

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: 67-4241

DONALD E LANGLEY
740 JENKINS CREEK RD
WEISER ID 83672
Telephone Number: (208)549-0309

ANNETTA M LANGLEY
740 JENKINS CREEK RD
WEISER ID 83672
Telephone Number: (208)549-0309

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: 12-6-06 SIGNATURE: Donald E. Langley
Please print your name: DONALD E. LANGLEY

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

We have the abstract title to this property
Dating back to 1903 so I don't know
what you need all this information
for Sincerely,
Mr & Mrs. Donald E Langley

SCANNED
DEC 13 2006

11/02/2006

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

RIGHT NUMBER: 67-4241

NAME AND ADDRESS: DONALD E LANGLEY
740 JENKINS CREEK RD
WEISER ID 83672

ANNETTA M LANGLEY
740 JENKINS CREEK RD
WEISER ID 83672

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 03/07/1938

POINT OF DIVERSION:

T11N R05W S30 NWNWSW Lot 3 Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
STOCKWATER	01/01 12/31	0.040 CFS

Domestic use is for 1 home.

PLACE OF USE: STOCKWATER in WASHINGTON County

T11N R05W S30 Lot 3 NWSW

DOMESTIC in WASHINGTON County

T11N R05W S30 Lot 3 NWSW

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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 40 dairy cows, 4 horses, and 35 sheep.



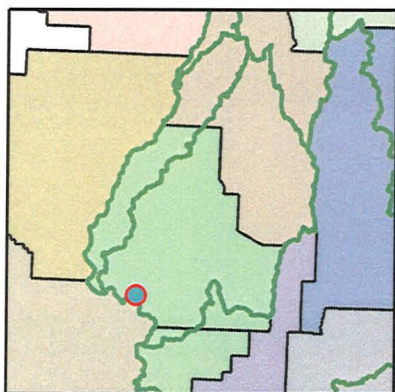
Idaho Department of Water Resources

SRBA Recommendation:

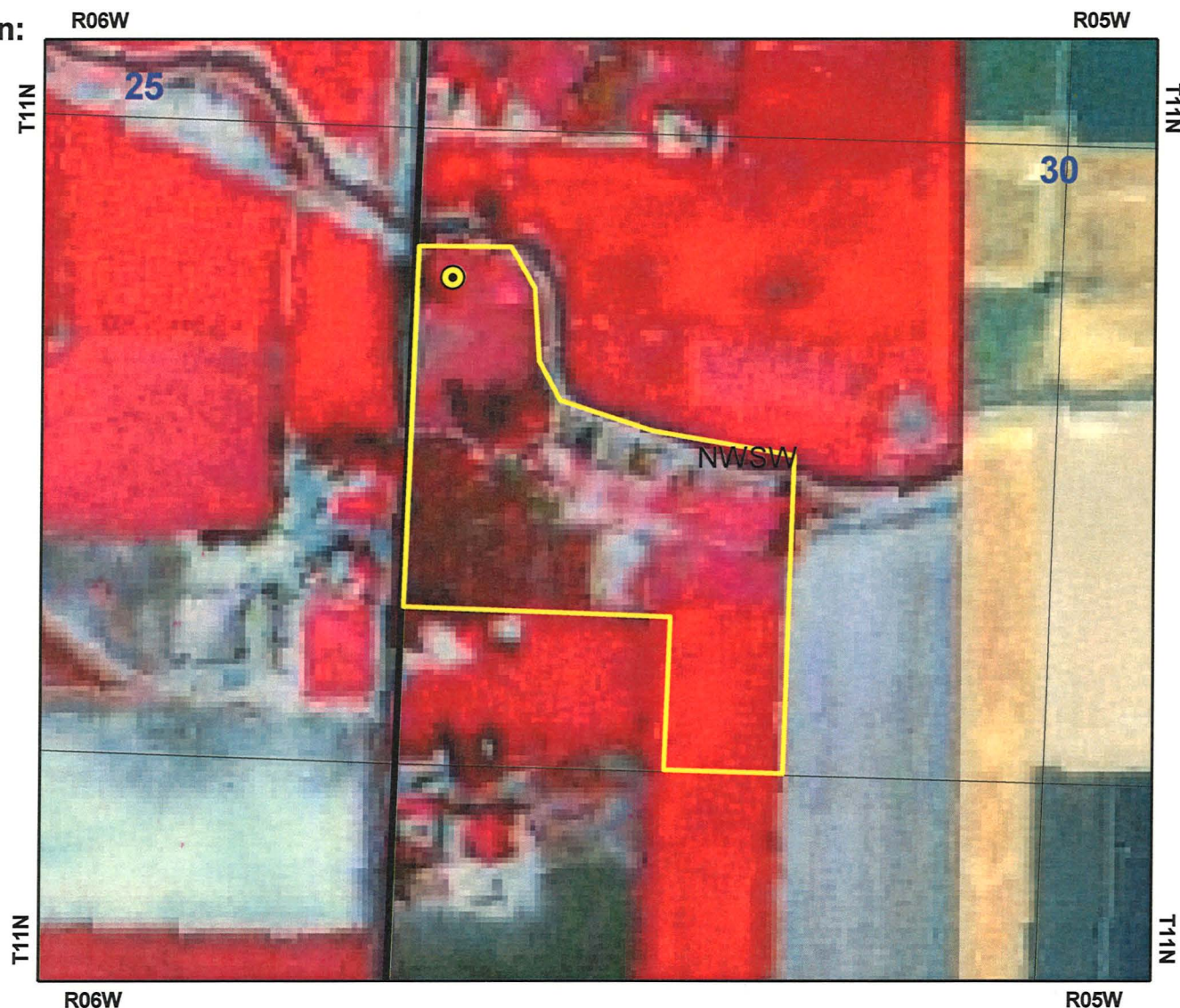
67-4241

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 Thursday, November 2, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4241 V1

WATER RIGHT NUMBER: 67-4241 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD E LANGLEY 740 JENKINS CREEK RD WEISER, ID 83672 (208)549-0309
Current Owner	ANNETTA M LANGLEY 740 JENKINS CREEK RD WEISER, ID 83672 (208)549-0309

Priority Date: 03/07/1938

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	
STOCKWATER	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

SPRINGS L3 (NW1/4NW1/4SW1/4) Sec. 30, Twp 11N, Rge 05W, B.M.
WASHINGTON County

Place of Use

DOMESTIC

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	05W	30										X							
												L 3							

STOCKWATER

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	05W	30										X							
												L 3							

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4241 V1

Conditions of Approval:

1. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
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. X01 Domestic use is for 1 home.
4. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
5. X02 Stockwater use is for 40 dairy cows, 4 horses, and 35 sheep.

Remarks:Comments:

1. jdean 11/2/2006 Insufficient EOP for Irrigation
Comment: The Evidence of Priority was insufficient to recommend irrigation. Priority date not reviewed as for a small D&S right. If EOP is submitted for irrigation, review priority date.
2. jdean 11/2/2006 Small D&S
Comment: This claim was recommended as a small d&s claim, and therefore, recommended as claimed.
3. jdean 11/2/2006 Additional Review
Comment: Additional review may be needed if sufficient EOP is returned for the irrigation component.

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>
Summary			11/02/2006	jdean	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	11/2/2006 12:37:47 PM	jdean	Updated PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4241 V1

POU	11/2/2006 12:38:35 PM	jdean	Updated shape for Active POU
POD	11/2/2006 12:35:15 PM	jdean	Updated shape
POU	11/2/2006 12:39:09 PM	jdean	Updated PLS for Active POU
POU	11/2/2006 12:39:30 PM	jdean	Updated shape for Active POU
POU	11/2/2006 12:39:40 PM	jdean	Updated PLS for Active POU
Summary	11/2/2006 12:44:11 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?

Water Supply Bank:

1887 12 12
1888 1 1

THE UNITED STATES OF AMERICA: SENATE

REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE
IN RESPONSE TO A RESOLUTION OF THE SENATE PASSED MAY 16, 1887
RELATIVE TO THE LANDS BELONGING TO THE UNITED STATES

WASHINGTON: GOVERNMENT PRINTING OFFICE: 1888

THE LANDS BELONGING TO THE UNITED STATES
ARE OF VARIOUS KINDS, AND ARE CLASSIFIED AS
PUBLIC LANDS, AND AS LANDS BELONGING TO THE
SEVERAL STATES. THE PUBLIC LANDS ARE OF TWO
KINDS, VIZ: LANDS BELONGING TO THE UNITED STATES
AND LANDS BELONGING TO THE SEVERAL STATES. THE
LANDS BELONGING TO THE UNITED STATES ARE OF
THREE KINDS, VIZ: LANDS BELONGING TO THE
UNITED STATES, LANDS BELONGING TO THE
SEVERAL STATES, AND LANDS BELONGING TO THE
INDIAN TRIBES. THE LANDS BELONGING TO THE
UNITED STATES ARE OF TWO KINDS, VIZ: LANDS
BELONGING TO THE UNITED STATES, AND LANDS
BELONGING TO THE SEVERAL STATES. THE LANDS
BELONGING TO THE SEVERAL STATES ARE OF TWO
KINDS, VIZ: LANDS BELONGING TO THE SEVERAL
STATES, AND LANDS BELONGING TO THE INDIAN
TRIBES. THE LANDS BELONGING TO THE INDIAN
TRIBES ARE OF TWO KINDS, VIZ: LANDS
BELONGING TO THE INDIAN TRIBES, AND LANDS
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TRIBES. THE LANDS BELONGING TO THE INDIAN
TRIBES ARE OF TWO KINDS, VIZ: LANDS
BELONGING TO THE INDIAN TRIBES, AND LANDS
BELONGING TO THE UNITED STATES.

It being mutually understood that the parties of the first part
do not claim to be the owners of said spring, pipeline, well casing,
or pipeline, and that they do not warrant any title thereto but that
they merely intend by this instrument to convey such interest, if
any, that they may have therein, and the parties of the second part
hereby grant and concede unto the parties of the first part the
right to enter upon the land of the parties of the first part for
the purpose of repairing the pipeline connected to said spring
or to make any repairs at the spring that may be necessary, provided
however, that the parties of the second part shall make such entry
only when necessary and in such way as to cause the minimum of
inconvenience with the use and enjoyment by the parties of the first
part of those lands upon which said spring and pipeline is located
and that such entry shall be made only through gates on the
property of the parties of the first part.

The parties of the second part covenant and agree that they will
not cause said spring, well casing, pipeline and/or pipeline to be
enclosed or otherwise place any obstruction over the same other than
the fence to the land of the parties of the first part, to
maintain said spring and pipeline.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands
and seals the day and year first above written.

Robert L. Blanton (S) 10

Robert L. Blanton (S) 10

Robert L. Blanton (S) 10

Robert L. Blanton (S) 10

MICROFILMED

INSTRUMENT NO.

County of Washington

On the 18th day of September, 1968, before me, the undersigned, a Notary Public in and for the State of Mississippi, appeared CHARLES BENSON and NELLIE BENSON, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
notarial seal the day and year first above written.

