

11/06/2006

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

RIGHT NUMBER: 67-4196
NAME AND ADDRESS: JOHN E KYLE
444 HILL RD
WEISER ID 83672

ESTHER C KYLE
444 HILL RD
WEISER ID 83672

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.180 CFS
40.500 AFY

PRIORITY DATE: 07/02/1948

POINT OF DIVERSION:

T10N R05W S8 SWSWSE 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	0.180 CFS 40.50 AFY

PLACE OF USE: IRRIGATION in WASHINGTON County
T10N R05W S08 SWSE 9.00

9 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



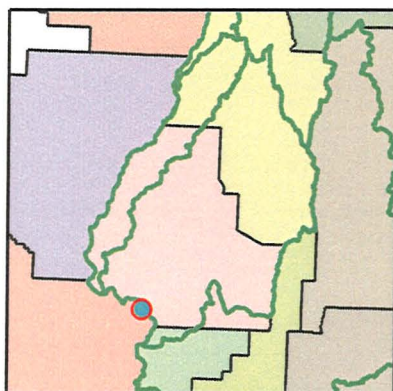
Idaho Department of Water Resources

SRBA Recommendation:

67-4196

Legend

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



Washington County
IDWR Basin 67



0 0.1 0.2 Miles



Prepared by J. Dean
On Monday, November 6, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4196 V1

WATER RIGHT NUMBER: 67-4196 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN E KYLE 444 HILL RD WEISER, ID 83672 (208)549-2555
Current Owner	ESTHER C KYLE 444 HILL RD WEISER, ID 83672 (208)549-2555

Priority Date: 07/02/1948

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.180 CFS	40.50 AF
	<u>Total Diversion:</u>	0.180 CFS	40.50 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4SE1/4	Sec. 8,	Twp 10N,	Rge 05W, B.M.
WASHINGTON County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	05W	8															9.0		9.0

Total Acres: 9

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.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4196 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	11/6/2006 11:58:48 AM	jdean			Active
Priority Date	11/6/2006 12:00:43 PM	jdean			Active
POD	11/6/2006 12:02:54 PM	jdean			Active
Source	11/6/2006 12:03:32 PM	jdean			Active
POU	11/6/2006 12:04:58 PM	jdean			Active
Use	11/6/2006 12:06:27 PM	jdean			Active
Season	11/6/2006 12:07:37 PM	jdean			Active
Quantity	11/6/2006 12:08:47 PM	jdean			Active
Summary			11/06/2006	jdean	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	11/6/2006 12:01:13 PM	jdean	Updated shape
POD	11/6/2006 12:02:05 PM	jdean	Updated PLS
POD	11/6/2006 12:02:55 PM	jdean	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4196 V1

Contacts	11/6/2006 11:58:49 AM	jdean	(No) 1. Do you want to schedule an appointment?
			Comment for 1: Desk Review
General	11/6/2006 12:00:44 PM	jdean	(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? (Yes) 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 of Norman Walter Whittet discusses completing the well on July 2, 1948. The well was used to irrigate approximately 20 acres, which covers the 9 acres claimed.
Source	11/6/2006 12:03:32 PM	jdean	(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 - Source was verified as per affidavit of Norman Whittet.
POU	11/6/2006 12:03:59 PM	jdean	Updated shape for Active POU
Use	11/6/2006 12:06:28 PM	jdean	(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 - Purpose of use was verified as per aerial photography.
POU	11/6/2006 12:04:08 PM	jdean	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4196 V1

Season	11/6/2006 12:07:37 PM	jdean	(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?
Summary	11/6/2006 12:11:27 PM	jdean	(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?
POU	11/6/2006 12:04:58 PM	jdean	(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 - POU ws verified as per affidavit, claim, and tax lot data.
Quantity	11/6/2006 12:08:47 PM	jdean	(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? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Flow measurement is not required because the diversion rate is less than 0.2 cfs. Description for Question 10 - 9 acres * 4.5 afy/acre = 40.5 afy

INDEXED

INSTRUMENT NO 109886
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of

COMPARED

Jack Kyle
28 Min past 10:00 o'clock 4 M.
This 28th day of March 19 77
9 Of Miss PG 731
MARY KAUTZ Recorder Fee 2.90
By Carol J. Whitte Deputy
Jack Kyle

A F F I D A V I T

STATE OF IDAHO)
County of Washington) ss.

I, NORMAN WALTER WHITTET, being first duly sworn, depose
and say:

That I am the son of WALTER WHITTET, former owner of a tract
of land located in Washington County, Idaho, more particularly
described as set forth on Exhibit "A" attached hereto and by
this reference incorporated herein as though set forth in full.

That in 1948 I, along with the help of my father, WALTER
WHITTET, dug a well which was completed on the 2nd day of July,
1948. From that time until 1970, I have personal knowledge that
water was pumped from said well to irrigate a tract of land con-
sisting of approximately twenty (20) acres of the above-referenced
lands, a more particular description of which is set forth on
Exhibit "B" attached hereto and by this reference incorporated
herein as though set forth in full.

That in addition to the irrigation of the above-referenced
land, said well was also used to water domestic livestock, lawn
and garden.

That the water used for watering livestock was used on a
year-around basis continually over a period of time from 1948
to 1970, and the water used for lawn, garden and irrigation pur-
poses on the above-referenced land was used between the months
of March 15th and November 1st of each year from 1948 to 1970.

The above facts I know of my own personal knowledge through
my own efforts and personally witnessing my father use said water.

