

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: 67-4173

GENEVIEVE L WITTE
RT 1 BOX 104
863 EATON RD
WEISER ID 83672

MYRTLE M WITTE
RT 1 BOX 104
863 EATON RD
WEISER ID 83672

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

*Change Place of use to reflect
Attached Map.*

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: _____

SIGNATURE: _____

Genevieve Witte Myrtle Witte

Please print your name: _____

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

*NOE review altered POU
no change in acreage, so no change in quantity*

MVB 12-13-06

SCANNED
DEC 08 2006

RECEIVED
NOV 07 2005
Department of Water Resources

WEISER IRRIGATION DISTRICT
P.O. BOX 591
WEISER, IDAHO 83672

NOVEMBER 3, 2005

DANIELLE FAVREAU
IDAHO DEPARTMENT OF WATER RESOURCES
322 EAST FRONT STREET
P.O. BOX 83720-0098
BOISE, IDAHO 83720-0098

RE: water right no. 67-4173 Witte

Dear Danielle:

Recently, we had a chance to look at the above mentioned water claim. The Weiser Irrigation District objects to the claim. The land was originally in the Weiser Irrigation District and in 1920 they requested to be segregated from the District. (see attached minutes) Witte built dams in both Warm Springs and Scott's Creek. Since then the movement of water through the area has changed. Both Warm Springs and Scott's Creek are intermittent and are completely dry of natural flow in June.

In 1936 the District moved its Dam and acquired additional water under 67-2169 (120cfs) The Witte property was covered in this application and license. At the same time the Irrigation District acquired shares in the Crane Creek Reservoir to supplement late flow.

The delivery system has changed. We use both Warm Springs and Scotts Creek to deliver water to users. At Warm Springs we dump water for the users of the Warm Springs Lateral. They have a separate diversion in the Creek to pickup the water into their lateral. There are 4 other users who have pumps in the Creek as their water is spilled in to Warm Springs Creek.

The actual Grimmett Lateral runs continually as it empties directly into Scotts Creek. It provides water to over a 100 acres and 5 different users. Each user has their own diversion in Scotts Creek. As the creek crosses Island Road, the Witte's have build their dam that irrigates the bulk of the Witte land.

Witte's are using water supplied from the Weiser River and Crane Creek Reservoir through the Galloway Canal. The land should be annexed back into the District.

Sincerely yours,

Jay Edwards
Sec.

Enc.

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

11/03/2005

WATER RIGHT NO. 67-4173

Owner Type	Name and Address
Current Owner	GENEVIEVE L WITTE
Current Owner	MYRTLE M WITTE
	RT 1 BOX 104
	863 EATON RD
	WEISER, ID 83672

Priority Date: 06/01/1910

Basis: Statutory Claim

Status: Active

Source	Tributary
SCOTT CREEK	SNAKE RIVER
WARM SPRINGS CREEK	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	2.11 CFS	
Total Diversion			2.11 CFS	

Location of Point(s) of Diversion:

WARM SPRINGS CREEK	SWNW Lt 3	Sec. 20	Township 11N	Range 06W	WASHINGTON County
-----------------------	--------------	------------	-----------------	--------------	----------------------

SCOTT CREEK	NESW	Sec. 20	Township 11N	Range 06W	WASHINGTON County
-------------	------	------------	-----------------	--------------	----------------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION WASHINGTON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tra
11N	06W	19		NENE	2								
		20		NWNW	26		SENW	29					
				NESW	25		NWSW	26					

Total Acres: 108

Conditions of Approval:

1.	AC. IRR.=107.3. SOURCES ARE SCOTT CK. & WARM SPRINGS CK., TRIB. SNAKE R. P/D INCOMPLETE.
----	--

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

of the
WEISER IRRIGATION DISTRICT

December 7th. 1920.

The Board of Directors of the Weiser Irrigation District meet this day in regular session, there being present Harry Townley, Chairman, S. R. Snyder Director, E.d. R. Coulter, Attorney and Oliver J. Smith, Secretary.

The minutes of the last meeting were read and approved.

The following claims were examined and allowed and warrants issued for same:

MAINTENANCE CLAIMS:

S. M. French.....	Research.....	\$1.50
E. L. Owens.....	Labor on ditch.....	2.00
John Walker.....	Supplies.....	7.50
J. A. Sommercamp.....	Water Taxes.....	370.00
A. T. Pennington.....	Taxes refunded.....	31.13
John Walker.....	" ".....	5.00
Weiser Investment Co.,...	" ".....	85.81
Harry Townley.....	Labor on Canal & Use of Car.....	21.20
John Jackson.....	Labor on Canal.....	2.50
Lyal Hetrick.....	" " ".....	4.00
Frank Townley.....	" " ".....	5.00
S. R. Snyder.....	Labor & Services.....	39.20
Alexus Jackson.....	Damages from break.....	450.00
Weiser American.....	Printing.....	68.25
James Shaw.....	Taxes refunded.....	2.24
Ira Hopper.....	" ".....	17.44
John J. McCrea.....	" ".....	15.36
C. E. Camp.....	" ".....	13.44
R. J. Smith.....	Labor at head of canal.....	9.75
William Cousins.....	Taxes refunded.....	3.92
W. E. Adams.....	" ".....	.32
Brinkley & Brown.....	" ".....	1.68
H. T. Mecham.....	" ".....	.54
John Wavrick.....	" ".....	1.12

CONSTRUCTION CLAIMS:

Mitchells' Quick Print...	Printing.....	42.70
Chas. W. Luck.....	Engineering.....	62.90
Oliver J. Smith.....	Postage.....	20.00
Oliver J. Smith.....	Postage & Expense.....	4.00
Chas. W. Luck.....	Engineering.....	116.28
Oliver J. Smith.....	Rent.....	15.00
James Shaw.....	Taxes Refunded.....	2.10
W. E. Talboy.....	Special meeting.....	3.00
Ira Hopper.....	Taxes Refunded.....	16.35
John J. McCrea.....	" ".....	14.40
C. E. Camp.....	" ".....	12.60
William Cousins.....	" ".....	3.67
W. E. Adams.....	" ".....	.30
Brinkley & Brown.....	" ".....	1.57

53

excluded shall not be relieved of their obligation to pay their proportionate share already created and existing of any bonded indebtedness of such Irrigation District, and that said lands shall remain a part of such Irrigation District for the purpose of discharging such bonded indebtedness.

Said lands so ordered to be excluded herein are more particularly described as follows:

"The Southeast Quarter of the Northwest Quarter; the Northeast Quarter of the Southwest Quarter; and the Lots numbered two and three, in Section 20; and the Lots numbered one and two, in Section 19, Township 11 North of Range 6 West of the Boise Meridian, lying South and West of the Oregon Short Line Railway right of way. Save and except the following described land:

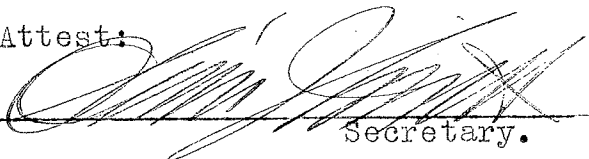
Beginning at the Southeast corner of the Northeast Quarter of the Southwest Quarter of Section 20, Township 11 North of Range 6 West of the Boise Meridian; thence West 16 chains 85 Links; thence North 34 degrees 52 minutes East 11 chains 80 Links; thence North 84 degrees 40 minutes East 10 chains; thence South 10 chains 60 Links to the place of beginning.

ALSO EXCEPTING: Beginning at the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 20, and from thence run west along the North boundary of said Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter; thence where the said boundary intersects the Oregon Short Line Railway Right of Way 1452 feet; thence along the North Line of said right of way South 68 degrees 15 minutes East 231 feet to where the said right of way increases in width from 100 feet to 200 feet; thence North 21 degrees 45 minutes East 50 feet; thence South 68 degrees 15 minutes East along said North Line of said 200 feet right of way 1524.4 feet to the East boundary of said Southeast Quarter of the Northwest Quarter; thence North 0 degrees 15 minutes west along said East boundary 518.32 feet to the place of beginning, containing 8.15 acres. ✓

There being no further business to come before the Board at this time adjournment is taken scni dia.

Attest:

President.


Secretary.

years, and whereas it is agreed that these damages amounted to \$450.00 and the said Alexis Jackson agrees to release the District from all liability because of damages heretofore incurred upon receipt of a like amount, motion is made seconded and carried ordering that it be and it is hereby ordered that a claim be allowed and warrant issued in the manner heretofore registered.

Now comes Henry Witte and Myrtle Witte and file a petition asking for the exclusion of certain lands from the District, and after hearing said petition and in consideration of the facts therein set forth motion is made seconded and carried ordering that it be and it is hereby ORDERED, ADJUDGED and DECREED as follows:

That all of the facts and statements contained in said petition of said HENRY WITTE and MYRTLE WITTE, are true.

