

08/06/2003

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

RIGHT NUMBER: 37-10498B

NAME AND ADDRESS: PAMELA K WISSENBACH
5707 WILLOW CREEK RD
EAGLE ID 83616

MICHAEL JOHN WISSENBACH
5707 WILLOW CREEK RD
EAGLE ID 83616

SOURCE: SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.100 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1888

POINT OF DIVERSION:

T06S R13E S17 NESESE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.010 CFS
IRRIGATION	03/15 11/15	0.100 CFS

PLACE OF USE: STOCKWATER Within GOODING County

T06S R13E S17 NWSE

IRRIGATION Within GOODING County

T06S R13E S17 NWSE 2.1

2.1 ACRES TOTAL

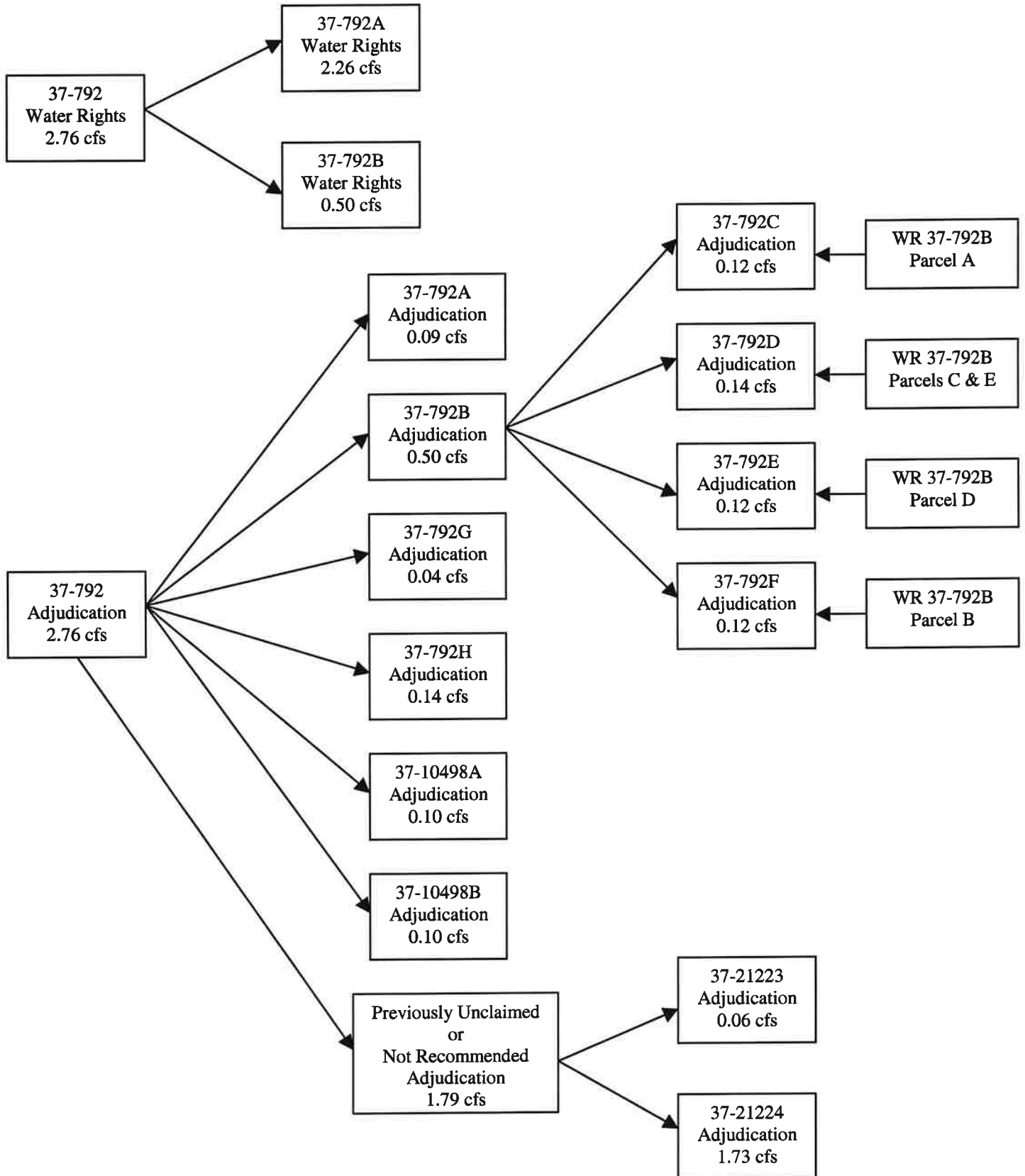
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