Norman W. Whittet
Subscribed and sworn to before me this 21st day of March, 1977.

Rich Davis
Notary Public in and for said State
Residing at Weiser, Idaho.

Approximately 12 acres.

RECEIVED
JAN 10 1964
U.S. DEPARTMENT OF
THE ARMY
WASHINGTON, D.C.

Approximately 12 acres.

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: A67-04196

Date Received: 10/04/1989

Receipt No: MO04806

Received By: Rch

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN E. KYLE 208-549-2555
Address: 444 HILL RD.
WEISER, ID 83672

OR

Name: ESTHER C. KYLE 208-549-2555
Address: 444 HILL RD.
WEISER, ID 83672

2. Date of Priority: JUN 01, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10N	05W	8	SW	SE			WASHINGTON

5. Description of diverting works:

35' DEEP, 8" CASING, SURFACE PUMP, PIPED TO DITCH, GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	10/31	0.180		

7. Total Quantity Appropriated is:

0.180 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

A67-04196

Page 1

Date: 10/04/89

MICROFILMED

OCT 02 1992

SCANNED

APR 08 2004

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	8	SW	SE		IRR	9.0
Section Acres							9.0
Total Acres							9.0

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:
A67-07328

14. Remarks:

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 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): John E. Kyle Date: OCT 4, 1989

Date: _____

State of Idaho)
County of ADA) SS.

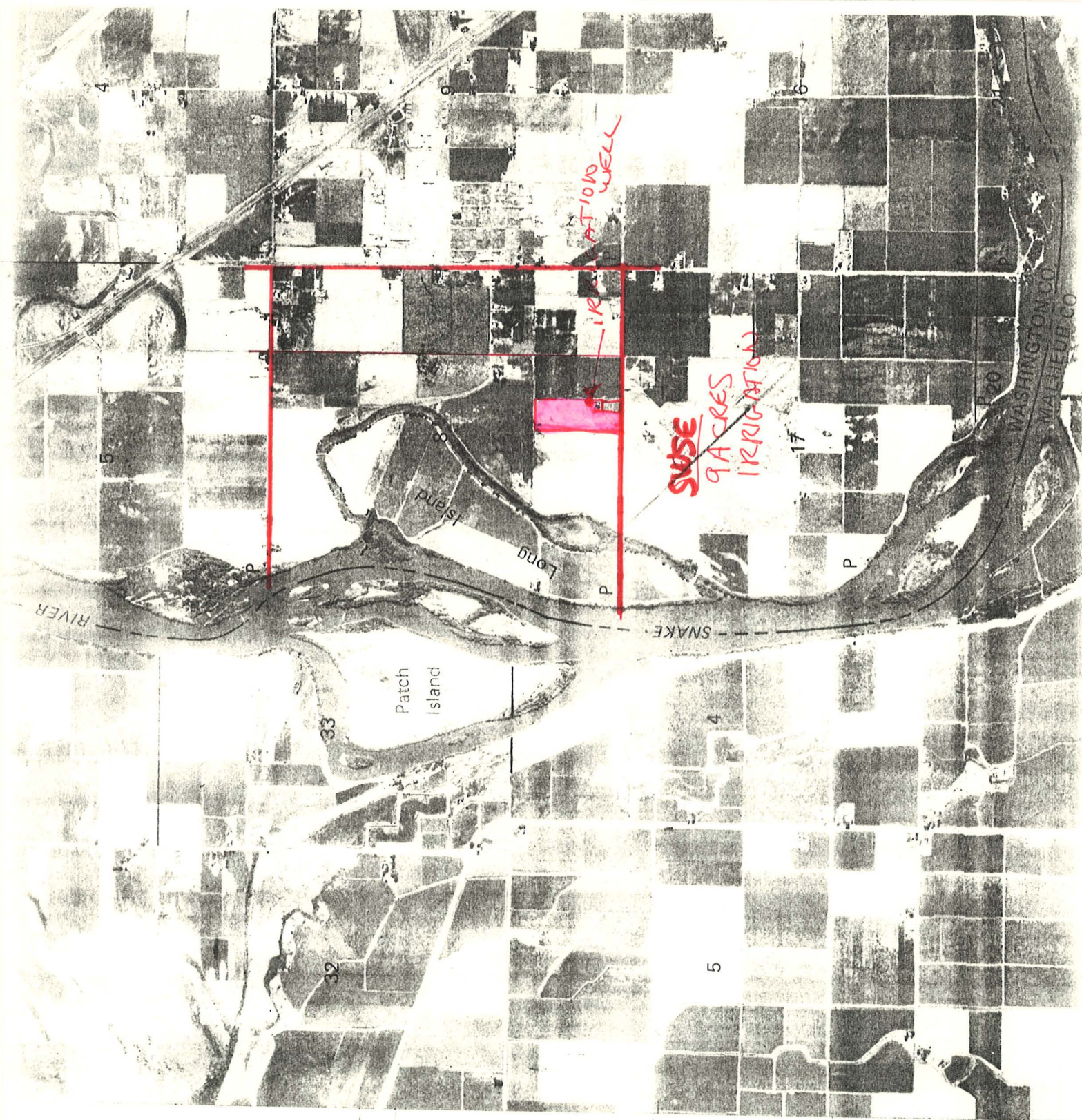
Subscribed and sworn (or affirmed) before me this 4 day
of OCT 19 89

Ron Howerton
Notary Public

Seal

Residing at Ron Howerton

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



10N 5W
SECTION 8
SWSE P/u
P/D

A67-04192

MICROFILMED
OCT 02 1992