEISER ID 83672

TAMI N JANICEK
1386 RIVERSIDE DR
WEISER ID 83672

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): *acreage*

2. Describe the changes you wish to make in the proposed recommendation:

include lawn, all property except footprint of house

3. Give a brief explanation as to why you disagree with these portions:

will be irrigating lawn and all property with water right

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 6-28-06 SIGNATURE: *Ben Janicek*
Please print your name: Ben Janicek

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

JLD - modified acreage to take in yard, increased quantity to match acreage. 6/28/06



Idaho Department of Water Resources

SRBA Recommendation:

3-10221

Legend

●

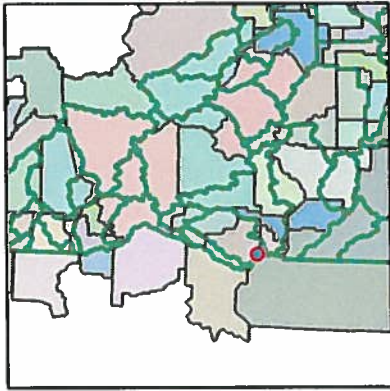
Point of Diversion

Place of Use

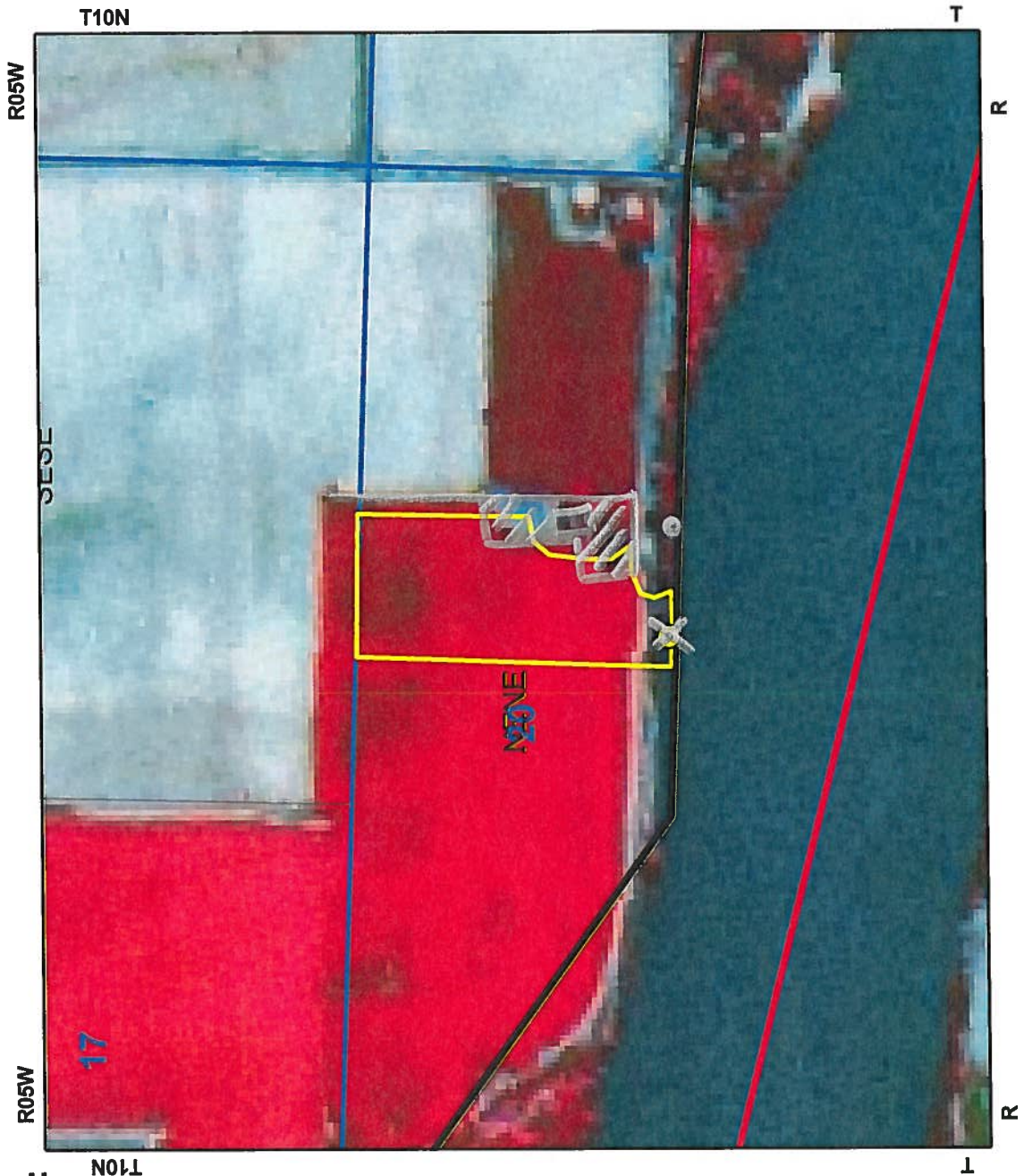
Townships

PLS Sections

Quarter Quarters



Washington County
IDWR Basin 3



Prepared by J. Dean
On Wednesday, June 28, 2006
1987/88 Aerial Photography



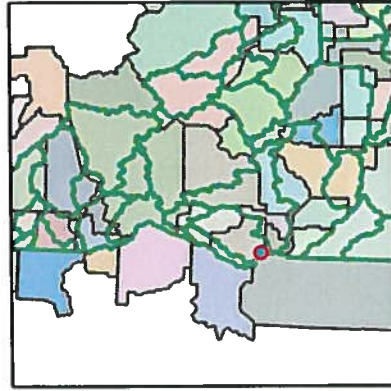
Idaho Department of Water Resources

SRBA Recommendation:

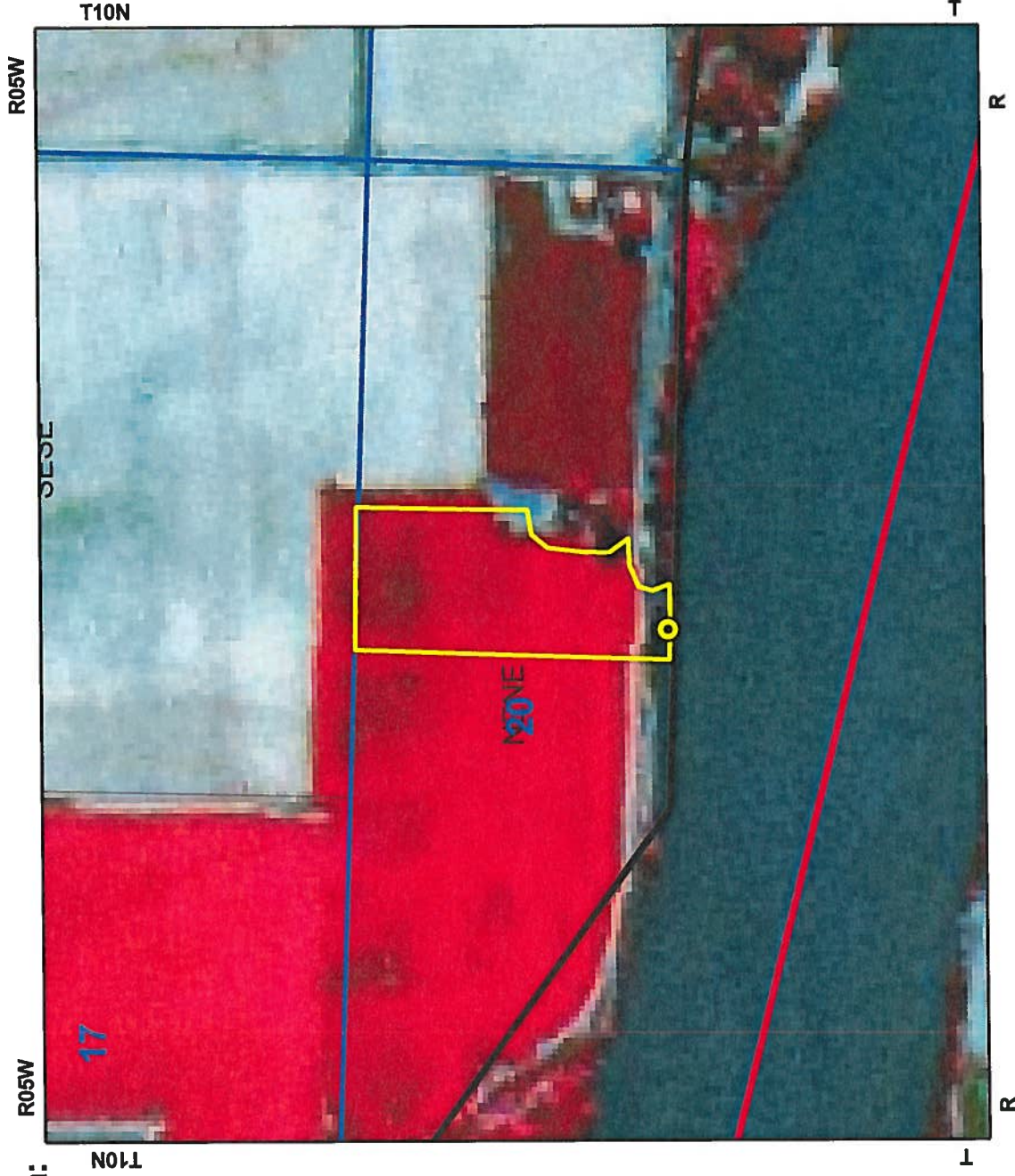
3-10221

Legend

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



Washington County
IDWR Basin 3



Prepared by J. Dean
On Friday, May 12, 2006
1987/88 Aerial Photography

05/12/2006

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

RIGHT NUMBER: 3-10221

NAME AND ADDRESS: BENJAMIN L JANICEK
1386 RIVERSIDE DR
WEISER ID 83672

TAMI N JANICEK
1386 RIVERSIDE DR
WEISER ID 83672

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.114 CFS

PRIORITY DATE: 01/15/1907

POINT OF DIVERSION:

T10N R05W S20 NENE Lot 1 Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.114 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T10N R05W S20 Lot 1 NENE 3.80

3.8 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: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 3-10019.

Right No. 3-10222 is also diverted through point of diversion described above.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 11, 2006

BENJAMIN L JANICEK
TAMI N JANICEK
1386 RIVERSIDE DR
WEISER ID 83672

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #3-10221

Dear Ben and Tami:

Thanks for coming in today. I have found that it is often more productive to meet with claimants when there is a lot of information associated with their claims and water rights. I hope that I was able to answer your questions and be of assistance.

I have enclosed copies of the items we discussed today. You may keep these copies for your files. If you need any additional information, please contact me. Our toll free number is 1-800-451-4129. You may reach me directly at (208) 287-4918. Thanks again.

Sincerely,

Jennifer Dean
Engineer in Training
Adjudication Bureau

Enclosures:

Copy of License 3-2001
Copy of Original Claim 3-10019
Copy of Amended Claim 3-10221
Map of Claim Location



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 3, 2006

BENJAMIN L JANICEK
TAMI N JANICEK
1386 RIVERSIDE DR
WEISER ID 83672

RESPONSE DEADLINE
APRIL 17, 2006

3-10221

Re: Amended Claim

Dear Claimants:

Snake River Basin Adjudication (SRBA) Claim 3-4005 indicates your water usage is based on a "Beneficial Use." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, was claimed as March 31, 1943. Normally for "Beneficial Use" claims, claimants must supply proof supporting the claimed priority date, however because all of the Sunnyside Orchard was licensed with a priority date of January 15, 1907 we are giving you the option to amend your claim to base it upon the license.

If you choose to amend your claim to base it upon the license, you will receive the earlier priority date. Additionally, other elements of your claim will be changed to match the license developed by Sunnyside Orchard. First, the diversion rate will be changed to 0.02 cfs per acre. For your claim of 4.2 acres, this would be 0.084 cfs. Previously your claim was for 0.42 cfs. Second, the season of use will be changed to the standard for your area, which is 3/1 through 11/15. If these changes are acceptable to you, please respond by signing the enclosed amended claim. Have the signature notarized and submit the form to IDWR.

If you choose not to amend your claim, the following information is important for you to understand. First, the priority date cannot be recommended any earlier than the claim, March 31, 1943. Second, the season of use for "Beneficial Use" claims are always recommended according to the standard. Third, the diversion rate on your claim, 0.42 cfs, is higher than can be recommended under normal circumstances. For irrigation claims of 5 or fewer acres, typically the maximum diversion is 1.5 miners inches or 0.03 cfs per acre. For the acreage you have claimed this would equate to 0.126 cfs. The following options exist.