, That said HENRY WITTE and MYRTLE WITTE are the owners and in possession of the land hereinafter described; that it will be for the best interests of said lands that they be excluded from the Weiser Irrigation District; that said lands are situated on the East and North bank of the Snake River; that the said owners of said lands have installed a good, adequate and sufficient water system for said lands independent of the water system of the Weiser Irrigation District, for the irrigation of said lands, on account of the inability to get water to irrigate said lands from the Weiser Irrigation District except through the long and expensive lateral through which water has been taken to get same upon said lands.

THAT THEREFORE, the said Board of Directors of said Weiser Irrigation District does hereby order that the lands hereinafter described and set forth be and the same are hereby taken from the said Weiser Irrigation District and the boundaries of said District are ordered to be changed so as to exclude from said District said lands and the said lands so excluded shall not form a part of said Weiser Irrigation District for any purpose save and except that the lands so ordered

RECEIVED
SEP 16 2005
Department of Water Resources

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
67-4173)
_____)
_____)

AFFIDAVIT

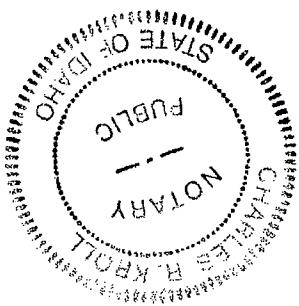
STATE OF IDAHO)
) ss.
County of Washington)

MYRTLE M. WITTE, being first duly sworn, deposes and says:

My parents, Henry and Myrtle Witte purchased this land irrigating approximately 117 acres from two dams my father built in Warm Springs Creek and Scott's Creek between 1910 and 1913. I was born on this property on November 19, 1923, and have lived here since. I have personal knowledge of the dams and irrigation from these diversion points from 1929 to the present time. I still irrigate with two pumps placed in Warm Springs Creek near the dam and divert to irrigate from the dam on Scott's Creek.

Myrtle M. Witte
Myrtle M. Witte

SUBSCRIBED AND SWORN to before me this 15th day of September, 2005.



Charles R. Kroll
Notary Public for State of Idaho
Residing at Weiser, Idaho
Commission Expires: 9-27-10



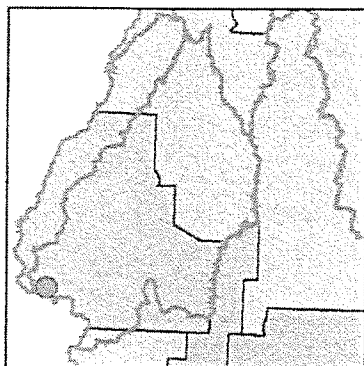
Idaho Department of Water Resources

Adjudication Claim Number: **67-4173**

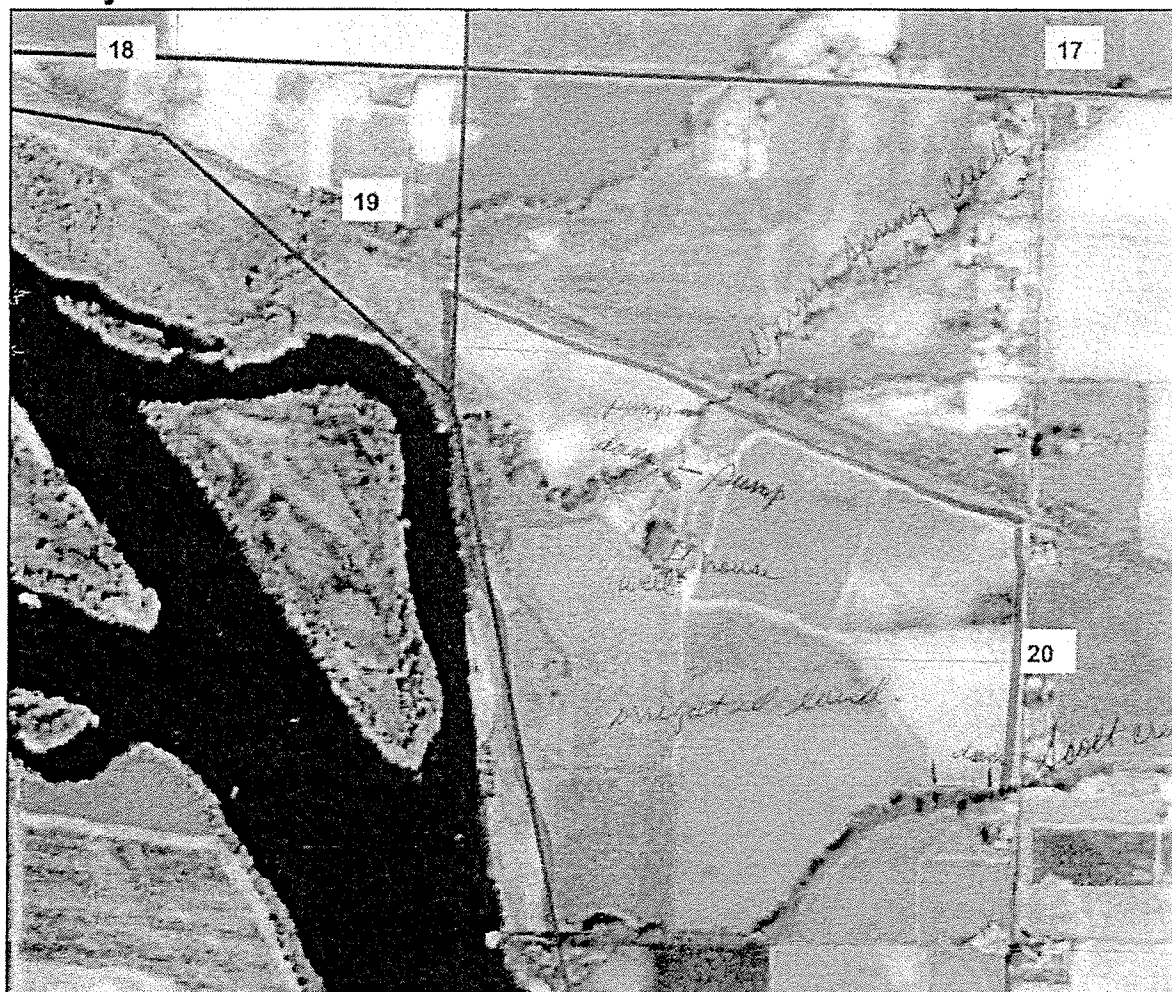
T11N R06W

Legend

- PLS Sections
- GCDBQuarter Quarters



Washington County
IDWR Basin 67



Prepared by D. Narsavage
On Thursday, September 1, 2005
1987/88 Aerial Photography

08/21/2006

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

RIGHT NUMBER: 67-4173

NAME AND ADDRESS: GENEVIEVE L WITTE
RT 1 BOX 104
863 EATON RD
WEISER ID 83672

MYRTLE M WITTE
RT 1 BOX 104
863 EATON RD
WEISER ID 83672

SOURCE: SCOTT CREEK
WARM SPRINGS CREEK

TRIBUTARY: SNAKE RIVER
TRIBUTARY: SNAKE RIVER

QUANTITY: 2.110 CFS

PRIORITY DATE: 03/01/1929

POINT OF DIVERSION:

T11N R06W S20 SWNW Lot 3 Within WASHINGTON County
T11N R06W S20 SWNW Lot 3 Within WASHINGTON County
T11N R06W S20 NESW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.110 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T11N R06W S19 Lot 1 NENE	5.00	T11N R06W S20 Lot 3 SWNW	28.00
T11N R06W S20 SENW	25.00	T11N R06W S20 NESW	25.00
T11N R06W S20 Lot 2 NWSW	25.00		

108 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 - Beneficial Use



Idaho Department of Water Resources

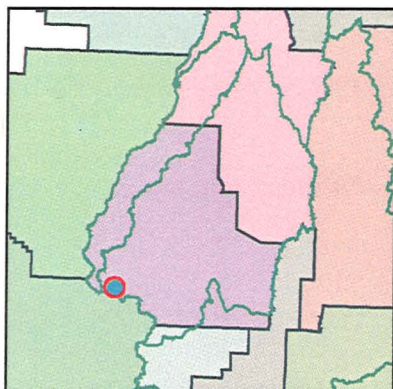
SRBA Recommendation:

67-4173

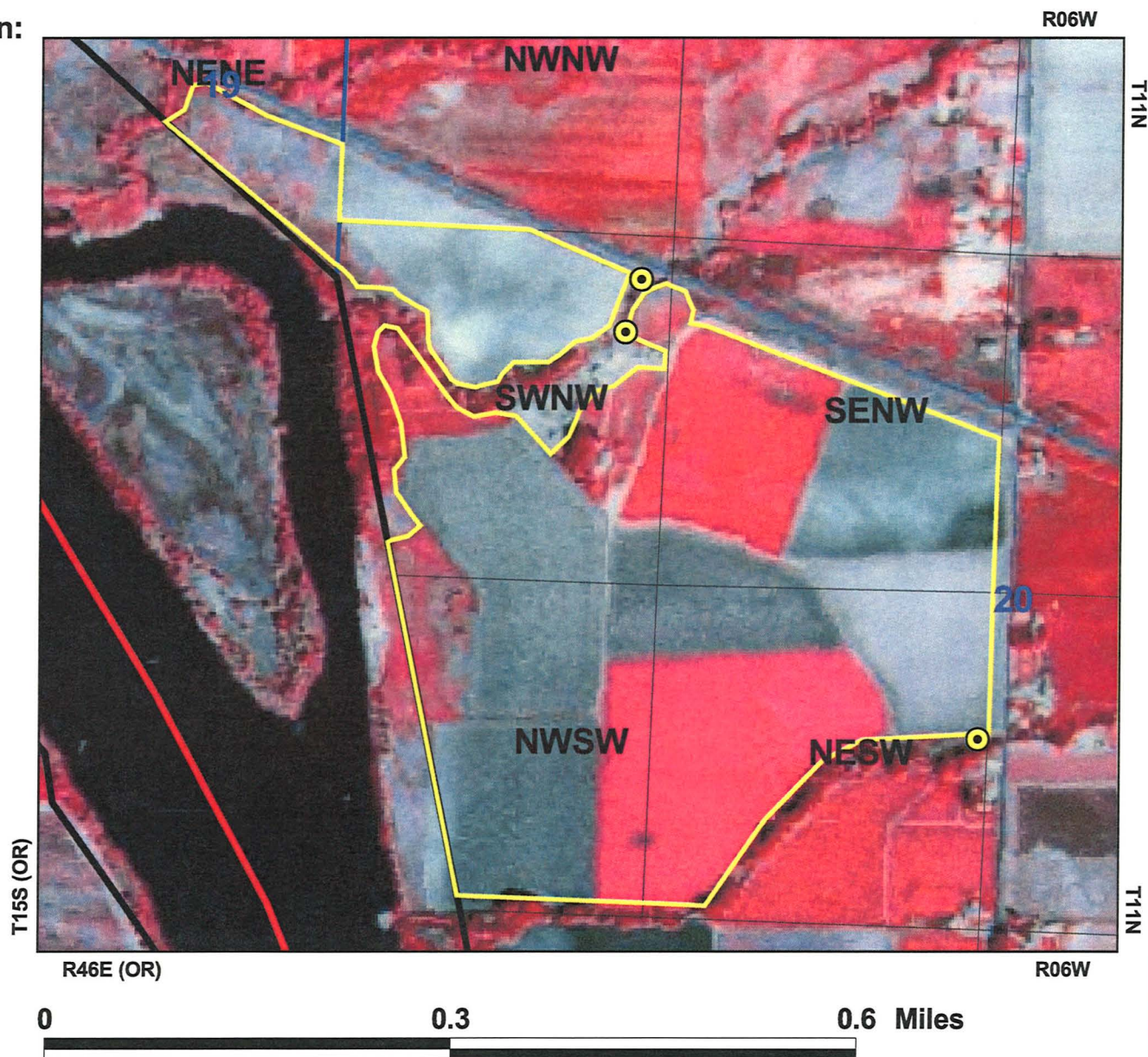
(Irrigation)

Legend

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



Washington County
IDWR Basin 67



Prepared by C. Saxton
On Monday, August 21, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4173 V1

WATER RIGHT NUMBER: 67-4173 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GENEVIEVE L WITTE RT 1 BOX 104 863 EATON RD WEISER, ID 83672
Current Owner	MYRTLE M WITTE RT 1 BOX 104 863 EATON RD WEISER, ID 83672

Priority Date: 03/01/1929 *1920*

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SCOTT CREEK	SNAKE RIVER
WARM SPRINGS 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	2.110 CFS	
	<u>Total Diversion:</u>	2.110 CFS	

Location of Point(s) of Diversion

WARM SPRINGS CREEK	L3 (SW1/4NW1/4)	Sec. 20, Twp 11N, Rge 06W, B.M.
WASHINGTON County		
SCOTT CREEK	NE1/4SW1/4	Sec. 20, Twp 11N, Rge 06W, B.M.
WASHINGTON County		
WARM SPRINGS CREEK	L3 (SW1/4NW1/4)	Sec. 20, Twp 11N, Rge 06W, 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	19	5.0																5.0
			L 1																
11N	06W	20									28.0	25.0	25.0	25.0					103.0
											L 3			L 2					

Total Acres: 108

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4173 V1

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.

Remarks:

Priority: WID letter supports 1920 Priority

Comments:

1. csaxton 8/21/2006 Overlap

Comment: This claim does not appear to overlap WID POU. However, WID has sent a letter stating the the property should be accessed into their service area.

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:
 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>
Contacts	8/21/2006 12:32:57 PM	csaxton			Active
Priority Date	8/21/2006 12:33:53 PM	csaxton			Active
POD	8/21/2006 12:34:17 PM	csaxton			Active
Source	8/21/2006 12:57:16 PM	csaxton			Active
POU	8/21/2006 12:57:40 PM	csaxton			Active
Use	8/21/2006 12:58:42 PM	csaxton			Active
Season	8/21/2006 12:58:53 PM	csaxton			Active
Quantity	8/21/2006 1:28:01 PM	csaxton			Active
Summary			08/21/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	8/21/2006 12:58:11 PM	csaxton	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4173 V1

Contacts	8/21/2006 12:32:57 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam conducted by Roger Meyer on 5-6-05.
General	8/21/2006 12:33:54 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit from claimant with first hand knowledge.
POD	8/21/2006 12:34:18 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	8/21/2006 12:54:30 PM	csaxton	Updated shape
Source	8/21/2006 12:57:17 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field Exam conducted by Roger Meyer on 5-6-05.
POU	8/21/2006 12:57:41 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field Exam conducted by Roger Meyer on 5-6-05.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4173 V1

Use	8/21/2006 12:58:44 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field Exam conducted by Roger Meyer on 5-6-05.
Season	8/21/2006 12:58:54 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (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?
POD	8/21/2006 12:51:16 PM	csaxton	Updated shape
POU	8/21/2006 12:58:21 PM	csaxton	Updated PLS for Active POU
POD	8/21/2006 12:53:08 PM	csaxton	Updated shape
Quantity	8/21/2006 1:28:02 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (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? Description for Question 7 - See theoretical calculation based on Pump information. System has well over the capacity to divert the rate claimed.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4173 V1

Summary	8/21/2006 1:32:45 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (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? (Yes) 10. Would you like to set the verification date?
---------	----------------------	---------	--

Water Supply Bank:

WEISER IRRIGATION DISTRICT
P.O. BOX 591
WEISER, IDAHO 83672

NOVEMBER 3, 2005

DANIELLE FAVREAU
IDAHO DEPARTMENT OF WATER RESOURCES
322 EAST FRONT STREET
P.O. BOX 83720-0098
BOISE, IDAHO 83720-0098

RECEIVED
NOV 07 2005
Department of Water Resources

#1
67-4173
- Monica Van Bussum

RE: water right no. 67-4173 Wit

Dear Danielle:

Recently, we had a chance to look at the above mentioned water claim. The Weiser Irrigation District objects to the claim. The land was originally in the Weiser Irrigation District and in 1920 they requested to be segregated from the District. (see attached minutes) Witte built dams in both Warm Springs and Scott's Creek. Since then the movement of water through the area has changed. Both Warm Springs and Scott's Creek are intermittent and are completely dry of natural flow in June.

In 1936 the District moved its Dam and acquired additional water under 67-2169 (120cfs) The Witte property was covered in this application and license. At the same time the Irrigation District acquired shares in the Crane Creek Reservoir to supplement late flow.

The delivery system has changed. We use both Warm Springs and Scotts Creek to deliver water to users. At Warm Springs we dump water for the users of the Warm Springs Lateral. They have a separate diversion in the Creek to pickup the water into their lateral. There are 4 other users who have pumps in the Creek as their water is spilled in to Warm Springs Creek.

The actual Grimmett Lateral runs continually as it empties directly into Scotts Creek. It provides water to over a 100 acres and 5 different users. Each user has their own diversion in Scotts Creek. As the creek crosses Island Road, the Witte's have build their dam that irrigates the bulk of the Witte land.

Witte's are using water supplied from the Weiser River and Crane Creek Reservoir through the Galloway Canal. The land should be annexed back into the District.

Sincerely yours,

Jay Edwards
Sec.

Enc.

SCANNED

NOV 07 2005

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

11/03/2005

WATER RIGHT NO. 67-4173

Owner Type	Name and Address
Current Owner	GENEVIEVE L WITTE
Current Owner	MYRTLE M WITTE
	RT 1 BOX 104
	863 EATON RD
	WEISER, ID 83672

Priority Date: 06/01/1910
Basis: Statutory Claim
Status: Active

Source	Tributary
SCOTT CREEK	SNAKE RIVER
WARM SPRINGS CREEK	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	2.11 CFS	
Total Diversion			2.11 CFS	

Location of Point(s) of Diversion:

WARM SPRINGS CREEK	SWNW Lt 3	Sec. 20	Township 11N	Range 06W	WASHINGTON County
-----------------------	--------------	------------	-----------------	--------------	----------------------

SCANNED

NOV 07 2005

SCOTT CREEK	NESW	Sec. 20	Township 11N	Range 06W	WASHINGTON County
-------------	------	------------	-----------------	--------------	----------------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION WASHINGTON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tra
11N	06W	19		NENE	2								
		20		NWNW	26		SEnw	29					
				NESW	25		NWSW	26					

Total Acres: 108

Conditions of Approval:

1.	AC. IRR.=107.3. SOURCES ARE SCOTT CK. & WARM SPRINGS CK., TRIB. SNAKE R. P/D INCOMPLETE.
----	--

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

SCANNED

NOV 7 2005

of the
WEISER IRRIGATION DISTRICT

December 7th. 1920.

The Board of Directors of the Weiser Irrigation District meet this day in regular session, there being present Harry Townley, Chairman, S. R. Snyder Director, E.d. R. Coulter, Attorney and Oliver J. Smith, Secretary.

The minutes of the last meeting were read and approved.

The following claims were examined and allowed and warrants issued for same:

MAINTENANCE CLAIMS:

S. M. French.....	Research.....	\$1.50
E. L. Owens.....	Labor on ditch.....	2.00
John Walker.....	Supplies.....	7.50
J. A. Sommercamp.....	Water Taxes.....	370.00
A. T. Pennington.....	Taxes refunded.....	3.13
John Walker.....	" ".....	5.00
Weiser Investment Co.,...	" ".....	85.81
Harry Townley.....	Labor on Canal & Use of Car.....	21.20
John Jackson.....	Labor on Canal.....	2.50
Lyal Hetrick.....	" " ".....	4.00
Frank Townley.....	" " ".....	5.00
S. R. Snyder.....	Labor & Services.....	39.20
Alexus Jackson.....	Damages from break.....	450.00
Weiser American.....	Printing.....	68.25
James Shaw.....	Taxes refunded.....	2.24
Ira Hopper.....	" ".....	17.44
John J. McCrea.....	" ".....	15.36
C. E. Camp.....	" ".....	13.44
R. J. Smith.....	Labor at head of canal.....	9.75
William Cousins.....	Taxes refunded.....	3.92
W. E. Adams.....	" ".....	.32
Brinkley & Brown.....	" ".....	1.68
H. T. Mecham.....	" ".....	.54
John Wavrick.....	" ".....	1.12

CONSTRUCTION CLAIMS:

Mitchells' Quick Print...	Printing.....	42.70
Chas. W. Luck.....	Engineering.....	62.90
Oliver J. Smith.....	Postage.....	20.00
Oliver J. Smith.....	Postage & Expense.....	4.00
Chas. W. Luck.....	Engineering.....	116.28
Oliver J. Smith.....	Rent.....	15.00
James Shaw.....	Taxes Refunded.....	2.10
W. E. Talboy.....	Special meeting.....	3.00
Ira Hopper.....	Taxes Refunded.....	16.35
John J. McCrea.....	" ".....	14.40
C. E. Camp.....	" ".....	12.60
William Cousins.....	" ".....	3.67
W. E. Adams.....	" ".....	.30
Brinkley & Brown.....	" ".....	1.57
H. T. Mecham.....	" ".....	.54

SCANNED

NOV 07 2005

years, and whereas it is agreed that these damages amounted to \$450.00 and the said Alexis Jackson agrees to release the District from all liability because of damages heretofore incurred upon receipt of a like amount, motion is made seconded and carried ordering that it be and it is hereby ordered that a claim be allowed and warrant issued in the manner heretofore registered.

Now comes Henry Witte and Myrtle Witte and file a petition asking for the exclusion of certain lands from the District, and after hearing said petition and in consideration of the facts therein set forth motion is made seconded and carried ordering that it be and it is hereby ORDERED, ADJUDGED and DECREED as follows:

That all of the facts and statements contained in said petition of said HENRY WITTE and MYRTLE WITTE, are true.

That said HENRY WITTE and MYRTLE WITTE are the owners and in possession of the land hereinafter described; that it will be for the best interests of said lands that they be excluded from the Weiser Irrigation District; that said lands are situated on the East and North bank of the Snake River; that the said owners of said lands have installed a good, adequate and sufficient water system for said lands independent of the water system of the Weiser Irrigation District, for the irrigation of said lands, on account of the inability to get water to irrigate said lands from the Weiser Irrigation District except through the long and expensive lateral through which water has been taken to get same upon said lands.

THAT THEREFORE, the said Board of Directors of said Weiser Irrigation District does hereby order that the lands hereinafter described and set forth be and the same are hereby taken from the said Weiser Irrigation District and the boundaries of said District are ordered to be changed so as to exclude from said District said lands and the said lands so excluded shall not form a part of said Weiser Irrigation District for any purpose save and except that the lands so ordered

excluded shall not be relieved of their obligation to pay their proportionate share already created and existing of any bonded indebtedness of such Irrigation District, and that said lands shall remain a part of such Irrigation District for the purpose of discharging such bonded indebtedness.

Said lands so ordered to be excluded herein are more particularly described as follows:

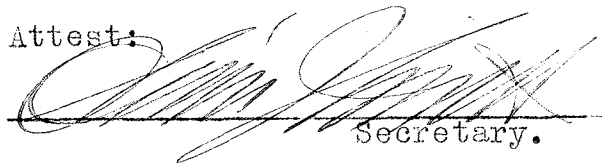
"The Southeast Quarter of the Northwest Quarter; the Northeast Quarter of the Southwest Quarter; and the Lots numbered two and three, in Section 20; and the Lots numbered one and two, in Section 19, Township 11 North of Range 6 West of the Boise Meridian, lying South and West of the Oregon Short Line Railway right of way. Save and except the following described land:

Beginning at the Southeast corner of the Northeast Quarter of the Southwest Quarter of Section 20, Township 11 North of Range 6 West of the Boise Meridian; thence West 16 chains 85 Links; thence North 34 degrees 52 minutes East 11 chains 80 Links; thence North 84 degrees 40 minutes East 10 chains; thence South 10 chains 60 Links to the place of beginning.

ALSO EXCEPTING: Beginning at the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 20, and from thence run west along the North boundary of said Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter; thence where the said boundary intersects the Oregon Short Line Railway Right of Way 1452 feet; thence along the North Line of said right of way South 68 degrees 15 minutes East 231 feet to where the said right of way increases in width from 100 feet to 200 feet; thence North 21 degrees 45 minutes East 50 feet; thence South 68 degrees 15 minutes East along said North Line of said 200 feet right of way 1524.4 feet to the East boundary of said Southeast Quarter of the Northwest Quarter; thence North 0 degrees 15 minutes west along said East boundary 518.32 feet to the place of beginning, containing 8.15 acres. ✓

There being no further business to come before the Board at this time adjournment is taken *seni dia*.

Attest:


Secretary.

President.

SCANNED

NOV 07 2005

RECEIVED
SEP 16 2005
Department of Water Resources

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
67-4173)
_____)
_____)

AFFIDAVIT

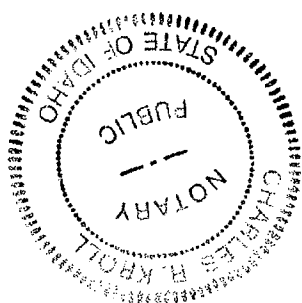
STATE OF IDAHO)
County of Washington) ss.

MYRTLE M. WITTE, being first duly sworn, deposes and says:

My parents, Henry and Myrtle Witte purchased this land irrigating approximately 117 acres from two dams my father built in Warm Springs Creek and Scott's Creek between 1910 and 1913. I was born on this property on November 19, 1923, and have lived here since. I have personal knowledge of the dams and irrigation from these diversion points from 1929 to the present time. I still irrigate with two pumps placed in Warm Springs Creek near the dam and divert to irrigate from the dam on Scott's Creek.

Myrtle M. Witte
Myrtle M. Witte

SUBSCRIBED AND SWORN to before me this 15th day of September, 2005.



Charles R. Krohl
Notary Public for State of Idaho
Residing at Weiser, Idaho
Commission Expires: 9-27-10

SCANNED
NOV 07 2005



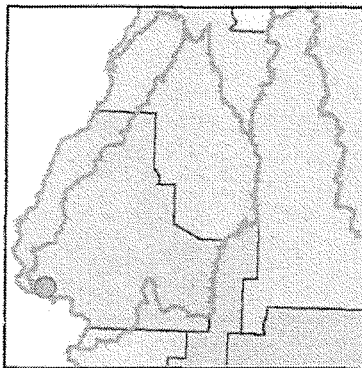
Idaho Department of Water Resources

Adjudication Claim Number: **67-4173**

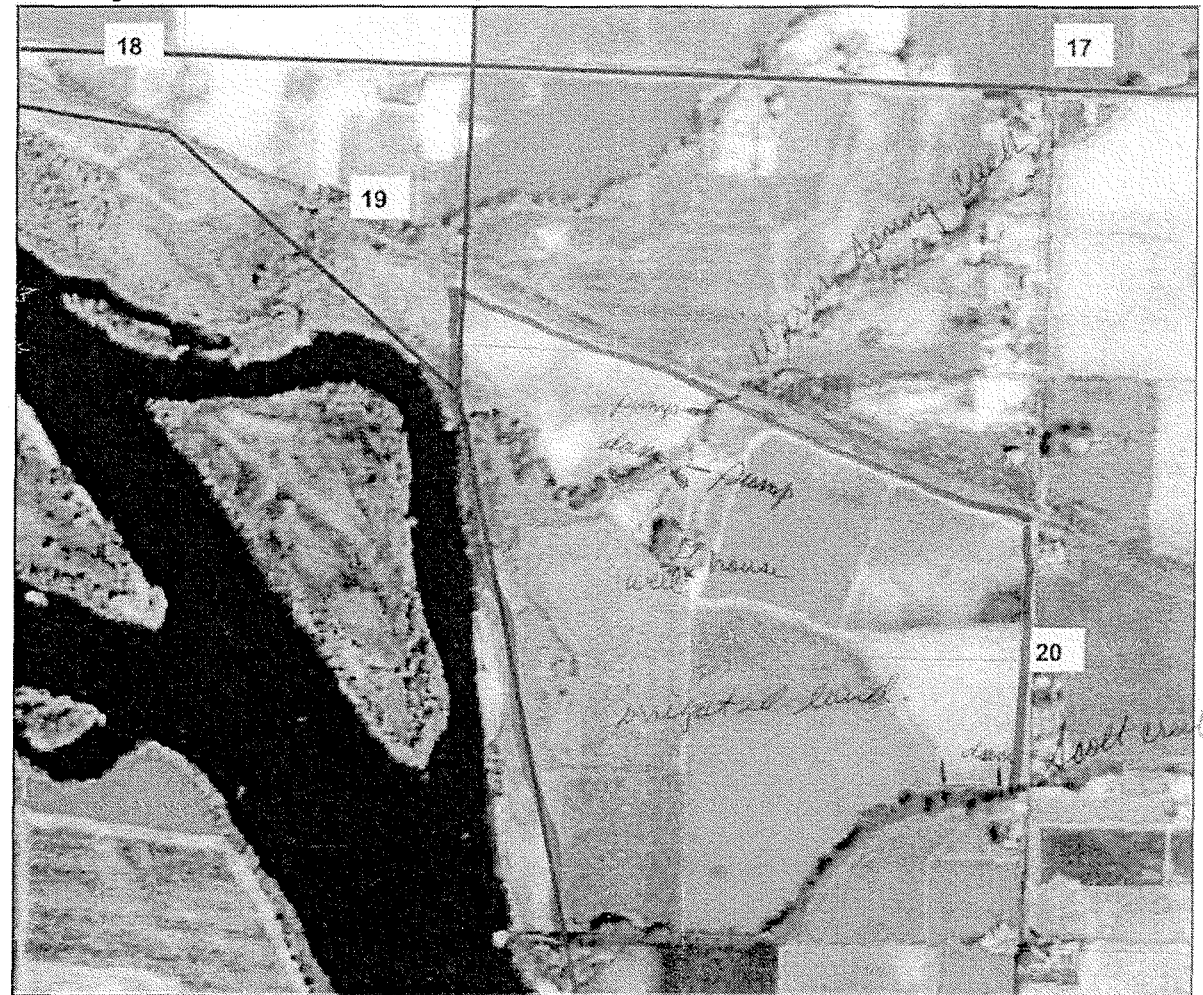
T11N R06W

Legend

- PLS Sections
- GCDBQuarter Quarters



Washington County
IDWR Basin 67



Prepared by D. Narsavage
On Thursday, September 1, 2005
1987/88 Aerial Photography

NOV 07 2005

SCANNED

May 12 6853 Eaton Rd 11:11:30 549-1401
67-04173 MYRTLE WITTE / GENEVIEVE

Pumps in WARM Springs
Pumps #6 10 HP Olift #A0016740 1-Pic
Pump #P #042 2253447
Flood on ~~Sprinklers~~ 1457532

POD #2 Pump 5HP Olift 1-Pic
#043 #A0016741 2253465
POU 1457594

Scott Creek. DIVERSON DAM.

POD. #044 #A0016742 2253870 1Pic
1457047

POU. FLOOD

FLOODING IRR.

Claim Number 67-4173

Claimed Basis: Statutory Claim

Water Right Basis: Statutory Claim

Recommended Basis _____

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Reviewer: Robert Murphy

Date: 5-6-05

RECEIVED

SEP 16 2005

Department of Water Resources

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
67-4173)
_____)
_____)

AFFIDAVIT

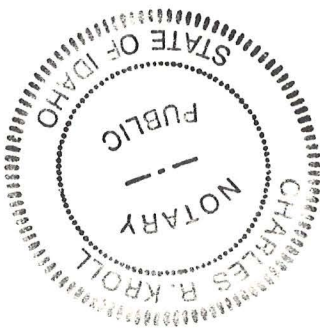
STATE OF IDAHO)
) ss.
County of Washington)

MYRTLE M. WITTE, being first duly sworn, deposes and says:

My parents, Henry and Myrtle Witte purchased this land irrigating approximately 117 acres from two dams my father built in Warm Springs Creek and Scott's Creek between 1910 and 1913. I was born on this property on November 19, 1923, and have lived here since. I have personal knowledge of the dams and irrigation from these diversion points from 1929 to the present time. I still irrigate with two pumps placed in Warm Springs Creek near the dam and divert to irrigate from the dam on Scott's Creek.

Myrtle Witte
Myrtle M. Witte

SUBSCRIBED AND SWORN to before me this 15th day of September, 2005.



Charles R. Kroll
Notary Public for State of Idaho
Residing at Weiser, Idaho
Commission Expires: 9-27-10

SCANNED

SEP 19 2005



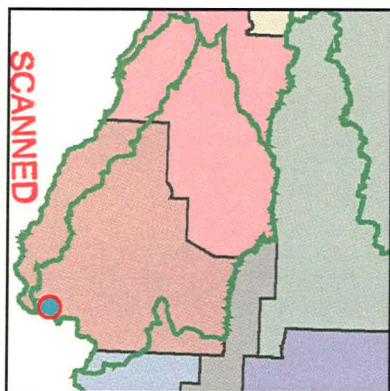
Idaho Department of Water Resources

Adjudication Claim Number: **67-4173**

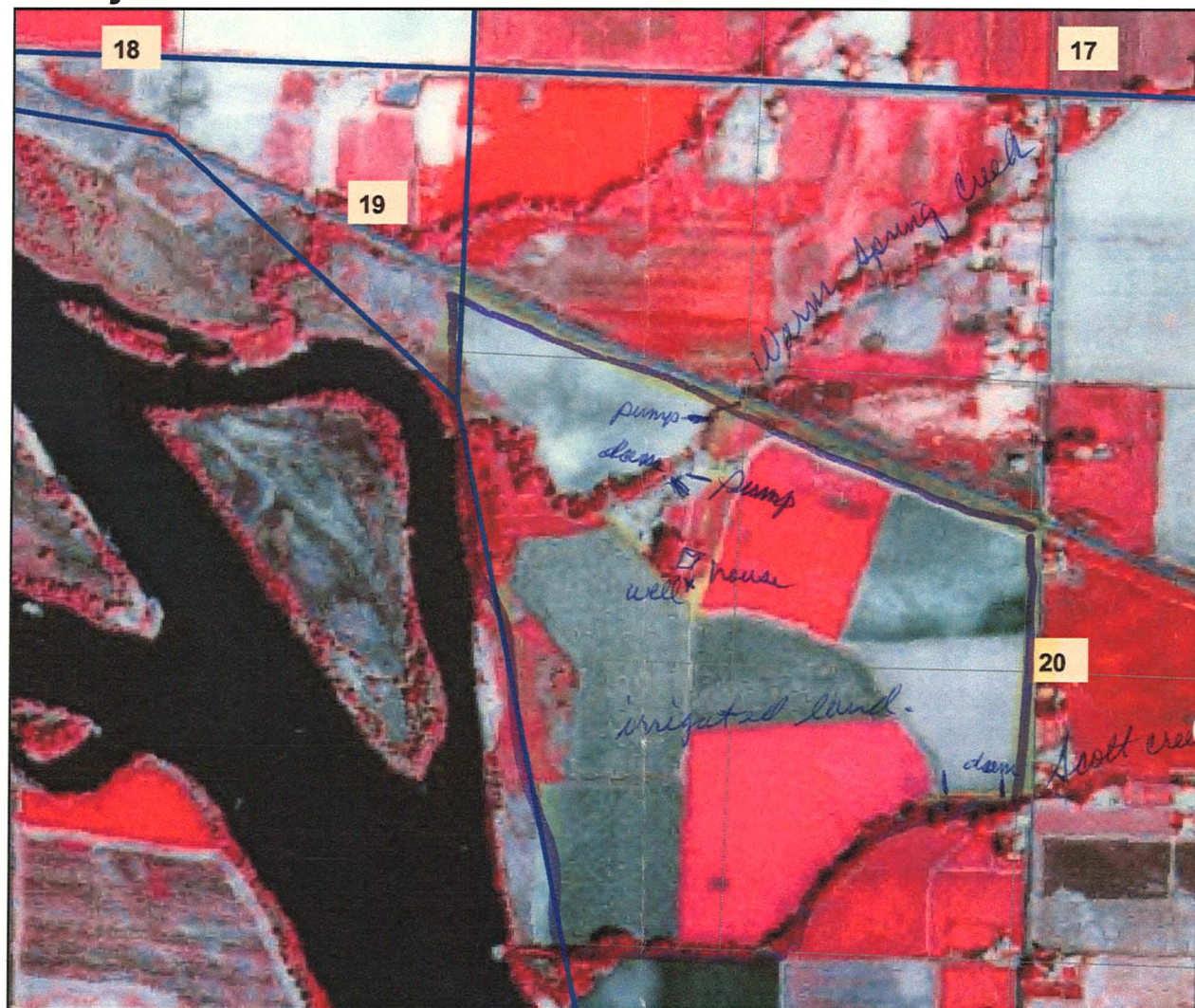
T11N R06W

Legend

- PLS Sections
- GCDBQuarter Quarters



Washington County
IDWR Basin 67



0 0.3 0.6 Miles

Prepared by D. Narsavage
On Thursday, September 1, 2005
1987/88 Aerial Photography

SEP 19 2005

Point of Diversion and Source Data Entry Form

Claim Number 67-4173

Claimed Point of Diversion and Source

T11N R06W S20 SWNW Lot 3 Within WASHINGTON County Source: WARM SPRINGS CREEK SNAKE RIVER

T11N R06W S20 NESW Within WASHINGTON County Source: SCOTT CREEK SNAKE RIVER

☒ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T11N R06W S20 SWNW Lot 3 Within WASHINGTON County

T11N R06W S20 NESW Within WASHINGTON County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

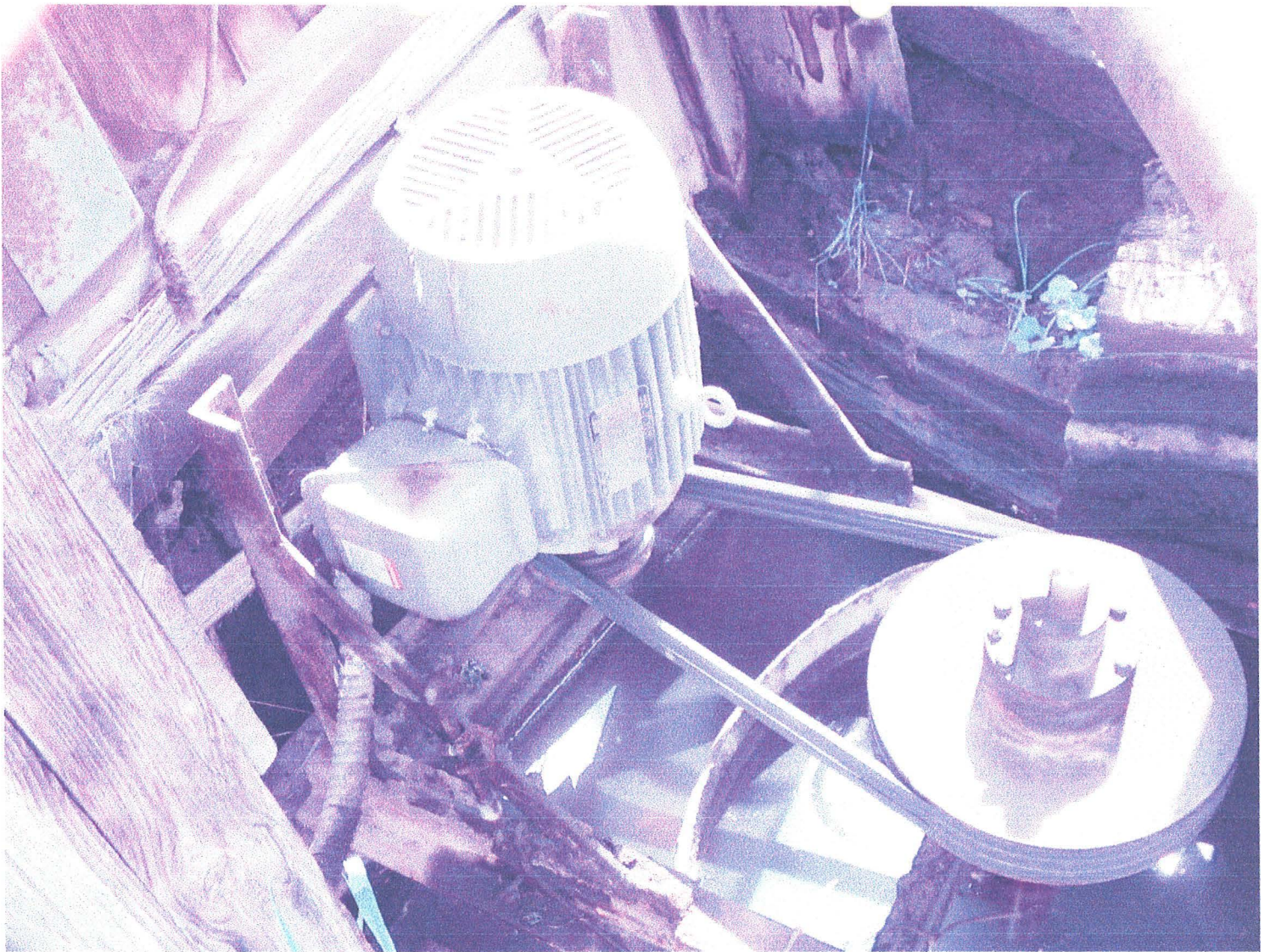
_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	
#1 Pump	10N	6W	01	16	740	1: Pic POD	2253447 1457532
#2 Pump	5N	6W	01	16	741	1 Pic POD	2253465 1457594
#3 POD	1	Head Gate	#A0016742	1 Pic		(SCOTT Creek DAM.) (FLOOD IRRIGATION)	2253870 1457047

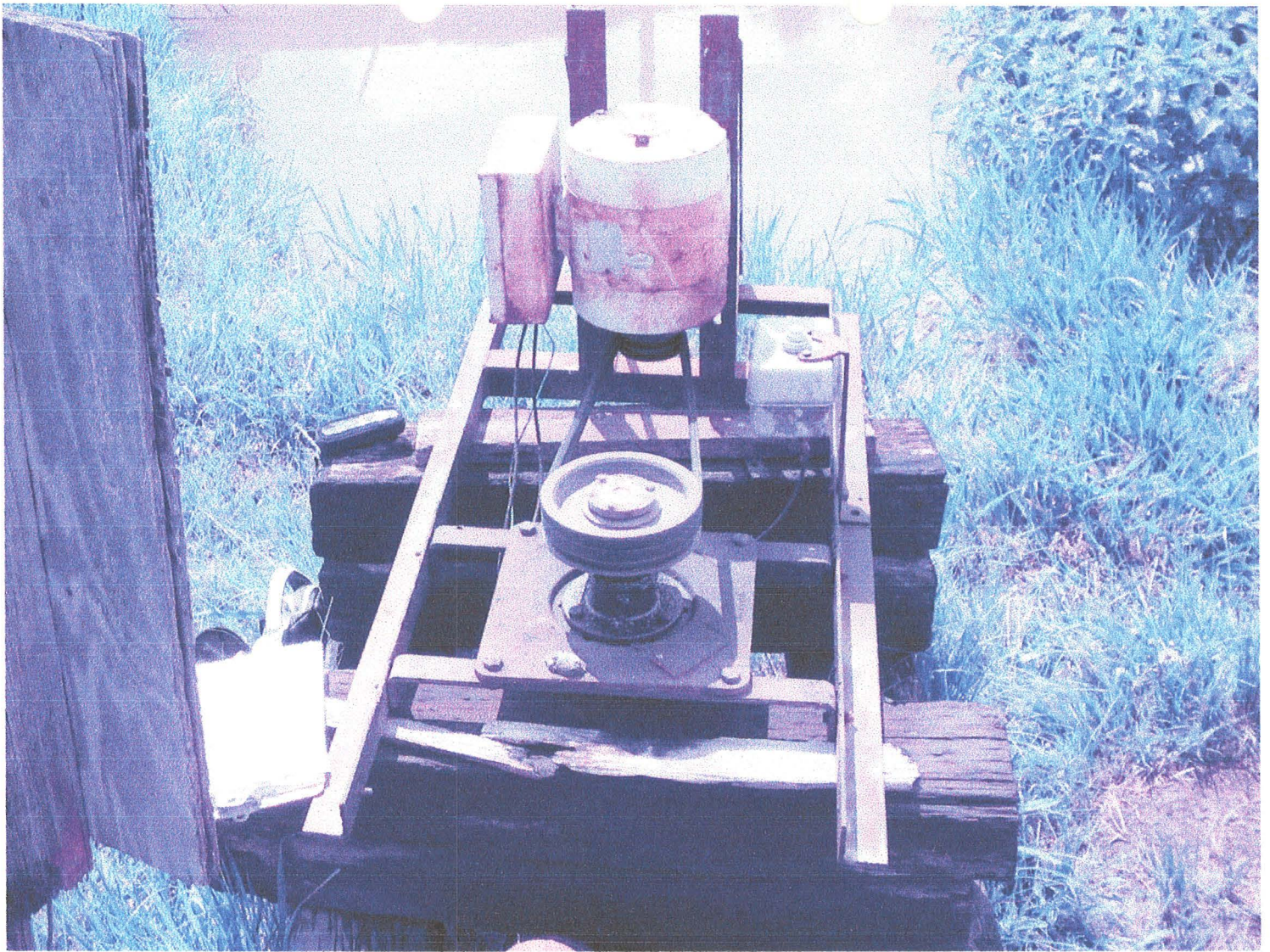
Other rights from this POD? N/A

Document how the POD and Source were verified:

Reviewer: Robert MayanDate: 5-6-05



#A0016740 10 HP POD #1.JPG



#A0016741 5 HP POD #2.JPG



#A0016742 POD.JPG

Place Of Use Data Entry Form

Claim Number 67-4173

Claimed Place Of Use

T11N R06W S19	NENE	2.0	T11N R06W S20	NWNW	26.0
T11N R06W S20	SENW	29.0	T11N R06W S20	NESW	25.0
T11N R06W S20	NWSW	26.0			

Total Acres 108

☒ Use Claimed POU as Recommended POU

Water Right Place Of Use

T11N R06W S19	NENE	2.0	T11N R06W S20	NWNW	26.0
T11N R06W S20	SENW	29.0	T11N R06W S20	NESW	25.0
T11N R06W S20	NWSW	26.0			

Total Acres 108

Recommended Place of Use

_____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

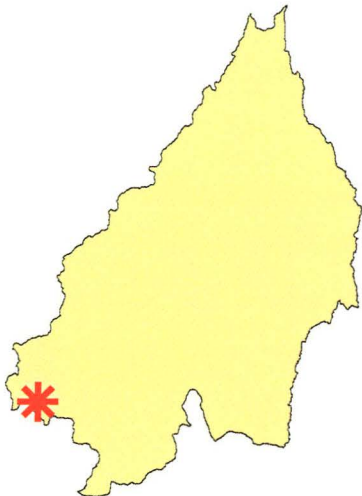
Reviewer: 

Date: 5-6-05

Idaho Department of Water Resources

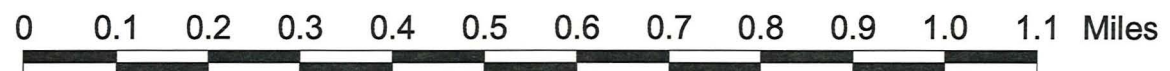
Water Right Claim No:

67-4173



Legend

- Place of Use
- Section Lines
- Quarter Quarters



Purpose of Use Data Entry Form

Claim Number 67-4173

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Number of Other

IRR	0	10 sheep		0

Document how the Purpose of Use was verified:

They drink out of warm springs
creek.

Reviewer:



Date: 5-6-05

Period of Use and Quantity Data Entry Form**Claim Number 67-4173**

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	2.11	

Overall Diversion Rate 2.11 Overall Diversion Volume

☒ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	2.11	

Overall Diversion Rate 2.11 Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer:



Date:

5-6-05

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 67-12330
Examiner: Craig L. Saxton
Date of Field Exam: 3/7/2006

P/D No.:	Pump 1	Pump 2
PUMP HORSEPOWER	10	5
BOOSTER HORSEPOWER		0
PUMPING LEVEL	6	6
DISCHARGE PRESSURE	0	0
RATE OF FLOW (cfs)	10.27	5.13 15.40

The above calculates the formula =

$$Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$$

Assumptions: %70 efficiency.
No Friction

Examiners Notes:

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	GENEVIEVE L WITTE	RT 1 BOX 104 863 EATON RD	WEISER	ID	83672	
Current Owner	MYRTLE M WITTE	RT 1 BOX 104 863 EATON RD	WEISER	ID	83672	

Date of Field Exam: 5-6-05 Time: 12:15 P.M.

Accompanied By: Genevieve Phone Number: 1-208-549-1407

Relationship to Claimant: owner

Directions to Property (if different from above) and/or update owner information:

Reviewer: 

Date: 5-6-05

BURTON & KROLL

ATTORNEYS AT LAW

P. O. BOX 367

WEISER, IDAHO 83672

IRA T. BURTON
CHARLES R. KROLL

208 549 1652

May 23, 1989

RECEIVED
MAY 26 1989
Department of Water Resources
Western Regional Office

Mr. Dave Tuthill, Jr.
Dept. of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

Re: Myrtle M. and Genevieve L. Witte

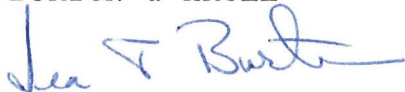
Dear Dave:

Enclosed please find the Notice of Claim to A Water Right which has been executed by Myrtle and Genevieve Witte, together with their check in the amount of \$158.00.

Thank you for your assistance in this matter.

Sincerely yours,

BURTON & KROLL



IRA T. BURTON

ITB:jas
Enclosure

cc Myrtle and Genevieve Witte

SCANNED
APR 08 2004

MICROFILMED
AUG 05 1994

BURTON & KROLL

ATTORNEYS AT LAW

P. O. BOX 367

WEISER, IDAHO 83672

IRA T. BURTON
CHARLES R. KROLL

208 549 1652

RECEIVED
MAY 5 1989

May 3, 1989

Department of Water Resources
Western Regional Office

DET → Linda W. Not Available

Mr. Dave Tuthill, Jr.
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Re: Myrtle M. and Genevieve L. Witte

Dear Dave:

Genevieve and Myrtle Witte of Weiser have asked me to check with the Department of Water Resources to determine whether or not their claim to water right was ever granted pursuant to their application filed in February of 1977. I am enclosing a copy of their claim which indicates that it was published in March of 1977. There is nothing on the form, however, that indicates whether or not final approval was granted by the State.

Also, would you please advise whether or not the Wittes must refile under the Snake River Readjudication that is pending. If so, it is my understanding that those filings have to be done sometime in June of 1989. Also, if refiling is necessary, would you please forward copies of the appropriate claims to me.

Thank you for your help in this matter.

Sincerely yours,

BURTON & KROLL

Ira T. Burton

Ira T. Burton

ITB/nd

Encl.

cc: Myrtle and Genevieve Witte

Handled per telecon by DET

Based on this letter I called

Mr. Burton to explain the process,
and mailed him an adjudication
claim for A67-04173 (computer
generated) on 5/5/89 DET

MICROFILMED
AUG 05 1994

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: A67-04173
Date Received: 5/26/1989
Receipt No: W003033
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MYRTLE M. WITTE
Address: RT. 1 BOX 104
863 EATON RD.
WEISER, ID

83672

Name: GENEVIEVE L. WITTE
Address: RT. 1 BOX 104
863 EATON RD.
WEISER, ID

83672

2. Date of Priority: JUN 01, 1910

3. Source: SCOTT CREEK
WARM SPRINGS CREEK

Trib. to: SNAKE RIVER
SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	06W	20	SW	NW	SW	3	WASHINGTON
			NE				WASHINGTON

5. Description of diverting works:
2 PUMPS IN WARM SPRINGS CREEK /DIVERSION DAM ON SCOTT CREEK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.110		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A67-04173

Page 1

Date: 08/11/89

MICROFILMED
AUG 05 1994
SCANNED
APR 08 2004

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	06W	19	NE	NE		IRR	2.0
						Section Acres	2.0
		20	NW	NW		IRR	26.0
			SE	NW		IRR	29.0
			NE	SW		IRR	25.0
			NW	SW		IRR	26.0
						Section Acres	106.0
						Total Acres	108.0

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:

14. Remarks:

AC. IRR.=107.3.

SOURCES ARE SCOTT CK. & WARM SPRINGS CK., TRIB. SNAKE R.

P/D INCOMPLETE.

15. Basis of Claim: STATUTORY CLAIM

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

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

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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: A67-04173
Date Received: 5/05/1989 5/26/89
Receipt No: W003033 150.00
Received By: _____

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MYRTLE M. WITTE
Address: RT. 1 BOX 104 - 863 Eaton Rd.
WEISER, ID 83672

Name: GENEVIEVE L. WITTE
Address: RT. 1 BOX 104 - 863 Eaton Rd.
WEISER, ID 83672

2. Date of Priority: JUN 01, 1910

3. Source: SCOTT CREEK Trib. to: SNAKE RIVER
WARM SPRINGS CREEK SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	06W	20	SW	NW	SW	3	WASHINGTON
			NE				WASHINGTON

5. Description of diverting works: 2 pumps in Warm Springs Creek
Diversion Dam on Scott Creek

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.110		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A67-04173

Page 1

Date: 05/05/89

MICROFILMED
AUG 05 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	06W	19	NE	NE		IRR	2.0
						Section Acres	2.0
		20	NW	NW		IRR	26.0
			SE	NW		IRR	29.0
			NE	SW		IRR	25.0
			NW	SW		IRR	26.0
						Section Acres	106.0
						Total Acres	108.0

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:

14. Remarks:

AC. IRR.=107.3.

SOURCES ARE SCOTT CK. & WARM SPRINGS CK., TRIB. SNAKE R.

P/D INCOMPLETE.

15. Basis of Claim: STATUTORY CLAIM

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

Signature of Claimant(s): Margaret M. Witte Date: 5/23/89
Genevieve L. Witte Date: 5/23/89

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 23rd day

of May 19 89

A. Arnette Newman
Notary Public

Seal

Residing at Weiser, Idaho

My Commission Expires 6/1/1994

67-04173

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

Section 42-225a, Idaho Code

USERS

FEB 9 1977

CLAIM TO A ~~WATER~~ RIGHT

Department of Water Resources

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Myrtle M. and/or Genevieve L. Witte
(name of claimant)
of Route 1, Box 104, Weiser, Idaho 83672w, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) (1). Scotch (Scotts) Creek
and (2). ~~Spring Creek~~ Warm Spring Creek, tributary to, Snake River

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(1)	Amount	<u>1.28</u> cfs	Use	<u>64"</u>	Period of Use: From	<u>3-15</u>	To	<u>11-15</u>
(2)	Amount	<u>0.83</u> cfs	Use	<u>42"</u>	Period of Use: From	<u>3-15</u>	To	<u>11-15</u>
	Amount	_____	Use	_____	Period of Use: From	_____	To	_____
		(cfs, gpm or a/f)		(dom., irri., stock, etc.)				(both dates inclusive)

(3) Total quantity of water claimed: _____ cubic feet per second, or _____ acre feet
per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) 1910

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)

1. NE ¼ SW ¼, Sec. 20 Twp. 11 Rge. 6 B. M. County of Washington

Additional points of diversion: _____

2. Lot 3, Sec. 20, Twp 11 Rge 6, B.M. Washington County

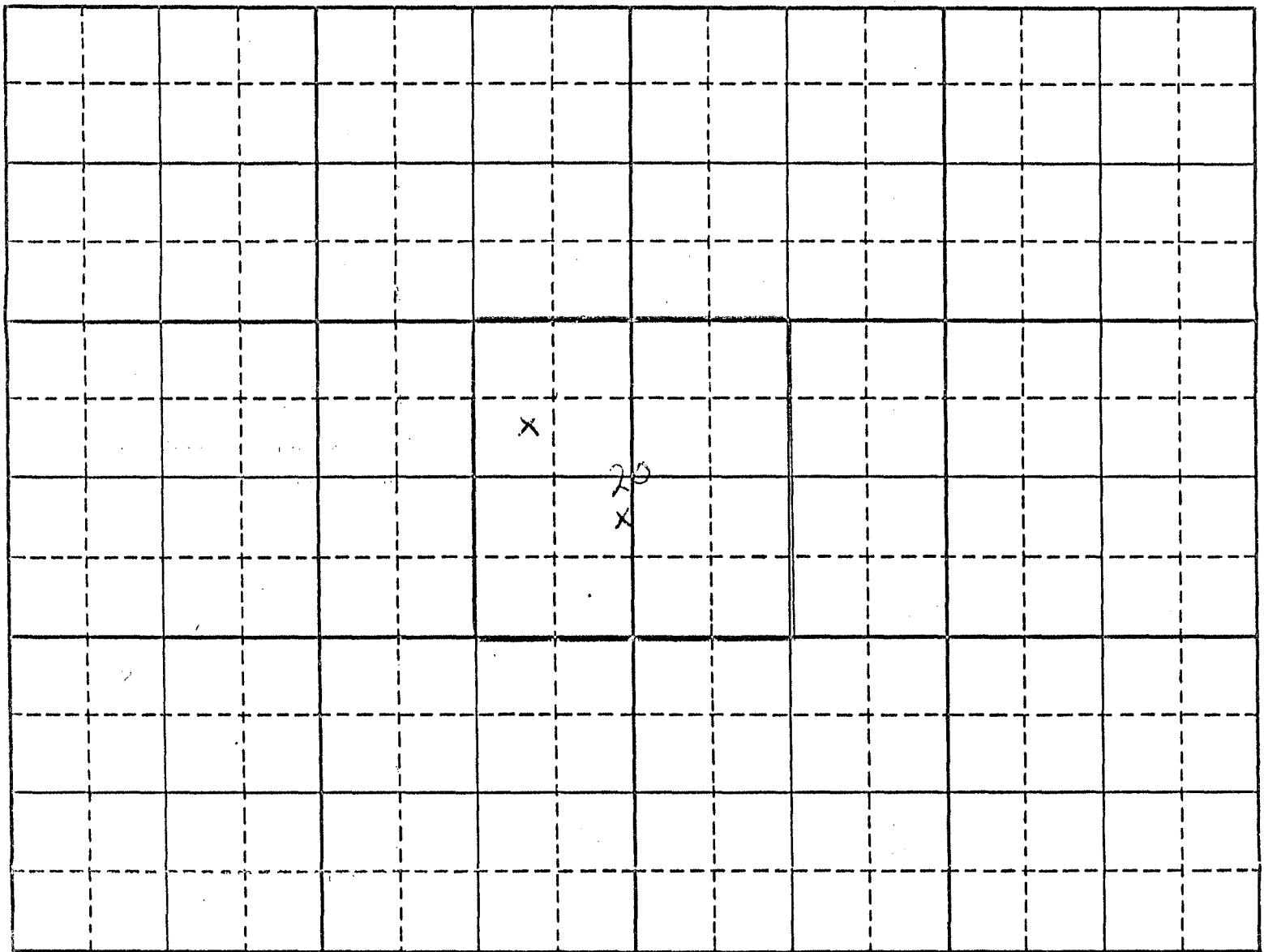
B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. 1. Dam in Scotts Creek ~~XXXXXXXXXX~~

2. Pumps-two

MICROFILMED

AUG 05 1996

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

MICROFILMED

AUG 05 1994

1/30/1989

SRBA CLAIMS RECEIVING CHECKLIST 2

- CLAIMANT'S NAME Myrtle M. + Genevieve L. Witte CLAIM IDENT. NO. AL67-04173
- DATE RECEIVED 5/26/89 CK # 869 AMOUNT \$ 158.00
- | | YES | NO | Required Info? |
|--|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be receipted and data entered? | ☒ | ☐ | |

Claim checked by: VA Date: 8-10-89

Claim must be returned to claimant: (Yes) ☒ (No) ☐

Claimant must be notified of modifications: (Yes) ☒ (No) ☐

Receipt Prepared by: _____ Date: _____

Claim data entered by: _____ Date: _____

Sent to claimant by: _____ Date: _____

Checked by: _____ Date: _____

Comments: _____

MICROFILMED

AUG 05 1994