

11/14/2006

NOTICE OF ERROR
REPLY

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: 67-438

NEWTON WINFREE
PO BOX 33
INDIAN VALLEY ID 83632
Telephone Number: (208)256-4319

GEORGIA WINFREE
PO BOX 33
INDIAN VALLEY ID 83632
Telephone Number: (208)256-4319

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

POU

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:

*A POU to reflect Attached map
- used in conjunction with C-ben Ross water*

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

DATE:

12/11/06

SIGNATURE:

Ronald D Dunham w/POA

Please print your name:

RONALD D. DUNHAM

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

Changes made in POU.

C. Ender

12-17-06

11/14/2006

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

RIGHT NUMBER: 67-438
NAME AND ADDRESS: NEWTON WINFREE
PO BOX 33
INDIAN VALLEY ID 83632

GEORGIA WINFREE
PO BOX 33
INDIAN VALLEY ID 83632

SOURCE: LITTLE WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 0.260 CFS

This right when combined with Right No. 67-4546 shall provide no more than .02 cfs per acre.

Right Nos. 67-438 and 67-4546 are limited to a total combined diversion rate of 0.42 cfs.

PRIORITY DATE: 06/01/1902

*- Decreed as Recommended,
Cannot Change Priority date*

POINT OF DIVERSION: T14N R01W S23 NESWNW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/15 10/31	0.260 CFS
PLACE OF USE:	<u>IRRIGATION in ADAMS County</u>		
	T14N R01W S14 NWNW	21.00	
	21 ACRES TOTAL		

Right Nos. 67-438 and 67-4546 are limited to the irrigation of a combined total of 21 acres in a single irrigation season.

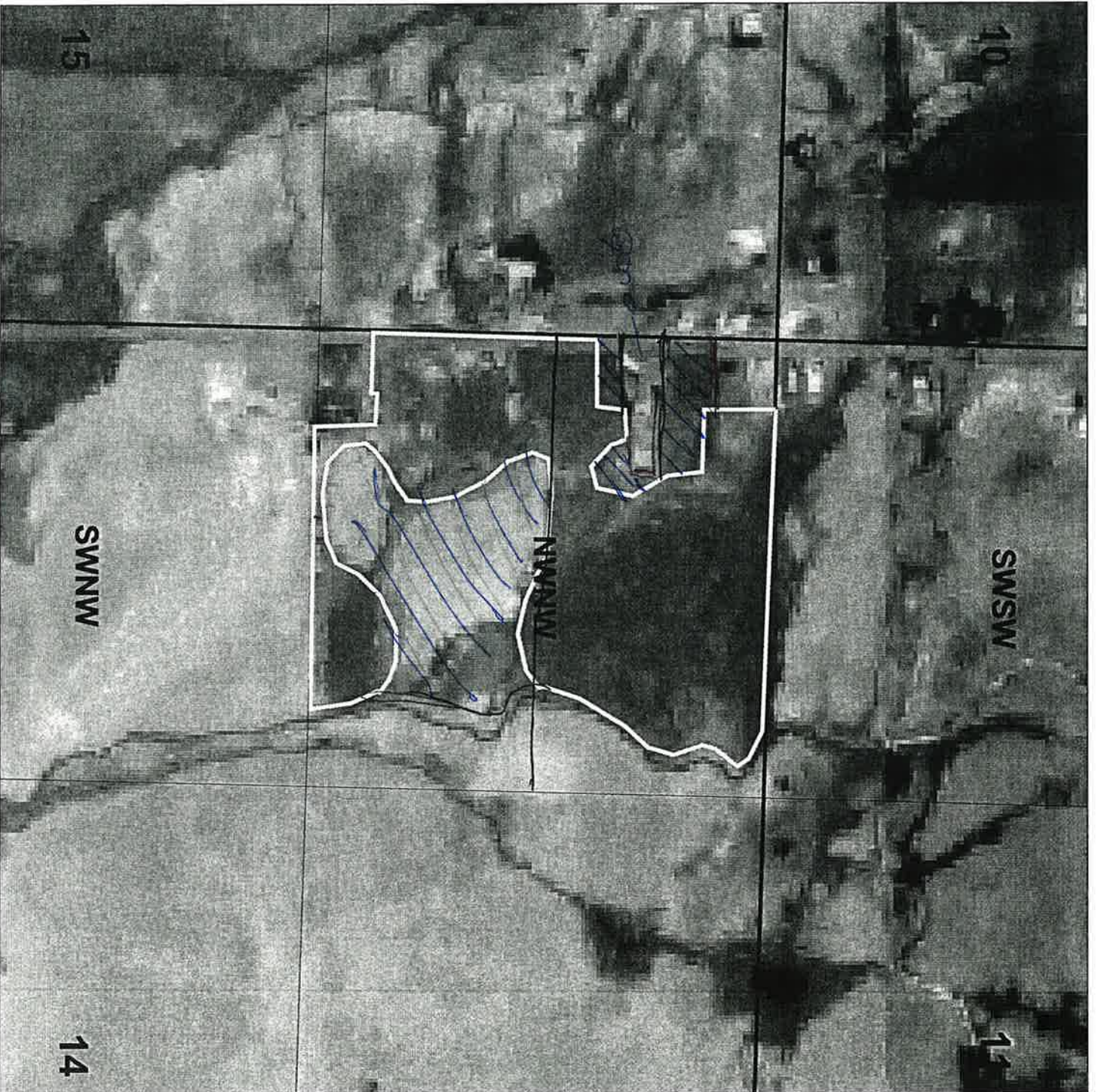
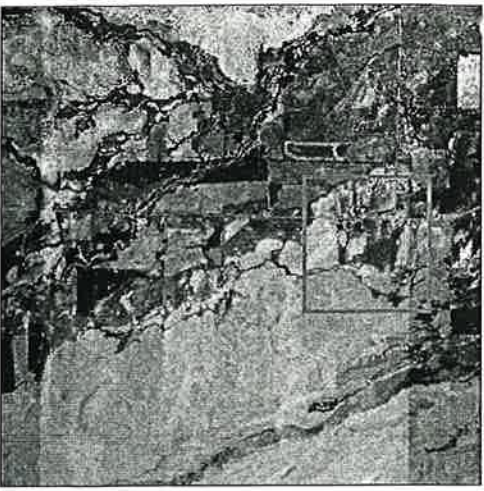
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 - Decreed

