

11/21/2006

NOTICE OF ERROR
REPLY

RECEIVED
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: 67-2124

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:

C Robert Woods

Please print your name:

C 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: 67-2124

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

TRIP

QUANTITY: 0.340 CFS

The rights listed below are limited to a total of 0.340 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:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.340 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T10N R05W S23 SENW 17.00

17 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.

C Robert Woods
2076 Weiser River Rd
Weiser, ID 83672
67-2123A, 67-2124, 67-7316
Present Owner



Idaho Department of Water Resources

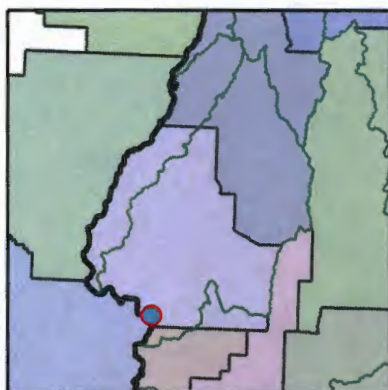
SRBA Recommendation:

67-2124

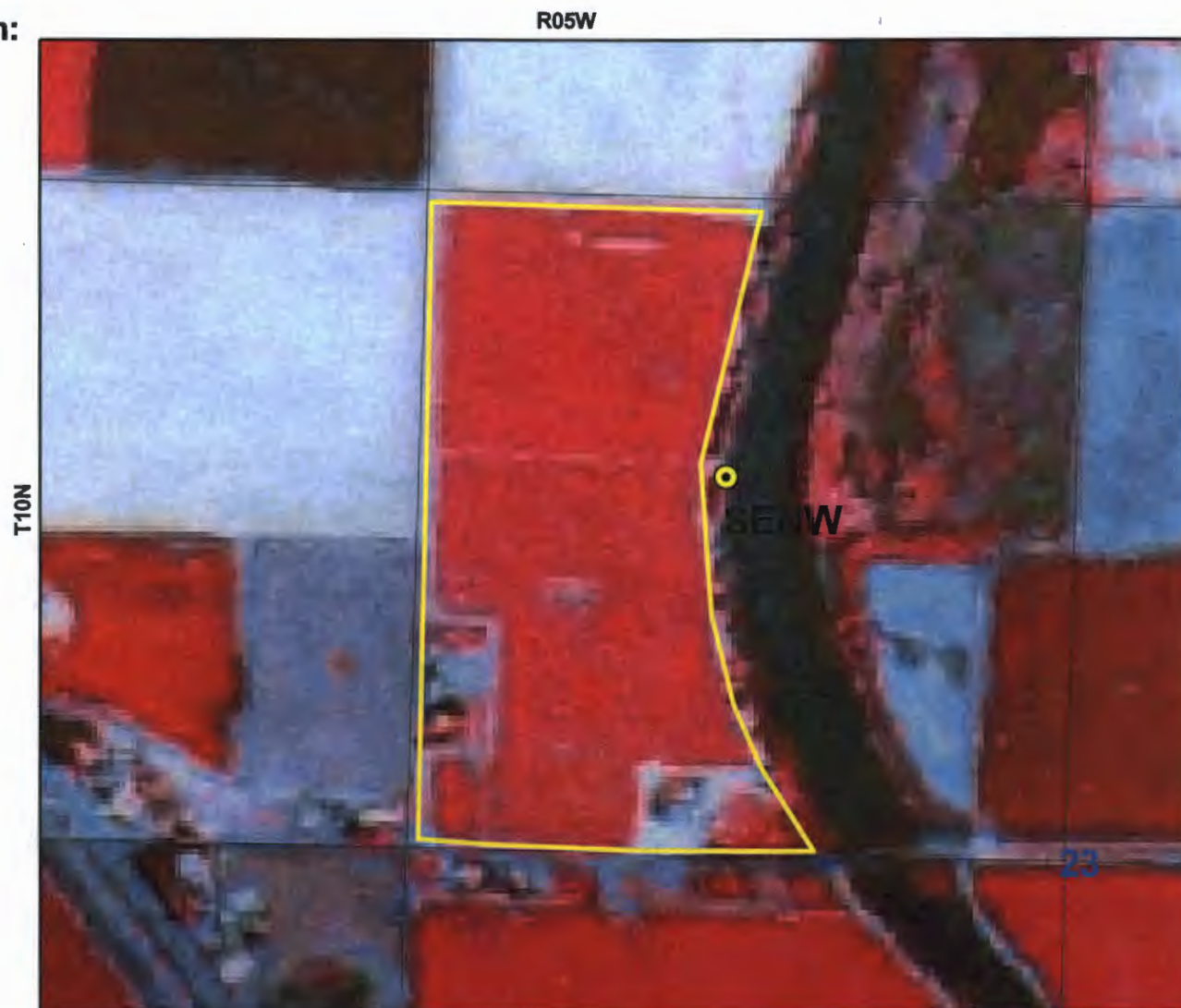
(Irrigation)