Howard B. Wood

Notary Public
Residing at Webster, Idaho

Compare 1

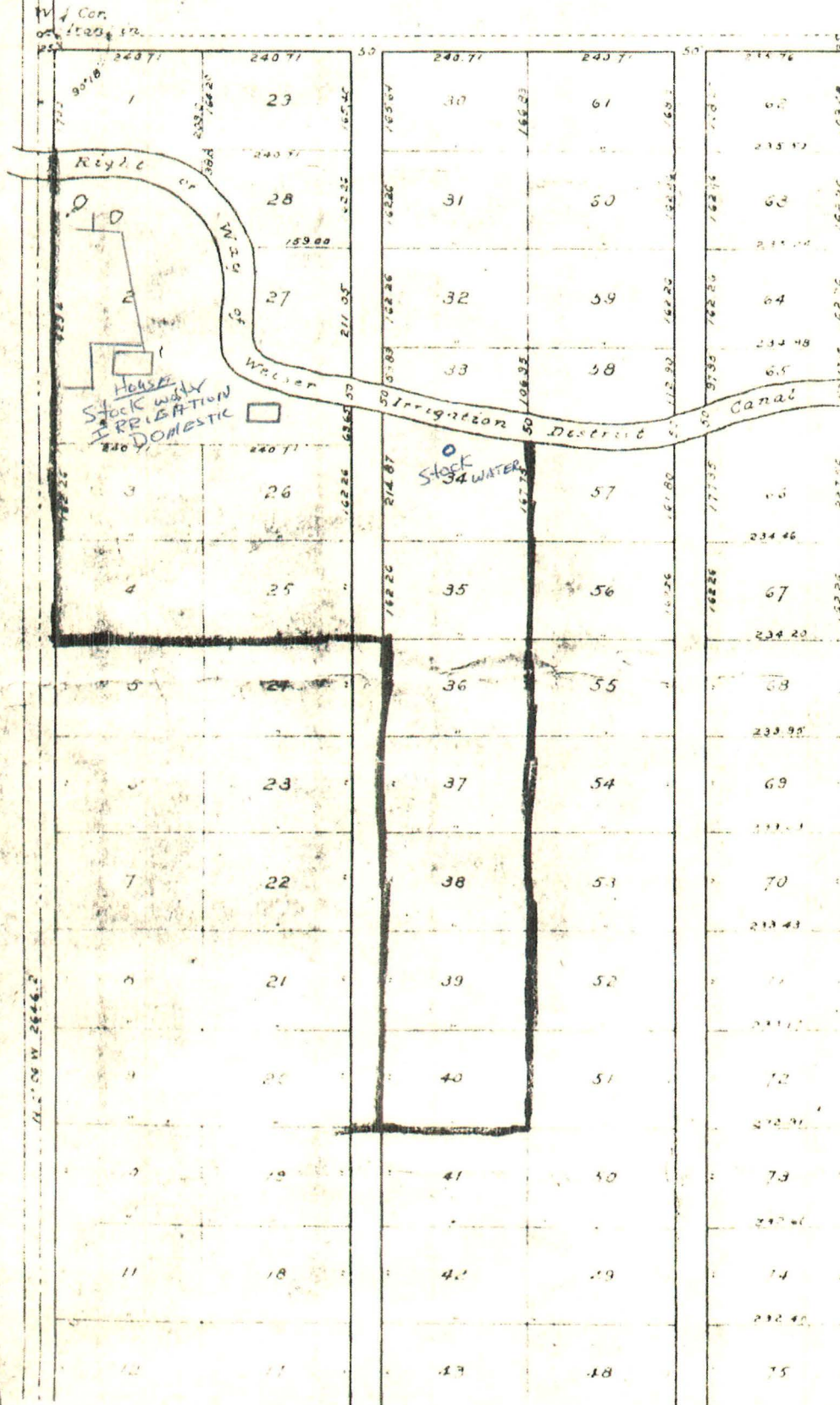
ON INVENTION

卷之四

LOTS 3 and 4, SEC. 30, T. 11 N., R. 5 W., B.M.

DEDICA.

All of the land except a strip of land on the east, north and south their entire length north end and 3.1 feet wide at the And I further certify



[illegible]

Received by 29 Date 11-7-77 Exception filed by: Forwarded to Date
Prelim. check by RUBA Date 11-17-77 claimant by:
\$10.00 fee received by 29 Date 11-17-77 # 9678
Approved for publication by Lary C. Walker on behalf of
Published in Signal American Orrin Boyer, Craig Rowan &
Dates Oct 24, Dec 1 Yoshi Takehara rf 12-19-77

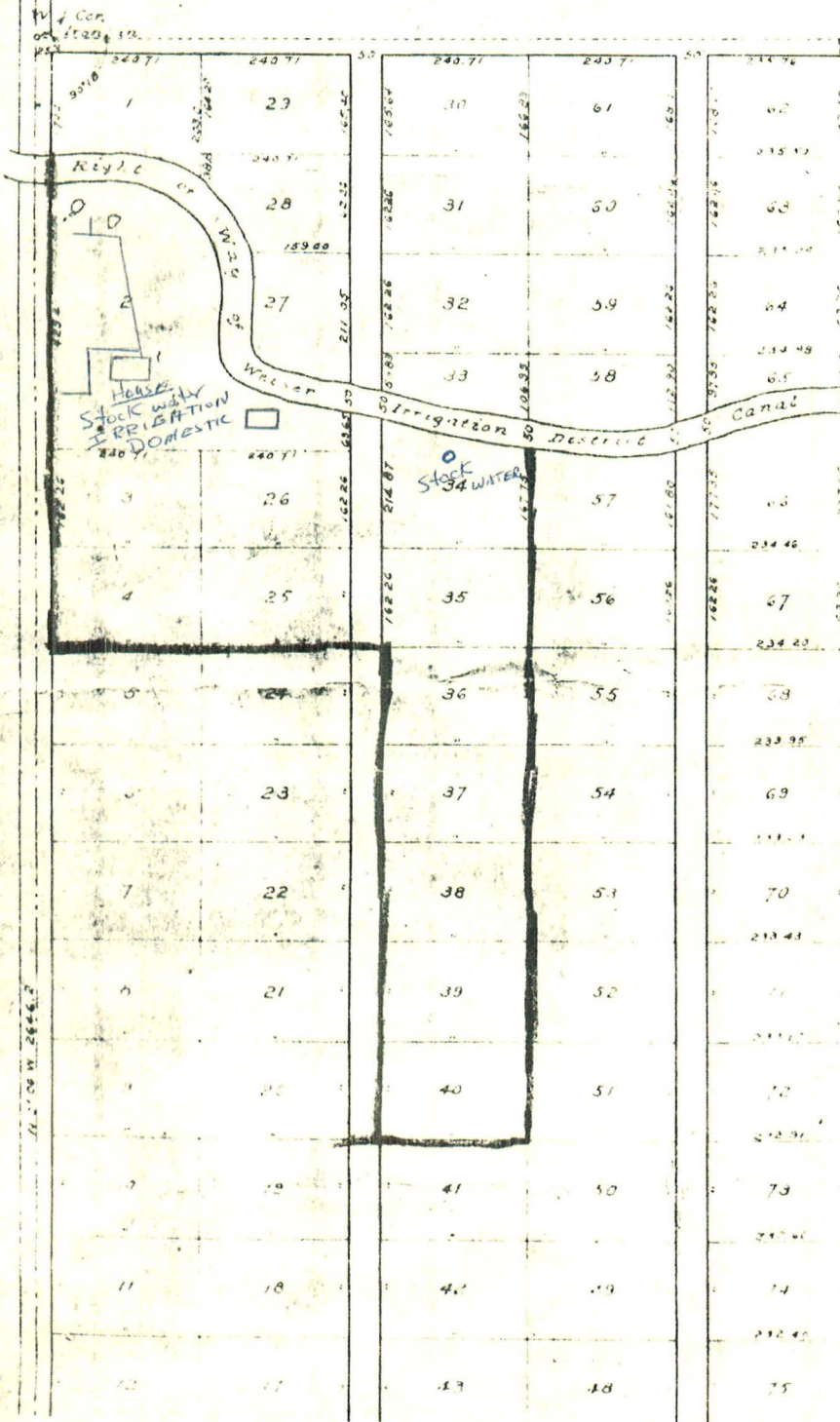
CITY OF WEISER

WASHINGTON COUNTY

IDAHO.

LOTS 3 and 4, SEC. 30, T. 11 N., R. 5 W., B.M.

— Scale 1 inch = 200 feet. —



DEED.

The indenture, made the year 1910 between Miles Cannon and George E. Cooley of Weiser, Wash. of the first part, and the PUBLIC Witnesseth:

That the said parties certify that they are the owners in, real estate, situated in the County of Weiser, Idaho, to wit: Lots 3 and 4 in Sec. 30, T. 11 N., R. 5 W., B.M. this plat. That it is the intent of the first part to name the above described premises, THE DELBAERE ACRES.

And for and in consideration of the sum of \$100.00 to said parties, successors and assigns, coming as present, release, remise and forever for its use, all of the rights of which are particularly and accurately described in and upon said plat to form a description of the premises hereunto all and singular the said premises are granted unto the PUBLIC for IN WITNESS WHEREOF the parties have hereunto set their hands and first above written.

Signed and sealed in the presence of
 Arthur L. Trenam, Notary Public.

STATE of IDAHO } S.S.
 County of Washington }
 On this 12th day of June, 1910, before me, ARTHUR L. TRENAM, a Notary Public, personally appeared MILES CANNON and GEORGE E. COOLEY known to me to be the persons whose names are subscribed to the within instrument, and they executed the same in my presence and in the presence of other witnesses, and they acknowledged to me that they executed the same for the purposes and consideration therein expressed. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 12th day of June, 1910.

— SURVEYOR'S —
 STATE of IDAHO } S.S.
 County of Washington }

I, CHARLES W. LLOYD, Surveyor of the State of Idaho, County of Idaho, do hereby certify that the following described lands are situated in Lots 3 and 4, in Washington County, State of Idaho, and are as follows:—

All of the land except a strip of land on the east and south their entire length north and south 3.1 feet wide at the top and bottom.

ATTACHMENT

LARY C. WALKER
W. RICHARD SANDERS
IRA T. BURTON

LAW OFFICES
WALKER & SANDERS
232 EAST MAIN STREET
POST OFFICE BOX 828
WEISER, IDAHO 83672

TELEPHONE
AREA CODE 208
549-0390

December 9, 1977

RECEIVED
DEC 12 1977

Department of Water Resources
Western Regional Office

Director
Idaho Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

Re: Affidavit of Protest to Application for Water Permit

Gentlemen:

Enclosed herewith is copy of Affidavit of Protest to Application for Water Permit No. 186 filed by Donald E. and/or Annetta M. Langley and to Application No. 185, Notice of Claim to a Water Right filed by the same parties on behalf of Orren Boyer, Craig Rowan and Yoshi Takehara.

The original is being hand delivered to your office today because of the time limit allowed to file protests, and we were afraid this Protest might not reach your office by December 12th through the mail.

Would you please acknowledge to us by telephone that the Protest reached your office by the 12th. You may call us collect.

Thank you.

Sincerely yours,

WALKER & SANDERS

Lary C. Walker (w.p.)

Lary C. Walker

LCW/nd
Encl.

RECEIVED
DEC 12 1977

AFFIDAVIT OF PROTEST

RECORDED
DEC 10 1977

STATE OF IDAHO)
County of Washington) ss.

Department of Water Resources
Western Regional Office

ORREN BOYER, CRAIG ROWAN and YOSHI TAKEHARA, being first
duly sworn, depose and say:

That the affiant, Craig Rowan, and his wife, Mary Hortense
Rowan, are owners by a Quitclaim Deed of that certain spring
situated on the Northwest Quarter of the Southwest Quarter of
Section 30, Township 11 North, Range 5 West of the Boise
Meridian in Washington County, Idaho, as per the terms of
Exhibit "A" attached to this protest incorporated herein as
if set out in full, and the affiants, Craig Rowan, Orren Boyer
and Yoshi Takehara use water from the springs located on said
property and have for many years used and appropriated the same
in its entirety to beneficial use, and therefore, the affiants
hereto make this protest to the applications to divert water
from said springs made as follows, to-wit:

Application No. 186 entitled "Notice of Application
for Water Permit filed by Donald E. and/or Annetta
M. Langley as submitted under Application No. 67-7366
dated November 16, 1977, and

Application No. 185 entitled Notice of Claim to a
Water Right filed by Donald E. and/or Annetta M.
Langley for diversion of water from a spring.

That the particulars of the protest are as follows:

1. That for many years in excess of ten (10), the parties
hereto, or their predecessors, have used the water from the springs
located on the above premises for beneficial use and have appropriated
the entire flow from said springs for domestic, livestock and
irrigation purposes.

2. That all water from said springs has been diverted and
applied to beneficial use, thereby leaving no available water
for use by the applicants.

3. That affiants understand that there is another spring
located on said land that may be used presently by the Langleys,

ALKER & SANDERS
ATTORNEYS AT LAW
232 EAST MAIN STREET
P. O. BOX 828
EISEN, IDAHO 83872

1-nd AFFIDAVIT OF PROTEST

1 and if this be the case, affiants are not protesting the present
2 use and past use which they have taken from said spring, nor would
3 affiants oppose the claimants attempting to gain a water permit
4 for said past use. However, affiants strongly protest and oppose
5 any increased claim on the use of said water and/or specifically
6 protest against the proposal to drill a well and divert the
7 water by means of pump and pipeline, as said well would interfere
8 and deprive affiants of their longstanding beneficial use
9 and natural flow from their spring.

10 That for the above set forth reasons, affiants pray that
11 the applications filed by Donald E. and/or Annetta M. Langley
12 be denied.

13 DATED this 9th day of December, 1977.

14 Orren Boyer
15 Orren Boyer

16 Craig Rowan
17 Craig Rowan

18 Yoshi Takehara
19 Yoshi Takehara

20 SUBSCRIBED and SWORN to before me this 9th day of December,
21 1977.

22 Notary Public for Idaho
23 Residing at Weiser, Idaho
24

67-4241

LANGLEY

549-0309

CALL ON TUESDAY RE: COURT DECISION

A COUPLE ISSUES:

1) DATED SEPT 18, 1963

- A FEW MONTHS AFTER MANDATORY PERMIT

2) DOCUMENT SPECIFIES "DOMESTIC" AS USE

+ OMMITS IRRIGATION

- LOOKS LIKE THEY TRIED FILING FOR PERMIT

BUT DROPPED THE BALL. (NEAR END OF BACKFILE)

- ASK FOR BETTER COPY FROM CLAIMANTS

9/20/05

"WATER RESOURCES BOARD" WAS PARTY TO THIS

- SHE SEEMS TO THINK IT WAS IN THE '80s



#A0016719 POD Spring.JPG

021

A 0016719

IDWR Field Exam Form

02/28/2005

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	DONALD E LANGLEY	740 JENKINS CREEK RD	WEISER	ID	83672	(208)549-0309
Current Owner	ANNETTA M LANGLEY	740 JENKINS CREEK RD	WEISER	ID	83672	(208)549-0309

Date of Field Exam: 4-19-05 Time: 1: PM
13:00Accompanied By: DONALD Phone Number: _____Relationship to Claimant: Owner

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

Reviewer: Date: 4-19-05

Claim Number 67-4241

Claimed Basis: Statutory Claim

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Basis: Statutory Claim

Recommended Priority Date _____ Recommended Basis _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

[illegible]

Reviewer:

Robert Meyer

Date:

Date: 4-19-05

Point of Diversion and Source Data Entry Form

Claim Number 67-4241

Claimed Point of Diversion and Source

T11N R05W S30 NWSW Within WASHINGTON County Source: SPRINGS SINKS

☒ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T11N R05W S30 NWSW Within WASHINGTON County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

Spring SINKS

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
1	Spring	24	GPM.	Pod	1. Pod.	
					#A0016719	

2261068
1455247

Other rights from this POD? NONE

Document how the POD and Source were verified:

Reviewer:



Date: 4-19-05

Place Of Use Data Entry Form

Claim Number 67-4241

Claimed Place Of Use

T11N R05W S30 NWSW
T11N R05W S30 NWSW 2.0
T11N R05W S30 NWSW

Total Acres 2

☒ Use Claimed POU as Recommended POU

Water Right Place Of Use

T11N R05W S30 NWSW 2.0

Total Acres 2

Recommended Place of Use

☐ See corrections to claimed POU above

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

Total Acres 2

Document how the POU was verified:

Reviewer:

Date: 4-19-05

Purpose of Use Data Entry Form

Claim Number 67-4241

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

DOMESTIC
IRRIGATION
STOCKWATER

☒ 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
DOMESTIC
STOCKWATER

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

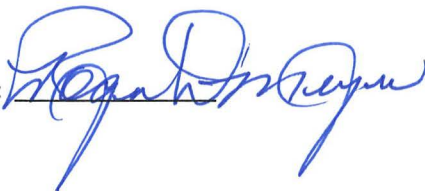
Number of Other

IRR			2.0	
Domestic	1			
Stockwater		15		

Document how the Purpose of Use was verified:

1- HORSE
1- BEEF
13- SHEEP

Reviewer:



Date:

4-19-05

Period of Use and Quantity Data Entry Form

Claim Number 67-4241

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/01	11/15	0.05	
STOCKWATER	1/01	12/31	0.05	
DOMESTIC	1/01	12/31	0.05	

Overall Diversion Rate 0.05

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	3/01	11/15	0.05	
STOCKWATER	1/01	12/31	0.05	
DOMESTIC	1/01	12/31		

Overall Diversion Rate 0.05

Overall Diversion Volume

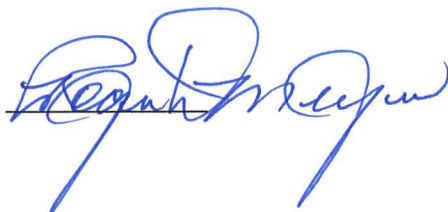
Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate 24 GPM. Overall Diversion Volume _____

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

Reviewer:



Date:

4-19-05

740

7:00 Tuesday
CALL 1500 4-19

67-4241 DONALD E. LANCHEY 549-0309
Is there a well
STING 24 6 PM.
POD

2261068
1455247

PO U. See map #021
#A 0016719

How many houses

Stock ^{BEEF} ~~BEEF~~ How many total
15 Head

Hens How many

Sheep How many
#13

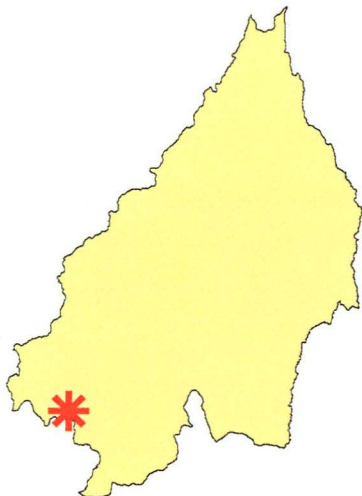
AFFIDAVIT of Protest dated 11-16-1977
Judge Ruled in Favor of the LANCHEYs
ACREAGES How much.
2 AC

PRI/Date. OK

Idaho Department of Water Resources

Water Right Claim No:

67-4241



Legend

-  Place of Use
-  Section Lines
-  Quarter Quarters
-  Quarter Quarters

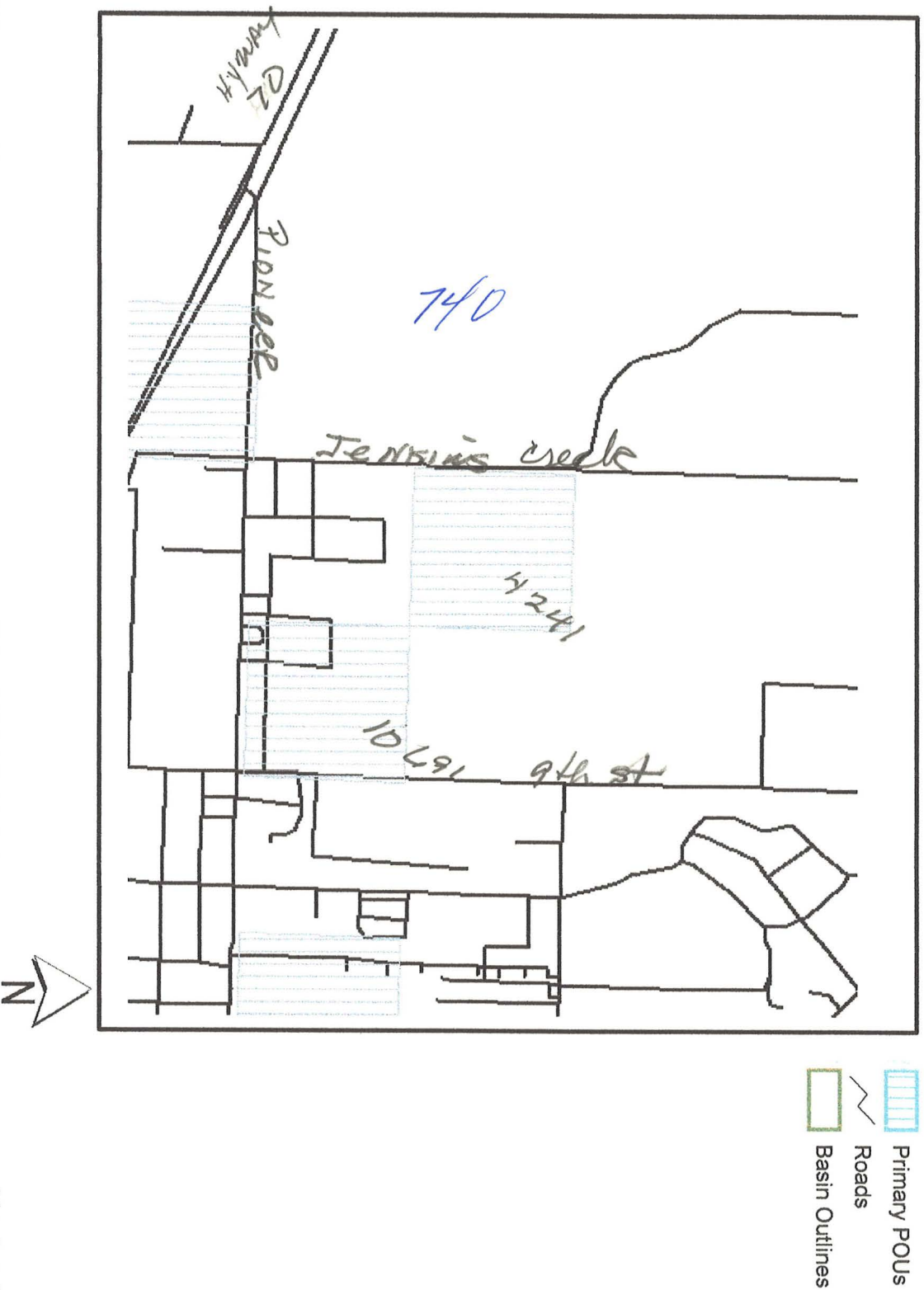


Prepared by: Dan Narsavage
On: February 28, 2005
1987 False-Color Infrared Photography
1987 True-Color Photography

0 0.1 0.2 0.3 0.4 0.5 0.6 Miles



Map Title



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: A67-04241
Date Received: 8/11/1989
Receipt No: C009448
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONALD E. LANGLEY 208-549-0309
Address: 740 JENKINS CREEK RD.
WEISER, ID 83672

OR

Name: ANNETTA M. LANGLEY 208-549-0309
Address: 740 JENKINS CREEK RD.
WEISER, ID 83672

2. Date of Priority: MAR 07, 1938

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	05W	30	NW	SW			WASHINGTON

5. Description of diverting works:
SPRING BOX, CONCRET PIPED TO HOUSE, AND BARNES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/15	0.050		
STOCKWATER	01/01	12/31	0.050		
DOMESTIC	01/01	12/31	0.050		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ ONE HOUSEHOLD; S/ 40 DAIRY COWS, 4 HORSES, 35 SHEEP

5200

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A67-04241

Page 1

Date: 08/08/89

MICROFILMED
OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11N	05W	30	NW		SW		IRR	2.0
			NW		SW		STOCK	
			NW		SW		DOMEST	
							Section Acres	2.0
							Total Acres	2.0

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:
IRRIG WITH GALLOWAY CANAL

14. Remarks:
AC. IRR.=1.5.
DIV. RATE=24 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): x Donald E. Langley Date: 8-8-89
x Annette M. Langley Date: 8-8-89

State of Idaho)
County of Gem) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of Aug. 19 89 C. H. Fieger
Notary Public

Seal

Residing at Emmett, Ida
My Commission Expires Life

IDENT. NO. 67-4241

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Record

- | | Tract | Sec. | Twp. | Rge. | Gov't
Lot | Rediv. |
|--------------------------|-------|------|------|------|--------------|--------|
| 6. A. Point of Diversion | 5555 | 30 | 11N | 5W | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

- from 3-1 to 11-15 for A purposes. Amount 1.05
(cfs or AC-FT/yr)
- from 1-1 to 12-31 for S purposes. Amount _____
- from 1-1 to 12-31 for D purposes. Amount .02
- from _____ to _____ for _____ purposes. Amount _____
- from _____ to _____ for _____ purposes. Amount _____
- from _____ to _____ for _____ purposes. Amount _____
- from _____ to _____ for _____ purposes. Amount _____

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. acc. den. = 1-5-
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 67-41241

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) R.W.H. 11-12-77

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) R.W.H. 11-17-77

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels: N/A

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) if OK

Affidavit of Publication received(date) 12-19-77

(12) _____

Final date for protests N/A

Protests received: yes ☒ no _____

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

_____ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District W

By FLA

Date 1-06-77

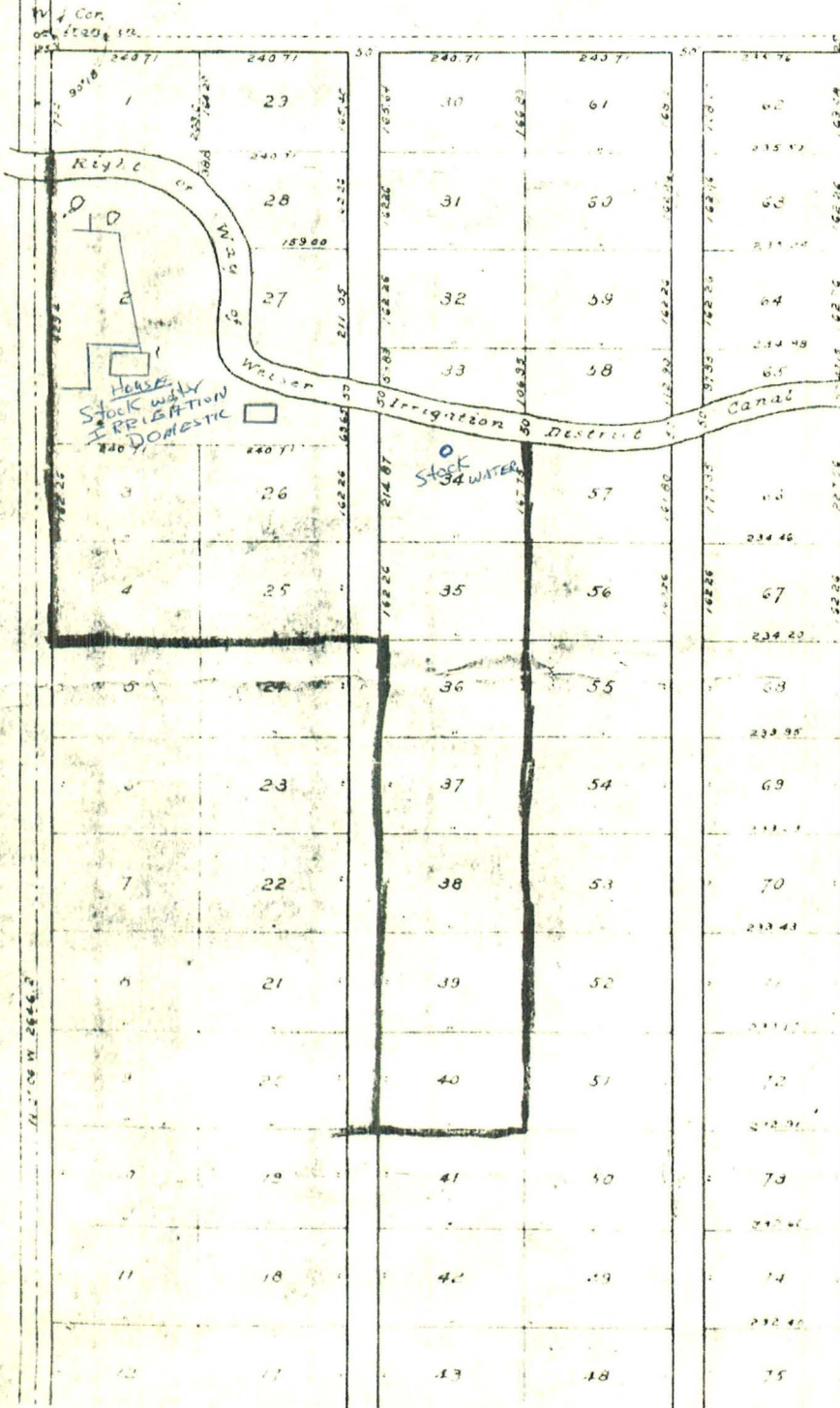
CITY OF WEISER

WASHINGTON COUNTY

IDAHO.

LOTS 3 and 4, SEC. 30, T. 11 N., R. 5 W., B.M.

— Scale 1 inch = 200 feet. —



DEED. The indenture, made the year 1910 between Miles Cannon George E. Cooley of Weiser, Wash. of the first part, and the PUBLIC Witnesseth:

That the said parties certify that they are the owners in, real estate, situated in the County to wit: Lots 3 and 4 in Sec. 30, T. 11 N. this plat. That it is the intent of the first part to name the above described, THE DELBAERE AC. And for and in consideration and advantages to said parties successors and assigns, coming or present, release, remise and forever for its use, all of the rights of which are particularly and described in and upon said plat to form a description of the premises held, all and singular the said parties maintain unto the PUBLIC for IN WITNESS WHERE parties hereto set their hands a first above written.

Signed and sealed in the presence of Arthur L. Trenam.

STATE of IDAHO } S.S. County of Washington } On this 12th day before me, ARTHUR L. TRENAM, a County, personally appeared M.L. and GEORGE E. COOLEY known names are subscribed to the within time that they executed the same. IN WITNESS WHERE hand and affixed my official seal certified to first above written.

SURVEYOR'S STATE of IDAHO } S.S. County of Washington }

I, CHARLES W. under the laws of the State of Idaho, County, Idaho, do hereby certify Miles Cannon, Ray B. Lloyd and I plotted the following described being situated in Lots 3 and 4, in Washington County, State of Idaho, as follows:-

All of the land except a strip of land on the east and south their entire length north end and 31 feet wide at the And I further certify

ATTACHMENT

LARY C. WALKER
W. RICHARD SANDERS
IRA T. BURTON

LAW OFFICES
WALKER & SANDERS
232 EAST MAIN STREET
POST OFFICE BOX 828
WEISER, IDAHO 83672

TELEPHONE
AREA CODE 208
549-0390

December 9, 1977

RECEIVED
DEC 12 1977

Department of Water Resources
Western Regional Office

Director
Idaho Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

Re: Affidavit of Protest to Application for Water Permit

Gentlemen:

Enclosed herewith is copy of Affidavit of Protest to Application for Water Permit No. 186 filed by Donald E. and/or Annetta M. Langley and to Application No. 185, Notice of Claim to a Water Right filed by the same parties on behalf of Orren Boyer, Craig Rowan and Yoshi Takehara.

The original is being hand delivered to your office today because of the time limit allowed to file protests, and we were afraid this Protest might not reach your office by December 12th through the mail.

Would you please acknowledge to us by telephone that the Protest reached your office by the 12th. You may call us collect.

Thank you.

Sincerely yours,

WALKER & SANDERS

Lary C. Walker (w.p.)

Lary C. Walker

LCW/nd
Encl.

RECEIVED

AFFIDAVIT OF PROTEST

RECORDED
DEC 9 1977

STATE OF IDAHO)
) ss.
County of Washington)

Department of Water Resources
Western Regional Office

ORREN BOYER, CRAIG ROWAN and YOSHI TAKEHARA, being first
duly sworn, depose and say:

That the affiant, Craig Rowan, and his wife, Mary Hortense Rowan, are owners by a Quitclaim Deed of that certain spring situated on the Northwest Quarter of the Southwest Quarter of Section 30, Township 11 North, Range 5 West of the Boise Meridian in Washington County, Idaho, as per the terms of Exhibit "A" attached to this protest incorporated herein as if set out in full, and the affiants, Craig Rowan, Orren Boyer and Yoshi Takehara use water from the springs located on said property and have for many years used and appropriated the same in its entirety to beneficial use, and therefore, the affiants hereto make this protest to the applications to divert water from said springs made as follows, to-wit:

Application No. 186 entitled "Notice of Application for Water Permit filed by Donald E. and/or Annetta M. Langley as submitted under Application No. 67-7366 dated November 16, 1977, and

Application No. 185 entitled Notice of Claim to a Water Right filed by Donald E. and/or Annetta M. Langley for diversion of water from a spring.

That the particulars of the protest are as follows:

1. That for many years in excess of ten (10), the parties hereto, or their predecessors, have used the water from the springs located on the above premises for beneficial use and have appropriated the entire flow from said springs for domestic, livestock and irrigation purposes.

2. That all water from said springs has been diverted and applied to beneficial use, thereby leaving no available water for use by the applicants.

3. That affiants understand that there is another spring located on said land that may be used presently by the Langleys,

ALKER & SANDERS
ATTORNEYS AT LAW
232 EAST MAIN STREET
P. O. BOX 858
EISEN, IDAHO 83572

1-nd AFFIDAVIT OF PROTEST

1 and if this be the case, affiants are not protesting the present
2 use and past use which they have taken from said spring, nor would
3 affiants oppose the claimants attempting to gain a water permit
4 for said past use. However, affiants strongly protest and oppose
5 any increased claim on the use of said water and/or specifically
6 protest against the proposal to drill a well and divert the
7 water by means of pump and pipeline, as said well would interfere
8 and deprive affiants of their longstanding beneficial use
9 and natural flow from their spring.

10 That for the above set forth reasons, affiants pray that
11 the applications filed by Donald E. and/or Annetta M. Langley
12 be denied.

13 DATED this 9th day of December, 1977.

14 
15 Orren Boyer

16 
17 Craig Rowan

18 
19 Yoshi Takehara

20 SUBSCRIBED and SWORN to before me this 9th day of December,
21 1977.

22 
23 Notary Public for Idaho
24 Residing at Weiser, Idaho

misc 7/82

EXHIBIT "A"

1 It being mutually understood that the parties of the first part
2 do not intend to be the owners of said spring, pipeline, well casing,
3 or ditch, and that they do not warrant any title thereto but that
4 they merely intend by this instrument to convey such interest, if
5 any, that they may have therein and the parties of the second part
6 further grant and concede unto the parties of the second part the
7 right to enter upon the land of the parties of the first part for
8 the purpose of repairing the pipeline connected to said spring
9 or to make any repairs to the spring that may be necessary, provided,
10 however, that the parties of the second part shall make such entry
11 only when necessary and in such way as to cause the minimum of
12 interference with the use and enjoyment by the parties of the first
13 part of said land upon which said spring and pipeline is located,
14 and that such entry shall be made only through gates on the
15 property of the parties of the first part.
16 The parties of the second part covenant and agree that they shall
17 not own said spring, well casing, ditch and/or pipeline or be
18 in any way entitled to exercise any dominion over the same other than
19 as hereinbefore provided by the terms hereof or the title property of
20 the parties of the first part and pipeline.
21
22 IN WITNESS WHEREOF, the parties hereto have hereunto set their hands
23 and seals the day and year first above written.

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Doc. 17 Page 17
INSTRUMENT NO. 11112

STATE OF IDAHO)
County of Washington)

On this 17th day of September, 1968, before me, the undersigned, a Notary Public in and for said State, personally appeared CLARENCE BENSON and ALMA BENSON, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in the certificate first above written.

 
Notary Public
Residing at Boise, Idaho

Completed













