

RECEIVED

NOV 24 2006

DEPARTMENT OF
WATER RESOURCES

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: 67-7226

SOULEN LIVESTOCK CO

1760 FAIRMONT DR

WEISER ID 83672

Telephone Number: (208)549-1878

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:

11/20/06

SIGNATURE:

Harry C. Soulen

Please print your name:

Harry C. Soulen

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

SCANNED

NOV 28 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7226 V1

WATER RIGHT NUMBER: 67-7226 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SOULEN LIVESTOCK CO 1760 FAIRMONT DR WEISER, ID 83672 (208)549-1878
Original Owner	ROBERT O SWAIN , ZZ

Priority Date: 11/05/1974

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
COVE CREEK UNNAMED STREAMS	WEISER RIVER COVE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION FROM STORAGE	04/01 to 10/15		276.00 AF
STOCKWATER STORAGE	01/01 to 12/31		4.10 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		4.10 AF
IRRIGATION STORAGE	04/01 to 10/15		276.00 AF
	<u>Total Diversion:</u>	0.000 CFS	276.00 AF

Location of Point(s) of Diversion

COVE CREEK	NW1/4SW1/4	Sec. 23, Twp 11N, Rge 03W, B.M.
WASHINGTON County		
UNNAMED STREAMS	SW1/4SW1/4	Sec. 26, Twp 11N, Rge 03W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION FROM STORAGE

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 03W 22																21.0	21.0
11N 03W 23											2.0						2.0
11N 03W 27	6.0	12.0	15.0						23.0		18.0	30.0	8.0	26.0	4.0	8.0	150.0
11N 03W 28																7.0	7.0

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11N 03W 33	20.0				20.0
11N 03W 34		17.0			17.0

Total Acres: 217

STOCKWATER FROM STORAGE same as IRRIGATION
FROM STORAGE

Conditions of Approval:

1. 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7226 V1

Comments:

1. mcase 7/22/2004 POU

Comment: Updated Shape

2. mcase 7/22/2004 POU

Comment: Updated PLS

3. mcase 7/22/2004 POU

Comment: Claimed Purpose of Use did not match claimed POU Purpose of Use. I added the claimed PLS for the POU under Irrigation from Storage. The shape was created using the PLS description. It needs to be trimmed down to the proper acreage.

4. mcase 7/22/2004 POD

Comment: Updated shape

5. mcase 7/22/2004 POD

Comment: Updated shape

6. mcase 7/22/2004 Period Of Use

Comment: Licensed period of use is 3/15 to 11/15. Claimed 4/01 to 10/31. Standard Season of Use is 3/1 to 11/15 or 3/15 to 10/31 (depending on area of POU. I did not know what to recommend.

7. mcase 7/22/2004 Quantity

Comment: Licensed for annual diversion of 276 AF. Claimed 800 AF for irrigation and 200 AF. for stock. I recommended licensed volume. Could not verify flow of diversion to storage.

8. mcase 7/22/2004 POU

Comment: Updated Shape

9. mcase 7/22/2004 POU

Comment: Updated Shape

10. mcase 7/22/2004 POU

Comment: Updated Shape

11. mcase 7/22/2004 POU

Comment: Updated PLS

12. dfavreau 10/4/2006 POD

Comment: Used PODs previously digitized

13. dfavreau 10/4/2006 POU

Comment: Used previous shape developed by morgan (217 acres). Did not update PLSS

14. dfavreau 10/4/2006 Period of use

Comment: recommended as licensed

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7226 V1

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:
 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>
Priority Date	7/22/2004 1:32:24 PM	mcase			Active
POD	7/22/2004 1:36:59 PM	mcase			Active
Source	7/22/2004 1:41:47 PM	mcase			Active
POU	7/22/2004 1:42:13 PM	mcase			Active
Use	7/22/2004 1:42:28 PM	mcase			Active
Season	7/22/2004 1:44:22 PM	mcase			Active
Quantity	7/22/2004 1:48:08 PM	mcase			Active
Priority Date	10/4/2006 1:54:26 PM	dfavreau			Active
POD	10/4/2006 1:54:46 PM	dfavreau			Active
Source	10/4/2006 2:01:21 PM	dfavreau			Active
POU	10/4/2006 2:09:09 PM	dfavreau			Active
Use	10/4/2006 2:09:24 PM	dfavreau			Active
Season	10/4/2006 2:10:06 PM	dfavreau			Active
Quantity	10/4/2006 2:13:39 PM	dfavreau			Active
Summary			10/04/2006	dfavreau	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	10/4/2006 2:07:16 PM	dfavreau	Updated shape for Active POU

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Adjudication Recommendation Report 67-7226 V1

POU	10/4/2006 2:09:10 PM	dfavreau	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
General	10/4/2006 1:54:26 PM	dfavreau	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Season	10/4/2006 2:10:06 PM	dfavreau	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
POD	10/4/2006 1:59:58 PM	dfavreau	Updated shape
Quantity	10/4/2006 2:13:40 PM	dfavreau	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - Taken from license

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Summary	10/4/2006 2:14:35 PM	dfavreau	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (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?
POD	10/4/2006 1:57:04 PM	dfavreau	Updated shape
POD	10/4/2006 1:57:47 PM	dfavreau	Updated shape
POD	10/4/2006 1:59:29 PM	dfavreau	Updated shape
Source	10/4/2006 2:01:21 PM	dfavreau	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Use	10/4/2006 2:09:25 PM	dfavreau	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POD	10/4/2006 1:54:46 PM	dfavreau	(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? (No) 10. Is a POD remark and/or condition required?
Season	7/22/2004 1:44:23 PM	mcase	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (No) 5. Can the claimed Period of Use be verified using the water right file? (No) 6. Is there evidence that there has been a change in the Period of Use?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7226 V1

Priority Date	7/22/2004 1:32:25 PM	mcase	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Quantity	7/22/2004 1:48:08 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
POD	7/22/2004 1:36:59 PM	mcase	(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?
Source	7/22/2004 1:41:47 PM	mcase	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	7/22/2004 1:42:14 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
Use	7/22/2004 1:42:28 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?

Water Supply Bank:



Idaho Department of Water Resources

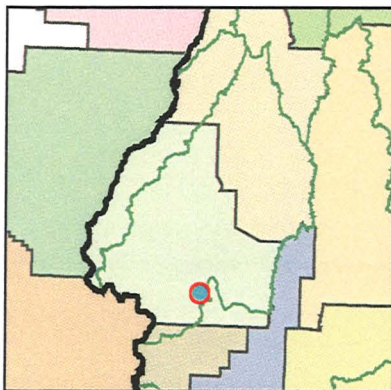
SRBA Recommendation:

