

11/14/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 06 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: 67-7536

DAVID C SPRINGER
2376 VALLEY RD
MIDVALE ID 83645
Telephone Number: (208) 355-2352

PEGGY D SPRINGER
2376 VALLEY RD
MIDVALE ID 83645

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: 12/4/06

SIGNATURE: David C Springer

Please print your name: David C Springer

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

SCANNED
DEC 08 2006

09/08/2006

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

RIGHT NUMBER: 67-7536

NAME AND ADDRESS: DAVID C SPRINGER
2376 VALLEY RD
MIDVALE ID 83645

PEGGY D SPRINGER
2376 VALLEY RD
MIDVALE ID 83645

SOURCE: UNNAMED SLOUGH

TRIBUTARY: WEISER RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 05/08/1981

POINT OF DIVERSION:

T13N R03W S9 NENW Within WASHINGTON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

3/15 11/15

0.200 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T13N R03W S09 NENW 12.00

12 ACRES TOTAL

Place of use is within the area served by Middle Valley Ditch Company.

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



Idaho Department of Water Resources

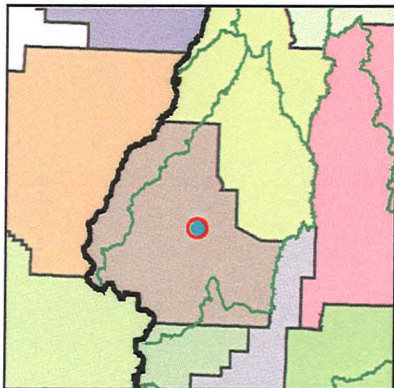
SRBA Recommendation:

67-7536

(Irrigation)

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 D. Favreau
On Friday, September 8, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7536 V1

WATER RIGHT NUMBER: 67-7536 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID C SPRINGER 2376 VALLEY RD MIDVALE, ID 83645 (208)355-2352
Current Owner	PEGGY D SPRINGER 2376 VALLEY RD MIDVALE, ID 83645

Priority Date: 05/08/1981

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.200 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

UNNAMED SLOUGH	NE1/4NW1/4	Sec. 9,	Twp 13N,	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	
13N	03W	9																	12.0
																			12.0

Total Acres: 12

Conditions of Approval:

1. 129 Place of use is within the area served by Middle Valley 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7536 V1

Comments:

1. dfavreau 9/8/2006 period of use
 Comment: period of use of license longer than current IDWR season of use

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: 67
 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	5/11/2004 7:44:17 AM	awarntje			Active
POD	5/11/2004 7:56:57 AM	awarntje			Active
Source	5/11/2004 7:57:23 AM	awarntje			Active
POU	5/11/2004 8:20:11 AM	awarntje			Active
Use	5/11/2004 8:20:31 AM	awarntje			Active
Season	5/11/2004 8:21:13 AM	awarntje			Active
Quantity	5/11/2004 8:22:30 AM	awarntje			Active
Priority Date	9/8/2006 11:01:40 AM	dfavreau			Active
POD	9/8/2006 11:02:03 AM	dfavreau			Active
Source	9/8/2006 11:02:26 AM	dfavreau			Active
POU	9/8/2006 11:02:59 AM	dfavreau			Active
Use	9/8/2006 11:05:14 AM	dfavreau			Active
Quantity	9/8/2006 11:06:19 AM	dfavreau			Active
Summary			09/08/2006	dfavreau	Active
Season	9/8/2006 11:08:17 AM	dfavreau			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7536 V1

Priority Date	5/11/2004 7:44:18 AM	awarntje	(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?
POD	5/11/2004 7:56:20 AM	awarntje	Edited point location
Source	5/11/2004 7:57:25 AM	awarntje	(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	5/11/2004 8:17:14 AM	awarntje	Edited shape boundary
Use	5/11/2004 8:20:32 AM	awarntje	(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?
POU	5/11/2004 8:20:13 AM	awarntje	(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	5/11/2004 8:21:15 AM	awarntje	(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?
POD	5/11/2004 7:56:43 AM	awarntje	Edited PLS
POU	5/11/2004 8:16:27 AM	awarntje	Edited shape boundary
Quantity	5/11/2004 8:22:31 AM	awarntje	(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? Description for Question 10 - .20 cfs or 42 af

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7536 V1

POD	5/11/2004 7:56:58 AM	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?
General	9/8/2006 11:01:41 AM	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?
POD	9/8/2006 11:02:03 AM	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?
Source	9/8/2006 11:02:27 AM	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?
POU	9/8/2006 11:03:00 AM	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? (Yes) 14. Is a POU remark and/or condition required?
Use	9/8/2006 11:05:15 AM	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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7536 V1

Summary	9/8/2006 11:07:24 AM	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?
Quantity	9/8/2006 11:06:19 AM	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 - 12*4=48
Season	9/8/2006 11:08:18 AM	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?