Legend

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



Washington County
IDWR Basin 67



0 0.1 0.2 Miles



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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2124 V1

WATER RIGHT NUMBER: 67-2124 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FRANK R HYLAND
Current Owner	WEISER, ID RULON ZAUGG 270 US HWY 95 WEISER, ID 83672 (208)549-2679
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	0.340 CFS	
	<u>Total Diversion:</u>	0.340 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																	17.0

Total Acres: 17

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. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2124 V1

4. 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.

Remarks:Comments:

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

2. mcase 6/2/2004 POU
Comment: Updated Shape

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

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

5. jdean 11/16/2006 Quantity
Comment: The diversion rate was reduced to 1"/acre for the acres that were claimed. No diversion volume is required because it is surface water.

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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.54		77

Combined Water Rights: 67-2123A , 67-2124 , 67-7316

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 10:09:36 AM	mcase			Active
POD	6/2/2004 10:11:09 AM	mcase			Active
Source	6/2/2004 10:11:16 AM	mcase			Active
POU	6/2/2004 10:20:43 AM	mcase			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2124 V1

Use	6/2/2004 10:20:57 AM	mcase	Active
Season	6/2/2004 10:21:25 AM	mcase	Active
Quantity	6/2/2004 10:21:42 AM	mcase	Active
Contacts	11/16/2006 10:27:10 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 10:28:35 AM	jdean	Updated shape for Active POU
Summary	11/16/2006 10:34:06 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 10:28:43 AM	jdean	Updated PLS for Active POU
Contacts	11/16/2006 10:27:10 AM	jdean	(No) 1. Do you want to schedule an appointment? Comment for 1: Desk Review
POD	6/2/2004 10:11:09 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 10:11:17 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?
Priority Date	6/2/2004 10:09:37 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? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2124 V1

POU	6/2/2004 10:20:44 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 10:20:57 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?
Season	6/2/2004 10:21:26 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?
Quantity	6/2/2004 10:21:43 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?

Water Supply Bank:

State of Idaho
License and Certificate of Water Right

Water License No. 14502
Water District No.

Amount 0.43 Sec. Ft.
Priority January 2, 1920

THIS IS TO CERTIFY that **FRANK R. HYLAND**
of **Weiser, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **January 2**, 19 **20**; that Permit No. 14502
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1 second feet, was issued thereunder on **December 31**, 19 **20**, showing that said works
were completed on the **20th** day of **November**, 19 **20**; and that on the **7th**
day of **January**, 19 **22**,

FRANK R. HYLAND
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 **no stream**, for the purpose of **irrigation and domestic**
use, under Use Permit No. 14502 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 **7**
of Licenses, at page **3883**, on the **17th** day of **August**, 19 **37**;

The right hereby confirmed dates from **January 2**, 19 **20**;

The Point of Diversion is located
in the **SE 1/4 NW 1/4**, Sec. **23**, Twp. **10 N.**, R. **5 W.**, B. M., **Washington 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 **0.43**
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.	23	SE 1/4 NW 1/4	21.5	21.5
The land to which this right has been made appurtenant is now owned by Burt F. White , of Weiser, Idaho . (See Permit)					

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.

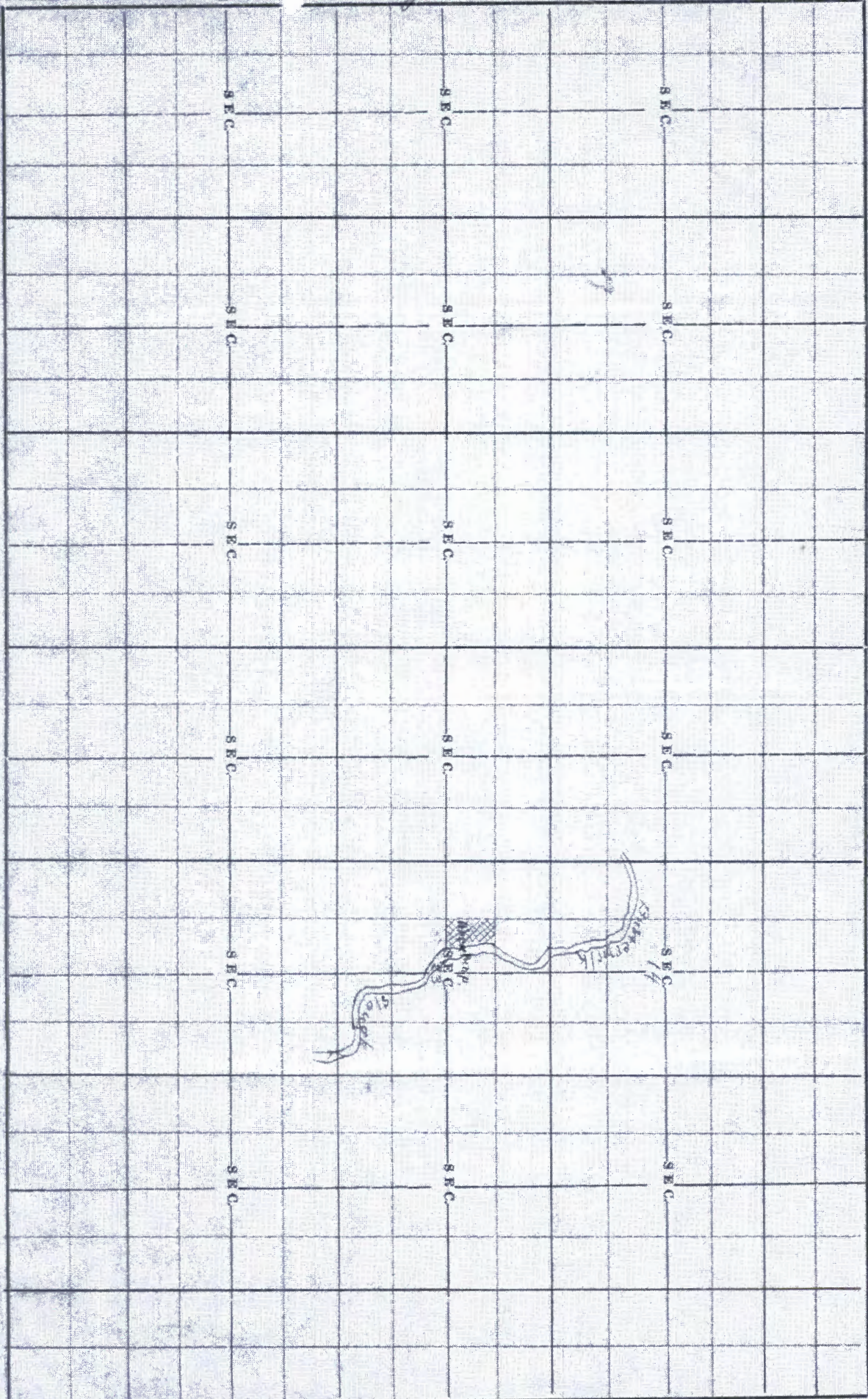
WITNESS the seal and signature of the Commissioner of Reclamation, affixed at **Boise, Idaho**,
this **17th** day of **August**, 19 **37**.

(SEAL)

R. W. FARIS
Commissioner of Reclamation

NAME OF APPLICANT

Frank R. Hyland



Township 10 N. Range 5 W. 13 M.

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

14502

POU Overlap Analysis 67-2123

Twp	Rng	Sec	Q-Q	Lot	Licenses & Stat Claims					GIS Total
					67-2123	67-2124	67-7316	67-4238	Total	
10N	05W	14	SWSW		6				6.0	0
		23	NWNW		40		39		79.0	39.6
			SWNW		10		18	5	33.0	18.8
			SENW			21.5	19		40.5	18.9
					56.0	21.5	76.0	5.0	158.5	77.3

67-2123A, 67-2124, 67-7316 are limited to 77 acres.

67-2123A, 67-2124, 67-7316 are limited to 1.54 cfs.

Twp	Rng	Sec	Q-Q	Lot	Rec					Total Per QQ
					67-2123	67-2124	67-7316	67-4238	Total	
10N	05W	14	SWSW						0.0	0
		23	NWNW		40		39		79.0	40
			SWNW		10		18	4	32.0	23
			SENW			17	19		36.0	19
					50.0	17.0	76.0	4.0	147.0	82.0

Right No:	Diversion	Volume	Irrigated Acres	CFS/ Acre	AFY/Acre	Priority Date	Rec POD	Source
67-2123	1.12		56.0	0.020	0.000	1/2/1920	SENW S23, 10N, 5W	Slough
67-2124	0.43		21.5	0.020	0.000	1/2/1920	SENW S23, 10N, 5W	Slough
67-7316	1.52	342.00	76.0	0.020	4.500	4/22/1977	SENW S23, 10N, 5W	GW
67-4238	0.08		5.0	0.016	0.000	6/1/1960	SWNW S23, 10N, 5W	GW

Right No:	Diversion	Volume	Irrigated Acres	CFS/ Acre	AFY/Acre	Priority Date	Rec POD	Source
67-2123	1	225 NR	50.0	0.020	4.500	1/2/1920	NESENW S23, 10N, 5W	Slough
67-2124	0.34	76.50 NR	17.0	0.020	4.500	1/2/1920	NESENW S23, 10N, 5W	Slough
67-7316	1.52	342.00	76.0	0.020	4.500	4/22/1977	SENW S23, 10N, 5W	GW
67-4238	0.08	18.00	4.0	0.020	4.500	6/1/1960	SESWNW S23, 10N, 5W	GW

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: A67-02124
Date Received: 10/11/1989
Receipt No: 14004887
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	0.430		

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

8. Total consumptive use is 59.5 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	SE	NW		IRR	17.0

Section Acres 17.0

SCANNED

SCANNED

A67-02124

Page 1

Date: 10/11/89

MAY 10 2004

MICROFILMED
OCT 01 1992

10. Place of Use: Continued

Total Acres 17.0

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:
A67-02123A, A67-07316

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 14502

(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: 1

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Rulon Jantz Date: _____
Date: _____

State of Idaho)
County of Washington) SS.

