

11/13/2006

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

RIGHT NUMBER: 67-2166

NAME AND ADDRESS: EVERN O YOUNGBERG
1553 SCHELOSKE RD
WEISER ID 83672

ROXIE M YOUNGBERG
1553 SCHELOSKE RD
WEISER ID 83672

SOURCE: BUTTERMILK SLOUGH

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.000 CFS
225.000 AFY

PRIORITY DATE: 04/01/1934

POINT OF DIVERSION:

T10N R05W S23 SENENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/01 11/15

QUANTITY
1.000 CFS
225.00 AFY

PLACE OF USE: IRRIGATION in WASHINGTON County

T10N R05W S14 SESW 24.00 T10N R05W S23 NENW 26.00

50 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

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



Idaho Department of Water Resources

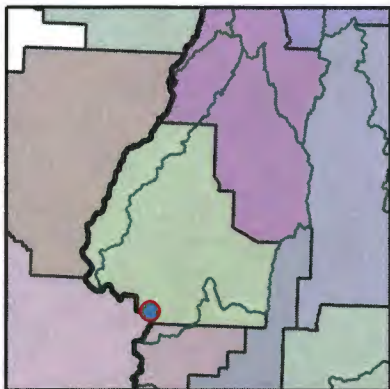
SRBA Recommendation:

67-2166

(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 Monday, November 13, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2166 V1

WATER RIGHT NUMBER: 67-2166 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EVERN O YOUNGBERG 1553 SCHELOSKE RD WEISER, ID 83672 (208)549-2803
Current Owner	ROXIE M YOUNGBERG 1553 SCHELOSKE RD WEISER, ID 83672 (208)549-2803
Original Owner	NOAH NEWSOME WEISER, ID

Priority Date: 04/01/1934

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	225.00 AF
<u>Total Diversion:</u>		1.000 CFS	225.00 AF

Location of Point(s) of Diversion

BUTTERMILK SLOUGH	SE1/4NE1/4NW1/4	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 14												24.0					24.0
10N 05W 23							26.0										26.0

Total Acres: 50

Conditions of Approval:

1. 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.
2. F14 Use of this right is combined with water from Lower Payette Ditch Company.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2166 V1

Remarks:Comments:

1. awarntje 1/8/2004 POU

Comment: POU needs to be checked. The map and legal description does not match. I have drawn the aerialphoto map with SESW in Sec 14 & NENW in Sec 23 which is not listed on claim.

2. mcase 5/3/2004 Period of Use

Comment: No licensed Period of Use. I recommended the standard Season of Use.

3. mcase 5/3/2004 Quantity

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

4. jdean 11/13/2006 POU

Comment: The claim was incorrectly filed by leaving off a section number for part of the POU. The POU was recommended in the licensed quarter quarters. The licensed acres for the POU were redistributed based on the acres found using GIS.

5. jdean 11/13/2006 Quantity

Comment: The diversion rate was recommended as licensed. The diversion volume was recommended according to the standard volume per acre. (4.5 afy/acre * 50 acres = 225 afy)

6. jdean 11/13/2006 Recommended as licensed

Comment: This claim was recommended as licensed. A standard season of use was added as well as a standard diversion 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: 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	5/3/2004 10:30:54 AM	mcase			Active
Source	5/3/2004 10:59:42 AM	mcase			Active
POU	5/3/2004 10:59:49 AM	mcase			Active
Use	5/3/2004 11:00:25 AM	mcase			Active
Season	5/3/2004 11:01:03 AM	mcase			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2166 V1

Quantity	5/3/2004 11:01:20 AM	mcase	Active
POD	5/3/2004 11:02:51 AM	mcase	Active
Season	6/1/2004 1:48:43 PM	mcase	Active
Contacts	11/13/2006 10:52:50 AM	jdean	Active
Summary	11/13/2006	jdean	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/13/2006 10:52:51 AM	jdean	(No) 1. Do you want to schedule an appointment? Comment for 1: Desk Review
POU	11/13/2006 10:56:16 AM	jdean	Updated shape for Active POU
Summary	11/13/2006 11:08:30 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? (No) 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?
POD	5/3/2004 10:59:12 AM	mcase	Edited point location
Priority Date	5/3/2004 10:30:53 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?
Source	5/3/2004 10:59:42 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	5/3/2004 10:59:49 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2166 V1

Use	5/3/2004 11:00:24 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	5/3/2004 11:01:02 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?
Quantity	5/3/2004 11:01:20 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?
POD	5/3/2004 11:02:51 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?
Season	6/1/2004 1:48:43 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?
POU	1/8/2004 2:48:16 PM	awarntje	Edited shape boundary
POD	11/13/2006 10:53:33 AM	jdean	Updated shape
POD	11/13/2006 10:54:02 AM	jdean	Updated PLS
POU	11/13/2006 10:56:29 AM	jdean	Updated PLS for Active POU

Water Supply Bank:

State of Idaho

License and Certificate of Water Right

Water License No. 17901
Water District No.

Amount 1.0 sec. ft.
Priority April 1, 1934

THIS IS TO CERTIFY that NOAH NEWSOME of Weiser, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 1, 1934; that Permit No. 17901 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.0 second feet, was issued thereunder on February 25, 1935, showing that said works were completed on the 19th day of February, 1935; and that on the 17th day of April, 1934,

NOAH NEWSOME 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, a tributary of Snake River, for the purpose of irrigation, under Use Permit No. 17901 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 3858, on the 10th day of February, 1937; The right hereby confirmed dates from April 1, 1934;

The Point of Diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, Tp. 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 1.0 cubic feet per second.

Description and location of use:

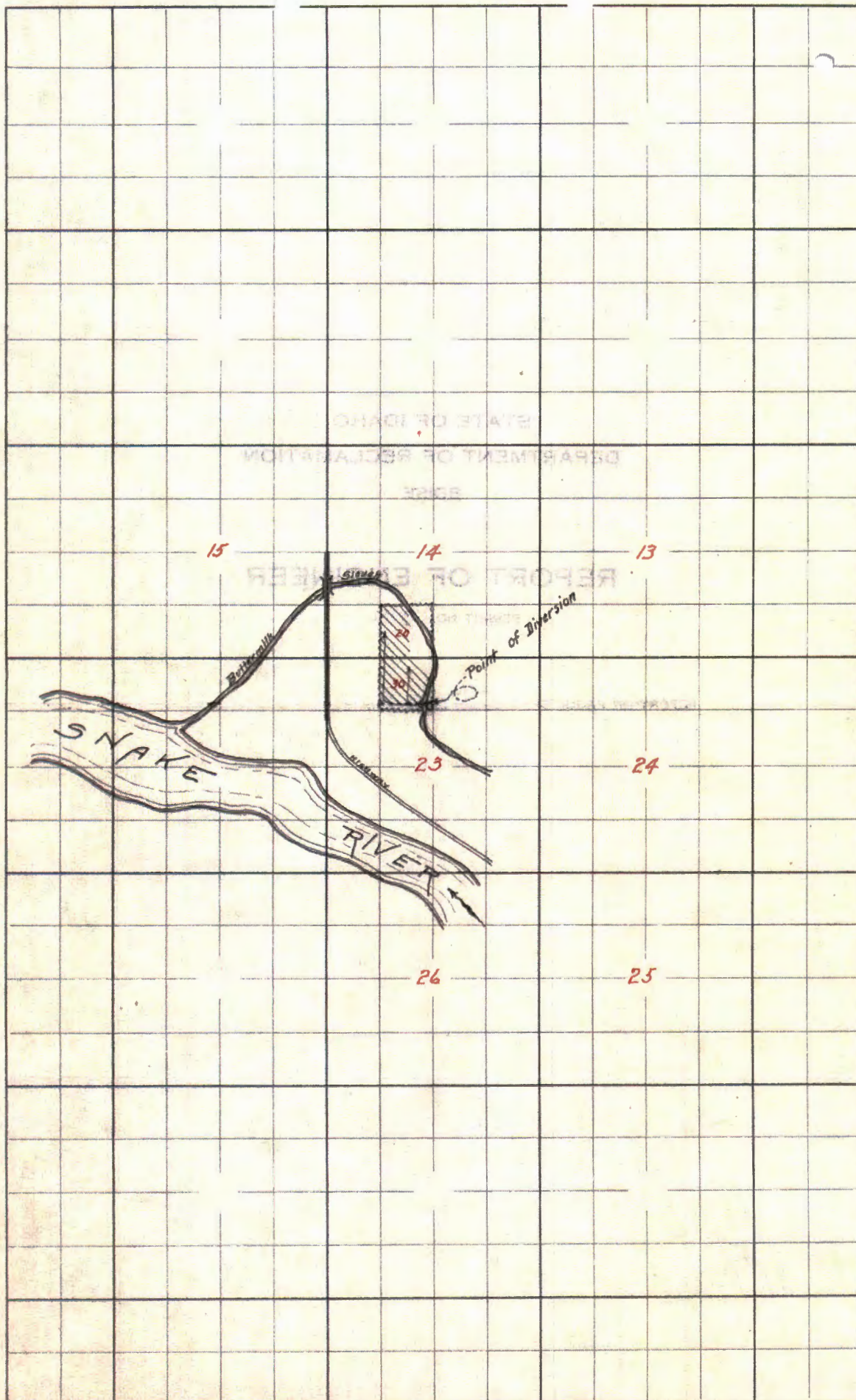
Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
10 N.	5 W.	14	SE $\frac{1}{4}$ SW $\frac{1}{4}$	24	20
		23	NE $\frac{1}{4}$ NW $\frac{1}{4}$	26	30
					50

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 10th day of February, 1937

R. W. FARIS
Commissioner of Reclamation

(SEAL)



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: A67-02166
Date Received: 10/04/1989
Receipt No: M 00 4786
Received By: Reh

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EVERN O. YOUNGBERG 208-549-2803
Address: 1553 SCHELOSKE RD.
WEISER, ID 83672
OR
Name: ROXIE M. YOUNGBERG 208-549-2803
Address: 1553 SCHELOSKE RD.
WEISER, ID 83672
2. Date of Priority: APR 01, 1934
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 | | NW | | WASHINGTON |
5. Description of diverting works:
PUMP, 10HP., DITCHES, GRAVITY FLOWS
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 11/01 | 1.000 | | |
7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

A67-02166

Page 1

Date: 10/04/89

SCANNED
MAY 10 2004

MICROFILMED
OCT 01 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	05W	14	NE	NW	IRR	30.0
			SE	SW	IRR	20.0
Section Acres						50.0
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:
LOWER PAYETTE DITCH CO.

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 17901

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: _____

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): Brian Youngberg Date: 10-4-89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 4th day

of OCT 19 89

Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires December 8, 1994



UNCLASSIFIED
OCT 0 1 1989

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2166 V1

WATER RIGHT NUMBER: 67-2166 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EVERN O YOUNGBERG 1553 SCHELOSKE RD WEISER, ID 83672 (208)549-2803
Current Owner	ROXIE M YOUNGBERG 1553 SCHELOSKE RD WEISER, ID 83672 (208)549-2803
Original Owner	NOAH NEWSOME WEISER, ID

Priority Date: 04/01/1934
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	

<u>Location of Point(s) of Diversion</u>		
BUTTERMILK SLOUGH CREEK	NE1/4NW1/4	Sec. 23, Twp 10N, Rge 05W, B.M.
WASHINGTON County		

Place of Use
IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
10N	05W	14	30.0			20.0	50.0

Total Acres: 50

Conditions of Approval:

Remarks:

**DRAFT
DO NOT
SCAN**

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2166 V1

Comments:

1. awamtje 1/8/2004 POU
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Comment: No licensed Period of Use. I recommended the standard Season of Use.
3. mcase 5/3/2004 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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	5/3/2004 10:30:54 AM	mcase			
Source	5/3/2004 10:59:42 AM	mcase			
POU	5/3/2004 10:59:49 AM	mcase			
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Season	5/3/2004 11:01:03 AM	mcase			
Quantity	5/3/2004 11:01:20 AM	mcase			

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POD	5/3/2004 10:59:12 AM	mcase	Edited point location

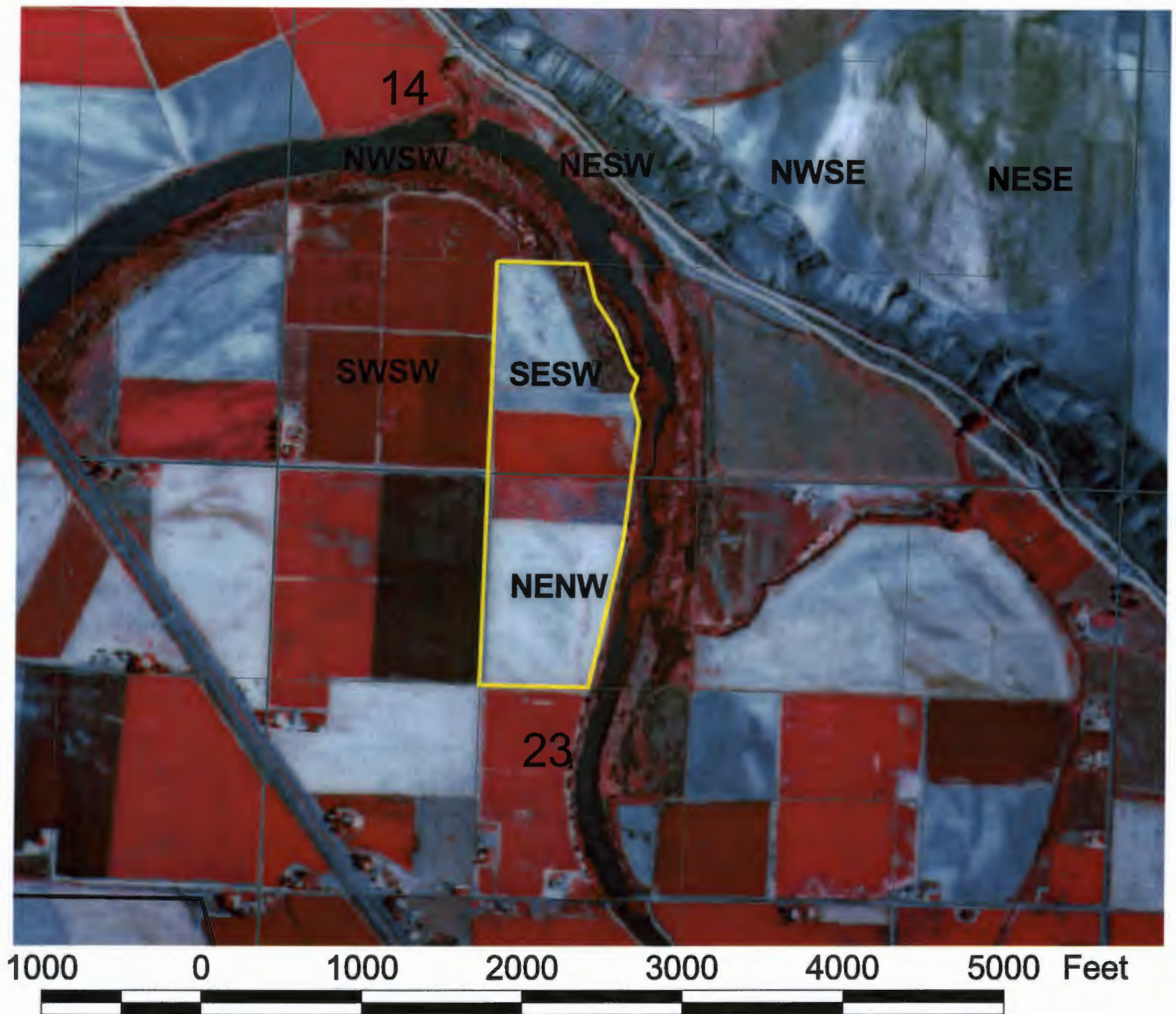
IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2166 V1

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POU	1/8/2004 2:48:16 PM	awarnje	Edited shape boundary

Idaho Department of Water Resources

67-2166



T10N, R05W, S14 & S23



Prepared by Anita L. Warntjes
January 8, 2004
1993/94 True Color Photo

IDAHO DEPARTMENT OF WATER RESOURCES

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Basis:

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BUTTERMILK SLOUGH CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 11/01	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

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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	14																	50.0
							30.0											20.0	

Total Acres: 50

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2166 V1

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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: