

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: 67-4291

CITY OF WEISER

55 W IDAHO ST

WEISER ID 83672

Telephone Number: (208) 414-1965

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:

11/30/06

SIGNATURE:

Nathan Marvin

Please print your name:

Nathan Marvin

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

SCANNED
DEC - 4 2006

11/16/2006

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

RIGHT NUMBER: 67-4291

NAME AND ADDRESS: CITY OF WEISER
55 W IDAHO ST
WEISER ID 83672

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.230 CFS

PRIORITY DATE: 06/01/1950

POINT OF DIVERSION:

T11N R05W S29 SESWNW Within WASHINGTON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

1/01 12/31

1.230 CFS

PLACE OF USE:

Place of use is within the service area of the City of Weiser municipal water supply system as provided for under Idaho Law.

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

10

11/09/2006

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

*Make this
a comment*

THIS CLAIM CORRECTS A WRONG LEGAL DESCRIPTION ON THE POINT OF DIVERSION, WRONG DESCRIPTION ON PLACE OF USE, AND CHANGES THE TYPE OF USE FROM DOMESTIC TO MUNICIPAL.



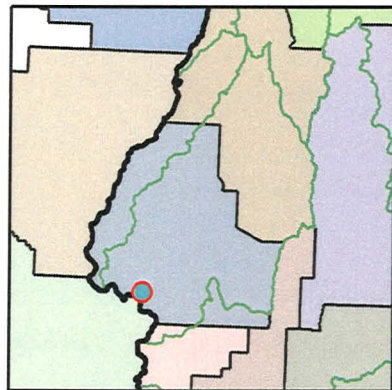
City Of Weiser

SRBA Recommendations: 67-2320, 67-4291, 67-4412, 67-10971, 67-10975, 67-14129

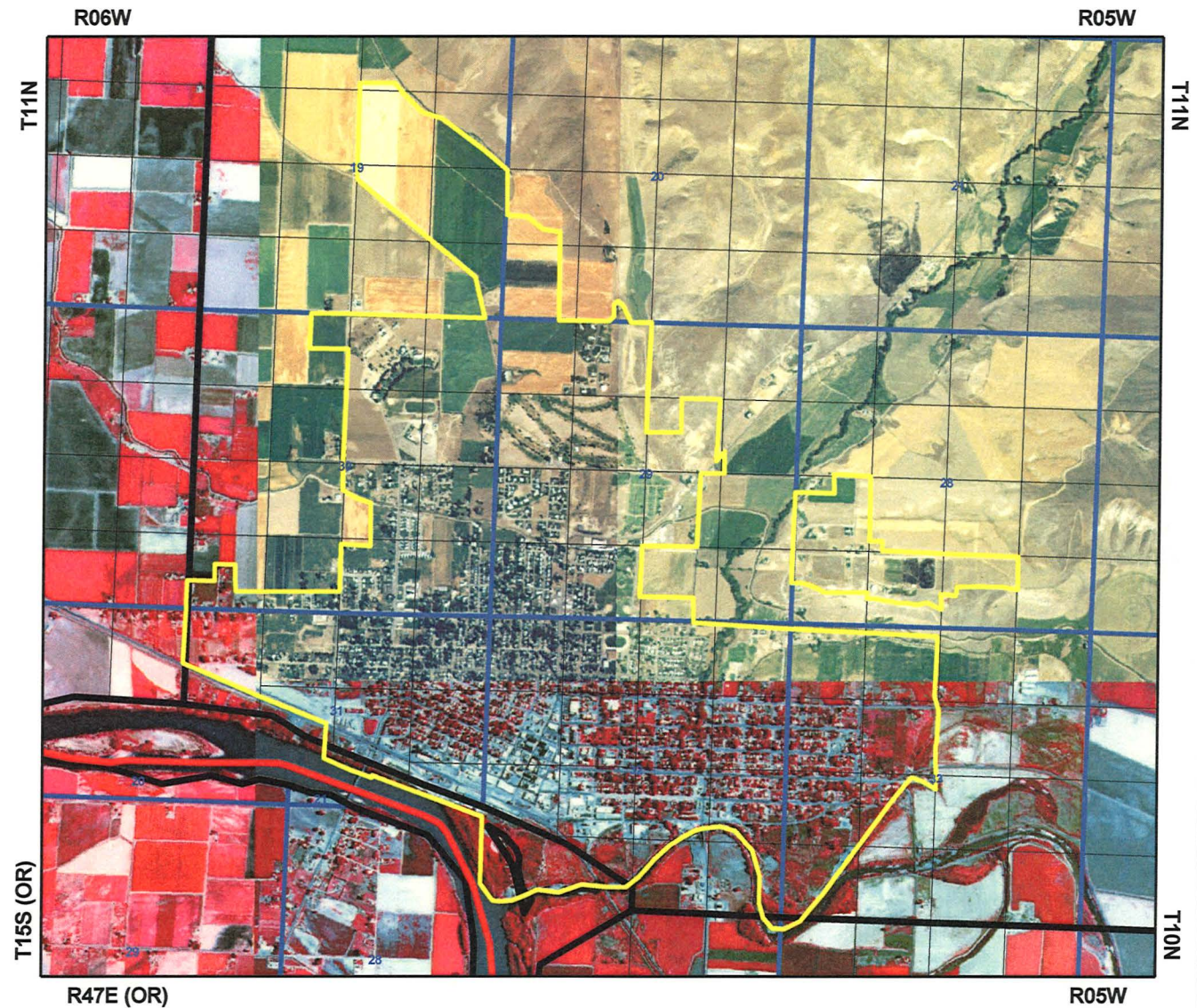
Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



0 1 2 Miles



Prepared by A. Warntjes
On Thursday, November 16, 2006
1987/88 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that CITY OF WEISER

(Name of Claimant)

55 WEST IDAHO ST., WEISER, IDAHO 83672

(Mailing Address)

Telephone No. 549-1965

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) JUNE 1, 1950

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 is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Ground Water

tributary to

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

(cfs, gpd, AFA)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)
(Mo., Day)

(Mo., Day)

Quantity 795,000 Gal Use Domestic Period of Use From 1-1 To 12-31

Quantity (2300) Day Use Period of Use From To

Quantity Use Period of Use From To

Quantity Use Period of Use From To

Quantity Use Period of Use From To

- (4) TOTAL QUANTITY USED.

(cfs, gpd, AFA)

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

S.W. 1/4 S.W. 1/4, Sec. 29 Twp. 11N Rge. 5W B.M., County of Washington

Additional points of diversion:

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. Describe any changes in the system and give the date of the change. Well - Casing 12" Pump 10' 6" Column

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11N	5W	29											X						

No. of acres

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

Domestic

PUMP OPERATES 24 hrs/day

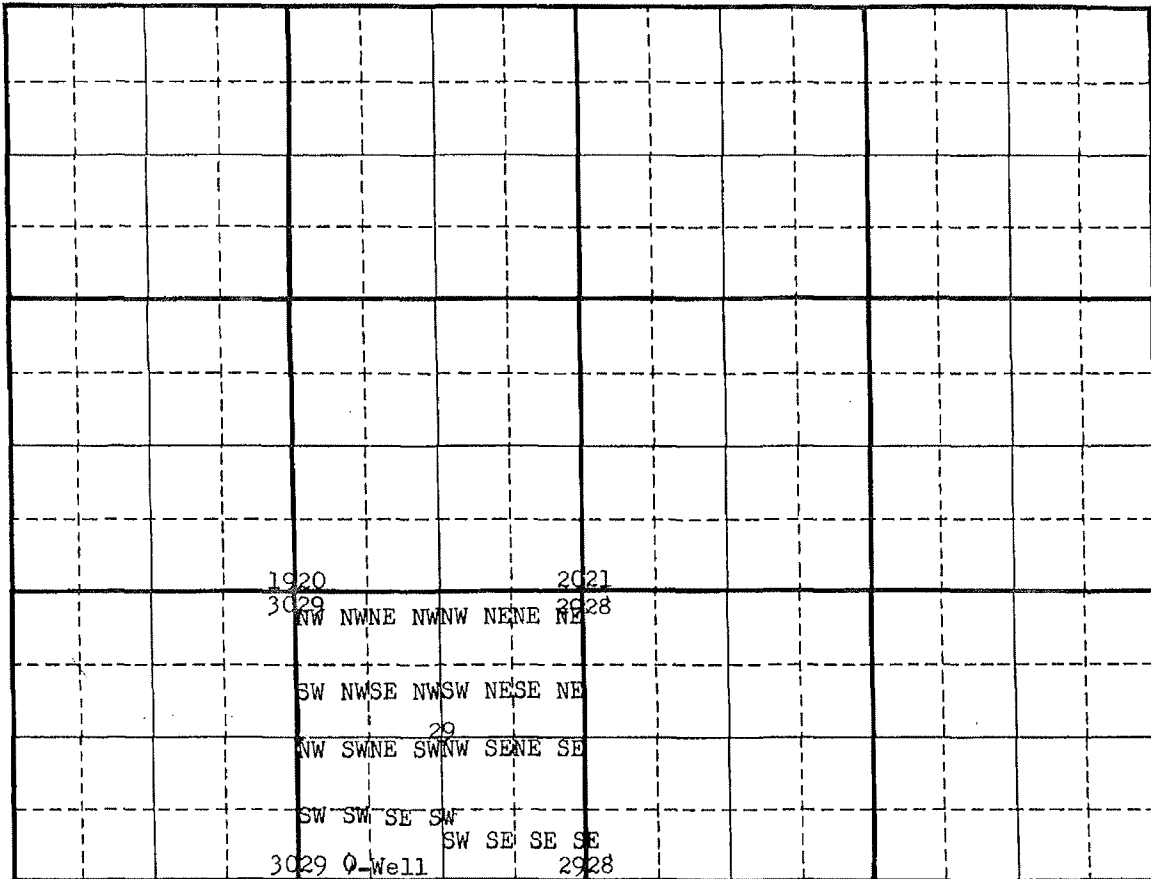
NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

City of Weiser

MICROFILMED

- (8) Remarks There has been several wells drilled for Residential use just North of our well and could cause a drop in our water supply. We feel that due to our numerous years of use we have prior rights. (1950's)



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)
County of WASHINGTON) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

R.L. Hogg
City of Weiser by R.L. Hogg
(Claimant)

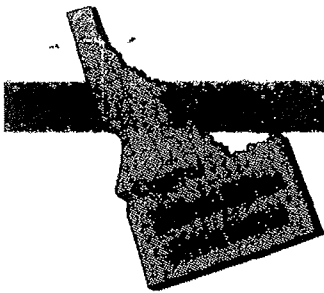
Sworn to before me this 23 day of October

F.A. Campbell
Notary Public
Residing at Weiser, Idaho

My commission expires 1-1-82

FOR DEPARTMENT USE ONLY

Received by KK Date 10/29/79 Exception filed by: _____ Date _____
Prelim. check by CW/3 Date 11/1/79 # 15-218 Forwarded to _____ Date _____
\$20.00 fee received by 30.00 Date 11/1/79 claimant by: KK 12/18/79
Published in Signal American
Dates 11/15 & 11/22/79



THE CITY OF WEISER, IDAHO

OFFICE OF THE CLERK
55 WEST IDAHO 83872

October 31

Charlie Bryan
Dept. of Water Resources
Broadbent Business Park
92 South Cole Road
Boise, Idaho 83705

Dear Mr. Bryan:

In checking our records, they indicate that on or about June 1, 1950, the City of Weiser started pumping water from the well in question.

If you would put this date on our application, I would certainly appreciate it.

Thank you for the phone call. too.

Sincerely,

R.L. Hogg
City Administrator

RLH/gs

OK as evidence of priority.
Om

RECEIVED

NOV 1 1951

Department of Water Resources
Western Regional Office

RECEIVED

INTER-DEPARTMENT MEMO --- 1

FROM CHARLIE

DATE 12/14/79

TO Dave DBS

SUBJECT 67-4291

THE 1.23 cfs QUANTITY IS CORRECT AS THE
SYSTEM PUMPS 24 hp/cday. ALSO, THEIR EFFECTIVE hp
IS 25 hp WITH 72' STATIC WATER LEVEL @ DRAINDOWN
TO 98'. 40 psi IS USED TO GIVE THEM BENEFIT OF DOUBT.

$$Q = 25 \text{ hp} (80\% \text{ eff}) (8.8) \frac{40 \text{ psi}}{.4333} + 72' \text{ LIFT} = 1,070 \text{ cfs}$$

Charlie

SIGNATURE

OK as evidence of rat & flow.

Dave

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: A67-04291
Date Received: 10/18/1989
Receipt No: C012378
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF WEISER 208-549-1964
Address: 55 WEST IDAHO STREET
WEISER, ID 83672

2. Date of Priority: JUN 01, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	05W	29	SE	SW	NW		WASHINGTON

5. Description of diverting works:
DRILLED WELL 12" CASING, PUMP INTO CITY WATER GRID

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	1.230		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
M/ CITY OF WEISER

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
----------	-------	---------	--------	--------	-----	-----	-------

11. Place of use in counties:

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

A67-04291

Page 1

Date: 06/28/90

SCANNED
MAY 10 2004
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OCT 02 1992

13. Other Water Rights Used:

A67-02320, A03-07009, A67-07727, A67-10975, A03-10010

14. Remarks:

THIS CLAIM CORRECTS A WRONG LEGAL DESCRIPTION ON THE POINT OF DIVERSION, WRONG DESCRIPTION ON PLACE OF USE, AND CHANGES THE TYPE OF USE FROM DOMESTIC TO MUNICIPAL.

PLACE OF USE IN WITHIN THE CITY LIMITS OF THE CITY OF WEISER.

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 Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

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: 67-4291
Date Received: 10-18-89
Receipt No: C012378
Received by: *RF*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of applicant: City of Weiser

Phone: 549-1964

Address: 55 W. Idaho St.

2. Date of priority: June 1, 1950

3. Source of water supply: Ground water

Tributary to:

4. Point of diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	5W	29	SE	SW	NW		WASHINGTON

5. Description of existing diversion works: Drilled well -12 inch casing- with pump pumping into city water line grid.

6. Water is claimed for the following purposes:

Purposes	(both dates are inclusive)		C.F.S.	(OR)	A.F.A.
	From	To			
MUN.	1/1	12/31	1.23		

7. Total quality claimed (a) 1.23 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is: MUNICIPAL

9. Non-irrigation uses; MUNICIPAL

10. Lands irrigated of Place of Use: WITHIN THE CITY LIMITS OF WEISER

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
----------	-------	---------	-----	----	-----	-----	-----	-------

Total number of acres irrigated

Last Name: Weiser

Ident. Number: 67-4291

MICROFILMED
OCT 02 1992

11. Place of Use in counties: Washington

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

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Other Water Rights Used: 03-7009, 31633/67-2320, 67-7727

14. Remarks: This corrects a wrong legal description on point of diversion, wrong description on place of use, and changes the type of use from domestic to municipal.

15. Basis of Claim: claim

Case Number:

Court:

Decree Date:

Plaintiff

vs

Defendant

16. Signatures(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 ORGANIZATIONS: I do solemnly swear or affirm that I am R. Dale Thomason, Mayor

of City of Weiser, that I have signed

the foregoing document in the space below as Mayor

of City of Weiser and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent R. Dale Thomason

Title and Organization Mayor City of Weiser Date 10-16-89

State of Idaho)
County of Washington) SS.

Last Name: Weiser

Ident. Number: 67-4291

MICROFILMED
OCT 02 1992

Page 3 of 3

Subscribe and sworn (or affirmed) before me this 16th day of Oct 19 89

Seal

Notary Public M. J. Moore

Residing at Weiser, Idaho

My Commission Expires Jan 30, 1992

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name: Weiser

Ident. Number: 67-4291

MICROFILMED
OCT 02 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

City of Weiser

CLAIM IDENT. NO.

A67-042901

DATE RECEIVED

10/18/89

CK #

0062378

AMOUNT \$

173.00

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ *Weiser ID 89672* *
2. Is a priority date entered? ☒ *Weiser ID 89672* *
- 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 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? ☒ N/A
- Is the consumptive use correct? ☒ N/A
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. ☒ N/A *
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? ☒ *mod.*
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? ☒ *mod. Stat*
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ N/A
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? ☒ Exempt *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ N/A
22. Should this claim be data entered? ☒

Claim checked by: *B*

Date: 5/18/90

Claim must be returned to claimant:

(Yes) ☒ (No)

Claimant must be notified of modifications:

(Yes) ☒ (No)

Receipt Prepared by:
Claim data entered by:
Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

Comments:

MICROFILMED
OCT 02 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Date: June 28, 1990

City of Weiser
55 W. Idaho St.
Weiser, ID 83672

RE: Notices of Claim to a Water Right in the Snake River Basin
Adjudication, See List Below
County of Washington

Dear Claimant:

We are forwarding to you data entered copies of the claims you
filed in the Snake River Basin Adjudication.

We have interpreted the data from these claims in the process
of data entry in a manner which we feel more accurately reflects
the true status of these water rights. The items that were
modified are highlighted. Please review the enclosed claims to
assure that these modifications are in agreement with these water
rights.

If you believe our data is incorrect, and you wish to make any
changes to any of these Notices of Claim, initial the changes, sign
the form, have your signature notarized, and return it to this
office within 30 days. If you believe the modifications are
correct, please retain these copies of your claims for your
records.

Please feel free to contact this office if you have any
questions.

Sincerely,

John D. Carlson
Adjudication Supervisor

JDC:AB;CF;HHT;FEL;RM
Enclosure:

Claim Nos. A67-02320
A67-04291
A03-07009
A67-10975
A03-10010

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OCT 02 1992
MAY 10 2004
SCANNED