

11/14/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 07 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: 67-2168B

WEISER IRRIGATION DIST

C/O JAY EDWARDS

PO BOX 591

WEISER ID 83672

Telephone Number: (208) 414-1792

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:

12-5-06

SIGNATURE:

Jonathan P Edwards

Please print your name:

Jonathan P Edwards Sec

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

SCANNED

DEC 08 2006

Adjudication Recommendation Report 67-2168B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WEISER IRRIGATION DIST C/O JAY EDWARDS PO BOX 591 WEISER, ID 83672 (208)414-1792

Status: Active

<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	
	Total Diversion:	1.000 CFS	

WEISER RIVER NE1/4NE1/4 Sec. 35, Twp 11N, Rge 04W, B.M.
WASHINGTON County

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	04W	2					X L3	X L4											
10N	04W	3		X L2			X L3	X L4	X	X		X							
10N	04W	4	X L1	X L2	X	X	X L3	X L4	X	X					X	X			
10N	04W	5	X L1	X L2		X	X L3	X L4											
10N	04W	6	X L1	X L2	X		X L3	X L4	X L5	X		X L6							
10N	05W	1	X L1	X L2	X	X	X L3	X L4	X	X	X		X	X	X	X	X	X	
10N	05W	2	X L1	X L2	X	X	X L3								X	X			
10N	05W	3	X L1	X L2	X	X	X L3	X L4	X	X					X	X			

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 67-2168B V1

11N 06W 13									X	X	X	X		X		
11N 06W 14		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
11N 06W 15	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
11N 06W 16	X	X	X	X			X	X	X	X	X	X	X	X	X	X
11N 06W 17			X	X	X		X	X	X	X	X	X	X	X	X	X
11N 06W 18															X	X
11N 06W 19	X L 1															
11N 06W 20	X	X	X	X	X	X	X L 3	X	X	X L 2		X L 1	X	X	X	X
11N 06W 21	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
11N 06W 22	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
11N 06W 23	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
11N 06W 24						X	X	X	X	X	X		X	X		
11N 06W 25	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
11N 06W 26	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
11N 06W 27	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
11N 06W 28	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
11N 06W 29	X	X	X	X	X L 5			X L 4	X L 3				X	X L 2		
11N 06W 32	X L 1															
11N 06W 33	X	X	X	X	X		X L 3	X L 2					X	X		
11N 06W 34		X	X L 2	X L 1	X	X	X	X L 3	X	X	X					

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2168B V1

11N 06W 35	X	X	X	X			
	L 1	L 2	L 3	L 4			
11N 06W 36	X	X	X	X			
	L 1	L 2	L 3	L 4			

Total Acres: 9484

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. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3. E56 The rights listed below are limited to the irrigation of a combined total of 9061 acres in a single irrigation season. Combined Right Nos.: 67-8, 67-9, 67-10, 67-11, 67-12, 67-13B, 67-14, 67-15, 67-16, 67-17, 67-18, 67-19, 67-20, 67-21, 67-22, 67-2168B, 67-2169G, & 67-14621.
4. K06 This right is limited to the irrigation of 100 acres within the place of use described above in a single irrigation season.

Remarks:Comments:

1. dfavreau 11/8/2006 POU

Comment: E56 condition for galloway canal water rights. K06 condition for acres originally licensed.

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:
 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>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2168B V1

Priority Date	11/7/2005 11:58:18 AM	dfavreau	Active
POD	11/7/2005 11:58:51 AM	dfavreau	Active
Source	11/7/2005 11:59:22 AM	dfavreau	Active
POU	11/7/2005 11:59:46 AM	dfavreau	Active
Use	11/7/2005 12:01:02 PM	dfavreau	Active
Season	11/7/2005 12:01:34 PM	dfavreau	Active
Quantity	11/7/2005 12:01:55 PM	dfavreau	Active
Summary	11/08/2006	dfavreau	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Source	11/7/2005 11:59:22 AM	dfavreau	(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? (No) 11. Is a Source remark and/or condition required?
General	11/7/2005 11:58:18 AM	dfavreau	(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?
Quantity	11/7/2005 12:01:56 PM	dfavreau	(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? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
POU	11/7/2005 11:59:46 AM	dfavreau	(Yes) 1. Is the basis of this claim a Decree or License? (No) 2a. Is the POU required? (No) 14. Is a POU remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2168B V1

Use	11/7/2005 12:01:02 PM	dfavreau	(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? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	11/7/2005 12:01:34 PM	dfavreau	(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? (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? (No) 18. Is a Period of Use remark and/or condition required?
POD	7/22/2005 11:44:24 AM	awarntje	Updated shape
POD	11/7/2005 11:58:52 AM	dfavreau	(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?
POD	11/8/2006 10:21:08 AM	dfavreau	Updated shape
Summary	11/8/2006 10:24:54 AM	dfavreau	(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? (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?

Water Supply Bank:

State of Idaho

License and Certificate of Water Right

Water License No. 18425Amount One sec. ft.

Water District No. _____

Priority April 13, 1937

THIS IS TO CERTIFY that ED. R. COULTER
of Weiser, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 13, 19 37; that Permit No. 18425
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
One second foot, was issued thereunder on February 27, 19 39, showing that said works
were completed on the 31st day of January, 19 38; and that on the 18th
day of March, 19 38,

O. A. WEST, TRUSTEE FOR THE BONDHOLDERS OF BUTTERFIELD LIVESTOCK COMPANY, LTD., ASSIGNEE,
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 Weiser River
, a tributary of Snake River, for the purpose of Irrigation, stock and
domestic use, under Use Permit No. 18425 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 3929, on the 27th day of February, 19 39;

The right hereby confirmed dates from April 13, 19 37;

The Point of Diversion is located 1360 ft. distant from NE cor. Sec. 35, T. 11 N., R. 4 W., S. M.
in the NE 1/4 NE 1/4 Sec. 35, Tp. 11 N., R. 4 W., S. 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 One
cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 N.	6 W.	23	NE 1/4 NE 1/4	10	10
			SE 1/4 NE 1/4	20	20
		14	NE 1/4 SW 1/4	20	20
			NW 1/4 SE 1/4	40	30
			SW 1/4 SE 1/4	20	20
			Total Number of Acres irrigated - 100		

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 27th day of February, 19 39

JAMES SPOFFORD
Commissioner of Reclamation

(SEAL)

67 2168

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-2168

WATER RIGHT NUMBER: 67-2168

Owner Type Name and Address
 Current Owner ED R COULTER
 WEISER, ID

Priority Date: 04/13/1937

Basis: License

Status: Active

Source Tributary
 WEISER RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	/ to /		
IRRIGATION	/ to /	1.000 CFS	
DOMESTIC	/ to /		
<u>Total Diversion:</u>		1.000 CFS	

Location of Point(s) of Diversion

WEISER RIVER NE1/4NE1/4 Sec. 35, Twp 11N, Rge 04W, 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	
11N	06W	14									20.0					30.0	20.0		70.0
11N	06W	23	10.0			20.0													30.0

Total Acres: 100

STOCKWATER same as IRRIGATIONDOMESTIC same as IRRIGATIONConditions of Approval:Remarks:Comments:Dates and Other Information:

SCANNED
APR 19 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-2168

Dates and Other Information:

Licensed Date: 1/30/1979
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 67
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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 67-2168B
Date Received: 10/21/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WEISER IRRIGATION DISTRICT Phone: (208)414-1792
C/O JAY EDWARDS
PO BOX 591
WEISER ID USA 83672

2. Date of Priority: 04/13/1937

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	35	NE NE	WASHINGTON	

5. Description of diverting works:

Integrated surface water delivery system within the boundaries of Weiser Irrigation District.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	1	

7. Total Quantity Appropriated is:

1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

SCANNED
APR 19 2004

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Place of use is located within the boundaries of Weiser Irrigation District. See attached order of annexation. District plans to object to previous SRBA claim filed on this right in the name of Robert & Ronald Shirts.

15. Basis of Claim: License

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

OCT 21 2002

WATER RESOURCES
WESTERN REGION

CIVIL CASE NUMBER:

Ident. Number

67-2168 B

Date Received

10-21-02

Receipt Number

39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) WEISER IRRIGATION DISTRICT Phone (208) 414-1792Mailing Address C/O JAY EDWARDS PO BOX 591 WEISER ID 83672 Zip 836722. Date of Priority (Only one (1) per claim) 4/13/19373. Source of water supply (a) WEISER RIVER
which is tributary to (b) SNAKE RIVER4. a. Location of existing point of diversion is: Township 11N Range 4W Section 35,
1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of WASHINGTON

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. INTEGRATED SURFACE WATER DELIVERY SYSTEMWITHIN THE BOUNDARIES OF WEISER IRRIGATION DISTRICT.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3/1 to 11/15 amount 1.0 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? WASHINGTON

12. Do you own the property listed above as place of use? N/A Yes _____ No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks: SEE ATTACHED ORDER OF ANNEXATION. DISTRICT PLANS TO OBJECT TO PREVIOUS SRBA CLAIM FILED ON THIS RIGHT IN THE NAME OF ROBERT AND RONALD SHIRTS.

Last Name _____ Ident No. _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-2168

WATER RIGHT NUMBER: 67-2168

Owner Type Name and Address
 Current Owner ED R COULTER
 WEISER, ID

Priority Date: 04/13/1937

Basis: License

Status: Active

Source Tributary
 WEISER RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	/ to /		
IRRIGATION	/ to /	1.000 CFS	
DOMESTIC	/ to /		
<u>Total Diversion:</u>		1.000 CFS	

Location of Point(s) of Diversion

WEISER RIVER NE1/4NE1/4 Sec. 35, Twp 11N, Rge 04W, 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	
11N 06W 14									20.0					30.0	20.0		70.0
11N 06W 23	10.0			20.0													30.0

Total Acres: 100

STOCKWATER same as IRRIGATIONDOMESTIC same as IRRIGATIONConditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-2168

Dates and Other Information:

Licensed Date: 1/30/1979
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 67
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Secretary Title
of Weiser Irrigation District Organization, that I have signed the foregoing
document in the space below as Secretary Title of Weiser Irrigation District Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]
Title and Organization Sec. Weiser Irrigation Dist Date 10-14-02

State of Idaho/or _____)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 14th day of October 2002
Notary Public [Signature]
Residing at _____
My Commission Expires 3/27/03
Please Print Name _____

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

Weiser Irrigation District
P.O. Box 591
Weiser, Idaho 83672
208-414-1792
fax 208-414-1794

RECEIVED

OCT 08 2002

WATER RESOURCES
WESTERN REGION

October 4, 2002

Lori Graves
Sr. Water Resource Agent
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

RE: Water claim 67-2168

Dear Lori:

In 1937 Ed Coulter was issued a license No. 18425 for ONE cfs of water that was diverted down the Galloway canal. I believe it is 67-2168. Enclosed is a copy of the application and state queary . In 1945 the land was annexed into the Weiser Irrigation District. Enclosed is a copy of the order. Please send me new notice of claim so I can file on this.

Glad to help.

Sincerely yours,

Jay Edwards
Sec.

Enc

Application No. 25719
Permit No. 18425
District No.

Postoffice address: **Weiser**

County: Washington

State: Idaho

1. If applicant is a corporation, give:
- (a) Date and place of incorporation:
 - (b) Amount of capital stock:
 - (c) Amount paid in:
 - (d) Names and addresses of directors:

II. The financial resources of the applicant are:

(b) Treasury stock
(d) Other resources

(a) Cash on hand:
(c) Bonds to be issued:

2. Quantity of water claimed:

One

cubic feet per second.

3. Source of water supply: Weiser River

Weiser River

which is a tributary of Snake River

4. Location of point of diversion: 1360

feet distant from the NE

corner of Section 35, T. 11 N., R. 4 W., B. M., and is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 35 , T. 11 N. , R. 4 W. , B. M., County of Washington

5. Water is to be used for: Irrigation, Stock and Domestic

6. If for mining, milling, power or manufacturing purposes, give:

(u) Point of use of water: _____ feet distant from _____ corner of Section _____

T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H. P., under _____ feet head.

(c) Water is to be returned to _____ at a point _____ feet

distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: \$ 1,000.00

8. Kind of works: Concrete dam and headgate, earth ditch. All now constructed.

9. Height of dam 5 feet; length of dam at top 212 feet; length of dam at bottom 212

feet; material used in dam: Concrete

10. Size of headgate: Width 26 feet; height 12 feet.

11. Ditch: Width at bottom 14 feet; width at water line 20 feet; depth of water 3½

feet; dimensions of flume:

Diameter of pipe	inches; length of conduit	30	miles.
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Average grade per mile	2	feet.
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12. The time required for the completion of such work is 1 years.

13. The time required for the complete application of the water to the proposed use is 1 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

Feb 4 1914

- (a) Is reservoir to be used? No If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho herein set forth.

ED R. COULTER

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M., April 13, 1937

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

Permit number of this permit is 18425
Recorded in Book 67 Page 18425 Approved April 15, 1937
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
and in the sum of \$ to be filed on or before
work to begin on or before June 14, 1937 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
to-fifth of the work above specified to be completed on or before October 15, 1937
the whole of said work to be completed on or before April 15, 1938
beneficial use of water appropriated in accordance herewith, to be made on or before April 15, 1939

Witness my hand this 15th day of April, 1937

R. W. FARIS

Commissioner of Reclamation.

Remarks:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
N.	6 W.	23 14	10			20					20					40	20		30 80
Total Number of Acres to be Irrigated.....																			110
Remarks:			The applicant owns a right to transport thru the canal system of the Weiser Irrigation District 4 second feet of water for irrigation, stock and domestic purposes. All of the water applied for in this application will be diverted from the Weiser River at the head of the main canal of the Weiser Irrigation District, through the diversion works of said district, and will be carried through the canal system of said district to the place of diversion therefrom, which is located near the center of NW¼ NE¼, Section 23 in Township 11 N., R. 6 W., B. M. At this point, the water will be pumped from the canal of said district into the distribution ditches serving the lands to be irrigated. All of these have already been built.																
			In testimony whereof, we, BARZILLA W. CLARK, Governor of the State of Idaho and IRA H. MASTERS, Secretary of State of the State of Idaho, have hereunto caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed this 15th day of April, 1937.																
			STATE OF IDAHO By BARZILLA W. CLARK Governor																
			Countersigned: By IRA H. MASTERS Secretary of State																

(SEAL)

ORE THE BOARD OF DIRECTORS OF WEISER IRRIGATION DISTRICT,
WASHINGTON COUNTY, STATE OF IDAHO.

IN THE MATTER OF THE PETITION OF
RALEIGH WALKER AND OTHERS FOR THE
ANNEXATION OF LANDS TO THE WEISER
IRRIGATION DISTRICT. ORDER OF ANNEXATION.

Heretofore on August 1, 1944, Raleigh Walker and Raleigh Walker as trustee for Jimmy Walker, Gentry Walker and Johnny Walker filed with the board of directors of Weiser Irrigation District their petition in writing asking that the lands therein described be taken into the Weiser Irrigation District and tendered the amount of money necessary to pay the costs of such proceedings to the District. Said petition was in the form required by the statutes of the State of Idaho in such cases.

Thereupon the board of directors did make and enter an order fixing the hour of 2 o'clock in the afternoon of Tuesday, September 5, 1944 in the general offices of said District at Weiser, Idaho, as the time and place for hearing said petition, and further in said order directed the secretary of said District to cause the statutory notice of the filing of the petition and of the time and place set for hearing same to be published in the Weiser American once a week for three consecutive weeks prior to September 5, 1944. That proof of publication of said notice in the Weiser American for said length of time is on file in the office of the board of directors of said District showing the publication of said notice for said legal time; and that said notice is in due and legal form and was so published.

