

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: 67-7120

CITY OF COUNCIL

PO BOX 606

COUNCIL ID 83612

Telephone Number: (208)253-4201

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:

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

DATE: 12-7-06 SIGNATURE: Bruce D Gardner, DVM

Please print your name: Bruce D Gardner DVM

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

11/14/2006

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

RIGHT NUMBER: 67-7120

NAME AND ADDRESS: CITY OF COUNCIL
PO BOX 606
COUNCIL ID 83612

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.800 CFS

PRIORITY DATE: 12/15/1972

POINT OF DIVERSION:
T16N R01W S15 NENE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	1/01 12/31	0.800 CFS

PLACE OF USE:

Place of use is within the service area of the City of Council 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 - License

Flow Calculation for Partially Full

INPUT BLOCK

Depth of Fluid = 3 in.
Diameter of Pipe = 6 in.
Slope of Pipe = 1 %
Manning's n = 0.012

CALCULATION BLOCK

Alpha = 3.1415927 radians
Area of Flow = 14.137167 in²
Wetted Perimeter = 9.424778 in
Hydraulic Radius = 1.5 in

OUTPUT BLOCK

$V = (1.49/n) * R^{(2/3)} * S^{(1/2)}$
 $Q = (1.49/n) * R^{(2/3)} * S^{(1/2)} * A$

V = 3.1042 fps
Q = 0.3048 cfs
Q = 136.77 gpm

Q max = Pipe nofull
Q max = Pipe nofull

Flow Calculation for Partially Full

INPUT BLOCK

Depth of Fluid= 3 in.
Diameter of Pipe = 6 in.
Slope of Pipe = 0.5 %
Manning's n = 0.012

CALCULATION BLOCK

Alpha = 3.1415927 radians
Area of Flow = 14.137167 in²
Wetted Perimeter = 9.424778 in
Hydraulic Radius = 1.5 in

OUTPUT BLOCK

$V = (1.49/n) * R^{(2/3)} * S^{(1/2)}$
 $Q = (1.49/n) * R^{(2/3)} * S^{(1/2)} * A$

V = 2.1950 fps

Q = 0.2155 cfs

Q = 96.71 gpm

Q max = Pipe nofull

Q max = Pipe nofull

Flow Calculation for Partially Full

INPUT BLOCK

Depth of Fluid= 2 in.
Diameter of Pipe = 4 in.
Slope of Pipe = 2 %
Manning's n = 0.012

CALCULATION BLOCK

Alpha = 3.1415927 radians
Area of Flow = 6.2831853 in²
Wetted Perimeter = 6.2831853 in
Hydraulic Radius = 1 in

OUTPUT BLOCK

$V = (1.49/n) * R^{(2/3)} * S^{(1/2)}$
 $Q = (1.49/n) * R^{(2/3)} * S^{(1/2)} * A$

V = 3.3502 fps
Q = 0.1462 cfs
Q = 65.60 gpm
Q max = Pipe nofull
Q max = Pipe nofull

11/11/2006

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

RIGHT NUMBER: 67-7120

NAME AND ADDRESS: CITY OF COUNCIL
PO BOX 606
COUNCIL ID 83612

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.800 CFS

PRIORITY DATE: 12/15/1972

POINT OF DIVERSION:

T16N R01W S15 NENE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
1/01 12/31

QUANTITY
0.800 CFS

PLACE OF USE:

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

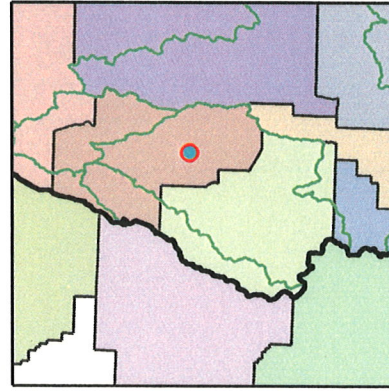
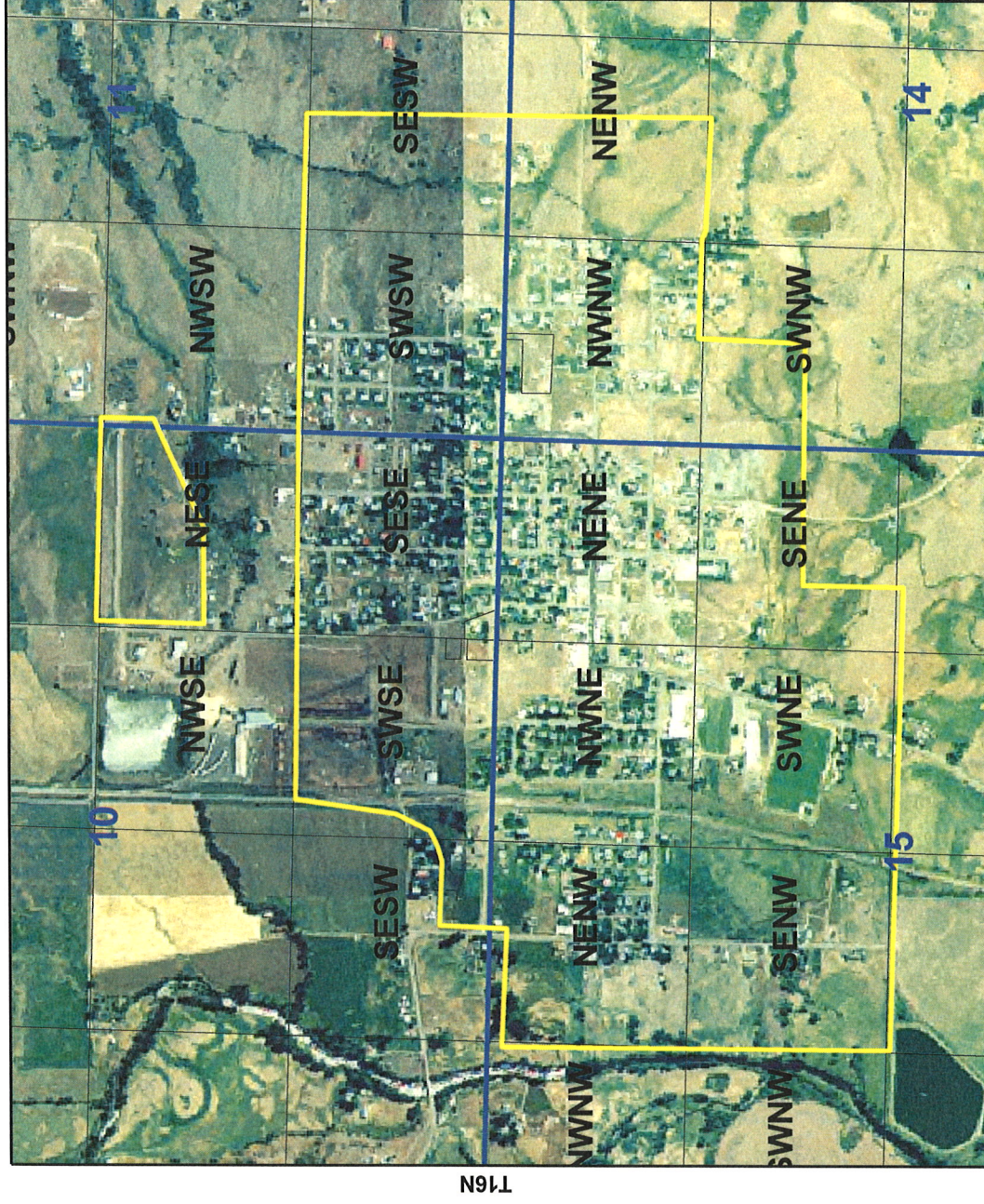
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 - License



R01W

Adams County
IDWR Basin 67

Prepared by A. Warnpjes
On Saturday, November 11, 2006
1987/88 Aerial Photography

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 67-7120 Priority Dec. 15, 1972 Amount 0.80 cfs

THIS IS TO CERTIFY, that the City of Council, Adams County, Idaho
of Council, Idaho, has complied with the terms and conditions of Permit
No. 67-7120 issued pursuant to Application for Permit dated November 28, 1972,
and has submitted proof to the Department of Water Resources on February 18, 1975 (late proof),
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.89 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Municipal</u>	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.80</u> cfs and	<u>n/a</u>
	from _____	cfs and	
	from _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.80 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
n/a acre feet per year, said waters to be diverted within the NE 1/4 of Sec. 15,
Twp. 16 N, Rge. 1 W, B.M. in the County of Adams

Description and location of place of use: City of Council, Idaho

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
16 N	1 W	Sections 10, 11, 14 & 15																	

Total number of acres irrigated _____

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19 day of
September, 19 75.

Director

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF ID/ 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: A67-07120
Date Received: 9/29/1989
Receipt No: C012572
Received By: OK

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF COUNCIL
Address: BOX 606
COUNCIL, ID

83612

208-253-4201

2. Date of Priority: DEC 15, 1972

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Department of Water Resources

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
16N	01W	15	NE NE		ADAMS

5. Description of diverting works:
#3 WELL WITH PUMP AND STORAGE SYSTEM FOR CITY LIMITS COUNCIL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.800		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
M/ 1000 HOMES.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	10			MUNI	
		11			MUNI	
		14			MUNI	

A67-07120

Page 1

Date: 09/29/89

MICROFILMED
OCT 02 1992

SCANNED
MAY 10 2004

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	15			MUNI	

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:
A6704151,10414,10415.

14. Remarks:
PLACE OF USE IS WITHIN CITY LIMITS OF COUNCIL.

15. Basis of Claim: LICENSE

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 Council President _____
Title
City of Council _____, that I have signed the foregoing
Organization
document in the space below as Council President _____ of
Title
City of Council _____ and that the statements contained in the
Organization
foregoing document are true and correct. Anna B. Sheppard
Signature of Authorized Agent
Council President, City of Council
Title and Organization
10/19/89
Date

State of Idaho)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of October 1989 Way Carter
Notary Public

Seal

Residing at Council, Idaho
My Commission Expires 9/93

4/5/1989

SRDA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

City of Council

CLAIM IDENT. NO.

A67-07120

DATE RECEIVED

10/30/89

CK

#C012572

AMOUNT \$

130⁰⁰

- | | 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) | ☒ | ☐ | * |
| | <u>N/A</u> | ☐ | |
| 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? | ☒ | ☐ | |
| | <u>N/A</u> | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| | <u>N/A</u> | ☐ | |
| 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. | ☒ | ☐ | * |
| | <u>N/A</u> | ☐ | |
| 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.) | ☒ | ☐ | |
| | <u>N/A</u> | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| | <u>N/A</u> | ☐ | |
| 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? | ☒ | ☐ | * |
| | <u>Exempt</u> | ☐ | |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| | <u>N/A</u> | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: DBDate: 4/4/90Claim must be returned to claimant: (Yes) ☒ (No) ☐Claimant must be notified of modifications: (Yes) ☒ (No) ☐

Receipt Prepared by: 4/4/90 DB
 Claim data entered by: 4/4/90 DB
 Sent to claimant by: 4/4/90 DB

Date: 4/4/90Date: 4/4/90Checked by: 4/4/90Date: 4/4/90

Comments: _____

MICROFILMED

OCT 12 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

January 10, 2000

DIRK KEMPTHORNE
GOVERNOR

Re: Notice of Change of Water right Ownership
Water Right Nos. A65-04151, A65-07120,
A65-10414 & A65-10415

KARL J. DREHER
DIRECTOR

FRANK L. JONES &/OR
HELEN M. JONES
2084 MISSMAN ROAD
COUNCIL ID 83612

Dear Water users,

Our office received your Notice of Change of Water Right Ownership for the above Water Rights.

However, after reviewing these municipal claims, the ownership cannot be changed without first filing an application for transfer.

Ref: Idaho Code 42-202B.

Thus, before we can modify our records to reflect your notice of change of ownership of the water right referenced above, you will need to file an application for transfer to change the municipal use to Domestic.

If the transfer is approved, then the transfer will change the ownership for this right.

NOTE: It appears that right A67-04151 may be the only water right eligible that you listed for transferring the municipal nature of use to a new use. Spring source, AKA Crystal or Rinehart Spring.

We are returning your Notice of Change of Water Right Ownership and attachments.

We are enclosing instructions and the application for transfer. If you have more questions in processing the transfer, please contact the Water Allocation Staff here at Western Region.

Sincerely,

AJDJUDICATION STAFF

Enclosures:

Profile reports of above listed rights
Transfer application and instructions

SCANNED
MAY 10 2004

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED

JUL 08 1999

WATER RESOURCES
WESTERN REGION

1. Water Right No(s).: _____
Adjudication Claim No(s).: ~~A67-10414, A67-07120, A67-10415 & A67-04151~~
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant: City of Council
P.O. Box 606, Council, ID 83612
4. New Owner/Claimant(s): Frank L. Jones and Helen M. Jones
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address: 2084 Missman Road
City, State and ZIP Code: Council, ID 83612
New Telephone Number: (208) 253-4476
5. Date you acquired the property: June 15, 1999
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s): Frank L. Jones
Helen M. Jones
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

COPY

For Value Received, CITY OF COUNCIL, a municipal corporation
the grantor, does hereby grant, bargain, sell and convey unto
FRANK L. JONES and HELEN M. JONES, husband and wife
the grantees, whose current address is 2084 Missman Rd., Council, ID 83612
the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED 'EXHIBIT A' MADE A PART HEREOF

Property transferred " AS IS" and " WHERE IS"

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title.

and that they will warrant and defend the same from all lawful claims whatsoever.

Date: June 16, 1999

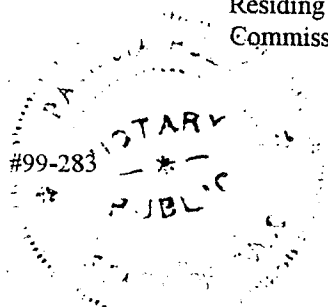
CITY OF COUNCIL, a municipal corporation

By: Katherine B. Ritter
Katherine B. Ritter, City Council President

STATE OF Idaho)
) ss
COUNTY OF Adams)

On this 15 day of June, in the year of 1999, before me a Notary Public in and for said State, personally appeared KATHERINE B. RITTER known or identified to me to be the CITY COUNCIL PRESIDENT of the CITY OF COUNCIL that executed the instrument or the person who executed the instrument on behalf of the CITY OF COUNCIL, and acknowledged to me that the CITY OF COUNCIL executed the same.

Patricia Hobbs
Notary Public
Residing at New Hudson
Commission expires: 10-23-99



STATE OF IDAHO, COUNTY OF ADAMS
I hereby certify that this instrument was filed for record
at the request of Timberline Title & Escrow

at 30 minutes past 4 o'clock PM.
this 15 day of June, 1999, in my
office, and duly recorded in Book
of Deeds at page

MICHAEL FISK
Ex-Officio Recorder

By: Peggy Linkel
Deputy

Fees \$ 6.00
Mail to: Timberline Title & Escrow

EXHIBIT 'A'

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 11: A tract of land located in the NE1/4 more particularly
described as follows:

Commencing at a point which bears South $52^{\circ} 45' 24''$ West 1538.91 feet from
the Section corner common to Sections 2, 1, 11, and 12, T16NR1WBM and is
the REAL POINT OF BEGINNING;

Thence South $00^{\circ} 21' 39''$ West 208.71 feet to a point;

Thence North $89^{\circ} 38' 21''$ West 208.71 feet to a point;

Thence North $00^{\circ} 21' 39''$ East 208.71 feet to a point;

Thence South $89^{\circ} 38' 21''$ East 208.71 feet to the REAL POINT OF BEGINNING.

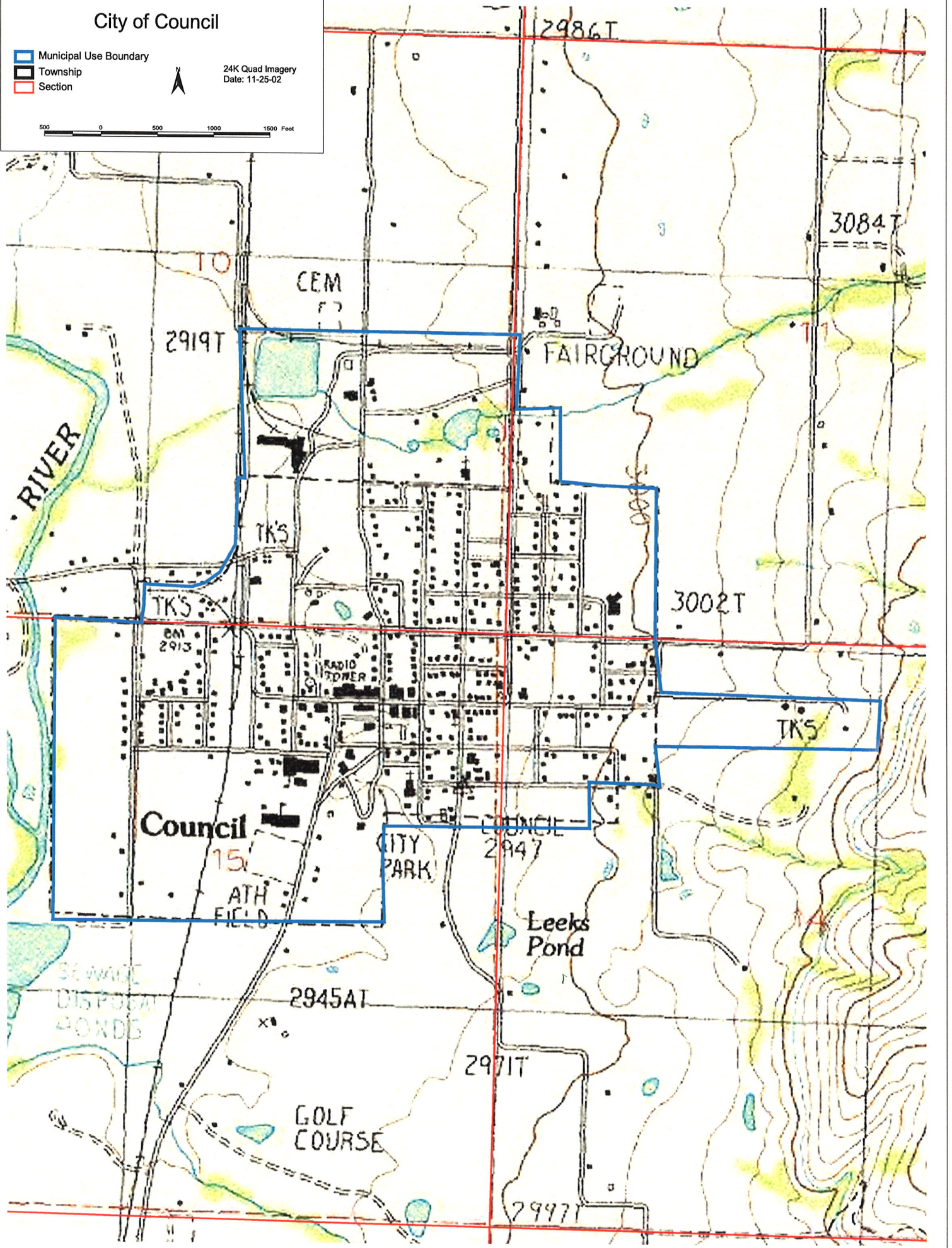
City of Council

- Municipal Use Boundary
- Township
- Section



24K Quad Imagery
Date: 11-25-02

500 0 500 1000 1500 Feet





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 31, 2002

Michael Holladay
Holladay Engineering Co.
P O BOX 325
Payette, ID 83661

Subject: Municipal Service Area Boundary, City of Council

Dear Michael:

I received the map with the corrections to the service area boundary. Please take a look at the new corrected boundary enclosed. If this boundary is right, call me and let me know. If I still need to make adjustments, indicate them and send the map back to me. Thanks again for your cooperation.

If you have any questions, please don't hesitate to call me at (208) 327-7998.

Sincerely,

Mark Larson
GIS Analyst
Adjudication Technical Section



HOLLADAY ENGINEERING CO.

ENGINEERS • CONSULTANTS

32 N. Main P.O. Box 235 Payette, ID 83661
(208) 642-3304 • Fax # (208) 642-2159

RECEIVED

OCT 29 2002

Department of Water Resources

October 28, 2002

Mark Larson
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RE: City of Council, Water Rights
HECO Project No. CO112700

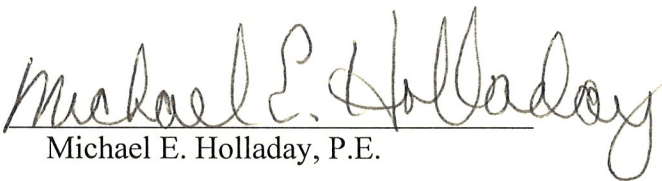
Dear Mr. Larson:

Attached to this letter is the corrected map showing the actual boundary of the City of Council with regard to water usage in the area where water is used. Please note that the City of Council uses water outside of the boundaries of the city limit. The water rights need to take this into account. Also, the City is anticipating a number of annexations in the foreseeable future that will affect the present city boundaries.

If you have any questions, please call.

Sincerely,
HOLLADAY ENGINEERING COMPANY

By:


Michael E. Holladay, P.E.

Attachment

Cc: City of Council
Ron Hasselstrom, Public Works Supervisor

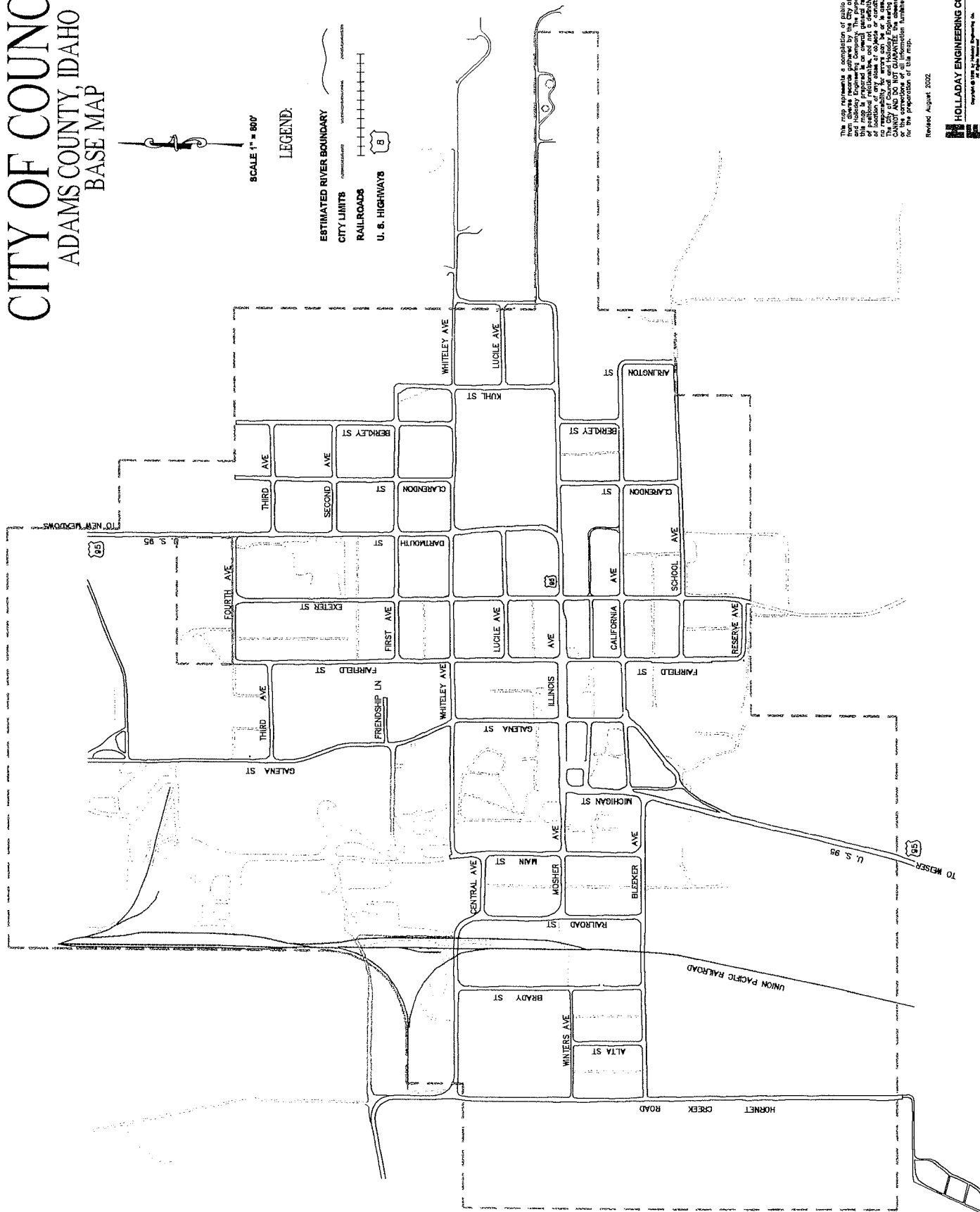
LEGEND:

ESTIMATED RIVER BOUNDARY

CITY LIMITS

RAILROADS

U. S. HIGHWAYS



This map represents a compilation of public information from diverse sources gathered by the City of Council Bluffs and Voldecy Engineering Company. The purpose for which this map is prepared is as general ground representation of positional relationships, and not a definitive description of location of any class of objects or conditions. Hence, no responsibility for errors can be or is assumed. The City of Council Bluffs and Voldecy Engineering Company CANNOT AND DO NOT GUARANTEE the absence of errors or the corrections of all information furnished to them for the preparation of this map.

Revised August 2002

HOLLADAY ENGINEERING CO.

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