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: A67-07536
Date Received: 10/11/1989
Receipt No: MOO 4895
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID C. SPRINGER 208-355-2352
Address: RT. 1 BOX 48
MIDVALE, ID 83645

OR

Name: PEGGY D. SPRINGER 208-355-2352
Address: RT. 1 BOX 48
MIDVALE, ID 83645

2. Date of Priority: MAY 08, 1981

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	03W	9	NE	NE	NW		WASHINGTON

5. Description of diverting works:
DITCH, PUMP & GATED PIPE SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		

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

8. Total consumptive use is 42.0 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
13N	03W	9	NE NW		IRR	12.0
Section Acres						12.0
Total Acres						12.0

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:
67-2324

14. Remarks:

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: 10

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): *[Signature]* Date: 10/11/89
Date:

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 11 day
of Oct 19 89 *[Signature]*
Notary Public

Seal

Residing at BRUCE A. SCHULD, NOTARY PUBLIC
RESIDING AT BOISE, IDAHO
My Commission Expires MY COMMISSION EXPIRES APRIL 11, 1995

MICROFILMED
OCT 22 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 67-7536

Priority: May 8, 1981

Amount: .20 CFS

48.0 AFA

This is to certify, that DAVID C. SPRINGER
PEGGY D. SPRINGER

RT. 1 BOX 48

MIDVALE, ID 83645

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated May 8, 1981, and has submitted proof to the Department of Water Resources on June 7, 1982, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .62 cfs of water from;

UNNAMED SLOUGH

tributary to WEISER RIVER

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	03/15 to 11/15	.20 cfs	48.0 afa

LOCATION OF POINT OF DIVERSION(S): NENW , Sec. 9, Township 13N, Range 3W
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>ACRES</u>	<u>TOTAL</u>
13N	3W	9	NENW 12				12

Total number of acres irrigated: 12

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this license is subject to control by the watermaster of State Water District No. 67.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

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 28th day of SEPTEMBER, 1987.