Use of this right is combined with water from C. Ben Ross Reservoir

67-438



12/17/2006

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

RIGHT NUMBER: 67-438

NAME AND ADDRESS: NEWTON WINFREE
790 INDIAN VALLEY RD
INDIAN VALLEY ID 83632

GEORGIA WINFREE
790 INDIAN VALLEY RD
INDIAN VALLEY ID 83632

SOURCE: LITTLE WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 0.260 CFS

PRIORITY DATE: 06/01/1902

POINT OF DIVERSION:

T14N R01W S23 NESWNW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.260 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T14N R01W S14 NWNW 30.00

30 ACRES TOTAL

Right Nos. 67-438 and 67-4546 are limited to the irrigation of a combined total of 30.0 acres in a single irrigation season.

This right is limited to the irrigation of 20.8 acres within the place of use described above in a single irrigation season.

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 - Decreed

Use of this right is combined with water from C. Ben Ross Reservoir

Idaho Department of Water Resources

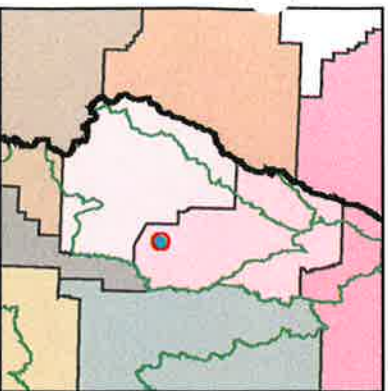


SRBA Recommendation:

67-438
(Irrigation)