67-7226

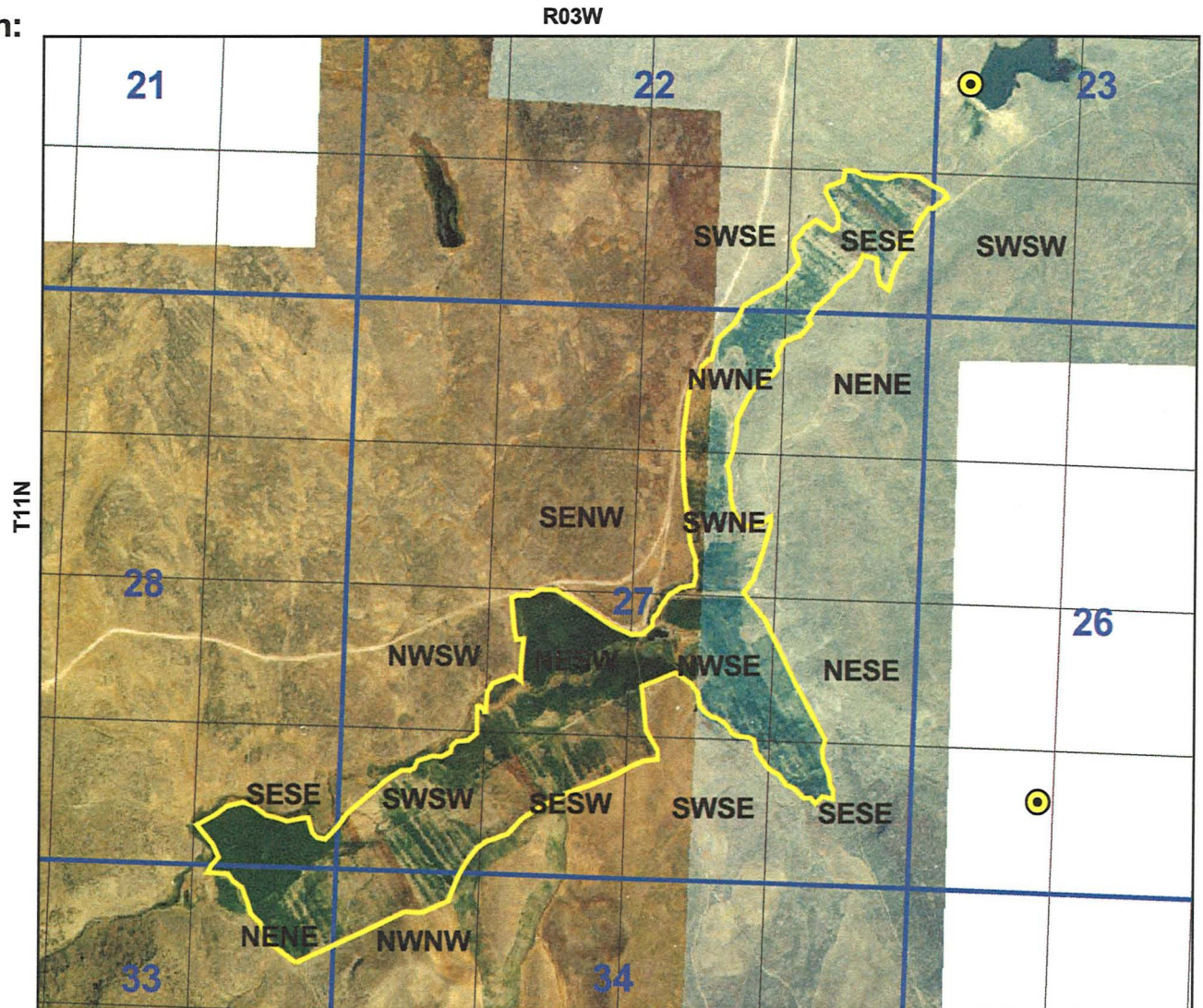
(Irrigation From Storage)

Legend

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



Washington County
IDWR Basin 67



0 0.7 1.4 Miles



Prepared by D. Favreau
On Wednesday, October 4, 2006
1987/88 Aerial Photography

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 67-07226

Priority: November 5, 1974

Maximum Storage Volume: 267.0 AF

This is to certify, that SOULEN LIVESTOCK CO.

WEISER, ID 83672 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 11, 1974; and has submitted Proof of Beneficial Use on November 26, 1980. An examination indicates that the works have a storage capacity of 267.000 af of water from:

COVE CREEK
UNNAMED STREAM

tributary to WEISER RIVER
tributary to COVE CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	01/01 to 12/31		267.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		267.0 AF
STOCKWATER STORAGE	01/01 to 12/31		4.1 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		4.1 AF
Totals			267.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 23, Township 11N, Range 03W
SWSW , Sec. 26, Township 11N, Range 03W
WASHINGTON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11N	03W	22	SESE 21			21
		23	SWSW 2			2
		27	NENE 6	NWNE 12	SWNE 15	
			NESW 23	SWSW 18	SESW 30	
			NESE 8	NWSE 26	SWSE 4	
			SESE 8			150
		28	SESE 7			7
		33	NENE 20			20
		34	NWNW 17			17

Total number of acres irrigated: 217

PLACE OF USE: IRRIGATION STORAGE, same as IRRIGATION use
PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use
PLACE OF USE: STOCKWATER STORAGE, same as IRRIGATION use
PLACE OF USE: STOCKWATER FROM STORAGE, same as IRRIGATION use

MICROFILMED

SEP 19 1990

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 67-7226
Date Received: 7/3/1989
Receipt No: C008000
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SOULEN LIVESTOCK CO Phone: (208)549-1878

1760 FAIRMONT DR
WEISER ID USA 83672

2. Date of Priority: 11/05/1974

3. Source: COVE CREEK , UNNAMED STREAMS Trib. to: WEISER RIVER , COVE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	03W	23	NW SW	WASHINGTON	
11N	03W	26	SW SW	WASHINGTON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION STORAGE	01/01 12/31		267
IRRIGATION FROM STORAGE	03/15 11/15		267
STOCKWATER STORAGE	01/01 12/31		4.1
STOCKWATER FROM STORAGE	01/01 12/31		4.1

7. Total Quantity Appropriated is:
267 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	03W	22	SE	SE	IRR FROM STORAGE	21
					Section Acres	21
11N	03W	23	SW	SW	IRR FROM STORAGE	2
					Section Acres	2
11N	03W	27	NE	NE	IRR FROM STORAGE	6
			NW	NE	IRR FROM STORAGE	12
			SW	NE	IRR FROM STORAGE	15
			NE	SW	IRR FROM STORAGE	23
			SW	SW	IRR FROM STORAGE	18
			SE	SW	IRR FROM STORAGE	30
			NE	SE	IRR FROM STORAGE	8
			NW	SE	IRR FROM STORAGE	26
			SW	SE	IRR FROM STORAGE	4
			SE	SE	IRR FROM STORAGE	8
					Section Acres	150
11N	03W	28	SE	SE	IRR FROM STORAGE	7
					Section Acres	7
11N	03W	33	NE	NE	IRR FROM STORAGE	20
					Section Acres	20
11N	03W	34	NW	NW	IRR FROM STORAGE	17
					Section Acres	17
					Total Acres	217

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:

14. Remarks:

Claim amended per approval of license 67-7226

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: A67-07226
Date Received: 7/02/1989
Receipt No: COO8000
Received By: RET

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SOULEN LIVESTOCK CO. 208-549-1878
Address: 1760 FAIRMONT DR.
WEISER, ID 83672

2. Date of Priority: NOV 05, 1974

3. Source: UNNAMED STREAMS Trib. to: COVE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	03W	23	NW	SW			WASHINGTON
		26	SW	SW			WASHINGTON

5. Description of diverting works:
2 RESERVOIRS: CINNABAR DAM, 30'; N. COVE CK DAM, 25'

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	04/01	10/15			800.00
IRRIGATION FROM STORAGE	04/01	10/15			800.00
STOCKWATER FROM STORAGE	01/01	12/31			200.00
STOCKWATER STORAGE	01/01	12/31			200.00
DIVERSION TO STORAGE	01/01	12/31	6.000		

7. Total Quantity Appropriated is:
6.000 C.F.S. (and/or) 1000.00 A.F.A.

8. Total consumptive use is 759.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/250 RANGE.

SCANNED
APR 19 2004

A67-07226

Page 1

Date: 07/03/89

MICROFILMED
OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	03W	22	SE	SE		IRR	21.0
						Section Acres	21.0
		23	SW	SW		IRR	2.0
						Section Acres	2.0
		27	NE	NE		IRR	6.0
			NW	NE		IRR	12.0
			SW	NE		IRR	15.0
			NE	SW		IRR	23.0
			SW	SW		IRR	18.0
			SE	SW		IRR	30.0
			NE	SE		IRR	8.0
			NW	SE		IRR	26.0
			SW	SE		IRR	4.0
			SE	SE		IRR	8.0
						Section Acres	150.0
		28	SE	SE		IRR	7.0
						Section Acres	7.0
		33	NE	NE		IRR	20.0
						Section Acres	20.0
		34	NW	NW		IRR	17.0
						Section Acres	17.0
						Total Acres	217.0

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:

SEE FIELD EXAM ON FILE FOR MAPS OF IRRIGATED LANDS.

15. Basis of Claim: PERMIT

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am Vice-President of
Title
Soolen Livestock Co., that I have signed the foregoing
Organization
document in the space below as Vice-President of
Title
Soolen Livestock Co. and that the statements contained in the
Organization
foregoing document are true and correct.

Harry C. Soolen
Signature of Authorized Agent
Vice-Pres. Soolen Livestock Co.
Title and Organization

July 3, 1989
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of June July 19 89
Seal

John Garza
Notary Public

Residing at Helen Harrington, Notary Public
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 1, 1994