



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 7, 2005

KATHY VESELKA
DAVE VESELKA
PO BOX 35
INDIAN VALLEY ID 83632

RE: Evidence of Priority for Snake River Basin Claim 67-4290.

Dear Mr. and Ms. Veselka,

Per the request of Ms. Veselka, this letter is to summarize and document the details of our telephone conversation on September 7, 2005 as well as elaborate on the details of the water rights we discussed for clarity.

Ms. Veselka called and left me a message at about 9:00. I returned the call around 10:30 am. We discussed the need for evidence of priority for claim 67-4290. There are three claims for what appears to be the same 80 acre parcel.

67-448:

This right was decreed in Muir Vs. Allison for 0.45 cfs with a 6-1-1875 priority date. Muir Vs. Allison defined the duty of water at 5/8 inch per acre. So water right 67-448 was for 0.48 cfs and 36 acres (I told you 33 on the phone but was mistaken). The SRBA claim you filed based on 67-448 was for 0.45 cfs and 55 acres. I will be limited to recommending 36 acres for this right. The additional acreage will have to be covered under one of the following rights.

67-7297:

This claim is based on a license with a priority date of 2-7-1977. This license and associated SRBA claim are for 0.28 cfs and 15 acres of irrigation. As that this is a license, no evidence of priority needs to be submitted. One of the questions I do have however, is does this license overlap the 36 decreed acres, or is it in addition to that 36 acres.

67-4290:

This is the claim that is referred to as a "beneficial use" or a "statutory claim" and claims 0.43 cfs and 22 acres. This claim has been filed with the department, but unlike the

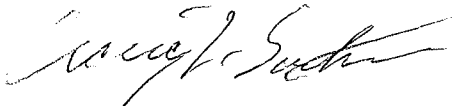
above mentioned rights, this has never been verified or confirmed by IDWR. The evidence of priority letter you received was a request for evidence that can verify the date that the water claimed was put to beneficial use.

In our discussion, I mentioned that if the beneficial use claim 67-4290, directly overlaps the decreed water, 67-448, then IDWR does not need evidence of priority. In other words, if 67-448 claimed 36 acres as decreed, and 67-4290 claimed the same 36 acres, then we can assume that flood water was being used in addition to the decreed water when available and could recommend the right with a priority date of one day after the Muir Vs. Allison decree was signed (May 10, 1918). However, the way that these rights are claimed, indicate that they do not directly overlap.

Ms. Veselka said that Mr. Veselka was out of town and he knew a lot about the details of the water use on the property. **I told Ms. Veselka to ignore the deadline of September 16, 2005 listed on the top of the request for evidence of priority letter I sent. I said that I would confirm in writing through this letter, that SRBA claim 67-4290 will not be recommended as disallowed to the SRBA court solely because evidence of priority was submitted after that deadline.** At this time, we have not set another deadline for the requested information to be submitted. Only that IDWR needs it as soon as possible.

I look forward to hearing from you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig L. Saxton", written in a cursive style.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

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: A67-04290
Date Received: 1/ 3/1990
Receipt No: W007343
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: DAVE VESELKA 208-256-4303
Address: BOX 35
INDIAN VALLEY ID 83632

2. Date of Priority: JAN 1, 1875

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	01W	36	NW	SE	NW		ADAMS

5. Description of diverting works:
AMERICAN LINDSAY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.430		

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

8. Total consumptive use is 64.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14N	01W	14	SW	SW		IRR	4.0
			SE	SW		IRR	18.0
						Section Acres	22.0

A67-04290

Page 1

Date: 02/26/93

SCANNED

APR 08 2004

MICROFILMED

AUG 05 1994

10. Place of Use: Continued

Total Acres 22.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
A6707297, A6700448, A6702385

14. Remarks:
AC. IRR. = 21.5.

15. Basis of Claim: STATUTORY CLAIM

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

RECEIVED

JAN 03 1990

Ident. Number: A67-04290
Date Received: ~~10/11/1989~~ 1/3/90
Receipt No: W007343
Received By: _____

Department of Water Resources
Western Regional Office
**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: DAVE VESELKA 208-256-4303
Address: BOX 35
INDIAN VALLEY, ID 83632

2. Date of Priority: JAN 01, 1875

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

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Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	01W	36	NW	SE	NW		ADAMS

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8. Total consumptive use is 64.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14N	01W	14	SW	SW		IRR	4.0
			SE	SW		IRR	18.0
Section Acres							22.0

A67-04290

Page 1

Date: 10/11/89

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AUG 05 1994

10. Place of Use: Continued

Total Acres 22.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

A6707297, A6700448, A6702385

14. Remarks:

AC. IRR. = 21.5.

15. Basis of Claim: STATUTORY CLAIM

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AUG 05 1994

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): Dave Vasella Date: 10-11-89

Date: _____

State of Idaho)
County of Wad) SS.

Subscribed and sworn (or affirmed) before me this 11 day
of Oct 19 89

John Dale Carson
Notary Public

Seal

Residing at Boon Id
My Commission Expires 6/2/94

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AUG 05 1994

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92
CLAIMANT'S NAME Vesella CLAIM IDENT. NO. A67-04290

DATE RECEIVED 1-3-90 RECEIPT # W007343 FEE PAID \$ 395 FEE REQ'D \$ 12.00 ⁵⁰ acres paid - 00448

	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)	☒	☐	N/A
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 D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	☒	☐	*
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?	☒	☐	N/A
Is the consumptive use correct?	☒	☐	N/A
9. Are the non-irrigation uses listed showing # of homes, hd. of stock? If multiple domestic, is single ownership indicated?	☒	☐	*
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.)	☒	☐	N/A
15. Is the basis of the claim indicated?	☒	☐	
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? If yes, compare claim w/existing right and attach proof report noting any differences in comments. If no, was water right no. found?	☒	☐	N/A
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? (If yes, attach a proof report & complete number change) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	☒	☐	N/A
18. If the claimant requested a monthly docket sheet, was the fee paid?	☒	☐	N/A
19. Is the claim signed by the claimant, and is the signature appropriate?	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date) If no, was an extension of time filed & approved?	☒	☐	*
22. Is the fee enclosed correct?	☒	☐	Exempt

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Water Right Number - 67-04290 Prefix Translation: WATER RIGHT Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
VESELKA DAVE 1 -
2 -
3 -
City- INDIAN VALLEY State- ID Zip- 83632
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
01/01/1875 14 WESTERN S - STATUTORY CLAIM

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
LITTLE WEISER RIVER WEISER RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

14N 01W 36 SE NW (3) ADAMS

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 10/31 0.430

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.430

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

14N 01W 14 SE SW 22.0 01 IRRIGATION (3) ADAMS

Total Acres: 22.0

+ - - Diversion Means - AMERICAN LINDSAY DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
AC. IRR. = 21.5.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

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AUG 05 1994

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-	
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Swan Falls	-	
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-	P
Exam to S.O. Date	-	00/00/0000	Verified Date	-	01/17/1986	DLE/Carey Act	-	
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-	
Licensed Date	-	00/00/0000	Appl Received	-	00/00/0000	Transfer/Amended	-	
Decree Date	-	00/00/0000	Presumption Flag	-				

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AUG 05 1994

RECEIVED

MAY 26 1999

WATER RESOURCES
WESTERN REGION

May 18, 1999

To: Sally Sherman

From: Danni Smith

Subject: SRBA claims 67-10723, 67-10724, 67-10725, A67-00420, A67-00448, A67-04290, A67-07297, & A67-10723

Telephone Conversation with David Veselka this afternoon. First he strongly complimented you on the courteous and well written letters you had sent to his parents and himself. Great Job!

Your recent letter stated his parents had told you he currently owned the property you had sent a change of address on. He stated he owns the property through a contract purchase and he is still making payments to his parents. On reviewing the three(3) claims addressed in your letter, I noticed he and his parents are listed as "and/or" owners. Explained claimants with a "vested interest" in the property could claim the water rights. He at this point has decided not to change the ownership, but leave in the three names. Nothing has been filed with the assessor at this point in time to show he is in sole ownership of the property. Will keep the form for future reference.

The additional claims listed above are irrigation claims in his name only. I sent copies to him today. I also confirmed he still has Box 35 in Indian Valley, so no address change is required.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4290 V1

WATER RIGHT NUMBER: 67-4290 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVE VESELKA BOX 35 INDIAN VALLEY, ID 83632 (208)256-4303

Priority Date: 06/21/1921
 Basis: Statutory Claim
 Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WEISER RIVER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.270 CFS	
	<u>Total Diversion:</u>	0.270 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER	NW1/4SE1/4NW1/4	Sec. 36, Twp 14N, Rge 01W, B.M.
ADAMS 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	
14N	01W	14											37.0	18.0					55.0

Total Acres: 55

Conditions of Approval:

1. K06 This right is limited to the irrigation of 36 acres within the place of use described above in a single irrigation season.
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. E62 This right when combined with Right No. 67-448 shall provide no more than .02 cfs per acre.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4290 V1

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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.02		51

Combined Water Rights: 67-7297 , 67-448 , 67-4290

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>
Priority Date	3/10/2006 3:24:31 PM	dnarsavage			Active
POD	3/10/2006 3:24:54 PM	dnarsavage			Active
Source	3/10/2006 3:26:24 PM	dnarsavage			Active
POU	3/10/2006 3:27:18 PM	dnarsavage			Active
Use	3/10/2006 3:29:42 PM	dnarsavage			Active
Season	3/10/2006 3:30:16 PM	dnarsavage			Active
Quantity	3/10/2006 3:44:35 PM	dnarsavage			Active
Summary			03/10/2006	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	3/10/2006 3:28:40 PM	dnarsavage	Updated shape for Active POU
Source	3/10/2006 3:26:24 PM	dnarsavage	(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 - Overlaps POUs from other rights that have same source. Discussion with Dave Veselka.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4290 V1

Season	3/10/2006 3:30:16 PM	dnarsavage	(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	3/10/2006 3:49:00 PM	dnarsavage	(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? (Yes) 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?
General	3/10/2006 3:24:31 PM	dnarsavage	(Yes) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 2. Was the owner or the owners predecessor in interest of the place of use joined in the later decree? (No) 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? (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 - Overlaps 67-448 perfectly. Per Dave Tuthill, any stat claim or BU claim overlapping a decreed POU can use the decreed POU as evidence of priority.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4290 V1

POD	3/10/2006 3:24:55 PM	dnarsavage	(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	3/10/2006 3:25:15 PM	dnarsavage	Updated shape
POU	3/10/2006 3:27:18 PM	dnarsavage	(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 - Overlaps decreed right. Discussion with Dave Veselka.
Use	3/10/2006 3:29:43 PM	dnarsavage	(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 - Discussion with Dave Veselka. Green area in aerial photos.
Quantity	3/10/2006 3:44:36 PM	dnarsavage	(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? (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 - Per Dave Tuthill, the claim is for floodwater on top of a decreed right. Also, we know the ditch capacity thanks to Roger Meyers spreadsheet, and all claims out of this ditch are less than the total ditch capacity.

Water Supply Bank:



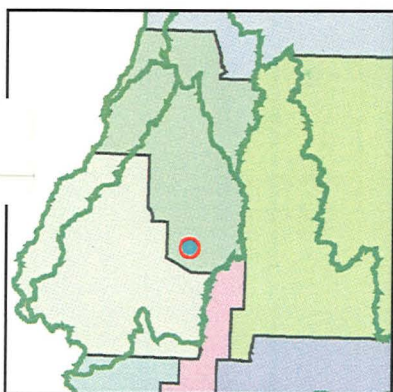
Idaho Department of Water Resources

Adjudication Claim:

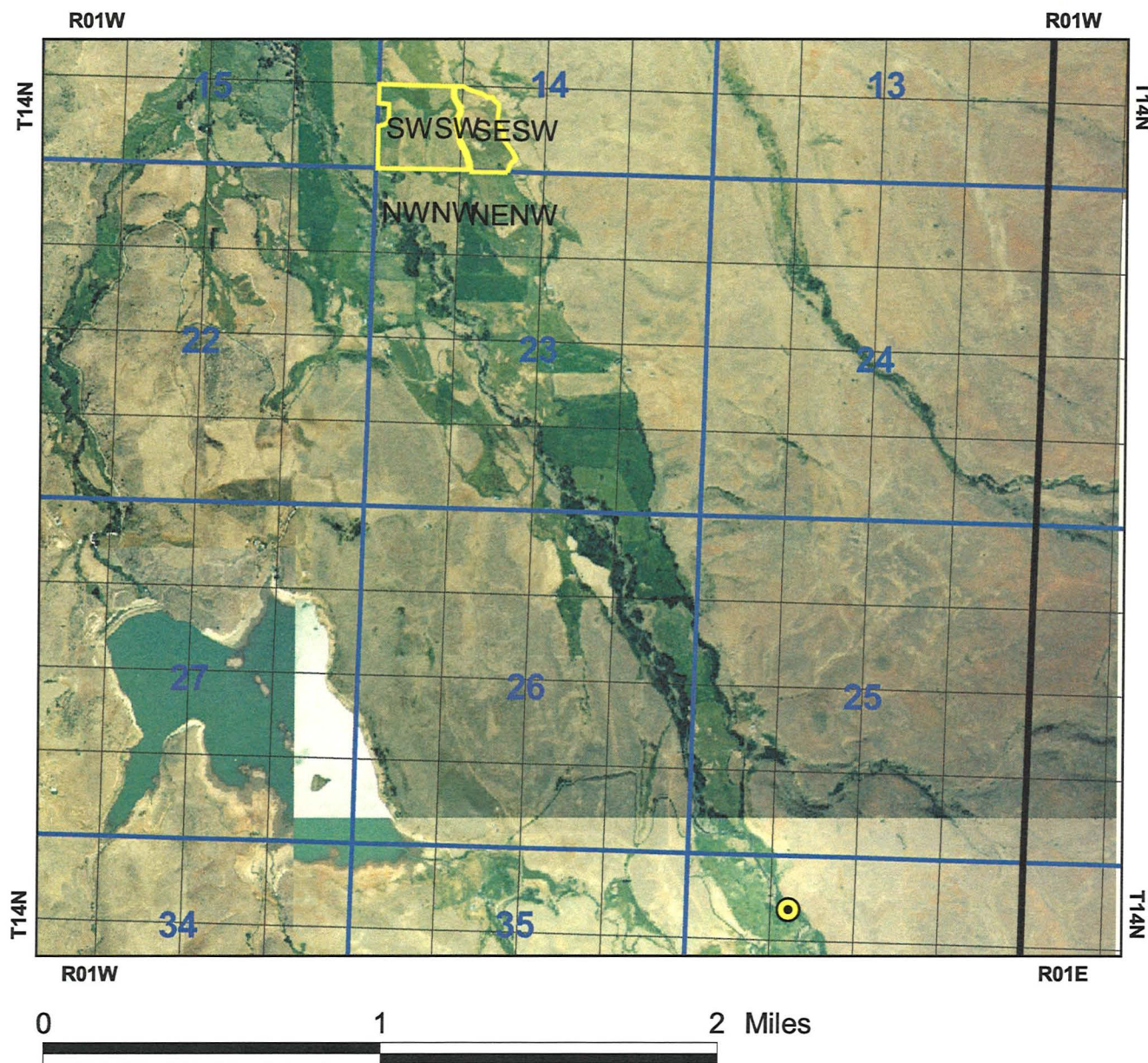
67-4290

Legend

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

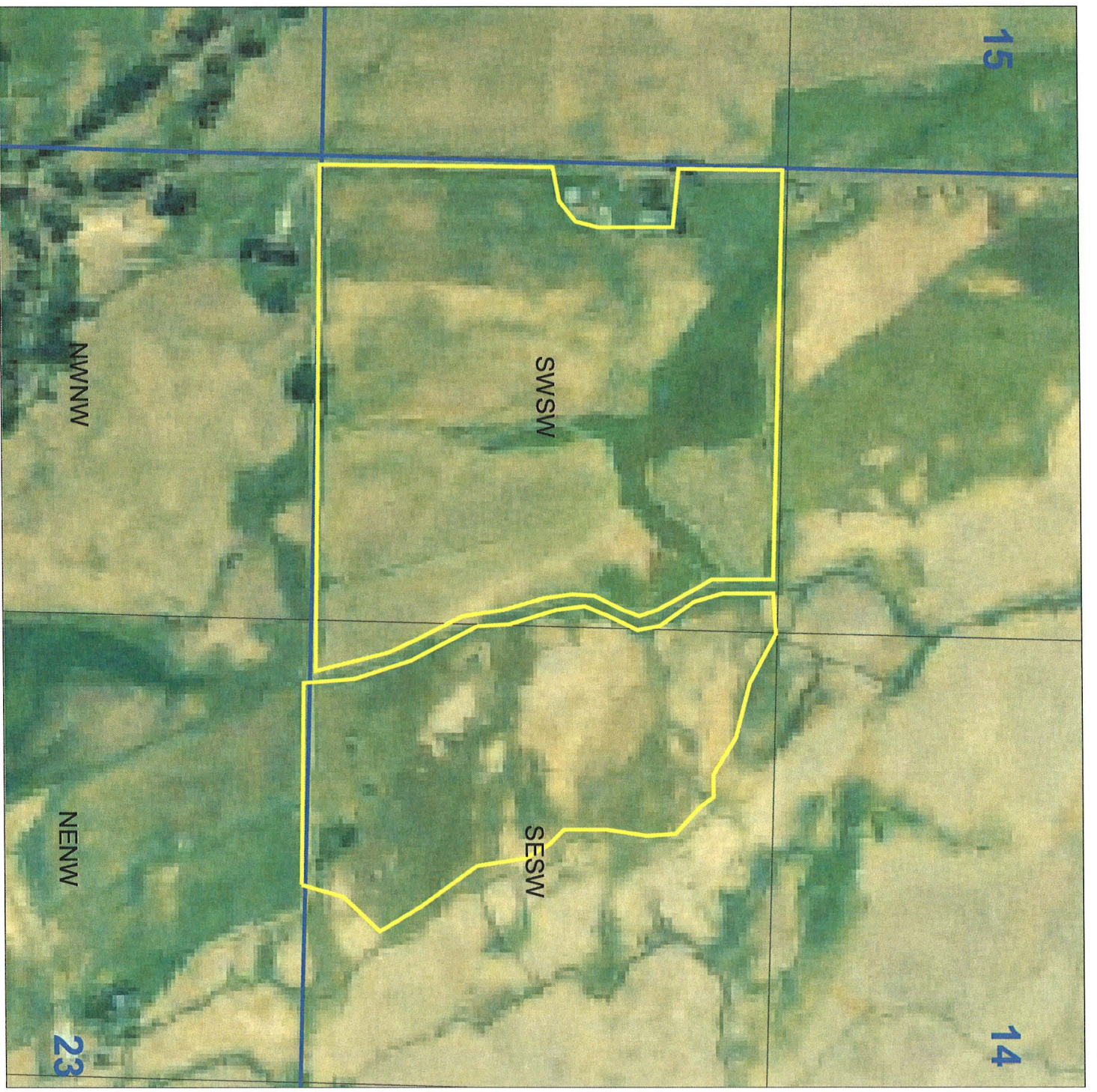
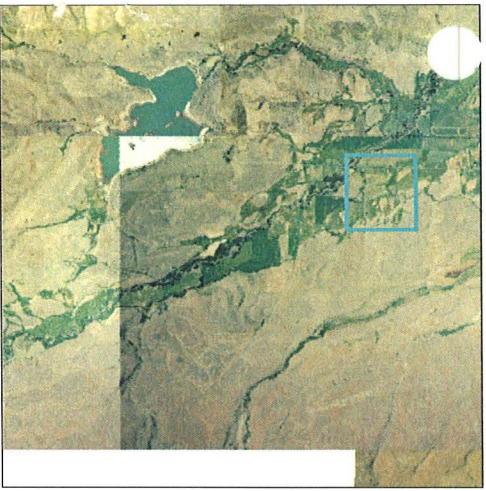


Adams County
IDWR Basin 67



Prepared by D. Narsavage
On Monday, March 13, 2006
1987/88 Aerial Photography

67-4290



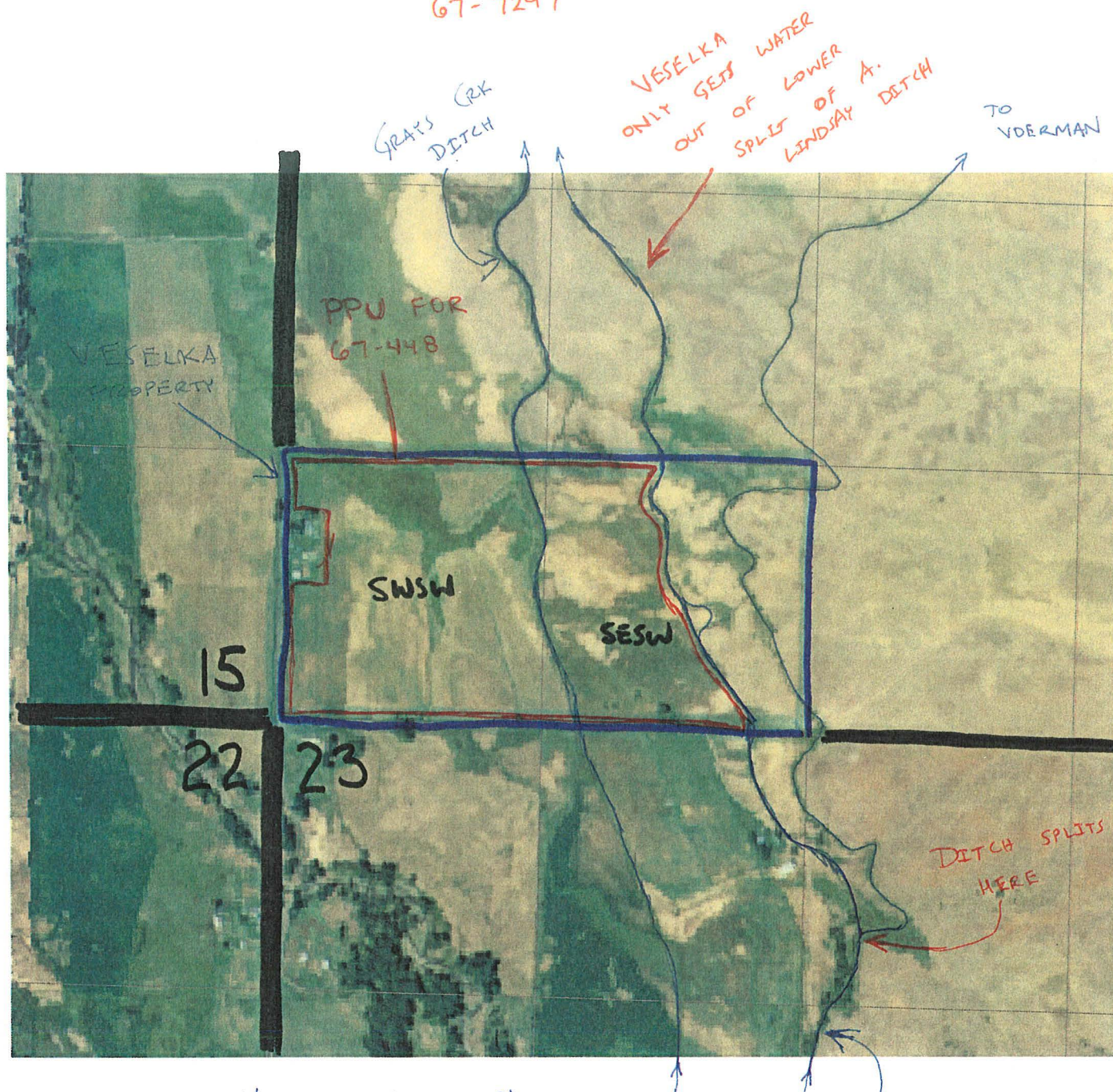
67-448

+

67-4290

+

67-7297



I ADVISED MR. VESELKA THAT WE'LL
NEED EOP FOR 67-~~448~~ 4290.

THIS INFO WAS GLEANED FROM A CONVERSATION
WITH DAVE VESELKA - 12/02/05 ~~DLN~~ DLN