At the hour of 2 o'clock in the afternoon of September 5, 1944, in the

general offices of said District at Weiser, Idaho, said petition came on regularly to be heard and same was heard by the board of directors of Weiser Irrigation District. Ben Talboy appeared before the board for the purpose of filing a protest against the inclusion of said land, but after discussion of the matter with the board said Talboy withdrew all opposition to the granting of said petition and filed no protest to the granting of the same. Witnesses were sworn and examined and no protest or opposition was filed against the granting of the petition. After due deliberation thereon by the board of directors, it is ordered and decreed that said petition be granted and the following lands be and hereby they are ordered annexed and taken into the Weiser Irrigation District under the conditions that the petitioners cause to be conveyed to the District one hundred (100) acre feet of the storage capacity in Crane Creek Reservoir now owned by them and a right of way to carry same through the canals of Weiser Irrigation District, as follows, to-wit:

E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23; W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$; S 15 acres of W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; South 35 acres of SW $\frac{1}{4}$ NE $\frac{1}{4}$, (E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$), and E 20 acres of NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, all in Township 11, North of Range 6, W.B.M.

It is further ordered, adjudged and decreed that the boundaries of Weiser Irrigation District be so changed to include said lands and the changes be between the present boundary of said District beginning at the north-east corner of the SE $\frac{1}{4}$ of Section 23, Township 11, N.R. 6, W.B.M.; and the point on the present boundary of said District 660 feet West and 660 feet north of the NE corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, Twp. 11, N. R. 6, W.B. M., as follows, to-wit:

Beginning at the NE corner of said SE $\frac{1}{4}$ of Section 23, and running thence north on the east section line 2640 feet, thence due west 1980 feet to a point, thence due north 1320 feet to a point, thence east 660 feet to a point, thence north 660 feet to a point, thence east 660 feet to a point, thence north 1650 feet to a point, thence due west 1980 feet to a point, thence north 330 feet to a point, thence west 660 feet to a point, thence due south 1980 feet to the present line of the District as it existed before this land was taken into the District, thence on westerly and northerly as the line of the District heretofore existed.

It is further ordered, adjudged and decreed that said lands so taken into the District be and hereby the same are made a part hereof and made a part of the Second Division of said District.

It is further ordered, adjudged and decreed that said lands be and the same hereby are assessed with and there are assessed and apportioned against said lands the sum of \$14.00 per acre which are the same benefits which are assessed and apportioned against all other lands in said District of similiar nature as are these lands, and that said apportionment of benefits against said lands be and the same hereby is fixed as follows:

TOWNSHIP 11 NORTH RANGE 6, W B M
SECTION 14

Names	Subdivision	Acres	Assessment
Raleigh Walker	W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	20	\$280.00
"	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	560.00
"	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	10	140.00
"	S 15 acres W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	15	210.00
"	35 acres of SW $\frac{1}{4}$ NE $\frac{1}{4}$	35	490.00
"	E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	20	280.00
"	E 20 acres of NE $\frac{1}{4}$ SW $\frac{1}{4}$	20	280.00

SECTION 23

Raleigh Walker and
Raleigh Walker, Trustee
for Jimmie, Gentry
and Johnnie Walker

	E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	20	280.00
"	E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	20	280.00
NW	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	10	140.00

Dated at Weiser, Idaho, this September 5, 1944.

WEISER IRRIGATION DISTRICT, a corporation,

By _____ President.

ATTEST:

Secretary.

HIS INSTRUMENT made this 29th day of April, 1937, by and between Ed. R. Coulter and wife Lucy W. Coulter of Weiser, Idaho, parties of the first part and O. A. West, trustee for the bondholders of Butterfield Livestock Company, Ltd., a corporation, party of the second part. WITNESSETH:

That the parties of the first part in consideration of the sum of One Dollar and other valuable considerations, the receipt whereof is hereby acknowledged, have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the party of the second part that certain water permit number 18425 as approved by J. W. Faris, Commissioner of Reclamation of the State of Idaho, by his order of approval dated April 15, 1937, and issued by the State of Idaho acting by and through Barzilla W. Clark, governor, and Ira W. Masters, Secretary of State, of the State of Idaho, on April 15, 1937.

and, for such consideration do sell, assign and transfer to the party of the second part all water and water rights acquired by Ed. R. Coulter under said permit, for the irrigation of the lands in said permit specifically described and set forth, which lands are now owned by the party of the second part.

It being understood and agreed that the party of the second part shall be under the sole obligation to construct all works necessary therefore and to do and perform all acts and things requisite under the statutes of the State of Idaho, in order to obtain a license for the water described in said permit.

IN WITNESS WHEREOF, we have hereunto set our hands and seals at Weiser, Idaho, this the 29th day of April, 1937.

ED. R. COULTER

LUCY W. COULTER

STATE OF IDAHO :
County of Washington : ss.
}

On this the 29th day of April in the year 1937, before me, Chas. F. Peacock, a notary public in and for the said state, personally appeared Ed. R. Coulter and wife Lucy W. Coulter, known to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year in this certificate first above written.

CHAS. F. PEACOCK

Notary Public for Idaho.
Residing at Weiser, Idaho

SEAL)

Received and filed for record in the
Department of Reclamation at Boise,
Idaho, at 9:00 A. M., May 22, 1937
R. W. FARIS
Commissioner of Reclamation
By P.L.H.

Permit No. 18425

CERTIFICATE OF COMPLETION OF WORKS

ALL THAT IT MAY CONCERN:

This is to certify that O. A. West, Trustee for the Bondholders of Butterfield Livestock Company, Ltd., Weiser, County of Washington, and State of Idaho, the holder of Permit No. 18425, issued upon Application No. 25719, having date of priority of April 13, 1937, authorizing the diversion of One second foot of the waters of Weiser River, which is a tributary of Snake River, County of Washington, State of Idaho, for irrigation, stock and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works of diversion are adequate for diverting and conveying the place of intended use One second foot of the waters of Weiser River; that the point of diversion of said waters is 1300 feet distant from the NE corner of Section 35, T. 11 N., R. 4 W., B.M., and is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, T. 11 N., R. 4 W., B.M., County of Washington; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23; NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14; All in Township 11 North, Range 6 West, B.M.

Witness my hand this 27th day of February, A. D. 1939.

JAMES SPOFFORD
Commissioner of Reclamation

Proof of Completion of Works made January 31, 1938
Certificate of Completion of Works issued February 27, 1939

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SEC. 11.

SD-0605-2		Township: 11N Range: 04W		Section: 35		Tract: NENE		Lot:	
S	L R	STATE		O S	Max # Records		40		
E	O D	Water		Name	W T	Priority	Total		
L Tract	T V	Right No.	Last, First	N G	Date	Source	Diversion		
NENE		A67-02168	COULTER, ED R.	O L	04/13/1937	WEISER RIVE	1.00		
			BALDERSTON, DA	C					
SWNENE	R	A67-10380	PANIKE, RODNEY	C J	04/09/1920	CRANE CREEK	650.00		
SWNENE		A67-11758	WATTS, RALPH	E C J	05/01/1868	WEISER RIVE	0.26		
			WATTS, TERRY	L C					
SWNENE		A67-11759	CORREIA, ARTHU	C J	05/01/1868	WEISER RIVE	1.30		
			CORREIA, MARY	C					
SWNENE		A67-00013A	WEISER IRRIGAT	O D	05/01/1890	WEISER RIVE	0.50		
			YOUNGBLOOD, KE	O					
			YOUNGBLOOD, FR	O					
			SLYTER, R L	C					
			SLYTER, EMILY	C					
SWNENE		A67-04039	SMITH, CLYDE	C S	06/01/1923	WEISER RIVE	2.60		
			SMITH, DAN	C					
SWNENE		A67-11636	WILSON, LEONA	C J	05/01/1868	WEISER RIVE	0.08		
			WILSON, CLIFFO	C					

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