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



Residing at

My Commission Expires

BRUCE A. SCHULD, NOTARY PUBLIC
RESIDING AT BOISE, IDAHO
MY COMMISSION EXPIRES APRIL 11, 1995

MICROFILMED
OCT 01 1992



MICROFILM

OCT 01 1992

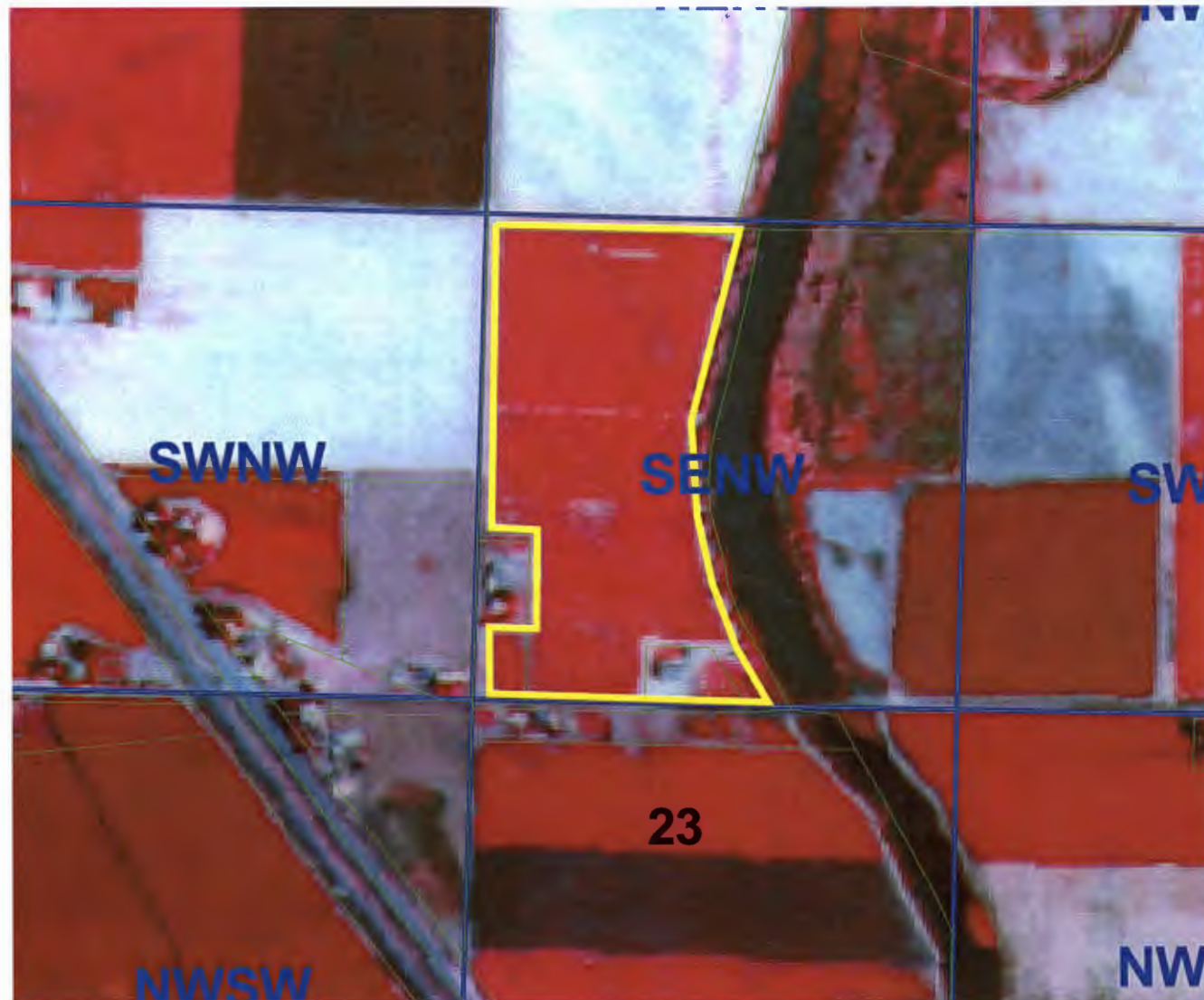
Idaho Department of Water Resources

67 - 2124

Legend

-  Claim 67-2124 POU
-  Washington taxlots
-  Sections
-  Quarter Quarter

T 10N, R 05W, Section 25



0.1 0 0.1 0.2 0.3 0.4 Miles

Prepared by Morgan Case
June 1, 2004
1987/88 Color Infra Red

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2124 V1

WATER RIGHT NUMBER: 67-2124 V1

Owner Type Name and Address
Original Owner FRANK R HYLAND

Current Owner WEISER, ID
 RULON ZAUGG
 270 US HWY 95
 WEISER, ID 83672
 (208)549-2679

DRAFT

Priority Date: 01/02/1920

Basis:

Status:

Source Tributary
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	0.430 CFS	
	<u>Total Diversion:</u>	0.430 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				17.0	17.0

Total Acres: 17

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2124 V1

Comments:

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

2. mcase 6/2/2004 POU
Comment: Updated Shape

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

<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 10:09:36 AM	mcase			
POD	6/2/2004 10:11:09 AM	mcase			
Source	6/2/2004 10:11:16 AM	mcase			
POU	6/2/2004 10:20:43 AM	mcase			
Use	6/2/2004 10:20:57 AM	mcase			
Season	6/2/2004 10:21:25 AM	mcase			
Quantity	6/2/2004 10:21:42 AM	mcase			

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	6/2/2004 10:11:09 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2124 V1

Source	6/2/2004 10:11:17 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?
Priority Date	6/2/2004 10:09:37 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? (No) 16. Is a Priority Date remark and/or condition required?
POU	6/2/2004 10:20:44 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 10:20:57 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?
Season	6/2/2004 10:21:26 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?
Quantity	6/2/2004 10:21:43 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?