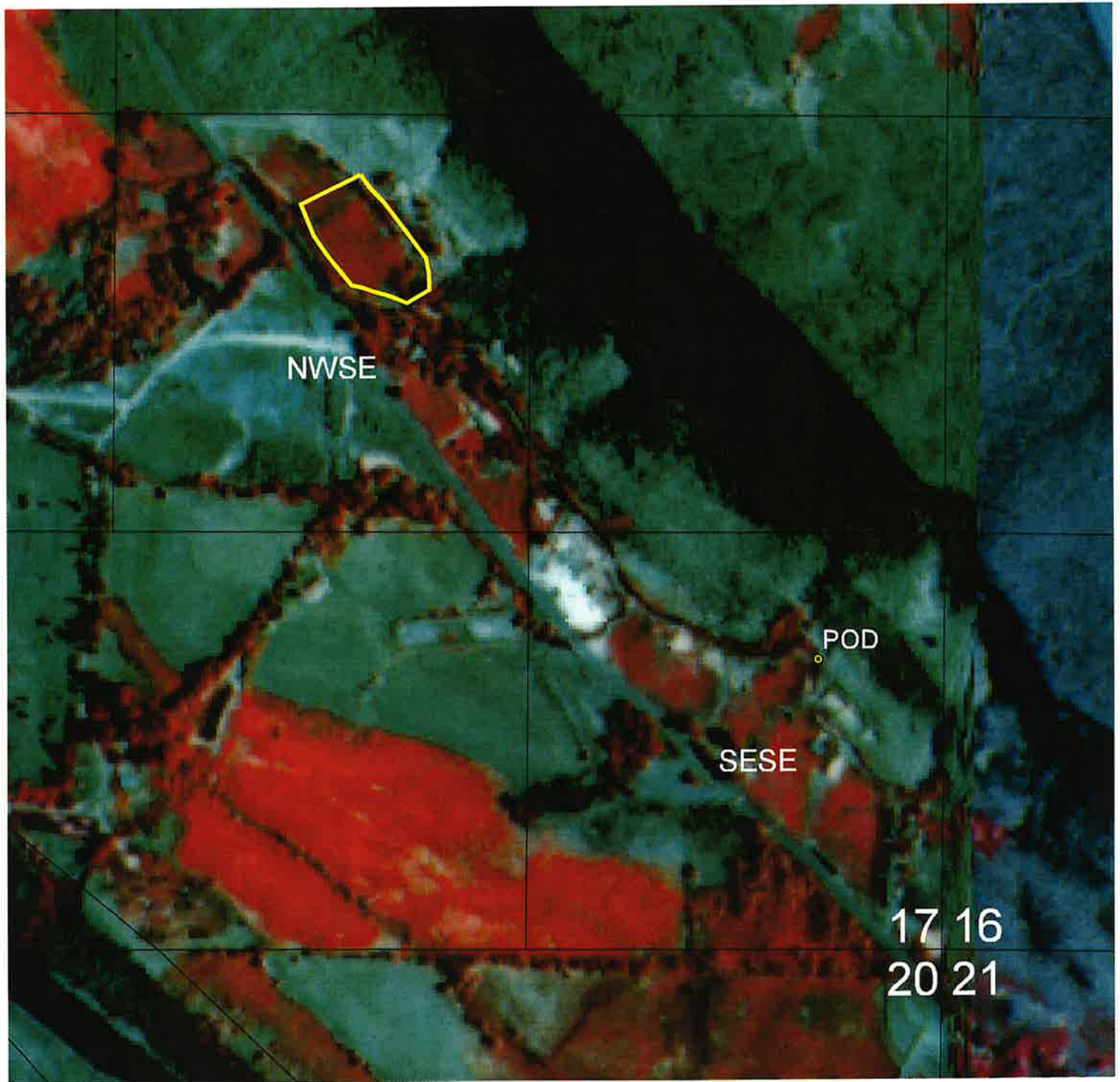
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Decreed

37-792 Splits



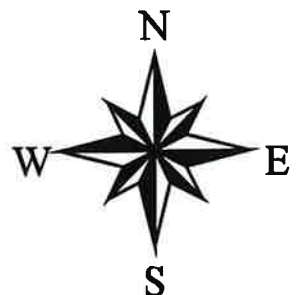
37-10498B



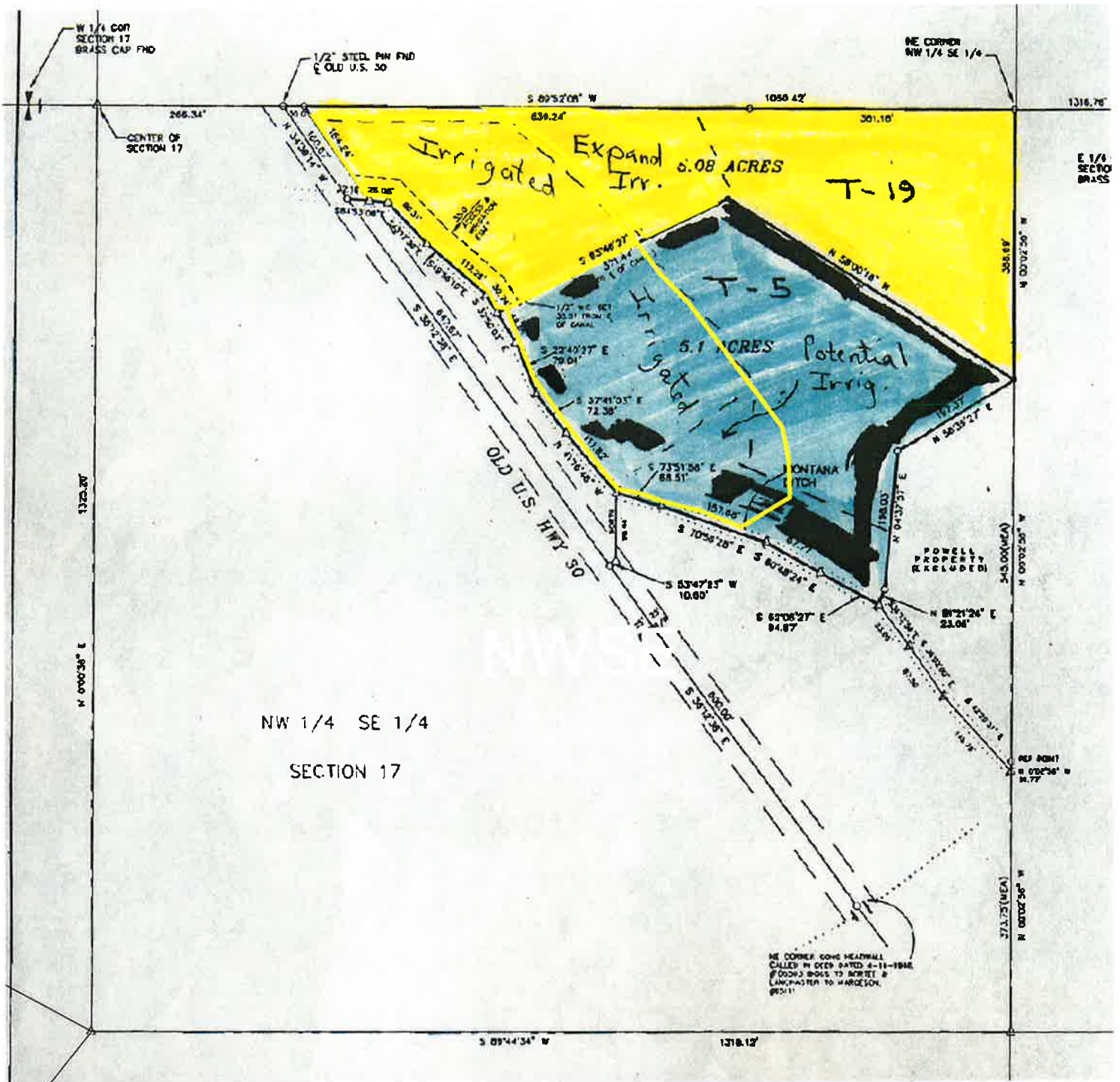
900 0 900 1800 Feet

T06S R13E S17

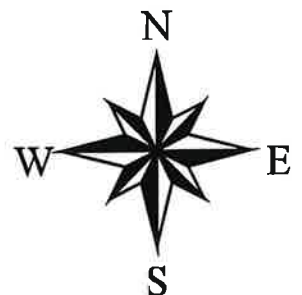
Map prepared by: Carter Fritschle
Date prepared: 08/06/03
1987-1988 NAPP photography
Idaho Department of Water Resources



37-10498A & 37-10498B



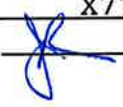
T06S R13E S17



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: A37-10498B
Date Received: 7/11/1988
Receipt No: X777777
Received By: 

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ROBERT G WILLHITE 208-352-1129
Address: 384 RIVER RD
BLISS ID 83314

AND/OR

Name: MARCIA L WILLHITE 208-352-1129
Address: 384 RIVER RD
BLISS ID 83314

2. Date of Priority: APR 1, 1888

3. Source: MONTANA MINING DITCH (SPRIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	13E	17	NE	NW	SE		GOODING

5. Description of diverting works:
PUMP DELIVERING TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.105		
STOCKWATER	01/01	12/31	0.010		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	13E	17	NW	SE		STOCK	
			NW	SE		IRR	2.1
						Section Acres	2.1
						Total Acres	2.1

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS BASED ON A PORTION OF DECREE 37-0792.

THIS PROPERTY WAS SOLD BY THE PERKINS'S TO THE WILLHITES ON
10/26/1990. RVW, 12/04/90

CHANGED ADDRESS AS PER REQUEST REC'D 01/22/99. CT

*****SPLIT RIGHT*****
THIS IS A PORTION OF A37-10498 WHICH HAS BEEN SPLIT TO IDENTIFY
THE TWO SEPARATE PARCELS. PLACE OF USE HAS BEEN AMENDED TO MATCH
ACTUAL IRRIGATED ACRES. PLACE OF USE KNOWN AS ASSESSOR'S PARCEL
NO. T-5. 4-16-99 jr

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree 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 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): Robert G. White Date: 4/16/99

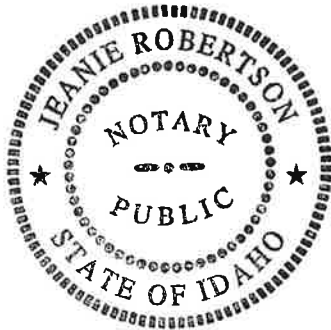
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of April 19 99

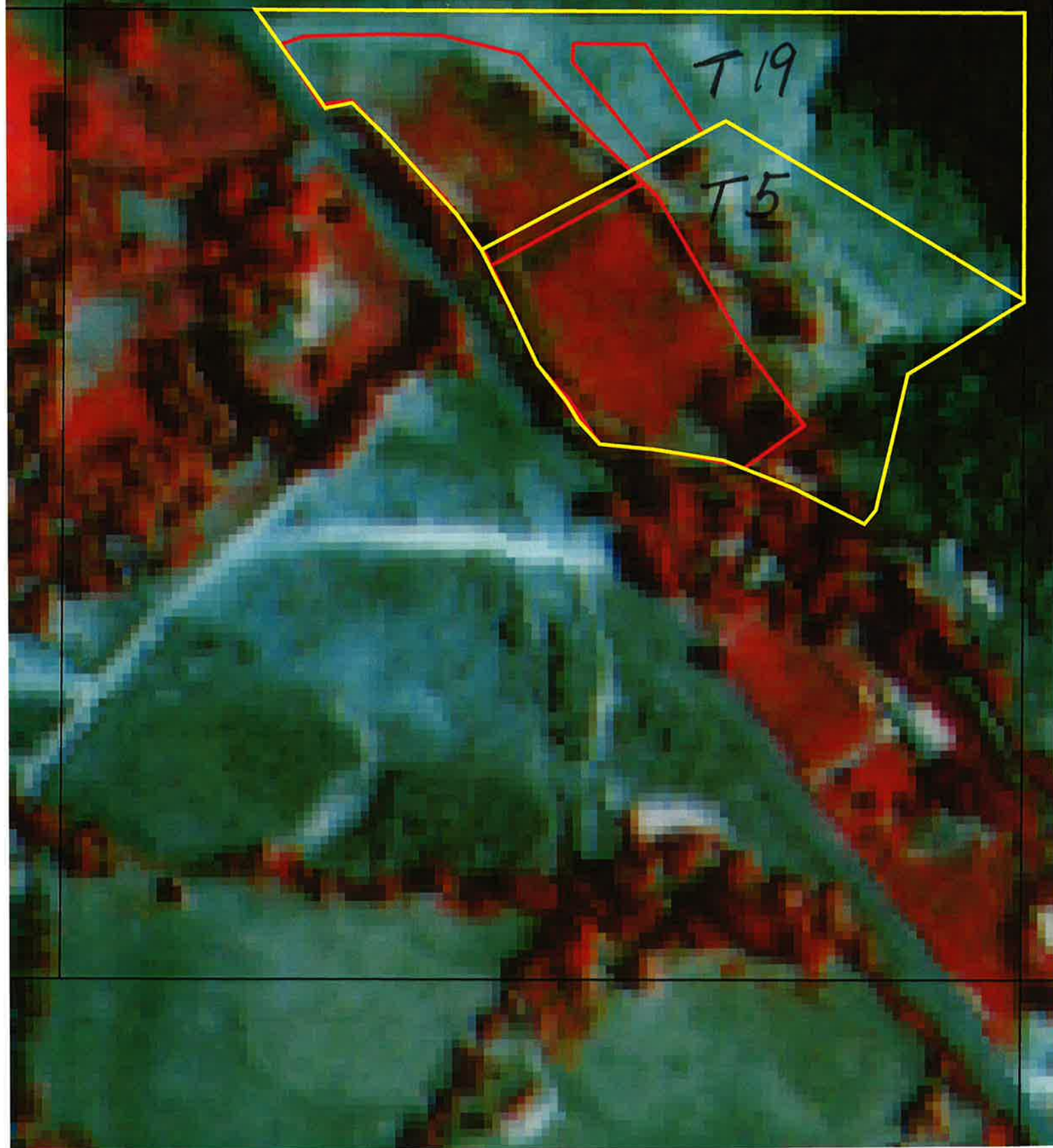
Jeanie Robertson
Notary Public

Seal



Residing at Twin Falls, Id.
My Commission Expires 9-23-2000

T063, R13E, NWSE Sec. 17 A37-10498B



SD-0611-2 Basin: 37 Starting Water Right: 00792

S E L	Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Desc	S Y S
-	37-00792		C	00/00/0000	/			WR
-	37-00792A	LANCHESTER, P. R.	C	04/01/1888	D/	SPRINGS	IRR	WR
-		LANCHESTER, AURETTA	C				DOMEST	
-	37-00792B	SLANE, LILLIS T.	C	04/01/1888	D/	SPRING	IRR	WR
-							DOMEST	
-	A37-00792	CARLEY, DONALD C	C	04/01/1888	D/	SPRINGS	IRR	AJ
-						MONTANA MINING	C STOCK	
-	A37-00792A	LAMB, WILLIAM G	C	04/01/1888	D/	MONTANA MINING	D IRR	AJ
-		LAMB, VIRGINIA	C				REC	
-	A37-00792C	SLANE, PEARL	C	04/01/1888	D/	SPRING #9	DOMEST	AJ
-		MILLER, NANCY	C			MONTANA MINING	D IRR	
-							STOCK	
-	A37-00792D	SLANE, LOIS	C	04/01/1888	D/	SPRING #9	DOMEST	AJ
-		DRAKE, TINA L	C			MONTANA MINING	D STOCK	
-							IRR	

*Decreed copied to Water Right Database (G6=Print Profile Rpt) (G8=Cancel)
 (Enter=Continue) (G1=Print Screen Query) (G7=This Query) (Menu _____)

A37-10498^A claims to be part of this decree also...^B

SD-0611-2 Basin: 37 Starting Water Right: 00792

S	Water	Name	O	Priority	STG/	Source	Use	S
L	Right No.	Last, First	W	Date	STS		Desc	Y
			N					S
-	A37-00792E	MINARD, GERTRUDE	C	04/01/1888	D/	SPRING #9	DOMEST	A
-		MINARD, WALTER	C			MONTANA MINING D	STOCK	
-	A37-00792F	ROEDENBECK, DIANE	C	04/01/1888	D/	SPRING #9	DOMEST	A
-						MONTANA MINING D	STOCK	
-	A37-00792G	BRIZINDINE, JAMES E	C	04/01/1888	D/	SPRING (SPRING #	IRR	A
-		BRIZINDINE, JENNETTE	C				STOCK	
-	R37-00792	CARLEY, DONALD C.	C	04/01/1888	J/	SPRINGS	IRR	A
-	R37-00792F	ROEDENBECK, DIANE	C	04/01/1888	D/	MONTANA MINING C	STOCK	
-						SPRING #9	DOMEST	A
-						MONTANA MINING D	STOCK	
-							IRR	
-							FISH	

* Decreed copied to Water Right Database (G6=Print Profile Rpt) (G8=Cancel)
 (Enter=Continue) (G1=Print Screen Query) (G7=This Query) (Menu _____)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

March 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ROBERT G WILLHITE
384 RIVER RD
BLISS ID 83314

RECEIVED
MAR 31 1999
Department of Water Resources
Southern Region

RE: Letter of March 18, 1999 and Water Right Claim A37-10498

Dear Mr. Willhite:

I am in receipt of your most recent letter in which you discuss the pending division of your property and ask questions regarding the split of the water right claim no. A37-10498.

You may split or assign any part of your claim to water right at any time to reflect a new ownership of all or part of the right. To do so, you should make an appointment at our Southern Region Office in Twin Falls. **You should be aware that a modification of a claim to a water right does not authorize you to change or expand the right, or to irrigate new lands which were not irrigated previously under the right.** If your plans include the irrigation of acres which have never been irrigated, you should first consult with a water right agent. An application for permit is required for a new appropriation of water. Presently, no new permits are being approved in this area.

I also strongly recommend that you contact the West Measurement District Hydrographer, Arnie Wetzstein, regarding the effect of the property split on your District assessment. Splitting your claim will not necessarily waive your assessment or your measuring requirement if the parcels share a delivery system and the total acreage is not reduced. If measurement will be required, the District Hydrographer can advise you of alternate measurement options which may not involve the purchase of an in-line flow meter. If the split of your property and/or amendment of the claim will result in separate systems which might be temporarily exempted from the water measurement program, you may request a waiver of your assessment from the Hydrographer.

Mr. Wetzstein may be reached at the IDWR Southern Region Office at 1341 Fillmore St, Suite 200, Twin Falls, 83301, or at 208-736-3033. If I can be of any further assistance, please write again.

Sincerely,

Cindy Hodges
Sr. Water Resource Agent
Water Distribution Section

cc: Arnie Wetzstein, West Measurement District Hydrographer

March 18, 1999

RECEIVED

MAR 19 1999

Department of Water Resources

Robert G. Willhite
384 River Rd.
Bliss, ID 83314

Ms. Cindy Hodges
ID Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Dear Ms. Hodges:

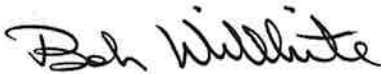
This letter is to follow up on our previous mutual correspondence regarding our water right A37-10498 in Gooding County and the upcoming adjudication water measurements. The water right on our two lots totaling 10 acres is for 8 acres of irrigation and stock water at .210 cfs at 24 acre feet.

We intend to put our lot T-5 (please see attached map) on the market for sale before the end of this month with a maximum potential of 4.0 acres of irrigation; we will build new structures on the adjacent lot T-19 where we will expand the existing pasture, but to no more than 4.0 acres total. May I request a split of the water right at this time?

To delay the split would create a current financial hardship requiring purchase of expensive meter equipment; my wife, Marcia was reduced from full-time to part-time work this week with a 40 percent loss of income. Please consider the property we retain will be exempt with less than 4.0 acres of irrigation. In a previous letter, you agreed that we currently irrigate less than 5.0 acres on both parcels.

Your allowing us to proceed with the water right split at this time for sale of the parcel would be greatly appreciated.

Sincerely



Robert G. Willhite



E 1/4 CORNER
SECTION 17
BRASS CAP PND

NE CORNER
NW 1/4 SE 1/4



LEGEND

- SURVEY BOUNDARY
- 1/2" REBAR SET W/CAP L.S. No. 884
- FOUND BRASS CAP N/W MARKER
- △ FOUND 1/2" REBAR
- ▲ CALCULATED POINT (NOT SET)
- ✕ FOUND SECTION CORNER
- ✕ FOUND 1/4 CORNER

CERTIFICATE OF SURVEYOR

I do hereby certify that I am a Land Surveyor, licensed by the State of Idaho and that this map was prepared from a survey made under my supervision, and is an accurate representation of said survey.



RECORDERS CERTIFICATE

State of Idaho) SS
County of Gooding)
Filed for record at request of R.D. Critser of page _____ of Book _____ at _____ o'clock _____ m., this _____ day of _____ 199 _____.
By _____ Deputy

RECORD OF SURVEY

FOR
BOB WILLITE

LOCATED IN THE NW 1/4 SE 1/4 OF SECTION 17,
GOODING COUNTY, IDAHO

CRITSER LAND SURVEYS

L.S. No. 884
324-8824
734-0615
322-6145

Scale: 1" = 100' Draft: STJ Check: DC Date: 3/8/99
Orig No.: Survey No. Shl. 1 of 1 Job No.:



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 2, 1998

ROBERT AND MARCIA WILLHITE
384 RIVER ROAD
BLISS ID 83314

AS?

Please Note address change

RE: Water Use Inventory

RECEIVED

NOV 04 1998

Department of Water Resources
Southern Region

Dear Mr. and Mrs. Willhite:

Thank you for your prompt response to my letter.

Based on a drive-by inspection I made of your property, I agree that your water uses appear to be limited to irrigation of less than five acres. However, your claim to water right number A37-10498 describes 8 acres of irrigation from the Montana Mining Ditch. This figure is above the waiver threshold and caused the right to be included on the inventory list. Because my first letter was not as clear as it could have been regarding exempted uses, I would like to more fully explain the waiver and exemption policy of the West Water Measurement District.

The West Water Measurement District includes all water uses and all water sources within District boundaries. The level of participation required is based on water right claims as recorded in the Snake River Basin Adjudication (SRBA). Domestic (household) systems which divert less than 13,000 gallons per day are exempt from District assessment. This exemption is strictly limited to single-family, non-commercial use. Diversion systems which have total rates of flow of less than 0.24 cfs (108 gpm) and total irrigation of 5 acres or less, based on the claim amounts, have been temporarily waived from District assessment and measurement per IDWR guidelines. These diversions may be for irrigation, multiple family developments, commercial use or any combination of uses from a common system which do not exceed the above amounts. All other diversions are required to be measured and annual water uses reported to the District. Presently waived rights may be required to measure and report diversions in the future.

If you have a well or separate spring development for household use, this diversion is exempt from assessment. Your diversion for irrigation use would be waived from assessment under current guidelines if your water right claim was limited to five acres or less. Because your claim shows eight acres of irrigation, you are subject to assessment regardless of your actual use.

A37-10498

November 2, 1998

Page 2

If your actual irrigation use from the Montana Mining Ditch is five acres or less, and you have no evidence supporting any additional irrigation, you may amend your claim and reduce your claimed acres to avoid a Water Measurement District assessment at this time. You will not be required to reduce your claimed rate of flow. You should be aware that the number of irrigated acres recommended for decree in the Snake River Basin Adjudication will be limited to the amount actually found to be irrigated under the claim; recommendations will not necessarily reduce the previously decreed rate of flow.

If you do not reduce your claim, you will be assessed by the West Measurement District in 1999 based on claimed acres. Your assessment will total approximately \$32.00 annually at current rates.

Please contact me again if you have further questions. I may be reached by phone at 208-327-5406. If you would like to speak to someone regarding a claim amendment, please contact an adjudication staff member at our Southern Region Office in Twin Falls at 208-736-3033.

Sincerely,

Cindy Hodges

Cindy Hodges
Sr. Water Resource Agent
Water Distribution Section

enclosure: copy of Notice of Claim A37-10498



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 8, 1998

WILHITE

RE: Water Measurement District Inventory

Dear Water User:

As you may know, three Water Measurement Districts have been formed in southern Idaho for the purpose of quantifying water uses in the Eastern Snake Plain Aquifer (ESPA). I have been conducting surface water use inventories in conjunction with the West Water Measurement District (WMD). Those uses of water which exceed certain limits will be required to be measured and annual diversions reported to the WMD.

Our records list you as the owner of a water right within the boundaries of the WMD. I would like to meet with you briefly to discuss your uses of surface water, visit your diversion(s) and learn the details of your water delivery system(s). My inventory will identify those diversions which must be incorporated into the WMD.

Affected diversions of water will primarily be those for larger irrigation or commercial uses. Single-family domestic uses or diversions for irrigation of 5 acres or less are typically exempt from assessment and measurement under the Water Measurement District. The Department and the District are working with individuals and water user groups to find the most reasonable and cost-effective methods of measuring and reporting diversions. Your cooperation is appreciated during the inventory and implementation periods of this program.

Please phone me at your earliest convenience at 208-327-5406 to make an appointment.

Sincerely,

Cindy Hodges
Sr. Water Resource Agent
Water Distribution Section

October 22, 1998

RECEIVED

OCT 26 1998

Department of Water Resources

Robert and Marcia Willhite
384 River Road
Bliss, ID 83314

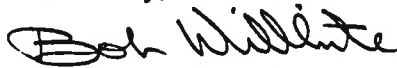
Ms. Cindy Hodges
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Dear Ms. Hodges:

Regarding your letter of October 8, 1998, our water use falls in the exempt category of "single-family domestic uses or diversions for irrigation of 5 acres or less."

You may contact us if you have further questions.

Sincerely,



Bob Willhite

February 23, 2002

RECEIVED
FEB 26 2002
Department of Water Resources
Southern Region

Robert G. Willhite
384 River Rd.
Bliss, ID 83314

Idaho Department of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, ID 83301

Dear Water Rights Agent:

In April of 1999, I met with staff and signed the water rights adjudication forms for #A37-10498A and B (copy enclosed). In item 7, however, I now note that a mathematical error was made. The total appropriation should read 0.115 c.f.s., not 0.105. Can you please make this correction on the first page of both and send me copies?

Also on water right A only, please change the address to 382 River Rd., Bliss, ID 83314

Sincerely,



Bob Willhite



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ROBERT WILLHITE
384 RIVER RD
BLISS ID 83314

RE: 37-10498A & B

Dear Mr. Willhite,

I received your letter of Feb.23, 2002 noting a possible typo on the total diversion rate of these claims. I have enclosed a copy of the claim **before** you split it into parts A & B. As you can see, the total diversion rate was 0.21 cfs, the same as the irrigation diversion rate. The stockwater diversion of 0.02 cfs was considered a part of the irrigation diversion rate, not an additional amount. If you wanted to change this part of your claim, it would require an amendment. Please keep in mind that these are merely **claims to a water right, not yet decreed water rights**. When we do the adjudication review in your area, we will sort out all of the claims and make our recommendations to the court for the decrees.

I have changed the address to 382 River Rd on part A. (If this part is now under new ownership, please be sure to file an ownership change with the department.)

Feel free to give me a call at the office if you have any questions.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

WVMA



PAMELA K WISENBACH
MICHAEL JOHN WISENBACH
5707 WILLOW CREEK RD
EAGLE ID

37-10498

RECEIVED
APR 21 2005
Department of Water Resources

