

10/31/2006

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

RIGHT NUMBER: 67-7359

NAME AND ADDRESS: VIRGIL R WHITE
1340 E PARK
WEISER ID 83672

JANICE K WHITE
1340 E PARK
WEISER ID 83672

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
9.000 AFY

PRIORITY DATE: 09/26/1977

POINT OF DIVERSION:

T11N R05W S33 NENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.040 CFS

9.00 AFY

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 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 Within WASHINGTON County

T11N R05W S33 NENW 2.00

2 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

Use of this right is combined with water from Weiser City Ditch and Irrigation Company.

Use of this right is combined with water from Weiser Irrigation District.



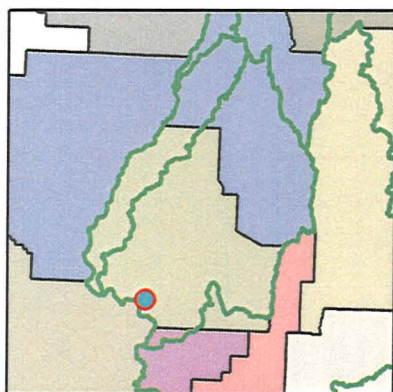
Idaho Department of Water Resources

SRBA Recommendation:

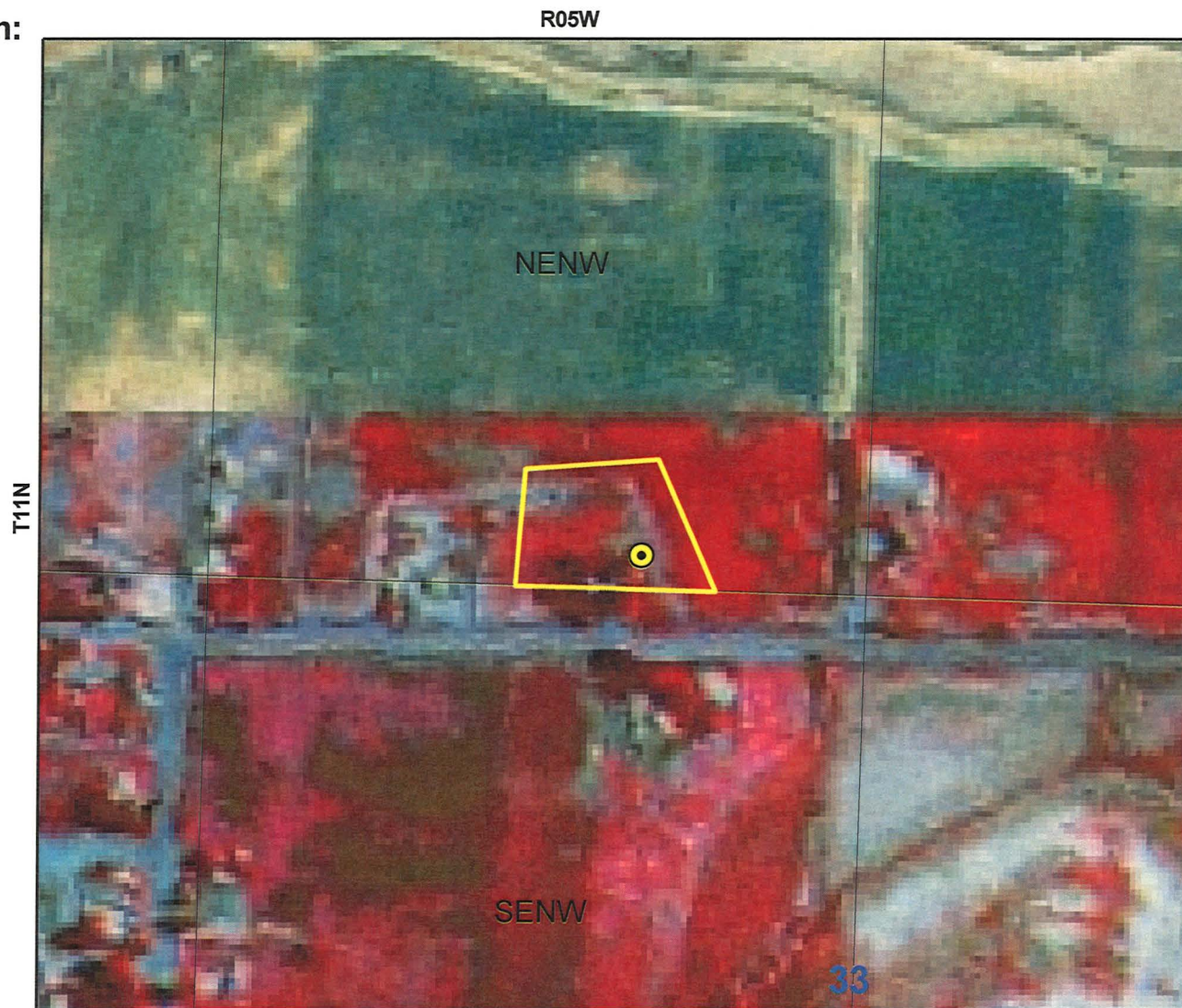
67-7359

Legend

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



Washington County
IDWR Basin 67



0 0.1 0.2 Miles



Prepared by J. Dean
On Tuesday, October 31, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7359 V1

WATER RIGHT NUMBER: 67-7359 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VIRGIL R WHITE 1340 E PARK WEISER, ID 83672 (208)549-1423
Original Owner	BERYL SCHNELL RT 2 BOX 232 WEISER, ID 83672
Current Owner	JANICE K WHITE 1340 E PARK WEISER, ID 83672 (208)549-1423
Original Owner	PHILIP SCHNELL RT 2 BOX 232 WEISER, ID 83672

Priority Date: 09/26/1977

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
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	0.040 CFS	9.00 AF
	<u>Total Diversion:</u>	0.040 CFS	9.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 33, Twp 11N, 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		
11N	05W	33					2.0													2.0

Total Acres: 2

Conditions of Approval:

1. Use of this right is combined with water from Weiser City Ditch and Irrigation Company.
2. F14 Use of this right is combined with water from Weiser Irrigation District.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7359 V1

3. 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.
4. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 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.

Remarks:Comments:

1. mcase 5/12/2004 Period of Use

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

2. jdean 10/31/2006 POU

Comment: The POU was recommended for the entire tax lot, despite the fact that not all of it appears to be irrigated. It is recommended based upon the 2 acres described in the license.

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: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>
POD	3/9/2004 2:23:01 PM	cfritsch			Active
Source	3/9/2004 2:25:03 PM	cfritsch			Active
Priority Date	4/2/2004 10:04:33 AM	segbert			Active
POD	4/2/2004 10:12:09 AM	segbert			Active
Source	4/2/2004 10:13:01 AM	segbert			Active
POU	4/2/2004 10:14:20 AM	segbert			Active
Use	4/2/2004 10:14:55 AM	segbert			Active
Season	4/2/2004 10:17:08 AM	segbert			Active
Quantity	4/2/2004 10:22:10 AM	segbert			Active
Season	5/12/2004 4:02:24 PM	mcase			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7359 V1

Summary

10/31/2006

jdean

Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	3/9/2004 2:23:02 PM	cfritsch	(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	3/9/2004 2:25:04 PM	cfritsch	(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?
Season	5/12/2004 4:02:25 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?
Summary	10/31/2006 11:41:58 AM	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? (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?
POU	3/15/2004 9:51:42 AM	awarntje	Edited shape boundary
POU	3/15/2004 9:53:29 AM	awarntje	Edited shape boundary
POD	4/2/2004 10:11:25 AM	segbert	Edited point location
POD	4/2/2004 10:12:10 AM	segbert	(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?

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Adjudication Recommendation Report 67-7359 V1

Source	4/2/2004 10:13:02 AM	segbert	(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?
Season	4/2/2004 10:17:08 AM	segbert	(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	4/2/2004 10:22:11 AM	segbert	(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?
Use	4/2/2004 10:14:56 AM	segbert	(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	4/2/2004 10:04:33 AM	segbert	(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?
POU	4/2/2004 10:14:21 AM	segbert	(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?

Water Supply Bank:

52-08

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: A67-07359
Date Received: 10-4-89
Receipt No: C011993
Received By: O.K.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VIRGIL R. WHITE 208-549-1423
Address: 1340 E. PARK
WEISER, ID 83672

OR

Name: JANICE K. WHITE 208-549-1423
Address: 1340 E. PARK
WEISER, ID 83672

2. Date of Priority: SEP 26, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot
11N	05W	33	NE	NE	NW	

Department of Water Resources

County
WASHINGTON

5. Description of diverting works:

WELL 21' DEEP, 6" CASING, 1.5HP PUMP, MAINLINE, HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		

7. Total Quantity Appropriated is:

0.040 C.F.S. (and/or) 9.00 A.F.A.

8. Total consumptive use is 7.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A67-07359

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Date: 09/26/89

SCANNED
APR 19 2004

MICROFILMED

OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	05W	33	NE	NW	IRR	2.0
Section Acres						2.0
Total Acres						2.0

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:
SHARE IN MILL DITCH CO.

14. Remarks:
SUPPLEMENTAL WATER.

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 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 Garance K. White Date: Sept 26-89

Date: _____

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of September 19 89

Anna Baunhoff
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 7, 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 67-7359 Priority September 26, 1977 Amount .04 cfs

THIS IS TO CERTIFY, that PHILIP &/or BERYL SCHNELL
of Weiser, ID, has complied with the terms and conditions of Permit
No. 67-7359 issued pursuant to Application for Permit dated September 26, 1977,
and has submitted proof to the Department of Water Resources on November 6, 1979,
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 .14 cfs of water from a groundwater 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
Irrigation	from <u>3/15</u> to <u>11/15</u>	at <u>.04</u> cfs and	<u>9.0</u> AF
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than .04 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
9.0 acre feet per year, said waters to be diverted within the NENW, Sec. 33, T11N, R5W
in the County of Washington

Description and location of place of use:

Twp.	Range	Sec.	NEW				NWA				SWW				SEW				Totals
			NEW	NWA	SWW	SEW	NEW	NWA	SWW	SEW	NEW	NWA	SWW	SEW	NEW	NWA	SWW	SEW	
11N	5W	33					2												2

Total number of acres irrigated 2

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 26th day of
JUNE, 19 81.

Director