Legend

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

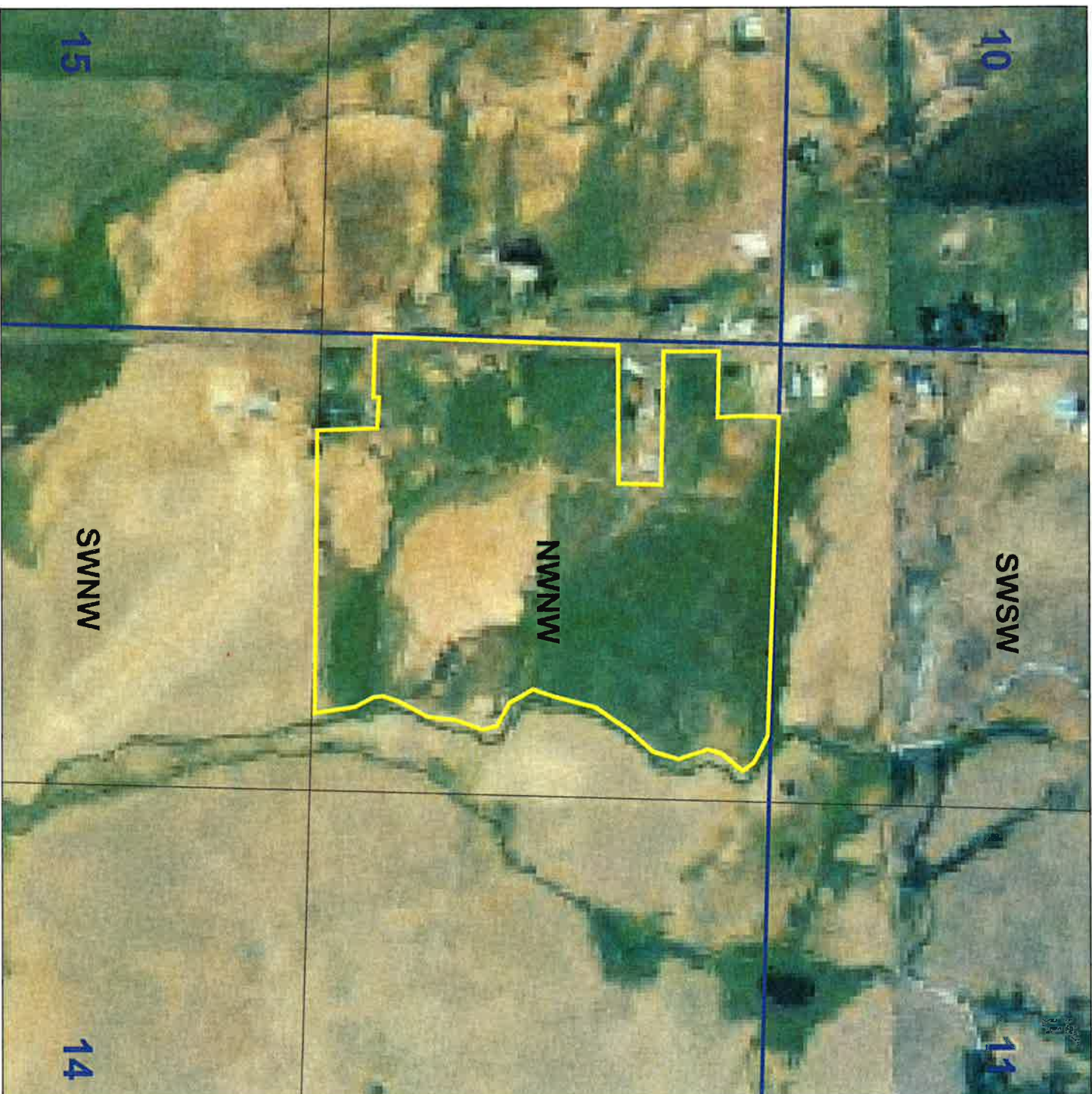


Adams County
IDWR Basin 67



Prepared by IDWR State Office
On Sunday, December 17, 2006
1987/88 Aerial Photography

67-438



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-438 V1

WATER RIGHT NUMBER: 67-438 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	J W MEENEELY
	, ZZ
Current Owner	NEWTON WINFREE 790 INDIAN VALLEY RD INDIAN VALLEY, ID 83632 (208)256-4319
Current Owner	GEORGIA WINFREE 790 INDIAN VALLEY RD INDIAN VALLEY, ID 83632 (208)256-4319
Original Owner	JOHN LEITCHLIETER
	, ID

Priority Date: 06/01/1902

Basis: Decreed

Status: Active

Source

LITTLE WEISER RIVER

Tributary

WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.260 CFS	
	<u>Total Diversion:</u>	0.260 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER	NE1/4SW1/4NW1/4	Sec. 23, Twp 14N, Rge 01W, B.M.
ADAMS 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	
14N	01W	14																	30.0

