

RECEIVED

AUG 24 2005

DEPARTMENT OF
WATER RESOURCES

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 67-7420
Date Received: 9/18/1989
Receipt No: W005971 \$C078950
Received By: *M*

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Name: Charles Russell Wilkerson Phone: 208-257-3756

Address: 3265 Hwy 95
Cambridge Idaho 83610

Name: _____ Phone: _____

Address: _____

2. Date of Priority: 10/12/1978

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14N	02W	1	SE NW 3	ADAMS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	3/15 10/31	2.92	584.0

7. Total Quantity Appropriated is:
2.92 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	02W	4	SE	SW	IRRIGATION	38 ✓
					Section Acres	38
14N	02W	9	NE	NE	IRRIGATION	35
			NW	NE	IRRIGATION	29 39
			NE	NW	IRRIGATION	39 29
			SE	NW	IRRIGATION	5
					Section Acres	108
					Total Acres	146

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:

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67-A.

No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the water master suitable control of the diversion.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This right does not grant any right-of-way or easement across the land of another.

Right 67-7494 is also diverted through the point of diversion described above.

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

Number of attachments: _____

For Individuals:

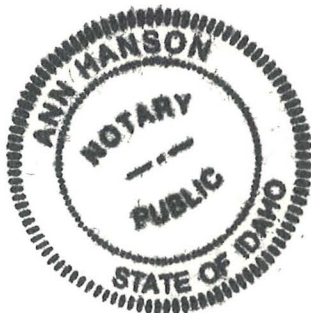
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Charles E. Dickerson Date: 8-22-05

Date: _____

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of August 2005 Ann Hanson



Notary Public
Residing at Cambridge
My commission Expires 3-31-10

Comment	AMENDED CLAIM 67-7420; NOTICE OF CLAIM TO WATER RIGHT ADD. FEES PAID FOR UNDER W005971
----------------	--

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$30.00	ADJUDICATION FILING FEE	0337		41503	1155

[illegible]

Signature Line (Dept. Representative)

RECEIVED

AUG 24 2005

DEPARTMENT OF
WATER RESOURCES

Hey Roger,

Here is the amended claim we spoke about. Have Mr. Wilkerson look over the claim, fill in the correct name and mailing address, and initial any other changes he wishes to make. When satisfied, have him sign the claim in front of a notary and return it to me with the filing fee of \$30.

Here is the story on the fee. A normal claim fee is \$50 per claim, and \$1 per acre. So to file this claim would be \$196.

They originally paid \$110 dollars for claim 67-7420. And through other claims on the same land I found an additional 56 acres (or \$56) paid for that I think overlap this right.

So, they need to submit the fee for the remaining 30 acres or \$30.

They can give me a call if they have any questions.

Thanks Roger,

Craig

<<67-7420 Amended.doc>>

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: A67-07420
Date Received: 9/18/1989
Receipt No: W005971
Received By: [Signature]

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: CHARLES RUSSELL WILKERSON 208-257-3756
Address: HC 68, BOX 2500
CAMBRIDGE, ID 83610
OR
Name: J. M. WILKERSON 208-257-3756
Address: HC 68, BOX 2500
CAMBRIDGE, ID 83610
OR
Name: L. K. WILKERSON 208-257-3724
Address: HC 68, BOX 2480
CAMBRIDGE, ID 83610
OR
Name: CAROLYN WILKERSON 208-257-3724
Address: HC 68, BOX 2480
CAMBRIDGE, ID 83610
OR
Name: J. D. WILKERSON 208-459-6194
Address: P.O. BOX 63
GREENLEAF, ID 83626

2. Date of Priority: OCT 12, 1978

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	02W	1	SE	NE	NW		ADAMS
			NE	NE	SW		ADAMS
		9		SE	SW		WASHINGTON
				SW	SE		WASHINGTON
		10	SW	SE	NE		WASHINGTON
				SE	SW		WASHINGTON

5. Description of diverting works:

DIV. DAMS, HEADGATES, RIVER PUMPS, DITCHES - FLOOD & SPRINKLERS.

A67-07420

Page 1

Date: 09/18/89

SCANNED
APR 14 2004

MICROFILMED
OCT 02 1992

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.200		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATERING.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	02W	9	NE	NE		IRR	25.0
			NW	NE		IRR	35.0
						Section Acres	60.0
						Total Acres	60.0

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:
CLAIM NO.'S A67-07470/00475/00482/00489/00488B, C. BEN ROSS.

14. Remarks:

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 *Map filed in A67-07479*

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): *Jim Wickerson* Date: *9-18-89*

Date: _____

State of Idaho)
County of *ADA*) SS.

Subscribed and sworn (or affirmed) before me this *18th* day
of *September* 19 *89* *Jan Spunte*
Notary Public

Seal

Residing at *Meridian ID*
My Commission Expires *9-14-94*

Payment Amount	\$30.00	Date Received	8/24/2005 2:37:58 PM	Region	State	Status
Payment Type	Check	Check Number	5027			

Comment	AMENDED CLAIM 67-7420; NOTICE OF CLAIM TO WATER RIGHT ADD. FEES PAID FOR UNDER W005971
----------------	--

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$30.00	ADJUDICATION FILING FEE	0337		41503	1155

[illegible]

Signature Line (Dept. Representative)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-7420

WATER RIGHT NUMBER: 67-7420

Owner Type Name and Address
 Current Owner WILKERSON BROTHERS
 HC68 BOX 2500
 CAMBRIDGE, ID 83610

Priority Date: 10/12/1978

Basis: License

Status: Active

Source Tributary
 LITTLE WEISER RIVER WEISER RIVER

Beneficial Use From To Diversion
 IRRIGATION 03/15 to 10/31 2.920 C

Total Diversion: 2.920 C

Location of Point(s) of Diversion

LITTLE WEISER RIVER L3 (NE1/4NW1/4) Sec. 1, Twp 14N, Rge 02W, B.M.
 ADAMS 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	02W	4												38.0					38.0
14N	02W	9	35.0	39.0			29.0		5.0										108.0
			160	20															

Total Acres: 146

Conditions of Approval:

1. X36 Right 67-7494 is also diverted through the point of diversion described above.
2. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. 004 This right does not grant any right-of-way or easement across the land of another.
4. 086 No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67-A.
6. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

call
 Jan Wilkerson -
 wants name
 change & needs
 to amend claim
 to licensed area -
 208-257-3750
 kw 8/15/05

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-7420

Remarks:Comments:

1. eretelle 8/2/2005 POD

Comment: Updated shape

2. eretelle 8/2/2005 license review

Comment: PoD reported in NWNE on field exam, but using ArcView and the quad map, it seems to lie in the NENW as listed on the permit. Additionally, rights that share this ditch have their PoDs listed in the NENW. The PoD was kept in the NENW. PoD shared with Permits 67-7479, 67-7508 and 67-7420 and Right 67-7494. Capacity listed is not of the entire ditch, rather the redirection pump/system. One redirection pump shared with Permit -7479.

System capacity measured (3.84 cfs) exceeds inch/acre. $0.02 \text{ cfs} \times 146 \text{ acres} = 2.92 \text{ cfs}$ Volume = 4 af x 146 acres = 584 af

Irrigation season adjusted to standard.

3. eretelle 8/2/2005 POU

Comment: Updated Shape

4. eretelle 8/2/2005 POU

Comment: Updated Shape

Dates and Other Information:

Licensed Date: 8/3/2005

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number: 67A

Generic Max Rate Per Acre: 0.02

Generic Max Volume Per Acre: 4

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

MEMORANDUM

Date: August 19, 2005

To: File

From: Craig L. Saxton

Re: SRBA and License 67-7420

History:

Kay Walker spoke with me on Monday or Tuesday (8/15/05 or 8/16/05) about file SRBA claim 67-7420. She said it was based on a permit but had been licensed and that I would need to have the claimant amend the license to add acreage and change the name and address on the claim.

I called the claimant and spoke with Russell. He said I needed to speak with his wife and would have her call me.

In the mean time, I spoke with Ernie Carlsen. Despite that a license generally amends a claim based on permit, due to the drastic difference between what was claimed and what was licensed, the claim needs to be amended and the fees for the additional acreage claimed need to be paid.

Fees: \$110 were paid for this claim under receipt W005971. The total fee for filing claim 67-7420 as it is currently licensed be \$196. So there is \$86 not paid. However, fees paid by overlapping claims account for \$56. So the claimant owes a total of \$30 to amend this claim.

On 8-19-05, I spoke with Roger Meyer. Roger had spoke with Russell Wilkerson and found out that not only the name and address was incorrect, but the location of the POD was wrong. I discussed this with Roger and he said that the POD is just really close to the line, but he GPS's it and it actually falls in the 40 acre tract below the one that was licensed.

I prepared an amended claim adjusting the location of the POD and listing the POU as described in the license. I e-mailed this to Roger Meyer as he is going to meet with Russell and discuss the issue.

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 67-7420
Date Received: 9/18/1989
Receipt No: W005971
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

Name: _____ Phone: _____

Address: _____

Name: _____ Phone: _____

Address: _____

*Sent to
Roger to Give
to Claimant on
8-19-05*

2. Date of Priority: 10/12/1978

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14N	02W	1	SE NW 3	ADAMS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	10/31	2.92	584.0

7. Total Quantity Appropriated is:
2.92 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	02W	4	SE	SW	IRRIGATION	38
					Section Acres	38
14N	02W	9	NE	NE	IRRIGATION	35
			NW	NE	IRRIGATION	39
			NE	NW	IRRIGATION	29
			SE	NW	IRRIGATION	5
					Section Acres	108
					Total Acres	146

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:

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67-A.

No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the water master suitable control of the diversion.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This right does not grant any right-of-way or easement across the land of another.

Right 67-7494 is also diverted through the point of diversion described above.

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 08 1999

Department of Water Resources
A. GENERAL INFORMATION

Permit No. 67-7420

1. Owner: Wilkerson Brothers

Phone No. 257-3756

Current Address: 3251 Hwy 95 Cambridge ID 83610

2. Accompanied by: Russ Wilkerson, Richard Kretfin

EXAM DATE (6-21-88)

Address:

Phone No.

Relationship to Permit Holder: owner, Watermaster 67A, Little Weiser

3. Source: Little Weiser River

tributary to Weiser River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: 67-7479 (also Wilkerson) & ~~67-7479~~

C. DIVERSION AND DELIVERY SYSTEM

67-7494, 67-7508, Deceased rights
from Little Weiser

1. Point(s) of Diversion:

[illegible]

2. Place(s) of Use:

Indicate Method of Determination MAP, VISIT

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

Scale: 1" = _____

Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

Aerial Photo Attached (required for irrigation of 10+ acres)

Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: _____

E. NARRATIVE/REMARKS/COMMENTS

Flows are diverted via the Mickey-Wilkerson ditch to relift pumps in NENE S09 & N $\frac{1}{2}$ S10 to pressurized irrigation. Relift pumps also used to ^{re}divert a portion of permit 67-7479 on lands in Sec 3 & 10.

Exam was originally conducted in 1988 and not completed. A re-exam conducted by me determined acres irrigated and confirmed delivery system.

Some P/D overlaps
NENE S09 & S10

P/D overlaps are with Little Weiser decreed rights and some other later-in-time permits used in sections 3, 4, 9 & 10. This permit is limited to diversions prior to June 15 (floodwater).

There are no P/D overlaps. No decreed water on this land. Relift pumps⁽²⁾ are capable of delivering in excess of that req'd by developed acres. Watermaster advises that flows are deliverable in Mickey-Wilkerson Ditch early in the season. I did not get the ditch capacity, but capacity is sufficient. ~~B~~ This right is not typically delivered after Watermaster is called.

Acres in S $\frac{1}{2}$ SE S04 were represented to me as being irrigated under this permit. However, they are not delineated on the CFS photo and I was not convinced they were a part of the irrigation system acres. Some grass has been seeded but the area appears to be dryland-farmed. There are a few acres in S09 which have been brought under irrigation which I have added. See also examiner's notes on an earlier map in 7479.

Per previous examiner notes in 67-7479, there is a weir installed at the head of the Mickey Ditch.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

 1 Additional Computation Sheets Attached

Measured Method:

@ permanent pump 1.8 cfs

@ portable pump 2.04 cfs

3.84 from relifts

2.92 for 146 acres

G. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation:**

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 146 \times 4 = 584$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.92 \times 214 \times 1.9835 = 1239$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 584$$

2. Volume Calculations for Other Uses:**H. RECOMMENDATIONS****1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4-1	10-31	2.92	584
Totals:			2.92	584

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

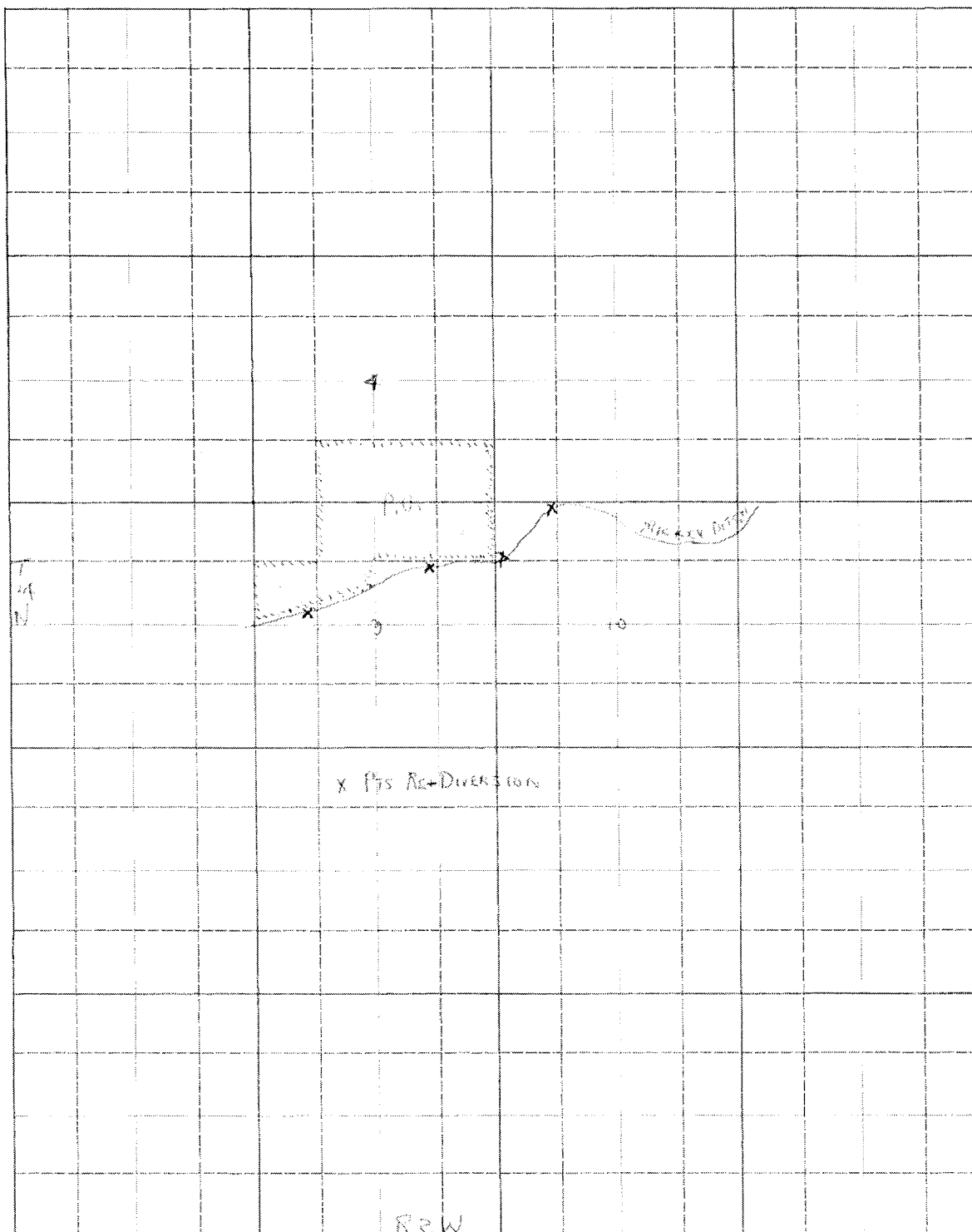
I. AUTHENTICATION

Field Examiner's Name Cindy J. Hodges Date 6-6-97

Reviewer _____ Date _____

SEAL

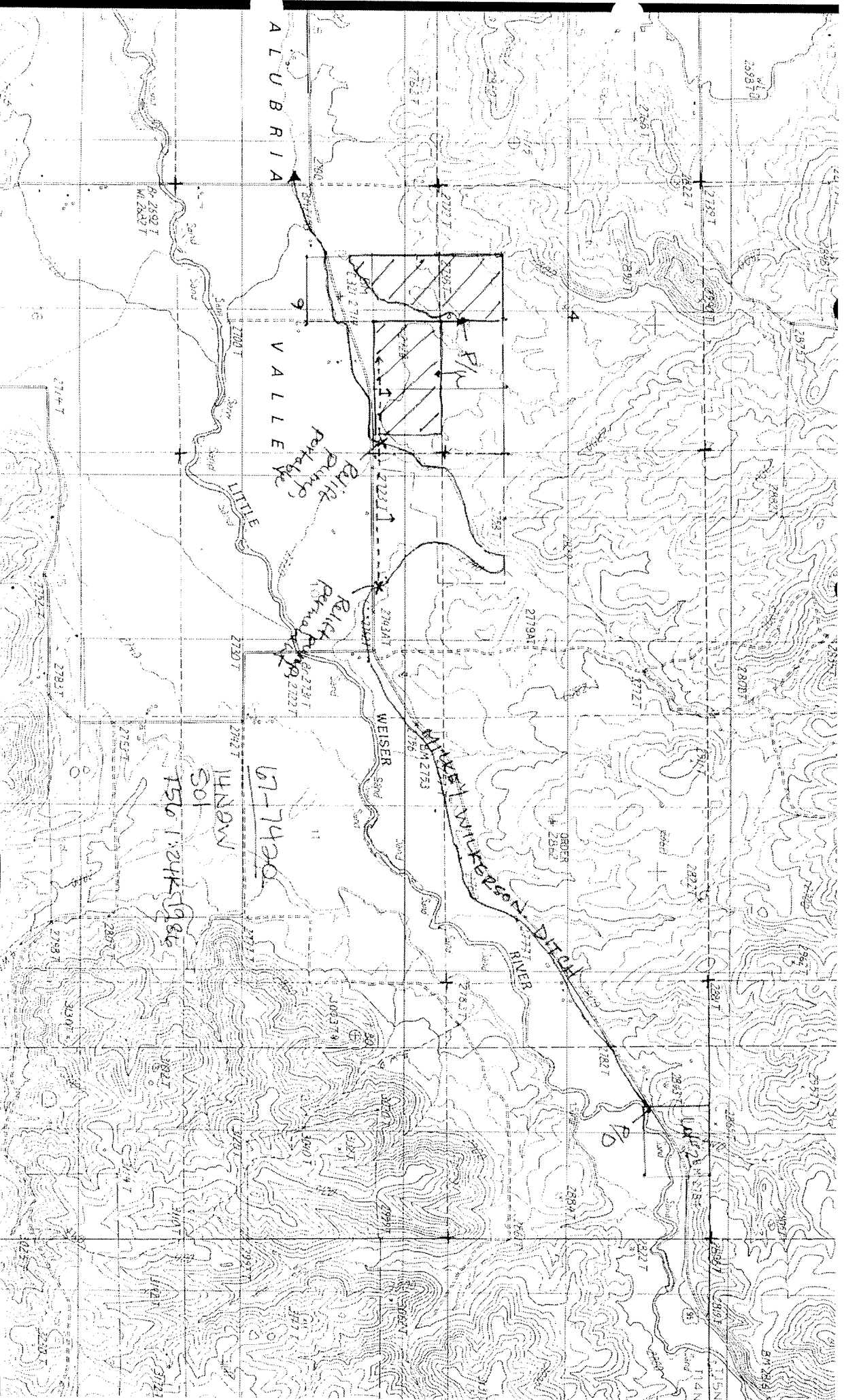
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

William Brac
By David K. Williams
(Applicant)



67-742

8.3 HEL

P/u
N-D

64.8

OK to add
to P/u

Questionable
acres?
See photos &
remarks

OK to
Add to
P/u

8	3
9	10

2
26.7

4
26.5

Relief
from

T35

N-D

15
8.0

16
20.8

N-D

N-D

T39

2
46.6

N-D

N-D

2
32.2

N-D

1
13.5

N-D

2
2.9

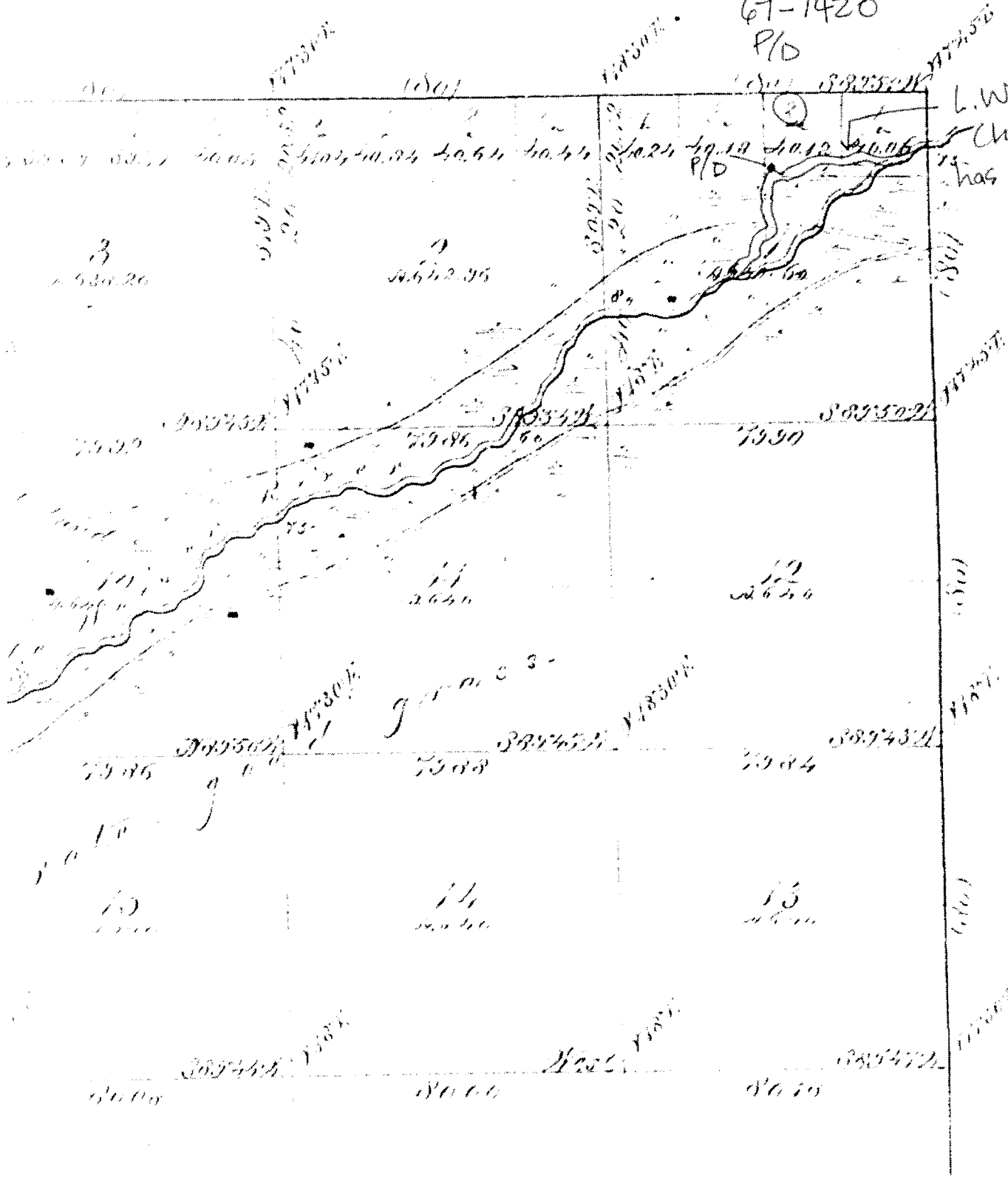
14N2W S.01

Great Boise Meridian

67-7420

P/D

L. Weiser
Channel
has changed



11/03/2006

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

RIGHT NUMBER: 67-7420

NAME AND ADDRESS: CHARLES RUSSELL WILKERSON
3265 HWY 95
CAMBRIDGE ID 83610

SOURCE: LITTLE WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 2.920 CFS
584.000 AFY

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 10/12/1978

POINT OF DIVERSION: T14N R02W S1 SENW Lot 3 Within ADAMS County

Right 67-7494 is also diverted through the point of diversion described above.

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	2.920 CFS 584.00 AFY

No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R02W S04	SWSW	0.30	T14N R02W S04	SESW	39.00
T14N R02W S04	SWSE	0.20	T14N R02W S09	NENE	29.00
T14N R02W S09	NWNE	39.00	T14N R02W S09	NENW	32.00
T14N R02W S09	SENE	6.50			

146 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.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67-A.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



Idaho Department of Water Resources

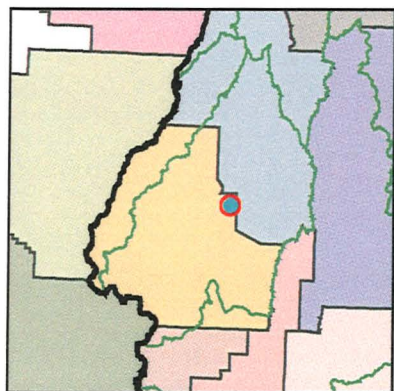
SRBA Recommendation:

67-7420

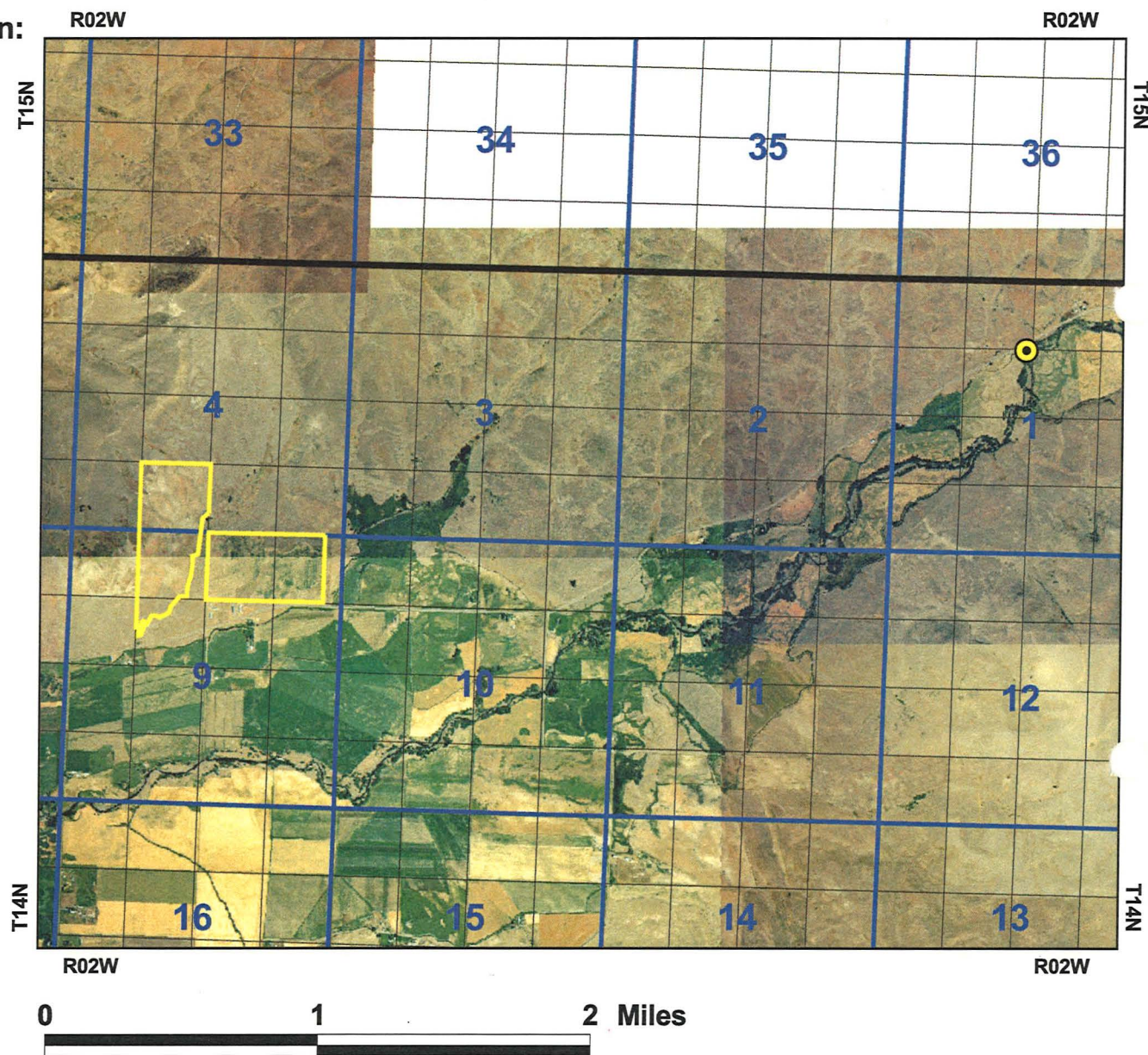
(Irrigation)

Legend

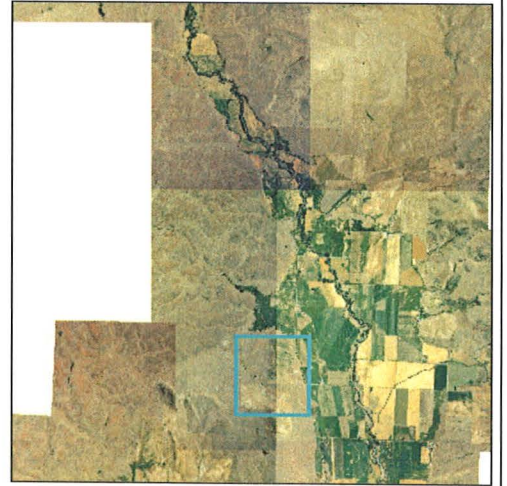
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



Prepared by M. Van Bussum
On Friday, November 3, 2006
1987/88 Aerial Photography



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7420 V1

WATER RIGHT NUMBER: 67-7420 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHARLES RUSSELL WILKERSON 3265 HWY 95 CAMBRIDGE, ID 83610 (208)257-3756
Original Owner	WILKERSON BROTHERS HC68 BOX 2500 CAMBRIDGE, ID 83610
Original Owner	L K WILKERSON 3265 HWY 95 CAMBRIDGE, ID 83610 (208)257-3724
Original Owner	J D WILKERSON PO BOX 63 GREENLEAF, ID 83626 (208)459-6194
Original Owner	CAROLYN WILKERSON 3251 HWY 95 CAMBRIDGE, ID 83610 (208)257-3724
Original Owner	J M WILKERSON HC 68 BOX 2500 CAMBRIDGE, ID 83610 (208)257-3756

Priority Date: 10/12/1978

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WEISER RIVER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	2.920 CFS	584.00 AF
	<u>Total Diversion:</u>	2.920 CFS	584.00 AF

Location of Point(s) of Diversion

LITTLE WEISER RIVER	L3 (SE1/4NW1/4)	Sec. 1,	Twp 14N,	Rge 02W, B.M.
ADAMS 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	02W	4												.3	39.0			.2	39.5

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14N 02W 9	29.0	39.0	32.0	6.5		106.5
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Total Acres: 146

Conditions of Approval:

1. X36 Right 67-7494 is also diverted through the point of diversion described above.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
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. 004 This right does not grant any right-of-way or easement across the land of another.
5. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. 086 No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.
7. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67-A.

Remarks:Comments: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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	11/3/2006 9:22:25 AM	mvanbussum			Active
Priority Date	11/3/2006 9:22:45 AM	mvanbussum			Active

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POD	11/3/2006 9:23:01 AM	mvanbussum	Active
POU	11/3/2006 9:48:28 AM	mvanbussum	Active
Source	11/3/2006 9:48:28 AM	mvanbussum	Active
Season	11/3/2006 9:48:29 AM	mvanbussum	Active
Use	11/3/2006 9:48:29 AM	mvanbussum	Active
Quantity	11/3/2006 9:48:30 AM	mvanbussum	Active
POD	11/3/2006 9:50:12 AM	mvanbussum	Active
Source	11/3/2006 9:51:18 AM	mvanbussum	Active
POU	11/3/2006 9:51:39 AM	mvanbussum	Active
Use	11/3/2006 9:53:58 AM	mvanbussum	Active
Season	11/3/2006 9:55:01 AM	mvanbussum	Active
Quantity	11/3/2006 10:11:16 AM	mvanbussum	Active
Summary	11/03/2006	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Use	11/3/2006 9:48:18 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License?
POD	11/3/2006 9:50:02 AM	mvanbussum	(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?
Source	11/3/2006 9:51:07 AM	mvanbussum	(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?
POU	11/3/2006 9:51:29 AM	mvanbussum	(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?
Use	11/3/2006 9:53:47 AM	mvanbussum	(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?

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Season	11/3/2006 9:54:50 AM	mvanbussum	(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? (Yes) 18. Is a Period of Use remark and/or condition required?
Summary	11/3/2006 10:12:58 AM	mvanbussum	(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?
Quantity	11/3/2006 10:11:04 AM	mvanbussum	(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 - Recommended as licensed.
POU	11/3/2006 9:48:17 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License?
Source	11/3/2006 9:48:18 AM	mvanbussum	(Yes) 1. Is the basis of claim Decree or License?
Season	11/3/2006 9:48:19 AM	mvanbussum	(Yes) 1. Is the basis of claim Decree or License?
Quantity	11/3/2006 9:48:19 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License?
POU	11/3/2006 9:52:46 AM	mvanbussum	Updated shape for Active POU
POU	11/3/2006 9:53:18 AM	mvanbussum	Updated PLS for Active POU
Contacts	11/3/2006 9:22:17 AM	mvanbussum	(No) 1. Do you want to schedule an appointment?

Comment for 1: Desktop review.

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POD	11/3/2006 9:22:52 AM	mvanbussum	(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?
General	11/3/2006 9:22:36 AM	mvanbussum	(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?
POD	11/3/2006 9:50:47 AM	mvanbussum	Updated shape

Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 5, 2005

RUSSELL WILKERSON
3265 HWY 95
CAMBRIDGE ID 83610

RE: Water Right License 67-7420

Dear Mr. Wilkerson:

I am writing in response to your request for some corrections to Water Right License 67-7420. Your first request was that IDWR change the ownership of the water right from Wilkerson Brothers to Charles Russell Wilkerson. There are two options for recording the change in ownership of this water right. The simplest option is to allow the Snake River Basin Adjudication (SRBA) process to confirm ownership of the right. Because you filed SRBA Claim 67-7420 in the name of Charles Russell Wilkerson, the SRBA court will address the ownership of the water right. If you want an immediate change to the license, you must complete the enclosed Notice of Change in Water Right Ownership form and to return it to IDWR with copies of your deed(s) showing that you own the land to which the water right is appurtenant.

You also asked IDWR to correct the place of use described on the water right license. The licensed place of use, which was confirmed by IDWR's field examiner, is as follows:

38 Acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, T14N, R2W
35 Acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9, T14N, R2W
39 Acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9, T14N, R2W
29 Acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, T14N, R2W
5 Acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, T14N, R2W

I have enclosed a map showing the place of use as it was reported by the field examiner and licensed by IDWR. Please evaluate the map and legal descriptions carefully. If they do not represent the irrigation established during the authorized development period for Permit 67-7420, then please provide aerial photography and other evidence to show how the irrigation use actually was established. The authorized development period for Permit 67-7420 ended on June 11, 1985.

A third issue that you did not mention in your letter is the legal description of the point of diversion from the Little Weiser River. The point of diversion is described on the permit and license as Govt. Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 1, T14N, R2W. Aerial photography from 2004 shows the point of diversion as being just a few feet farther south in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 1, T14N, R2W,

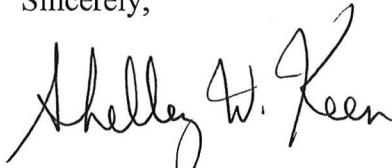
Russell Wilkerson
October 5, 2005
Page 2

and that is how other rights diverted through the same ditch are being recommended in the SRBA. Therefore, IDWR proposes to correct License 67-7420 to show the point of diversion as the SE¼NW¼ Sec. 1, T14N, R2W. Doing so will, however, require that you submit an application to amend Permit 67-7420 because IDWR cannot issue a license that is different than what was authorized by the permit. I have enclosed an amendment form for you to sign and return to IDWR. The statutory filing fee for an amendment of permit is \$50.00.

IDWR will hold your license file for 30 days to allow you to comment and/or provide additional documentation in support of the point of diversion and place of use issues addressed in this letter. If IDWR does not receive a response from you within 30 days, it will be assumed that you do not want any changes to the point of diversion or place of use described on Water Right License 67-7420. A Notice of Change in Water Right Ownership can be submitted to IDWR at any time.

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

Enclosures

✓ Cc: Craig Saxton, IDWR Adjudication Bureau

State of Idaho
Department of Water Resources
Water Right License

Amended

Amended

WATER RIGHT NO. 67-07420

Priority: October 12, 1978

Maximum Diversion Rate: 2.92 CFS
Maximum Diversion Volume: 584.0 AF

It is hereby certified that WILKERSON BROTHERS
HC68 BOX 2500
CAMBRIDGE ID 83610 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated October 12, 1978; and has
submitted Proof of Beneficial Use on June 11, 1985. An examination indicates that the works have a
diversion capacity of 3.84 cfs of water from:

SOURCE

LITTLE WEISER RIVER

Tributary: WEISER RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/15 to 10/31	2.92 CFS	584.0 AF

LOCATION OF POINT(S) OF DIVERSION:

LITTLE WEISER RIVER SE¼NW¼ Sec. 1, Twp 14N, Rge 02W, B.M. ADAMS 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 02W 4												38.0					38.0
14N 02W 9	35.0	39.0			29.0		5.0										108.0

Total Acres: 146

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67-A.
2. No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

State of Idaho
Department of Water Resources
Water Right License

Amended

Amended

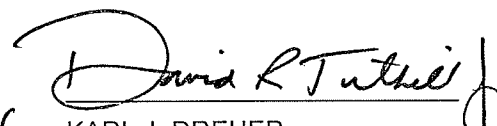
WATER RIGHT NO. 67-07420

CONDITIONS OF APPROVAL CONTINUED

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 21st day of October, 2005.



for KARL J. DREHER
Director

11/14/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 14 2006

DEPARTMENT OF
WATER RESOURCES

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: 67-7420

CHARLES RUSSELL WILKERSON

3265 HWY 95

CAMBRIDGE ID 83610

Telephone Number: (208)257-3756

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: 12/14/2006

SIGNATURE: Charles Russell Wilkerson

Please print your name: C. Russell Wilkerson

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

SCANNED

DEC 18 2006