

RECEIVE

11/21/2006

NOV 28 2006

NOTICE OF ERROR
REPLY

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-4238

BONNIE L BUTERA
1624 CRYSTAL LN
WEISER ID 83672
Telephone Number: (208) 549-3338

JOHN F BUTERA
1624 CRYSTAL LN
WEISER ID 83672
Telephone Number: (208) 549-3338

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 11-24-06 SIGNATURE: Bonnie L Butera
Please print your name: Bonnie L Butera

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

SCANNED
DEC 11 2006

RECEIVED

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DATE: 11-24-06 SIGNATURE: Bonnie L Butera
Please print your name: Bonnie L Butera

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

SCANNED
NOV 28 2006

11/15/2006

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

RIGHT NUMBER: 67-4238

NAME AND ADDRESS: BONNIE L BUTERA
1624 CRYSTAL LN
WEISER ID 83672

JOHN F BUTERA
1624 CRYSTAL LN
WEISER ID 83672

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS
18.000 AFY

PRIORITY DATE: 06/01/1960

POINT OF DIVERSION:

T10N R05W S23 SESWNW 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	0.080 CFS 18.00 AFY

PLACE OF USE: IRRIGATION in WASHINGTON County

T10N R05W S23 SWNW 4.00

4 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

Parcel no. RP10N5W42031D

Use of this right is combined with water from Lower Payette Ditch Company.



Idaho Department of Water Resources

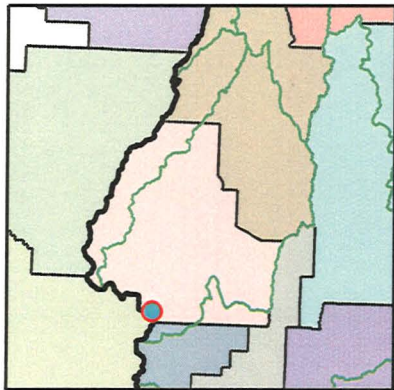
SRBA Recommendation:

67-4238

(Irrigation)

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 Wednesday, November 15, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4238 V1

WATER RIGHT NUMBER: 67-4238 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BONNIE L BUTERA 1624 CRYSTAL LN WEISER, ID 83672 (208)549-3338
Current Owner	JOHN F BUTERA 1624 CRYSTAL LN WEISER, ID 83672 (208)549-3338
Original Owner	C H VOSS RT 3 WEISER, ID 83672

Priority Date: 06/01/1960

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	0.080 CFS	18.00 AF
	<u>Total Diversion:</u>	0.080 CFS	18.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4NW1/4	Sec. 23, 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	23							4.0											4.0

Total Acres: 4

Conditions of Approval:

1. Parcel no. RP10N5W42031D
2. 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.
3. F14 Use of this right is combined with water from Lower Payette Ditch Company.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4238 V1

Remarks:Comments:

1. jdean 11/15/2006 EOP Review
Comment: EOP was reviewed and approved by C. Saxton 9/29/06.

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: AND
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	11/15/2006 6:01:47 PM	jdean			Active
Priority Date	11/15/2006 6:02:53 PM	jdean			Active
POD	11/15/2006 6:04:26 PM	jdean			Active
Source	11/15/2006 6:05:11 PM	jdean			Active
POU	11/15/2006 6:06:07 PM	jdean			Active
Use	11/15/2006 6:06:47 PM	jdean			Active
Season	11/15/2006 6:07:45 PM	jdean			Active
Quantity	11/15/2006 6:08:55 PM	jdean			Active
Summary			11/15/2006	jdean	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/15/2006 6:01:47 PM	jdean	(No) 1. Do you want to schedule an appointment? Comment for 1: Desk Review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4238 V1

General	11/15/2006 6:02:54 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 from neighbor describes irrigation based on personal knowledge.
POD	11/15/2006 6:04:26 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?
Source	11/15/2006 6:05:11 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 - POD and source verified as per map of property.
POU	11/15/2006 6:05:25 PM	jdean	Updated shape for Active POU
POU	11/15/2006 6:05:32 PM	jdean	Updated PLS for Active POU
POU	11/15/2006 6:06:07 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 was verified as per tax lot data, aerial photography.
POD	11/15/2006 6:03:22 PM	jdean	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4238 V1

POD	11/15/2006 6:03:37 PM	jdean	Updated PLS
Use	11/15/2006 6:06:47 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 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 affidavit and aerial photography showing irrigation.
Season	11/15/2006 6:07:45 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?
Quantity	11/15/2006 6:08:56 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 - Diversion is less than 0.2 cfs. Description for Question 10 - 4.5 afy/acre * 4 acres = 18 afy
Summary	11/15/2006 6:13:37 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? (Yes) 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?

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4238 V1

Water Supply Bank:

1624 Crystal Ln
Weiser, Id 83672



BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 1148 BOISE ID

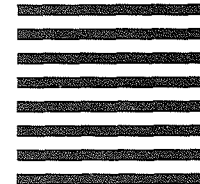
POSTAGE WILL BE PAID BY ADDRESSEE

SRBA STATE

Attn: C. Saxton

IDAHO DEPARTMENT OF WATER RESOURCES
PO BOX 83720
BOISE ID 83707-9815

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

AFFIDAVIT

RECEIVED
SEP 8 2005
DEPARTMENT OF
WATER RESOURCES

State of Idaho)
County of _____)

I Brad Peterson being first duly sworn,
deposes and says: I was born & raised from 1951-1970
at 1626 Crystal Lane next door 1624 Crystal Lane and
saw & witnessed the well being drilled and being used
for irrigation.

Bradly C. Peters

Brad Peterson
743 E MAIN
WEISER ID.
Phone: 549-0274

SEAL

SCANNED
SEP 08 2005

Bradly C. Peters
(Signature)

Subscribed and sworn to before me this
day 6th of September, 192005.

(Notary Public)

Residing at _____.

My Commission Expires _____.

Idaho Department of Water Resources

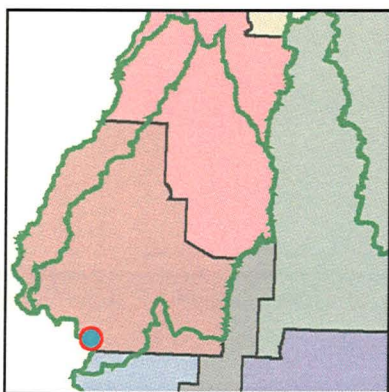


Adjudication Claim Number: **67-4238**

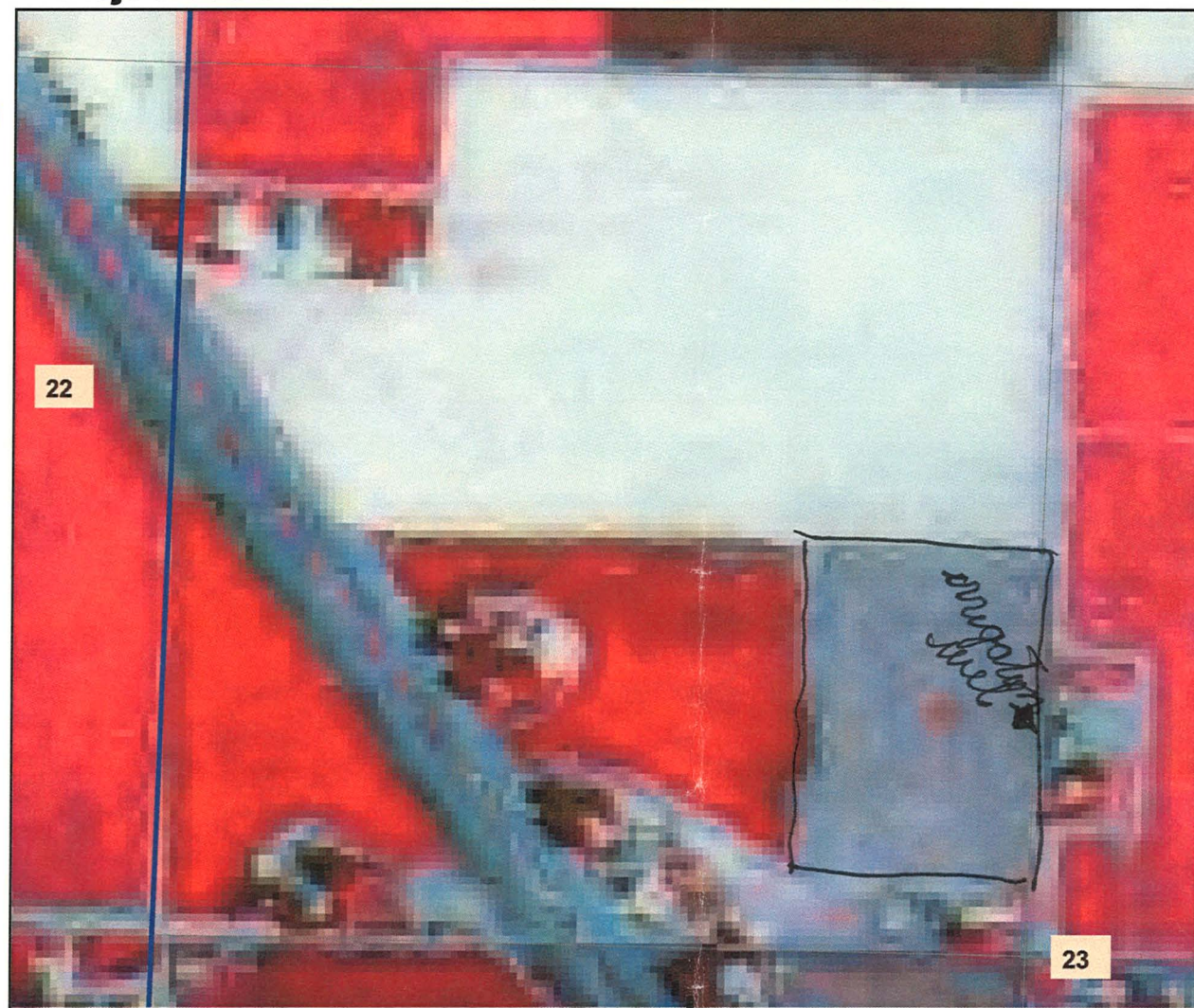
T10N R05W

Legend

- PLS Sections
- GCDBQuarter Quarters



Washington County
IDWR Basin 67



0 0.1 0.2 Miles

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

SEP 08 2005

SCANNED

CONVERSATIONAL MEMORANDUM

Date: September 6, 2005

To: File 67-4238

From: Craig L. Saxton

Subject: Phone Conversation regarding Evidence of Priority mailing

Bonni Butera 549-3338 called and left message about EOP letter. I called back and left message that I was returning her call.

11:30 am John Butera called back and said he bought the property in 1978 but couldn't go back any further than that. I explained the mandatory permit statute and that we needed to establish b-use prior to March 25, 1963. We spoke about checking with the assessors office and if there were any neighbors in the area that could write an affidavit. He decided to go and ask neighbor Bob Anderson how far back he could go and said he would call me back.

11:50 am Bonni Butera called back and I told her I spoke with her husband. I told her pretty much the same thing as I told John, but she did say she had another lead of a person that could write an affidavit.

2:55 pm: Called John Back as he called again.
He is going to have Brad Peterson, long time resident,
write an affidavit and he will send it in.

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: A67-04238
Date Received: ~~10/11/1989~~ 10-20-89
Receipt No: 0006514
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN F. BUTERA 208-549-3338
Address: 1624 CRYSTAL LN.
WEISER, ID 83672

AND/OR

Name: BONNIE L. BUTERA 208-549-3338
Address: 1624 CRYSTAL LN.
WEISER, ID 83672

2. Date of Priority: JUN 01, 1960

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	23	SE	SW	NW		WASHINGTON

5. Description of diverting works:
38' DEEP 2" SAND POINT WITH 1/2 HP. MOTOR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.080		

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

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A67-04238

Page 1

Date: 10/11/89

SCANNED
APR 08 2004

MICROFILMED
AUG 05 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	05W	23	SW NW		IRR	5.0
Section Acres						5.0
Total Acres						5.0

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:
NONE

14. Remarks:
DIV. RATE=35 GPM.

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): Bonnie L Butera Date: 10-11-89

Date: _____

State of Idaho)
County of wa) SS.
_____)

Subscribed and sworn (or affirmed) before me this 11 day

of Oct 19 89

John Dale Carlson
Notary Public

Seal

Residing at Bonnie Rd

My Commission Expires 6/2/94

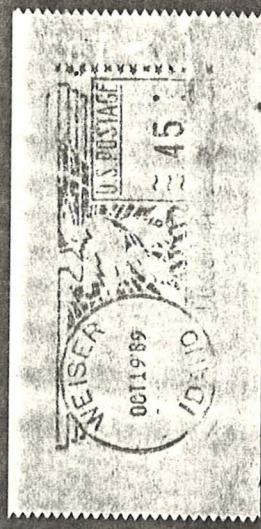
POOR ORIGINAL

12'30"



MICROFILME
AUG 05 1994

POOR ORIGINAL



MICROFILMED
AUG 05 1994