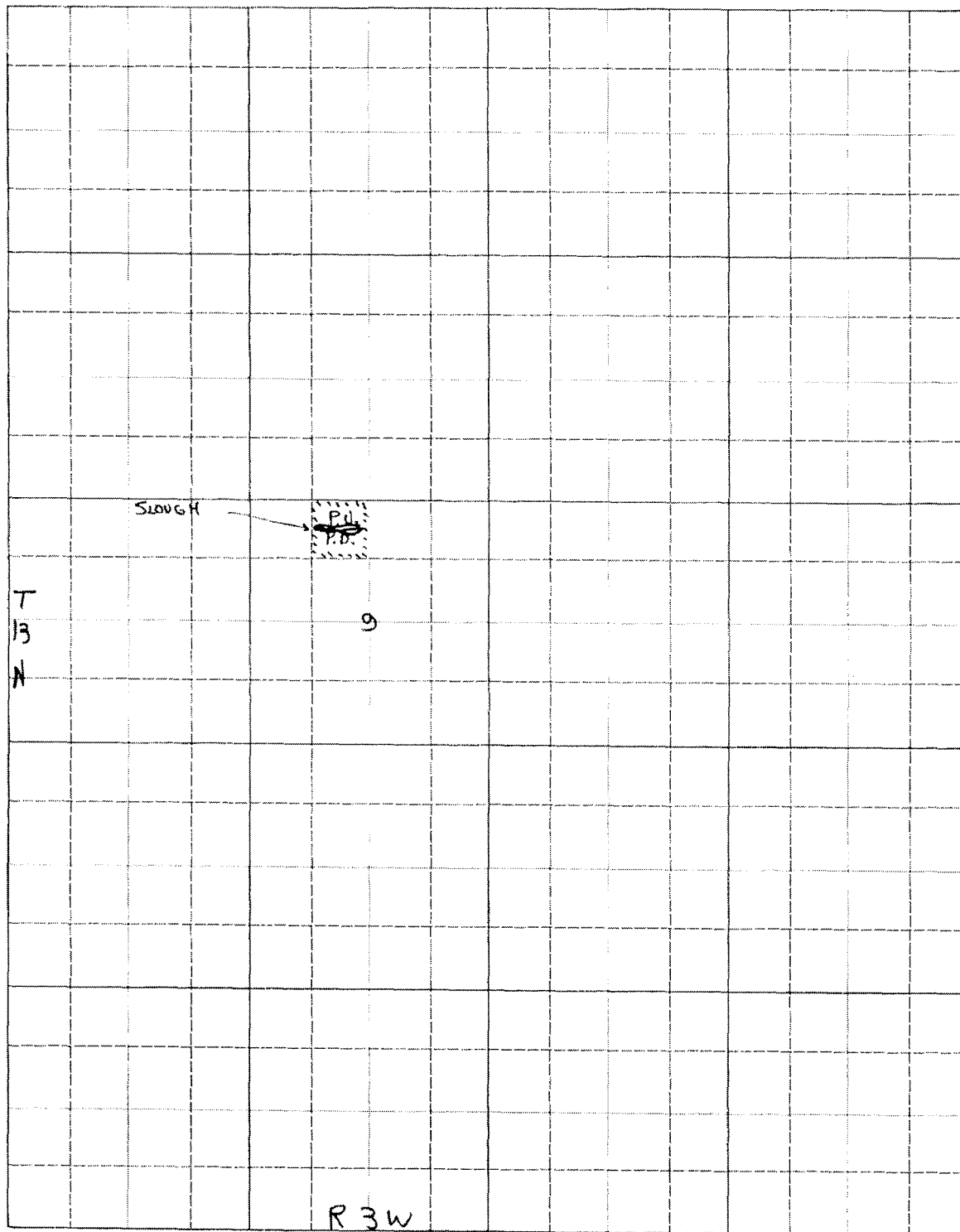
MICROFILMED

For the Director

Norman C. Young

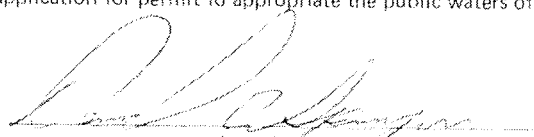
OCT 1 1987

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.


(Applicant)

PERMIT No. 67-7534

Vertical text on the left margin, possibly a page number or reference code.

Vertical text on the left margin, possibly a page number or reference code.

Vertical text on the left margin, possibly a page number or reference code.

Vertical text on the left margin, possibly a page number or reference code.

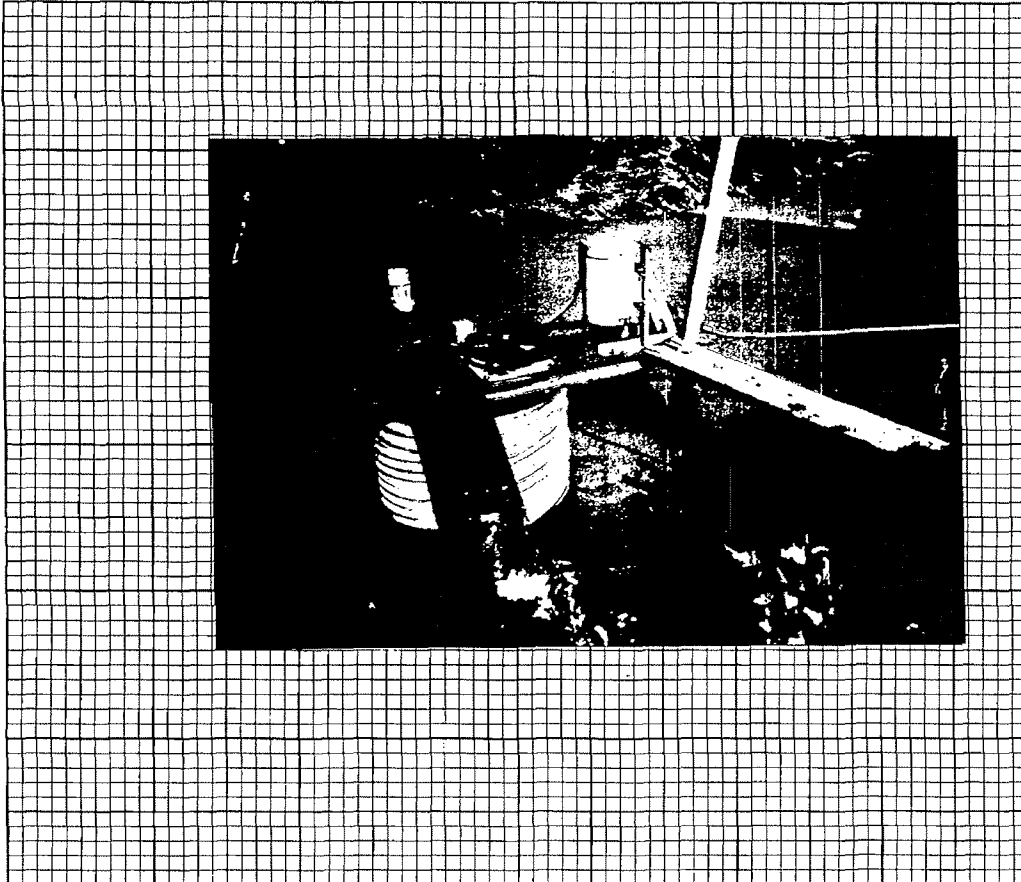


REPRODUCED

OCT 13 1987

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13N	3W	9					12											12	
Total Acres																		12	

10. Other water rights on these lands Middle Valley Ditch
11. Other water right diverted from same p.d. None
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached
or Map of Irrigated Acreage Attached

14. Remarks _____

15. 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

16. Examiner's/Consultant's Signature Jan Shute Date 3/20/87
Consultant's License Number _____ Det 3/25/87

IDWR Director's Authorization to Conduct

Beneficial Use Examination 9/15/85 Date

Whitefile E# 3/22/87

CONSULTANT SEAL

MI
234

OCT 13 1987

Am. 26