

09/27/2006

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

RIGHT NUMBER: 67-2023

NAME AND ADDRESS: NORMA J EBRIGHT
1827 DEER CREEK RD
WEISER ID 83672

K E EBRIGHT
1827 DEER CREEK RD
WEISER ID 83672

SOURCE: UNNAMED STREAM

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 04/21/1908

POINT OF DIVERSION:

T09N R05W S14 NWSESW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.200 CFS

PLACE OF USE: IRRIGATION Within PAYETTE County

T09N R05W S14	NESW	14.00	T09N R05W S14	NWSW	36.00
T09N R05W S14	SWSW	5.00	T09N R05W S14	SESW	5.00

60 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 - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Use of this right is combined with water from Lower Payette Ditch Company.



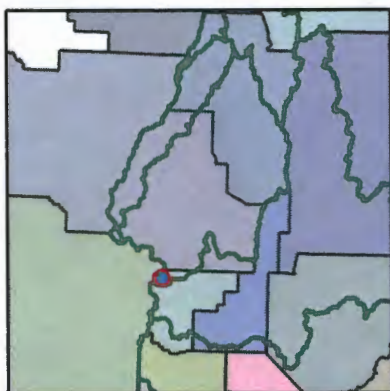
Idaho Department of Water Resources

SRBA Recommendation:

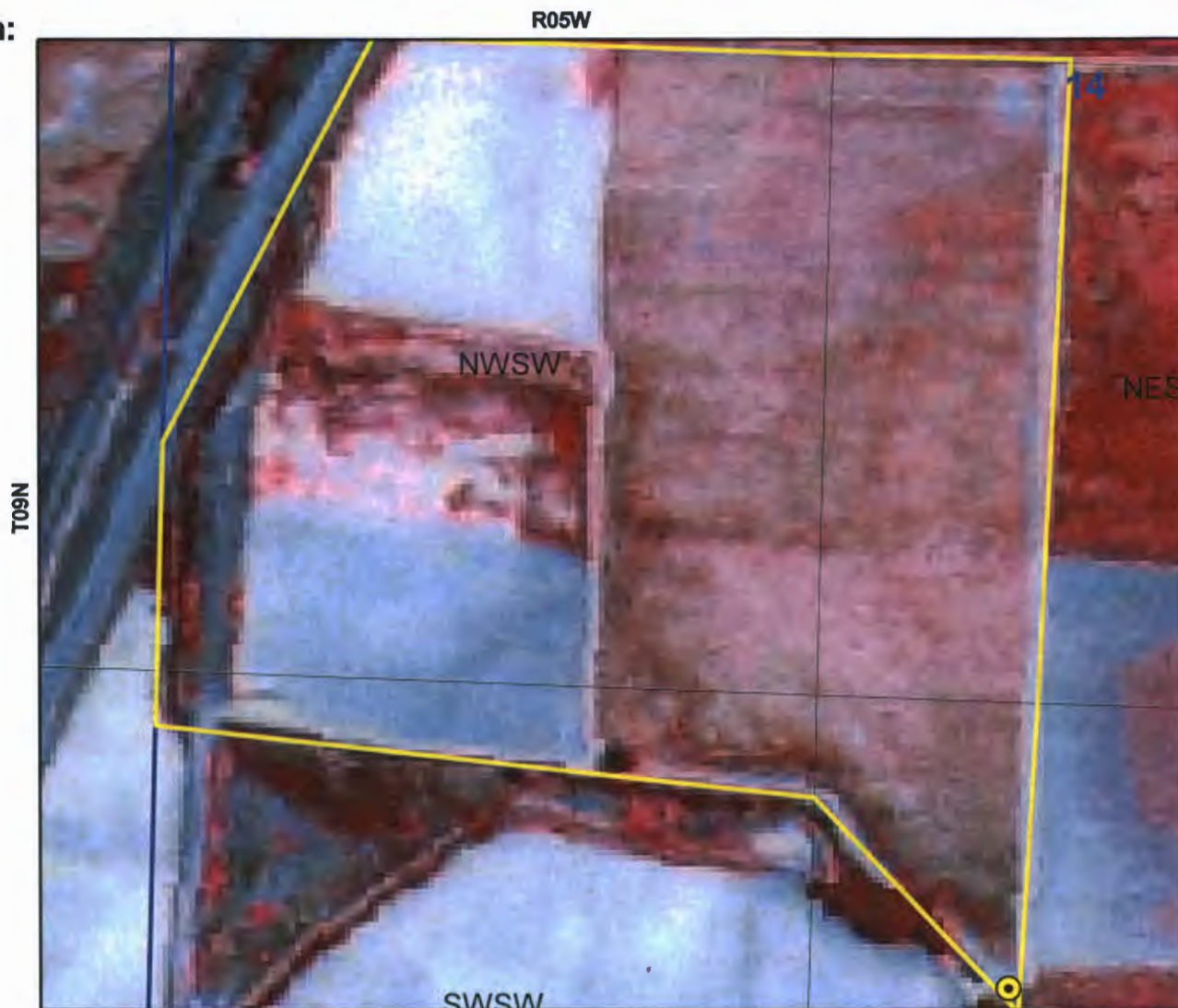
67-2023

Legend

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



Payette County
IDWR Basin 67



0 0.1 0.2 Miles



Prepared by J. Dean
On Wednesday, September 27, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2023 V1

WATER RIGHT NUMBER: 67-2023 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORMA J EBRIGHT 1827 DEER CREEK RD WEISER, ID 83672 (208)549-3998
Original Owner	G E STONE
Current Owner	PAYETTE, ID K E EBRIGHT 1827 DEER CREEK RD WEISER, ID 83672 (208)549-3998

Priority Date: 04/21/1908

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	1.200 CFS	
	<u>Total Diversion:</u>	1.200 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NW1/4SE1/4SW1/4	Sec. 14, Twp 09N, Rge 05W, B.M.
PAYETTE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	05W	14									14.0	36.0	5.0	5.0					60.0

Total Acres: 60

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. F14 Use of this right is combined with water from Lower Payette Ditch Company.
3. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2023 V1

Remarks:Comments:

1. segbert 4/14/2004 Qunatity

Comment: The license and the claim have two different amounts for volume

2. jdean 9/27/2006 Recommended as licensed

Comment: This claim was recommended as licensed except for it was licensed for fewer acres according to the claim/GIS. This also reduced the diversion rate. The claimant noted the following about a reduction in acres "The land in sec. 15 is no longer irrigated from this waste ditch and is now irrigated with the Lower Payette Ditch Company." The diversion rate was reduced to 1"/acre.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	4/14/2004 11:03:40 AM	segbert			Active
POD	4/14/2004 11:14:06 AM	segbert			Active
Source	4/14/2004 11:15:13 AM	segbert			Active
POU	4/14/2004 11:26:31 AM	segbert			Active
POU	4/14/2004 11:30:16 AM	segbert			Active
Use	4/14/2004 11:32:04 AM	segbert			Active
Season	4/14/2004 11:34:09 AM	segbert			Active
Quantity	4/14/2004 11:38:23 AM	segbert			Active
Season	6/1/2004 1:10:45 PM	mcase			Active
Summary			09/27/2006	jdean	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2023 V1

POU	4/14/2004 11:30:16 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 8. Can the claim be verified as an accomplished transfer? (No) 9. Does the claim include an enlargement in the POU? Description for Question 13 - True
Use	4/14/2004 11:32:05 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (No) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use?
Season	4/14/2004 11:34:09 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (No) 12. Does the file contain all the necessary information to verify the Period of Use? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?
Quantity	4/14/2004 11:38:23 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
POU	12/24/2003 12:53:27 PM	awarntje	Edited shape boundary
POU	12/24/2003 12:57:26 PM	awarntje	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2023 V1

Summary	9/27/2006 5:09:49 PM	jdean	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Season	6/1/2004 1:10:45 PM	mcase	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?
Priority Date	4/14/2004 11:03:40 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	4/14/2004 11:13:08 AM	segbert	Edited point location
POD	4/14/2004 11:14:06 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	4/14/2004 11:15:14 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2023 V1

POU	4/14/2004 11:26:32 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU?
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Water Supply Bank:

 Canyon County *
 Unnamed Stream *
 1.4 cubic feet per second *
 Irrigation and Domestic Use *
 Priority 4-21-08 *

36

14

5

6

60

1.2 cfs

STATE OF IDAHO

Water License No. 3626

WHEREAS, On the 21st day of April, A. D. 1908, G. E. STONE, of Payette, County of Canyon, State of Idaho, duly made application (No. 5107) to me for a permit to use two (2) second feet of the waters of an Unnamed Stream, County of Canyon, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 16th day of May, A. D. 1908, Permit No. 3626 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 16th day of May, A. D. 1909, and for the application to beneficial use of said water on or before the 16th day of May, A. D. 1910, and,

WHEREAS, On the 15th day of May, A. D. 1909, G. E. STONE, the holder of said permit, duly made proof of the completion of adequate works for the diversion of two (2) cubic feet per second of said waters, as evidenced by my Certificate No. 3626, dated July 9, 1909, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use two (2) cubic feet per second of water, with date of priority of April 21, 1908, and,

WHEREAS, On the 9th day of June A. D. 1910, G. E. STONE, the holder of said permit, duly made proof of the application to beneficial use of 1.4 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to G. E. STONE, of Payette, County of Canyon, State of Idaho, the holder and owner of said Permit No. 3626, a perpetual right, dating from April 21, 1908, to the use of one and four-tenths (1.4) cubic feet per second of the waters of an UNNAMED STREAM, in the County of Canyon and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SE4 of the SW4 of Sec. 14, Township 9 North of Range 5 West of Boise Meridian, and conducted to and upon 70 acres as follows: about 17 acres in the NE4 SW4, 35 acres in the NW4 SW4 and 10 acres in the SW4 SW4 Section 14, also, 8 acres in Lots 1 and 2 section 15, all in twp. 9 N. R. 5 W. B. M., for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 24th day of May, A. D. Nineteen hundred and eleven.

(SEAL)

A. E. Robinson

State Engineer.

67 2023

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: A67-02023
Date Received: 3/02/1990
Receipt No: W019538
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: K. E. EBRIGHT 208-549-3998
Address: 1827 DEER CREEK RD.
WEISER, ID 83672

Name: NORMA J. EBRIGHT 208-549-3998
Address: 1827 DEER CREEK RD.
WEISER, ID 83672

2. Date of Priority: APR 21, 1908

3. Source: UNNAMED STREAM Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	05W	14	NW	SE	SW		PAYETTE

5. Description of diverting works:
DIVERSION DAM AND DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.240		

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

8. Total consumptive use is 217.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A67-02023

Page 1

Date: 03/02/90

SCANNED
MAY 10 2004

MICROFILMED
OCT 01 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09N	05W	14	NE	SW	IRR	14.0
			NW	SW	IRR	35.0
			SW	SW	IRR	8.0
			SE	SW	IRR	5.0
					Section Acres	62.0
					Total Acres	62.0

11. Place of use in counties: PAYETTE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
LOWER PAYETTE DITCH CO.

14. Remarks:
THE LAND IN SEC. 15 IS NO LONGER IRRIGATED FROM THIS WASTE DITCH
AND IS NOW IRRIGATED WITH THE LOWER PAYETTE DITCH CO.

15. Basis of Claim: LICENSE
Water Right Number: 3626

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): Norme J. Ebaugh Date: 3-2-90
Date:

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 2ND day
of March 19 90 Jan Shurtz
Notary Public



Residing at Meridian ID
My Commission Expires 9-14-94

Idaho Department of Water Resources
67-2023



500 0 500 1000 1500 2000 2500 3000 3500 Feet

T9N, R05W, S14



Prepared by Anita L. Warntjes
December 24, 2003
1993/94 True Color Photo

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2023 V1

WATER RIGHT NUMBER: 67-2023 V1

Owner Type Name and Address
Current Owner NORMA J EBRIGHT
1827 DEER CREEK RD
WEISER, ID 83672
(208)549-3998

Original Owner G E STONE

Current Owner PAYETTE, ID
K E EBRIGHT
1827 DEER CREEK RD
WEISER, ID 83672
(208)549-3998

Priority Date: 04/21/1908

Basis: License

Status:

Source
UNNAMED STREAM

Tributary
SNAKE RIVER

Beneficial Use
IRRIGATION

From To
03/15 to 11/15
3/01

Diversion Rate
1.240 CFS

Annual Volume

Total Diversion: 1.240 CFS

Location of Point(s) of Diversion
UNNAMED STREAM
PAYETTE County

NW 1/4 SE 1/4 SW 1/4

Sec. 14, Twp 09N, Rge 05W, B.M.

Place of Use
IRRIGATION

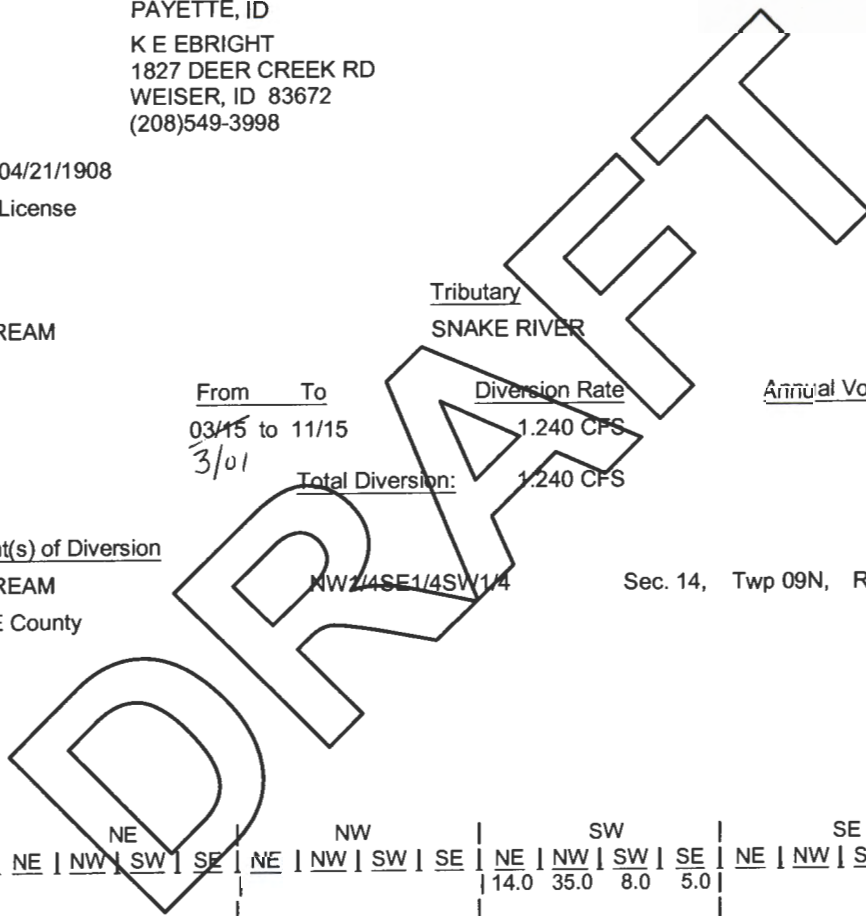
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	05W	14									14.0	35.0	8.0	5.0					62.0

Total Acres: 62

Conditions of Approval:

Remarks:

DO NOT
SCAN



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2023 V1

Comments:

1. segbert 4/14/2004 Qunatity

Comment: The license and the claim have two different amounts for volume

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	4/14/2004 11:03:40 AM	segbert			
POD	4/14/2004 11:14:06 AM	segbert			
Source	4/14/2004 11:15:13 AM	segbert			
POU	4/14/2004 11:26:31 AM	segbert			
POU	4/14/2004 11:30:16 AM	segbert			
Use	4/14/2004 11:32:04 AM	segbert			
Season	4/14/2004 11:34:09 AM	segbert			
Quantity	4/14/2004 11:38:23 AM	segbert			

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2023 V1

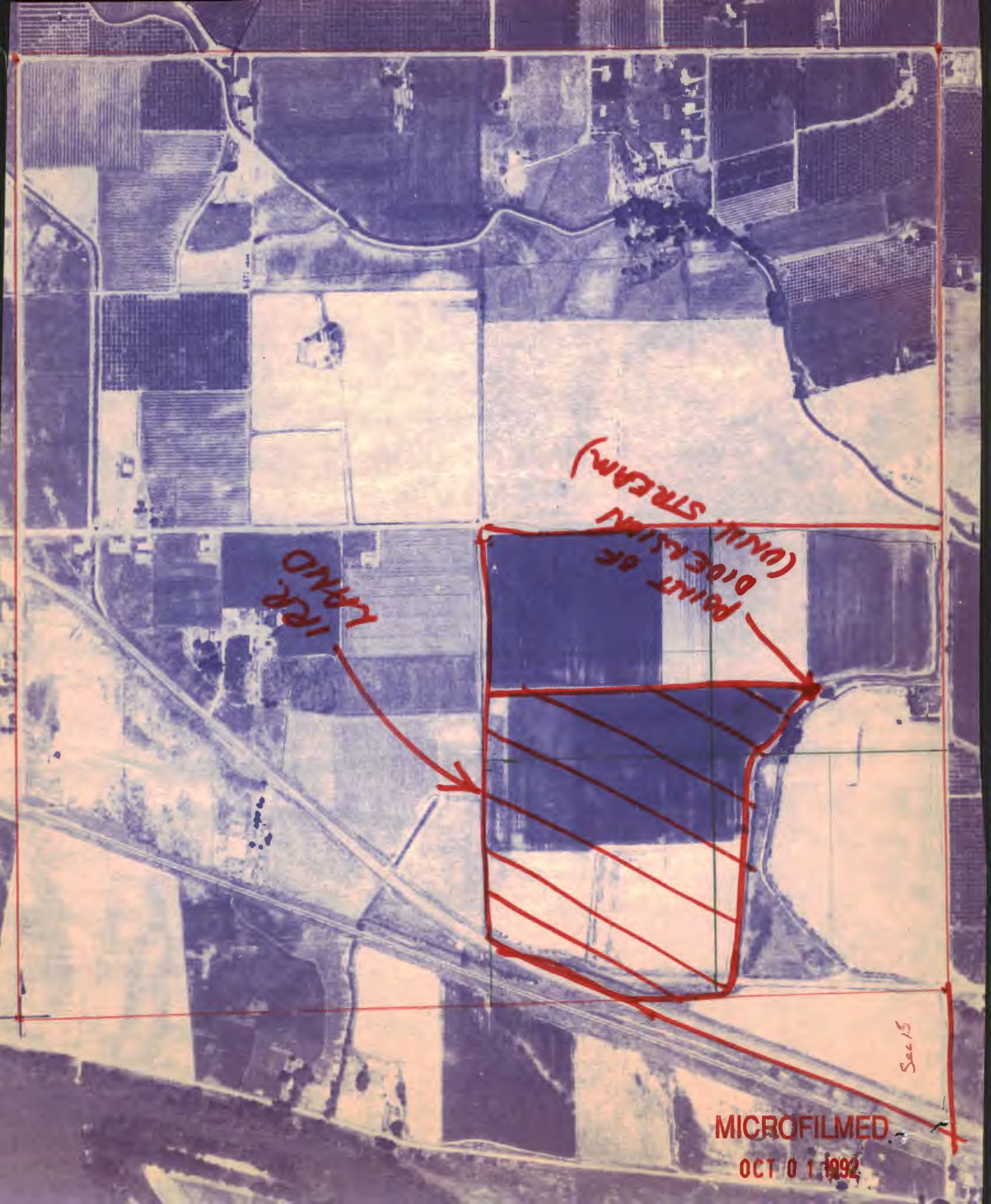
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Quantity	4/14/2004 11:38:23 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
POU	12/24/2003 12:53:27 PM	awamtje	Edited shape boundary
POU	12/24/2003 12:57:26 PM	awamtje	Edited shape boundary
Priority Date	4/14/2004 11:03:40 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
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Adjudication Recommendation Report 67-2023 V1

Source	4/14/2004 11:15:14 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
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DRAFT



POINT OF
DISCUSSION
(WILL STREAM)

ICE
LAND

Sec 15

MICROFILMED
OCT 01 1992