

11/21/2006

NOTICE OF ERROR
REPLY

NOV 29 2006

DEPARTMENT OF
WATER RESOURCES

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: December 8, 2006

Water right number: 67-2123A

RULON ZAUGG

270 US HWY 95

WEISER ID 83672

Telephone Number: (208)549-2679

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

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

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

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

DATE:

11/28/06

SIGNATURE:

Robert Woods

Please print your name:

Robert Woods

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

SCANNED

NOV 30 2006

11/16/2006

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

RIGHT NUMBER: 67-2123A

NAME AND ADDRESS: RULON ZAUGG
270 US HWY 95
WEISER ID 83672

C ROBERT WOODS
2076 WEISER RIVER RD
WEISER ID 83672

SOURCE: BUTTERMILK SLOUGH

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.000 CFS

The rights listed below are limited to a total combined diversion rate of 1.54 cfs.
Combined Right Nos.: 67-2123A, 67-2124, 67-7316.

PRIORITY DATE: 01/02/1920

POINT OF DIVERSION:

T10N R05W S23 NESENW 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	1.000 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T10N R05W S23	NWNW	40.00	T10N R05W S23	SWNW	10.00
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50 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 77 acres in a single irrigation season. Combined Right Nos.: 67-2123A, 67-2124, 67-7316.

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

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



Idaho Department of Water Resources

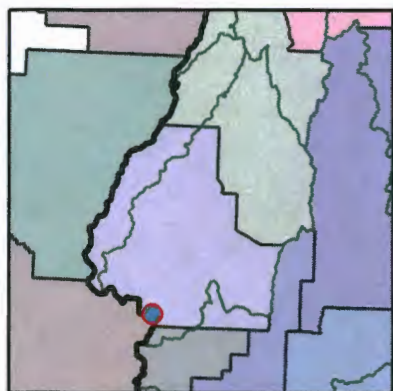
SRBA Recommendation:

67-2123A

(Irrigation)

Legend

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



Washington County
IDWR Basin 67



0 0.2 0.4 Miles

Prepared by J. Dean
On Thursday, November 16, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2123A V1

WATER RIGHT NUMBER: 67-2123A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DELLA M REED
	, ID
Original Owner	SARAH C REED
	WEISER, ID
Original Owner	HENRY B SEAL
	, ID
Current Owner	RULON ZAUGG 270 US HWY 95 WEISER, ID 83672 (208)549-2679
Original Owner	RAY E REED
	WEISER, ID
Present Owner	C ROBERT WOODS 2076 WEISER RIVER RD WEISER, ID 83672 (208)549-0493

Priority Date: 01/02/1920

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
BUTTERMILK SLOUGH	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	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

BUTTERMILK SLOUGH	NE1/4SE1/4NW1/4	Sec. 23, Twp 10N, Rge 05W, B.M.
WASHINGTON 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	
10N	05W	23						40.0	10.0										50.0

Total Acres: 50

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2123A V1

Conditions of Approval:

1. F14 Use of this right is combined with water from Lower Payette Ditch Company.
2. E56 The rights listed below are limited to the irrigation of a combined total of 77 acres in a single irrigation season. Combined Right Nos.: 67-2123A, 67-2124, 67-7316.
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.
4. E52 The rights listed below are limited to a total combined diversion rate of 1.54 cfs. Combined Right Nos.: 67-2123A, 67-2124, 67-7316.

Remarks:Comments:

1. mcase 6/2/2004 POD
Comment: Updated shape

2. mcase 6/2/2004 Quantity
Comment: No licensed annual diversion. Could not determine the recommended annual diversion.

3. jdean 11/16/2006 Present Owner
Comment: The tax lot data for this property indicates that there is a new owner for the property who is not listed on the claim. The owner has been added as a present owner.

4. jdean 11/16/2006 Recommended as claimed
Comment: The claim was a reduction from what was originally licensed. This claim was recommended as claimed.

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: OR
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	6/2/2004 9:53:14 AM	mcase			Active
POD	6/2/2004 9:53:38 AM	mcase			Active
Source	6/2/2004 9:59:34 AM	mcase			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2123A V1

POU	6/2/2004 10:00:38 AM	mcase	Active
Use	6/2/2004 10:00:49 AM	mcase	Active
Season	6/2/2004 10:01:23 AM	mcase	Active
Quantity	6/2/2004 10:02:44 AM	mcase	Active
Contacts	11/16/2006 10:19:13 AM	jdean	Active
Summary	11/16/2006	jdean	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	11/16/2006 10:20:33 AM	jdean	Updated PLS for Active POU
Contacts	11/16/2006 10:19:14 AM	jdean	(No) 1. Do you want to schedule an appointment? Comment for 1: Desk Review
Summary	11/16/2006 10:23:17 AM	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? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 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?
POU	11/16/2006 10:20:19 AM	jdean	Updated shape for Active POU
POD	6/2/2004 9:53:38 AM	mcase	(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?
Source	6/2/2004 9:59:35 AM	mcase	(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?
POU	6/2/2004 10:00:39 AM	mcase	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2123A V1

Use	6/2/2004 10:00:50 AM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Priority Date	6/2/2004 9:53:15 AM	mcase	(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? (Yes) 16. Is a Priority Date remark and/or condition required?
Quantity	6/2/2004 10:02:45 AM	mcase	(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? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit?
Season	6/2/2004 10:01:24 AM	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?
POU	1/7/2004 12:52:03 PM	awarntje	Edited shape boundary

Water Supply Bank:

State of Idaho
License and Certificate of Water Right

Water License No. 14501Amount 1.12 sec. ft.Water District No. 41-APriority 1-2-20

THIS IS TO CERTIFY that Ray E. Reed, Sarah C. Reed, Della M. Reed and Henry B. Seal, Weiser, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated January 2, 1920; that Permit No. 14501 was issued under said application; that Certificate of Completion of works, with a carrying capacity of three second feet, was issued thereunder on January 21, 1921, showing that said works were completed on the 6th day of January, 1921; and that on the 7th day of January, 1922,

Ray E. Reed, Sarah C. Reed, Della M. Reed and Henry B. Seal of Weiser, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Buttermilk Slough (Crystal Lake), a tributary of -----, for the purpose of irrigation and domestic use, under Use Permit No. 14501 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 6 of Licenses, at page 3025, on the 17th day of January, 1923;

The right hereby confirmed dates from January 2, 1920;

The Point of Diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, Tp. 10 N., R. 5 W., B. M. County of Washington.

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 1.12 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
10 N.	5 W.	14	SW $\frac{1}{4}$ SW $\frac{1}{4}$	10	6
		23	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	10	10

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.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 17th day of January, 1923

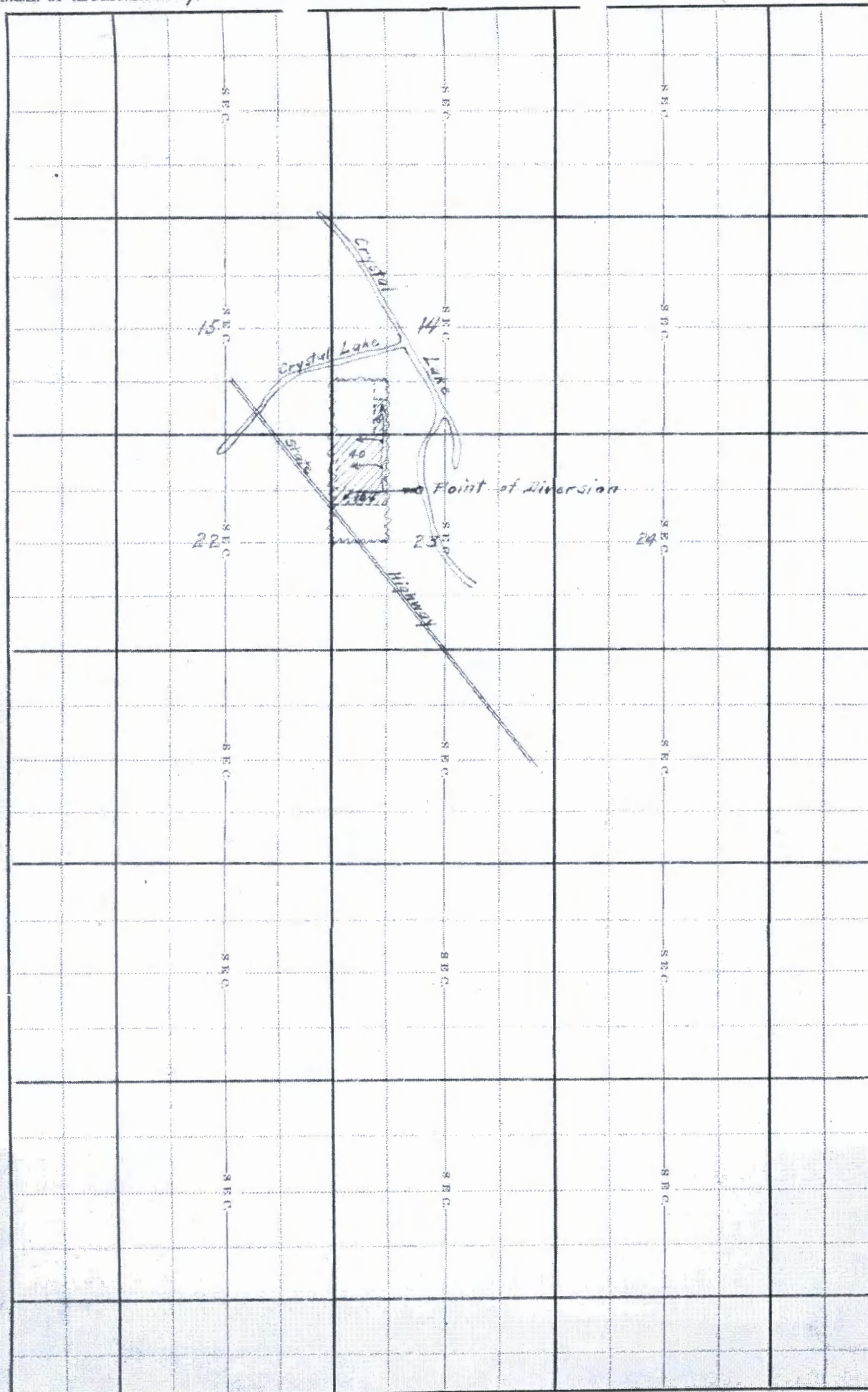
W. C. SWENDBEN.
 Commissioner of Reclamation.

(SEAL)

NAME OF APPLICANT Pay, Sarah + Lella Reid H.B. Seal Beneficial use

214501

8/21/22



SCALE: 2 INCHES EQUALS 1 MILE. DRAW PLAN IN INK.

14501

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: A67-02123A
Date Received: 10/11/1989
Receipt No: MDO 4887
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RULON ZAUGG 208-549-2679
Address: 270 U.S. HWY 95
WEISER, ID 83672

2. Date of Priority: JAN 02, 1920

3. Source: BUTTERMILK SLOUGH Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10N	05W	23	NE	SE	NW		WASHINGTON

5. Description of diverting works:
PUMP TO FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.000		

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

8. Total consumptive use is 175.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10N	05W	23	NW	NW		IRR	40.0
			SW	NW		IRR	10.0

Section Acres 50.0 **SCANNED**
MAY 10 2004

A67-02123A

Page 1

Date: 10/11/89

MICROFILMED
OCT 01 1992

10. Place of Use: Continued

Total Acres 50.0

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:
 67-7316, 67-2124

14. Remarks:

15. Basis of Claim: LICENSE
 Water Right Number: 14501

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): *X Rulon Zangg* Date: *X 10/11/89*
Date:

State of Idaho)
County of *Washington*) SS.

Subscribed and sworn (or affirmed) before me this *11* day
of *Oct* 19 *89* *Bruce A. Schuld*
Notary Public

Seal

Residing at
My Commission Expires
BRUCE A. SCHULD, NOTARY PUBLIC
RESIDING AT BOISE, IDAHO
MY COMMISSION EXPIRES APRIL 11, 1995

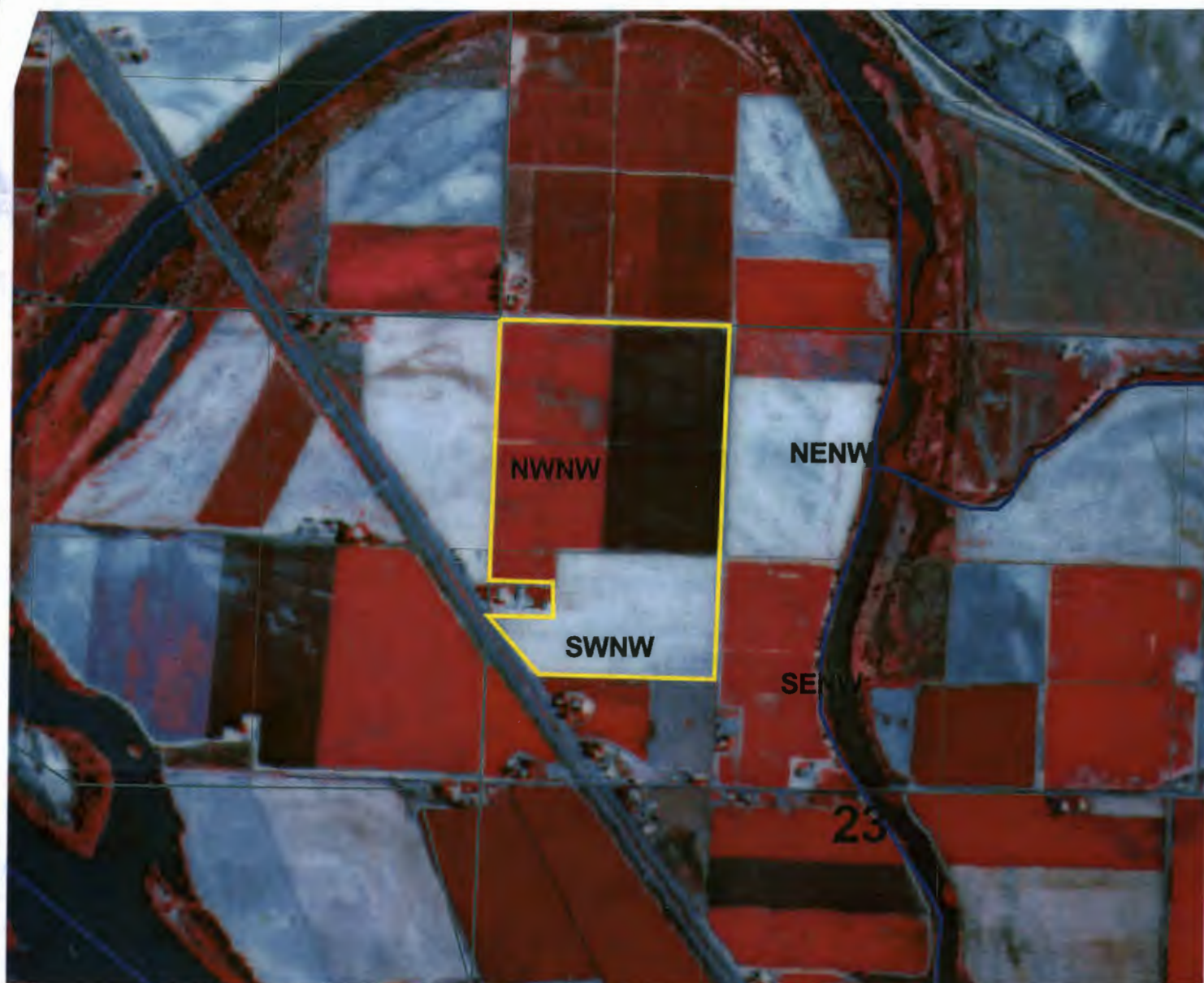


MICROFIL

061 0 1 1992

Idaho Department of Water Resources

67-2123A



1000 0 1000 2000 3000 4000 Feet

A horizontal scale bar with alternating black and white segments, corresponding to the numerical markings above it.

T10N, R05W, S23



Prepared by Anita L. Warntjes
January 7, 2004
1993/94 True Color Photo

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2123A V1

WATER RIGHT NUMBER: 67-2123A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DELLA M REED
	, ID
Original Owner	SARAH C REED
	WEISER, ID
Original Owner	HENRY B SEAL
	, ID
Current Owner	RULON ZAUGG 270 US HWY 95 WEISER, ID 83672 (208)549-2679
Original Owner	RAY E REED
	WEISER, ID

Priority Date: 01/02/1920

Basis:

Status:

<u>Source</u>	<u>Tributary</u>
BUTTERMILK SLOUGH CREEK	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	1.000 CFS	
	<u>Total Diversion:</u>		1.000 CFS	

Location of Point(s) of Diversion

BUTTERMILK SLOUGH CREEK NE1/4SE1/4NW1/4 Sec. 23, Twp 10N, Rge 05W, B.M.
WASHINGTON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
10N	05W	23	40.0	10.0			50.0

Total Acres: 50

Conditions of Approval:

Remarks:

DRAFT

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2123A V1

Comments:

1. mcase 6/2/2004 POD
Comment: Updated shape

2. mcase 6/2/2004 Quantity

Comment: No licensed annual diversion. Could not determine the recommended annual diversion.

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: OR
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	6/2/2004 9:53:14 AM	mcase			
POD	6/2/2004 9:53:38 AM	mcase			
Source	6/2/2004 9:59:34 AM	mcase			
POU	6/2/2004 10:00:38 AM	mcase			
Use	6/2/2004 10:00:49 AM	mcase			
Season	6/2/2004 10:01:23 AM	mcase			
Quantity	6/2/2004 10:02:44 AM	mcase			

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POD	6/2/2004 9:53:38 AM	mcase	(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?
Source	6/2/2004 9:59:35 AM	mcase	(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 67-2123A V1

POU	6/2/2004 10:00:39 AM	mcase	(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?
Use	6/2/2004 10:00:50 AM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Priority Date	6/2/2004 9:53:15 AM	mcase	(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? (Yes) 16. Is a Priority Date remark and/or condition required?
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Season	6/2/2004 10:01:24 AM	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?
POU	1/7/2004 12:52:03 PM	awarntje	Edited shape boundary