

11/21/2006 RECEIVED
NOV 29 2006
DEPARTMENT OF
WATER RESOURCES

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: 67-7316

RULON ZAUGG

270 US HWY 95

WEISER ID 83672

Telephone Number: (208) 549-2679

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: 11/28/06 SIGNATURE: Robert Woods
Please print your name: Robert Woods

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

SCANNED
NOV 29 2006

11/15/2006

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

RIGHT NUMBER: 67-7316

NAME AND ADDRESS: C ROBERT WOODS
2076 WEISER RIVER RD
WEISER ID 83672

RULON ZAUGG
270 US HWY 95
WEISER ID 83672

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.520 CFS
342.000 AFY

The rights listed below are limited to a total combined diversion rate of 1.54 cfs.
Combined Right Nos.: 67-2123A, 67-2124, 67-7316.

PRIORITY DATE: 04/22/1977

POINT OF DIVERSION:

T10N R05W S23 NESENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.520 CFS 342.00 AFY

PLACE OF USE: IRRIGATION in WASHINGTON County

T10N R05W S23	NWNW	39.00	T10N R05W S23	SWNW	18.00
T10N R05W S23	SENW	19.00			

76 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 77 acres in a single irrigation season. Combined Right Nos.: 67-2123A, 67-2124, 67-7316.

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

Use of this right is combined with water from Lower Payette Ditch Company.



Idaho Department of Water Resources

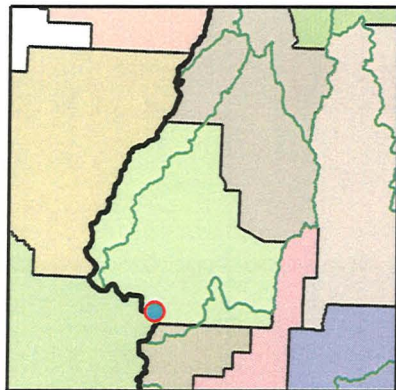
SRBA Recommendation:

67-7316

(Irrigation)

Legend

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



Washington County
IDWR Basin 67



0 0.2 0.4 Miles



Prepared by J. Dean
On Wednesday, November 15, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7316 V1

WATER RIGHT NUMBER: 67-7316 V1

<u>Owner Type</u>	<u>Name and Address</u>
Present Owner	C ROBERT WOODS 2076 WEISER RIVER RD WEISER, ID 83672 (208)549-0493
Current Owner	RULON ZAUGG 270 US HWY 95 WEISER, ID 83672 (208)549-2679

Priority Date: 04/22/1977

Basis: License

Status: Active

Source Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.520 CFS	342.00 AF
	<u>Total Diversion:</u>	1.520 CFS	342.00 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SE1/4NW1/4 Sec. 23, Twp 10N, Rge 05W, 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	
10N 05W 23					39.0	18.0	19.0										76.0

Total Acres: 76

Conditions of Approval:

1. F14 Use of this right is combined with water from Lower Payette Ditch Company.
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. E52 The rights listed below are limited to a total combined diversion rate of 1.54 cfs.
Combined Right Nos.: 67-2123A, 67-2124, 67-7316.
4. E56 The rights listed below are limited to the irrigation of a combined total of 77 acres in a single irrigation season. Combined Right Nos.: 67-2123A, 67-2124, 67-7316.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7316 V1

Comments:

1. mcase 4/9/2004 Priority Date

Comment: Basis of claim miscoded.

2. mcase 4/9/2004 Quantity

Comment: Licensed Rate of Diversion is 1.52. Claimed Rate of Diversion is 1.6.

3. mcase 5/12/2004 Period of Use

Comment: Licensed Period of Use shorter than Standard Season of Use. Recommend shoulder remark.

4. jdean 11/15/2006 Recommended as licensed

Comment: This claim was recommended as licensed. A shoulder remark was added for the season of use.

5. jdean 11/15/2006 Amended claim

Comment: The claim was amended based on the license that was issued. Recommendation was reviewed based on license.

6. jdean 11/15/2006 Present Owner

Comment: The tax lot data for this property indicates that there is a new owner for this property who is not listed on the claim. The owner has been added as a present owner.

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	4/9/2004 1:26:02 PM	mcase			Active
POD	4/9/2004 1:29:11 PM	mcase			Active
Source	4/9/2004 1:29:19 PM	mcase			Active
POU	4/9/2004 1:32:08 PM	mcase			Active
Use	4/9/2004 1:32:23 PM	mcase			Active
Season	4/9/2004 1:33:26 PM	mcase			Active
Quantity	4/9/2004 1:33:37 PM	mcase			Active
Season	5/12/2004 3:29:12 PM	mcase			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7316 V1

Contacts	11/15/2006 6:32:03 PM	jdean	Active
Priority Date	11/15/2006 6:32:26 PM	jdean	Active
Summary	11/15/2006	jdean	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Season	5/12/2004 3:29:13 PM	mcase	(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? (Yes) 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) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use?
POU	4/9/2004 1:31:49 PM	mcase	Edited shape boundary
Use	4/9/2004 1:32:23 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?
Priority Date	4/9/2004 1:26:03 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?
POD	4/9/2004 1:27:56 PM	mcase	Edited point location
POD	4/9/2004 1:29:11 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	4/9/2004 1:29:19 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7316 V1

POU	4/9/2004 1:32:08 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?
Season	4/9/2004 1:33:26 PM	mcase	(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?
Quantity	4/9/2004 1:33:37 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?
POU	11/15/2006 6:33:24 PM	jdean	Updated shape for Active POU
Summary	11/15/2006 6:38:07 PM	jdean	(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? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 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?
Contacts	11/15/2006 6:32:04 PM	jdean	(No) 1. Do you want to schedule an appointment?
General	11/15/2006 6:32:26 PM	jdean	Comment for 1: Desk Review (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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7316 V1

POU	11/15/2006 6:33:34 PM	jdean	Updated PLS for Active POU
POU	2/27/2004 10:32:20 AM	awarntje	Edited shape boundary
POU	2/27/2004 10:30:01 AM	awarntje	Edited shape boundary
POU	2/27/2004 10:34:41 AM	awarntje	Edited shape boundary

Water Supply Bank:

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: A67-07316
Date Received: 10/11/1989
Receipt No: MD0887
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RULON ZAUGG 208-549-2679
Address: 270 U.S. HWY 95
WEISER, ID 83672

2. Date of Priority: APR 22, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10N	05W	23	NE	SE	NW		WASHINGTON

5. Description of diverting works:
50' WELL W/ 16" CASING 25 HP PUMP TO FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

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

8. Total consumptive use is 273.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10N	05W	23	NW	NW		IRR	40.0
			SW	NW		IRR	20.0
			SE	NW		IRR	17.0

Section Acres 77.0

A67-07316

Page 1

Date: 10/11/89

SCANNED
APR 19 2004

MICROFILMED

OCT 02 1992

10. Place of Use: Continued

Total Acres 77.0

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:

BUTTERMILK SLOUGH(CRYSTL LAKE).A67-02123A, A67-02124

14. Remarks:

SUPPLEMENTAL WTR. TO BUTTERMILK SLOUGH(CRYSTL LAKE).

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

Number of attachments: 0

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): X Rudon Zaugg Date: X 10/11/89
_____ Date: _____

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 10 day
of Oct 19 89 Bruce A. Schuld
Notary Public

Seal

Residing at _____

My Commission Expires _____

BRUCE A. SCHULD, NOTARY PUBLIC
RESIDING AT BOISE, IDAHO
MY COMMISSION EXPIRES APRIL 11, 1995

Idaho Department of Water Resources

67 - 7316

Legend

-  Claim 67-7316 POU
-  Washington taxlots
-  Sections
-  Quarter Quarter

T 10N, R 05W, Section 23



0.1 0 0.1 0.2 Miles

Prepared by Morgan Case
April 13, 2004
1987/88 Color Infra Red Photo

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-7316 V1

WATER RIGHT NUMBER: 67-7316 V1

Owner Type Name and Address
Current Owner RULON ZAUGG
270 US HWY 95
WEISER, ID 83672
(208)549-2679

Priority Date: 04/22/1977
Basis: License
Status:

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.520 CFS	342.00 AF
<u>Total Diversion:</u>		1.600 CFS	

Location of Point(s) of Diversion
GROUND WATER NE1/4SE1/4NW1/4 Sec. 23, Twp 10N, Rge 05W, B.M.
WASHINGTON County

Place of Use
IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
10N	05W	23	40.0	20.0	17.0		77.0

Total Acres: 77

Conditions of Approval:

Remarks:

Comments:

1. mcase 4/9/2004 Priority Date
Comment: Basis of claim miscoded.

2. mcase 4/9/2004 Quantity
Comment: Licensed Rate of Diversion is 1.52. Claimed Rate of Diversion is 1.6.

Period of Use shorter than standard. Rec. Should be Remark.
Dates and Other Information:

DRAFT

DO NOT SCAN

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-7316 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:

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	4/9/2004 1:26:02 PM	mcase			
POD	4/9/2004 1:29:11 PM	mcase			
Source	4/9/2004 1:29:19 PM	mcase			
POU	4/9/2004 1:32:08 PM	mcase			
Use	4/9/2004 1:32:23 PM	mcase			
Season	4/9/2004 1:33:26 PM	mcase			
Quantity	4/9/2004 1:33:37 PM	mcase			

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	4/9/2004 1:31:49 PM	mcase	Edited shape boundary
Use	4/9/2004 1:32:23 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?
Priority Date	4/9/2004 1:26:03 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?
POD	4/9/2004 1:27:56 PM	mcase	Edited point location

State of Idaho
Department of Water Resources

NOV 27 1992

WATER RIGHT LICENSE

WATER RIGHT NO. 67-07316

Department of Water Resources
Western Regional Office

Priority: April 22, 1977

Maximum Diversion Rate: 1.52 CFS
Maximum Diversion Volume: 342.0 AF

This is to certify, that RULON ZAUGG
270 HWY 95
WEISER ID 83672

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 22, 1977; and has submitted Proof of Beneficial Use on April 6, 1982. An examination indicates that the works have a diversion capacity of 2.530 cfs of water from a GROUNDWATER 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	03/15 to 11/15	1.52 CFS	342.0 AF

LOCATION OF POINT(S) OF DIVERSION: SENW , Sec. 23, Township 10N, Range 05W
WASHINGTON County

<u>PLACE OF USE: IRRIGATION</u>		<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>	
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>				
10N	05W	23	NWNW 39	SWNW 18	SENW 19	76
Total number of acres irrigated:						76

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

SCANNED
APR 19 2004

MICROFILMED
AUG 05 1994

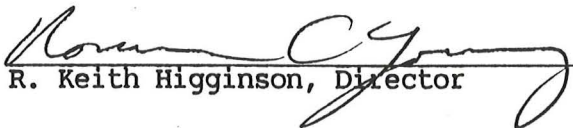
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 67-07316

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 24TH
day of NOVEMBER, 1992.

Acting for


R. Keith Higginson, Director

MICROFILMED

AUG 05 1994