If you are still seeking diversion beyond 0.126 cfs, an irrigation diversion rate analysis needs to be performed on your fields. This analysis has been designed to evaluate irrigation practices in order to determine if there is need for greater diversion rates than normal. Your answers to the enclosed questionnaire will enable IDWR to perform the analysis, thereby determining if your soil type and irrigation practices merit the use of more water than would normally be recommended. Instructions for answering the questionnaire are included. Please note that the Natural Resources Conservation Service (formerly known as the Soil Conservation Service) and other professionals may be of assistance in helping you understand the technical questions contained in this form.

April 3, 2006

BENJAMIN L JANICEK
TAMI N JANICEK

If you do not wish to seek diversion beyond 0.126 cfs, you are not required to submit any additional information. Your water right will be recommended with a priority date of March 31, 1943, the standard season of use and a diversion rate of 0.126 cfs.

If you choose to amend your claim or pursue the additional diversion rate, please submit the required documents by the date shown above. Send them in the enclosed envelope to assure they arrive at the correct location. If you have questions not covered by this letter, please contact this office. If you wish to call, our toll free number is 1-800-451-4129. You may reach me directly at (208) 287-4918.

Sincerely,



Jennifer Dean
Engineer in Training
Adjudication Bureau

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 31, 2006

BENJAMIN L AND TAMI N JANICEK
1386 RIVERSIDE DR
WEISER ID 83672

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #3-10221

Dear Claimants:

We have processed the change in ownership of the Notice of Claim to a Water Right referenced above for your property in Washington County.

Enclosed is a copy of this water right claim. Please retain this copy for your file, and refer to this record number in any future inquiries or correspondence.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim.

Sincerely,

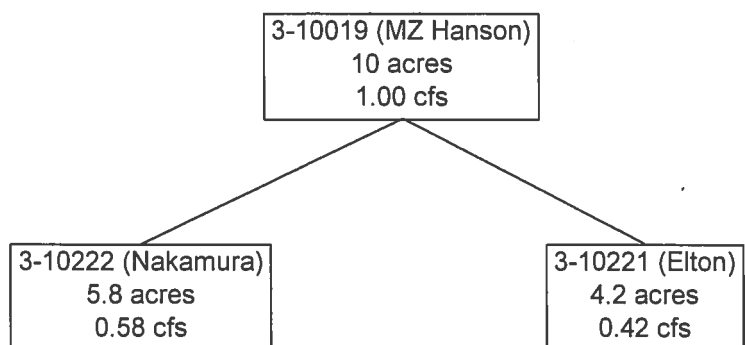
Jennifer Dean
Engineer in Training
Adjudication Bureau

Enclosure:

Copy of Notice of Claim Referenced Above

Split/Overlap Analysis - Water Right No.: 3-10019

Twp	Rng	Sec	Q-Q	Lot	Parent	Children	
					3-10019 (MZ Hanson)	3-10222 (Nakamura)	3-10221 (Elton)
10N	05W	20	NENE	1	10	5.8	4.2
				Total	10	5.8	4.2



Right No:	Rate of Diversion	Irrigated Acres	CFS/ Acre
3-10019 (MZ Hanson)	1	10	0.100
3-10222 (Nakamura)	0.58	5.8	0.100
3-10221 (Elton)	0.42	4.2	0.100



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 9, 2006

LORETTA PATTERSON ELTON
ROBERT H ELTON
1386 RIVERSIDE DR
WEISER ID 83672

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #3-10221

Dear Claimants:

As a result of obtaining a portion of the property and water rights from MZ Hanson and Seventh Day Adventist Church, the identification number to your water right has been changed as follows:

From
3-10019

To
3-10221

Please use the new number in future inquiries or correspondence you may have with our Department.

Enclosed is a copy of your water right. Please retain this copy for your file.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim.

Thank you for your patience and cooperation. We have had several water right changes to process. Please call our office at 1/800-451-4129 if you have any questions or concerns.

Sincerely,

Jennifer Dean, EIT
Adjudication Bureau

Enclosure:

Notice of Claim to a Water Right Referenced Above