Total Acres: 30

Conditions of Approval:

1. E55 Right Nos. 67-438 and 67-4546 are limited to the irrigation of a combined total of 30.0 acres in a single irrigation season.
2. W30 Use of this right is combined with water from C. Ben Ross Reservoir

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-438 V1

3. K06 This right is limited to the irrigation of 20.8 acres within the place of use described above in a single irrigation season.
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 7/13/2004 POU

Comment: POU shape created using claim map. Claimant taxlot information does not match all of the taxlots in claimed POU. Decreed for the irrigation of 21 acres, claimed 62 acres with other associated rights, digitized shape is 54 acres.

2. dnarsavage 7/26/2006 POU

Comment: The decreed quantity for this right (13 inches) implicitly limits this right to the irrigation of 20.8 acres with 5/8 inch per acre.

3. csaxton 12/17/2006 NOE

Comment: Recommendation amended per NOE (pou and overlap conditions)

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: 67

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>
0.42		21
Combined Water Rights: 67-438 , 67-4546		

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	7/13/2004 2:30:07 PM	mcase			Active
POD	7/13/2004 2:35:42 PM	mcase			Active
Source	7/13/2004 2:35:50 PM	mcase			Active
POU	7/13/2004 3:20:40 PM	mcase			Active
Use	7/13/2004 3:20:47 PM	mcase			Active
Season	7/13/2004 3:21:10 PM	mcase			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-438 V1

Quantity	7/13/2004 3:21:20 PM	mcase	Active
Priority Date	7/26/2006 10:20:16 AM	dnarsavage	Active
POD	7/26/2006 10:20:26 AM	dnarsavage	Active
Source	7/26/2006 10:24:10 AM	dnarsavage	Active
POU	7/26/2006 10:24:23 AM	dnarsavage	Active
Use	7/26/2006 10:30:40 AM	dnarsavage	Active
Season	7/26/2006 10:35:26 AM	dnarsavage	Active
Quantity	7/26/2006 10:36:21 AM	dnarsavage	Active
Summary	07/26/2006	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	8/2/2005 4:05:16 PM	dnarsavage	Correlated PODID 623399 from SpatialDataID 363548 to SpatialDataID 342152
POD	8/2/2005 4:05:16 PM	dnarsavage	Correlated PODID 623399 from SpatialDataID 363548 to SpatialDataID 342152
POD	8/2/2005 4:05:16 PM	dnarsavage	Correlated PODID 623399 from SpatialDataID 363548 to SpatialDataID 342152
POD	8/2/2005 4:05:16 PM	dnarsavage	Correlated PODID 623399 from SpatialDataID 363548 to SpatialDataID 342152
POD	7/13/2004 2:35:42 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file?
Source	7/13/2004 2:35:50 PM	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	7/13/2004 2:30:08 PM	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	7/13/2004 3:20:40 PM	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? (No) 6. Can the claimed POU be verified using the water right file?

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Adjudication Recommendation Report 67-438 V1

Use	7/13/2004 3:20:47 PM	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	7/13/2004 3:21:10 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?
Quantity	7/13/2004 3:21:21 PM	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? (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?
POU	7/26/2006 10:27:39 AM	dnarsavage	Edited Season Of Use
POD	7/26/2006 10:20:26 AM	dnarsavage	(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?
POU	7/26/2006 10:24:23 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	7/26/2006 10:27:48 AM	dnarsavage	Updated PLS for Active POU
POU	7/26/2006 10:24:44 AM	dnarsavage	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-438 V1

General	7/26/2006 10:20:17 AM	dnarsavage	(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?
Season	7/26/2006 10:35:27 AM	dnarsavage	(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? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	7/26/2006 10:36:21 AM	dnarsavage	(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?
Summary	7/26/2006 10:38:01 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (No) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-438 V1

Source	7/26/2006 10:24:10 AM	dnarsavage	(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?
Use	7/26/2006 10:30:41 AM	dnarsavage	(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?
POU	12/17/2006 9:40:23 AM	csaxton	Updated shape for Active POU
POU	12/17/2006 9:40:33 AM	csaxton	Updated PLS for Active POU

Water Supply Bank: