

11/21/2006

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

RIGHT NUMBER: 67-7167

NAME AND ADDRESS: VIRGIL FAIRCHILD
880 NW 11 TH AVE
PAYETTE ID 83661

SOURCE: UNNAMED SLOUGH TRIBUTARY: WEISER RIVER
WEISER RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.450 CFS
400.000 AFY

PRIORITY DATE: 08/24/1973

POINT OF DIVERSION:

T14N R03W S33 NESE Within WASHINGTON County

T14N R03W S34 SENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/15 11/15	1.450 CFS 400.00 AFY
The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before May 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R03W S34	NENW	14.00	T14N R03W S34	NWNW	9.00
T14N R03W S34	SWNW	23.00	T14N R03W S34	SENW	25.00
T14N R03W S34	NESW	28.00	T14N R03W S34	NWSW	1.00

100 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water diverted from the unnamed slough is exchanged for water diverted from the Weiser River.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

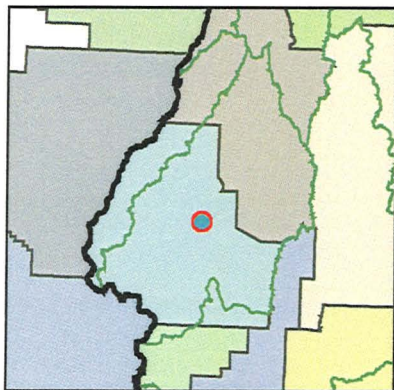
SRBA Recommendation:

67-7167

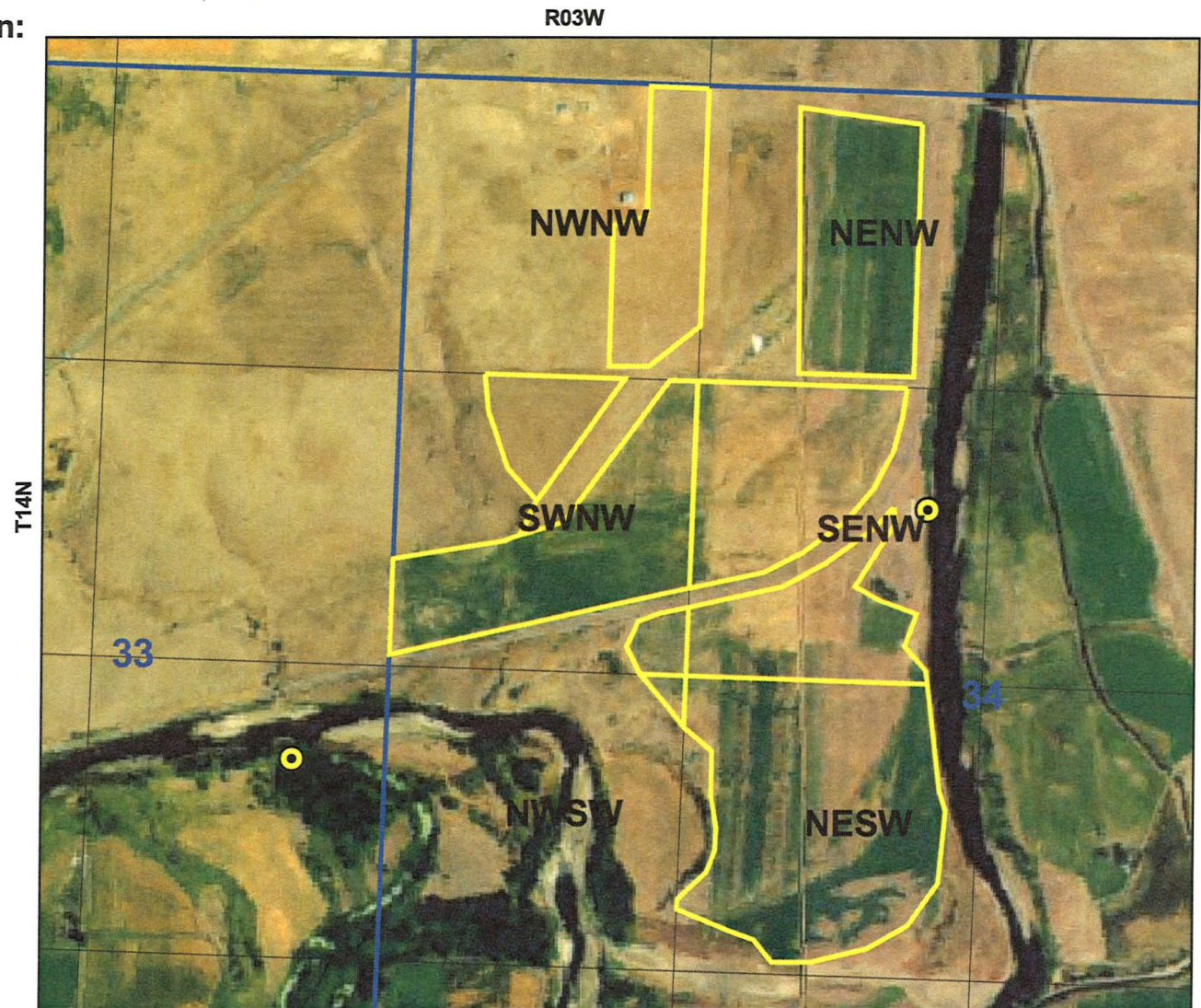
(Irrigation)

Legend

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



Washington County
IDWR Basin 67



0 0.3 0.6 Miles

Prepared by L. Graves
On Tuesday, November 21, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7167 V1

WATER RIGHT NUMBER: 67-7167 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	A DAWSON GAERTNER PO BOX 46 MIDVALE, ID 83645
Current Owner	VIRGIL FAIRCHILD 880 NW 11 TH AVE PAYETTE, ID 83661 (208)642-4280

Priority Date: 08/24/1973

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED SLOUGH	WEISER RIVER
WEISER RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/15 to 11/15	1.450 CFS	400.00 AF
	<u>Total Diversion:</u>	1.450 CFS	400.00 AF

Location of Point(s) of Diversion

UNNAMED SLOUGH	NE1/4SE1/4	Sec. 33, Twp 14N, Rge 03W, B.M.
WASHINGTON County		
WEISER RIVER	SE1/4NW1/4	Sec. 34, Twp 14N, Rge 03W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	03W	34					14.0	9.0	23.0	25.0	28.0	1.0							100.0

Total Acres: 100

Conditions of Approval:

1. Water diverted from the unnamed slough is exchanged for water diverted from the Weiser River.
2. S39 The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before May 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7167 V1

4. 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.
5. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Remarks:Comments:

1. awamtje 4/23/2004 Period of Use

Comment: Period of use recommended of 5/15 to 11/15 is different than standard period of 3/15 to 10/31. Remark needed.

2. Igraves 11/20/2006 P/U

Comment: P/u was licensed for 100 acres. Acre tenths were used on the original typed license. Because of data entry limitations, the acres were rounded on the computer generated license. Acres were recommended in the licensed tracts, but were shifted based on the 1987 aerial photo and ArcView technology.

3. Igraves 11/20/2006 P/Ds

Comment: As indicated on the license, water is diverted in S33 from an unnamed slough into the Weiser River in exchange for water diverted upstream from the Weiser River in S34. It appears on the aerial photos that the slough flows directly into the river, however, the topo map indicates a disconnect, which explains why both sources were licensed as p/ds. The tributary for the unnamed slough was clarified to the Weiser River.

4. Igraves 11/21/2006 Parcel Nos.

Comment: Irrigation is within Parcel Nos. RP14N03W342550, RP14N03W343050 and RP14N03W343100.

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:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-7167

WATER RIGHT NUMBER: 67-7167

Owner Type Name and Address
 Original Owner A DAWSON GAERTNER
 PO BOX 46
 MIDVALE, ID 83645
 Current Owner VIRGIL FAIRCHILD
 880 NW 11 TH AVE
 PAYETTE, ID 83661
 (208)642-4280

Priority Date: 08/24/1973 ✓

Basis: License ✓

Status: Active ✓

Source Tributary

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 5/15 to 11/15 1.450 CFS ✓ 400 af - licensed
 3/1 10/31 Total Diversion: 1.450 CFS ✓ 400 af

Location of Point(s) of Diversion

Unnamed Slough - NE SE 533 trib to Weiser R
 Weiser R - SE NW 534 trib to Snake R

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 03W 34					44.0	9.0	31.0	17.0	20.0	11.0							402.0
					13.6	8.7	30.5	16.8	19.8	10.6							100

Total Acres: 402

100

per orig license

Conditions of Approval:1. ~~AC. IRR. = 100.~~

exp - WATER FROM SLOUGH EXCHANGED FOR WATER FROM WEISER RIVER.
 SOURCES ARE UNNAMED SLOUGH & WEISER R., TRIB. SNAKE R.

exp - 2. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Claim Received Date: 10/11/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

add 539 3/1-10/31
 COS accomplished
 p/u change

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-7167

WATER RIGHT NUMBER: 67-7167

Owner Type Name and Address
 Current Owner A DAWSON GAERTNER
 PO BOX 46
 MIDVALE, ID 83645

Priority Date: 08/24/1973

Basis: License

Status: Active

Source Tributary
 UNNAMED SLOUGH SNAKE RIVER
 WEISER RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/15 to 11/15	1.450 CFS	400.00 AF
	<u>Total Diversion:</u>	1.450 CFS	400.00 AF

Location of Point(s) of Diversion

UNNAMED SLOUGH	NE1/4SE1/4	Sec. 33, Twp 14N, Rge 03W, B.M.
WASHINGTON County		
WEISER RIVER	SE1/4NW1/4	Sec. 34, Twp 14N, Rge 03W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N 03W 34					14.0	-9.0	31.0	17.0	20.0	11.0							102.0
					13.6	8.7	30.5	16.8	19.8	10.6							100

Total Acres: 102

*per orig license
attached*

Conditions of Approval:

1. AC. IRR. = 100.
WATER FROM SLOUGH EXCHANGED FOR WATER FROM WEISER RIVER.
SOURCES ARE UNNAMED SLOUGH & WEISER R., TRIB. SNAKE R.
2. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Dates and Other Information:

Licensed Date: 2/5/1979
 Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 67-7167 Priority August 24, 1973 Amount 1.45 cfs

THIS IS TO CERTIFY, that A. DAWSON GAERTNER
of Midvale, Idaho, has complied with the terms and conditions of Permit
No. 67-7167 issued pursuant to Application for Permit dated August 24, 1973,
and has submitted proof to the Department of Water Resources on November 27, 1974,
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 1.45 cfs of water from the Weiser River and an
tributary to the Snake River unnamed slough, 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
Irrigation	from <u>May 15</u> to <u>Nov. 15</u> at <u>1.45</u> cfs and	<u>400 acre feet or</u>	
	from <u>(to)</u> at <u>(to)</u> cfs and	<u>4.0 af per acre</u>	
	from <u>(to)</u> to <u>(to)</u> at <u>(to)</u> cfs and		
	(both dates inclusive)		

Subject, however, to the condition that no more than 1.45 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
400 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34 (Weiser
River) and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33 (unnamed slough); Twp. 14 N, Rge. 3 W, B.M. in the
County of Washington

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14 N	3 W	34					13.6	8.7	30.5	16.8	19.8	10.6							100

Total number of acres irrigated 100

The water diverted from the slough as described above will be exchanged for
Weiser River water to be diverted at a point within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, Twp.
14 N, Rge. 3 W, B.M.

Measuring devices of a type approved by this Department shall be permanently
maintained at the points of injection and point of diversion from the Weiser River.

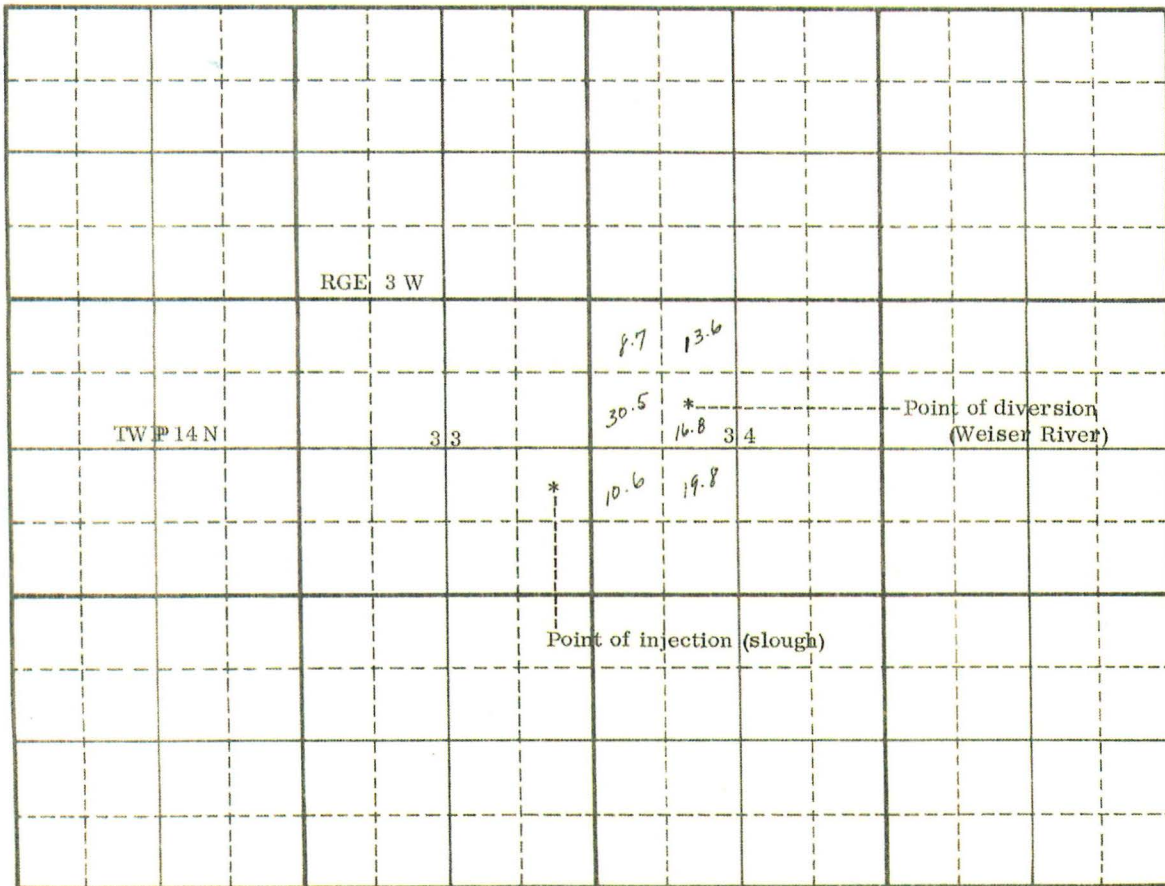
NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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 15 day of
November, 19 76.

Director

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Malheur, Idaho, this 30 day of October, 19 76.
(Signature)
 (signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, R. KEITH HIGGINSON, Director of the Department of Water Resources
 hereby approve the above application for amendment for Permit No. 67-7167.

Witness my hand this 15 day of November, 19 76.

(Signature)
 Director

DATE OF EXAM 7-28-76

ACREAGE
Found 106
Recommended 100

Irrigation Requirement 4.0 Ac Ft/Ac

USE
Irrigation Q = 1.45 c.f.s. V = 400.0 AF/Ann. from May 15 to Nov 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes ☒ no _____

Name source exchanged with: Weiser River
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: unnamed slough - measured with 4' rec. weir - with 0.35" of water
twp. 14 N/S, Rge 3 E/W, B.M., Sec. 33, Sub. NE 1/4 SE 1/4 Wash. going out
County = 2.76 cfs

Point of exchange: same as PD from Weiser River - 1.44 cfs
twp. 14 N/S, Rge 3 E/W, B.M., Sec. 34, Sub. SE 1/4 NW 1/4 Wash.
County _____

Total Q measured 1.95 cfs Method of measurement 8" flowmeter

Total Q recommended 1.45 cfs Meter No M0591589 Type Badger Condition New

Total V recommended 400.0 AF/Ann.

Recommended Amendments:

P.D. SE 1/4 NW 1/4 Sec 34, T14N, R3W
Place of Use see rough draft
Other _____
None _____

MEASUREMENT CALCULATION:

650 gpm ÷ 448.8 = 1.448 cfs

Total V = 1.45 × 1.98 × 184 day season = 528.264 AF
100 acres × 4.0 AF = 400 AF

SYSTEM DESCRIPTION:

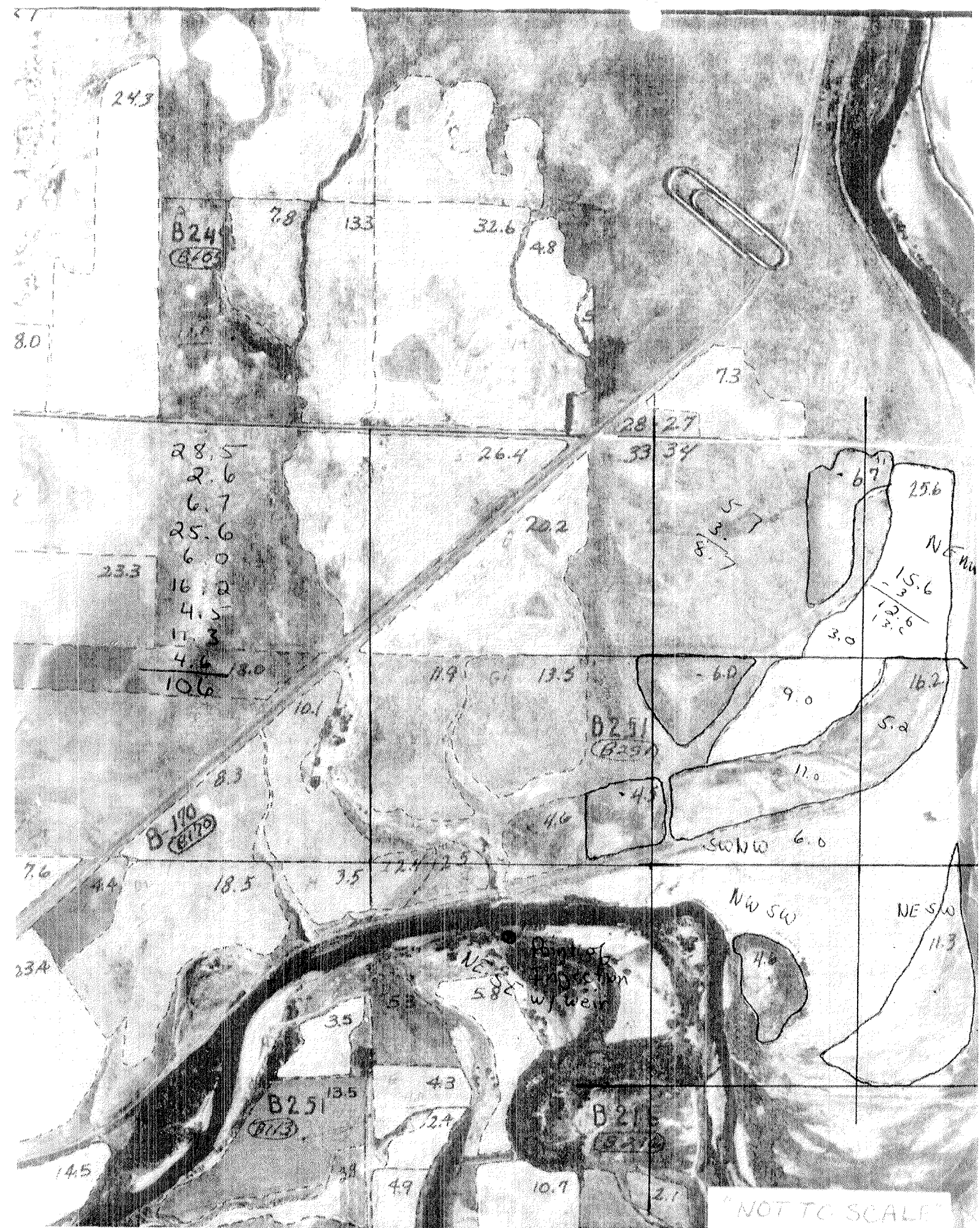
diverting from Weiser River with 10 HP General Electric motor
model # 5K215AN214 with open discharge into holding tank
redirect water from tank with 50 HP General Electric motor model #
5K224YK140 and Cornell pump serial # 14195 - 8" mainline
into sprinkler system

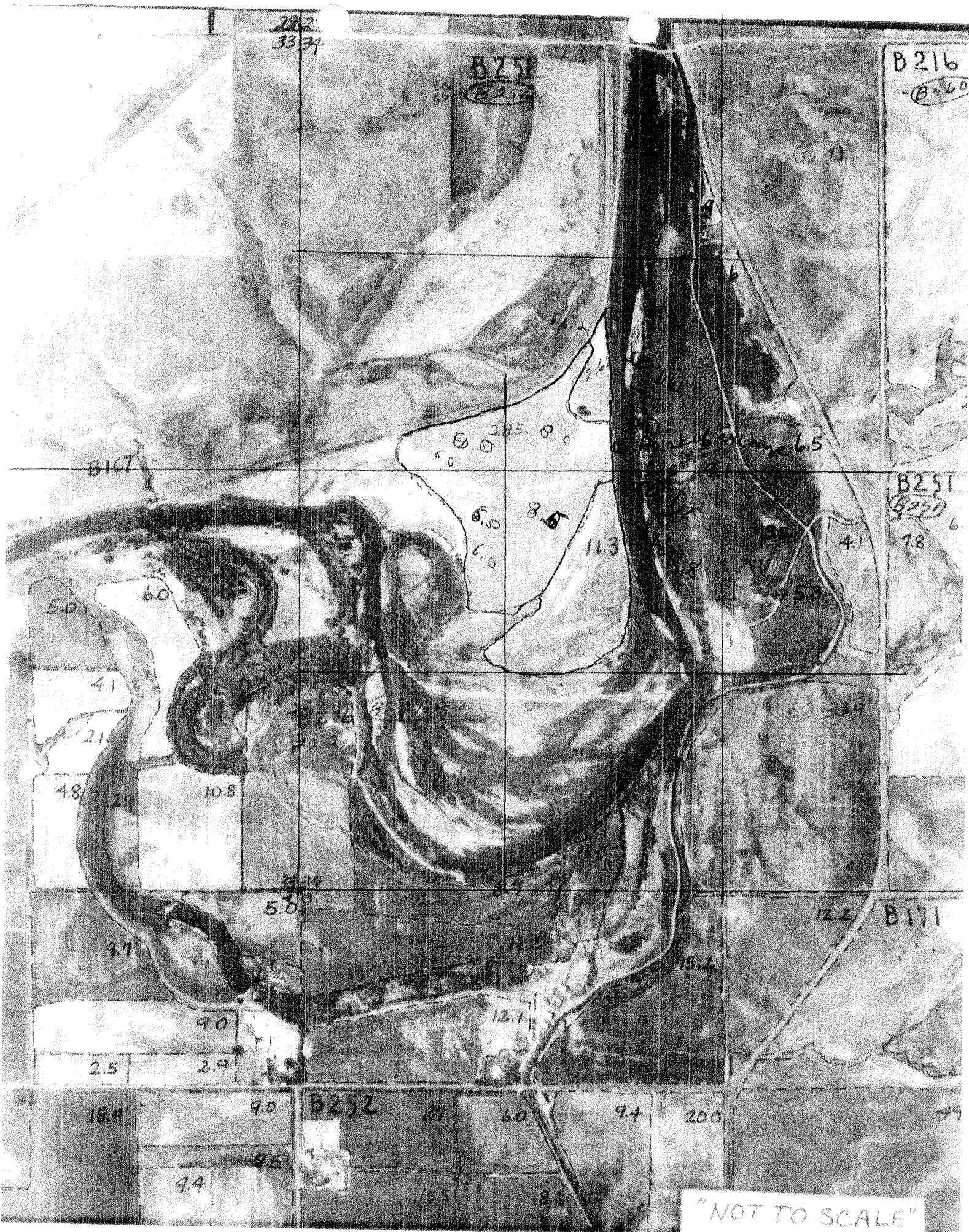
REMARKS: some of water is waste water
water sumps from ditch - exchange water is measured with 4'
weir 0.35" over weir = 2.76 cfs

Examiner's Signature Peter Chamberlin Date 7-28-76

Checked by JH Date 8-2-76

Approved by _____ Date _____





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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: A67-07167
Date Received: 10/11/1989
Receipt No: M004894
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VIRGIL FAIRCHILD 208-642-4280
Address: 880 NORTHWEST 11TH AVE
PAYETTE, ID 83661

2. Date of Priority: AUG 24, 1973

3. Source: UNNAMED SLOUGH Trib. to: SNAKE RIVER
WEISER RIVER SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	03W	33		NE	SE		WASHINGTON
		34		SE	NW		WASHINGTON

5. Description of diverting works:
PUMP TO FLOOD AND SPRINKLE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/15	11/15	1.450		

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

8. Total consumptive use is 420.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/500 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	03W	34	NE	NW		IRR	14.0

A67-07167

Page 1

Date: 10/11/89

SCANNED
MAY 10 2004

MICROFILMED
OCT 02 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14N	03W	34	NW		NW		IRR	9.0
			SW		NW		IRR	31.0
			SE		NW		IRR	17.0
			NE		SW		IRR	20.0
			NW		SW		IRR	11.0
							Section Acres	102.0
							Total Acres	102.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
NONE

14. Remarks:
AC. IRR. = 100.
WATER FROM SLOUGH EXCHANGED FOR WATER FROM WEISER RIVER.
SOURCES ARE UNNAMED SLOUGH & WEISER R., TRIB. SNAKE R.

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: 2

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): + Virgil Fairchild Date: 10/11/89
_____ Date: _____

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 16 day
of Oct 19 89 James G. [Signature]
Notary Public

Seal

Residing at _____

My Commission Expires APRIL 11, 1995
MY COMMISSION EXPIRES APRIL 11, 1995

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7167 V1

WATER RIGHT NUMBER: 67-7167 V1

Owner Type Name and Address
Original Owner A DAWSON GAERTNER
 PO BOX 46
 MIDVALE, ID 83645
Current Owner VIRGIL FAIRCHILD
 880 NW 11 TH AVE
 PAYETTE, ID 83661
 (208)642-4280

Priority Date: 08/24/1973

Basis: License

Status:

Source Tributary

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	5/15	11/15	1.450 CFS	
<u>Total Diversion:</u>			1.450 CFS	

Location of Point(s) of DiversionPlace of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
14N	03W	34	14.0	9.0	31.0	17.0	102.0

Total Acres: 102

Conditions of Approval:Remarks:Comments:

1. awarntje 4/23/2004 Period of Use
Comment: Period of use recommended of 5/15 to 11/15 is different than standard period of 3/15 to 10/31. Remark needed.

Dates and Other Information:

Draft

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7167 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: 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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	4/23/2004 2:24:20 PM	awarntje			
POD	4/23/2004 2:51:27 PM	awarntje			
Source	4/23/2004 2:52:09 PM	awarntje			
POU	4/23/2004 2:54:42 PM	awarntje			
Use	4/23/2004 2:55:23 PM	awarntje			
Season	4/23/2004 2:57:07 PM	awarntje			
Quantity	4/23/2004 2:59:39 PM	awarntje			

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POU	2/19/2004 11:19:44 AM	awarntje	Edited shape boundary
POU	2/19/2004 11:39:07 AM	awarntje	Edited shape boundary
POU	2/19/2004 11:26:21 AM	awarntje	Edited shape boundary
POU	2/19/2004 11:31:48 AM	awarntje	Edited shape boundary
POD	4/23/2004 2:34:21 PM	awarntje	Edited point location
POD	4/23/2004 2:44:58 PM	awarntje	Edited point location
POD	4/23/2004 2:45:33 PM	awarntje	Edited point location
POD	4/23/2004 2:51:28 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?

DO NOT SCAN