

11/06/2006

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

RIGHT NUMBER: 67-7574

NAME AND ADDRESS: RICHARD A MICHAEL
1549 SCHELOSKE RD
WEISER ID 83672

SANDRA K MICHAEL
1549 SCHELOSKE RD
WEISER ID 83672

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.400 CFS
126.000 AFY

Right Nos. 67-4424 and 67-7574 are limited to a total combined diversion rate of 0.56 cfs and to a total combined annual diversion volume of 126 AF.

PRIORITY DATE: 06/24/1982

POINT OF DIVERSION:

T10N R05W S8 SESWSE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.400 CFS 126.00 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in WASHINGTON County

T10N R05W S08	SWSE	19.00	T10N R05W S08	SESE	9.00
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28 ACRES TOTAL

Right Nos. 67-4424 and 67-7574 are limited to the irrigation of a combined total of 28 acres in a single irrigation season.

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



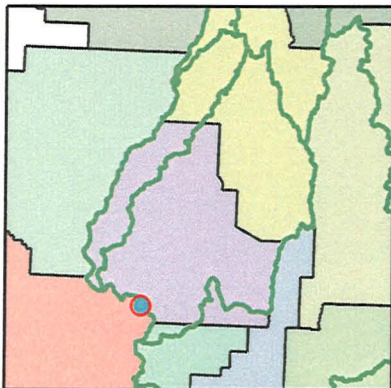
Idaho Department of Water Resources

SRBA Recommendation:

67-7574

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 Monday, November 6, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7574 V1

WATER RIGHT NUMBER: 67-7574 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LILLIAN L KEITHLY 1907 W FLAMINGO #100 NAMPA, ID 83651 (208)466-0508
Original Owner	ORVAL OLSON 779 E PARK WEISER, ID 83672
Original Owner	CLYDE R KEITHLY 1907 W FLAMINGO #100 NAMPA, ID 83651 (208)466-0508
Current Owner	RICHARD A MICHAEL 1549 SCHELOSKE RD WEISER, ID 83672 (208)549-3059
Current Owner	SANDRA K MICHAEL 1549 SCHELOSKE RD WEISER, ID 83672 (208)549-3059

Priority Date: 06/24/1982

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.400 CFS	126.00 AF
	<u>Total Diversion:</u>	0.400 CFS	126.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4SE1/4	Sec. 8,	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	8																19.0	9.0	28.0

Total Acres: 28

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7574 V1

Conditions of Approval:

1. E60 Right Nos. 67-4424 and 67-7574 are limited to a total combined diversion rate of 0.56 cfs and to a total combined annual diversion volume of 126 AF.
2. S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
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. E55 Right Nos. 67-4424 and 67-7574 are limited to the irrigation of a combined total of 28 acres in a single irrigation season.

Remarks:Comments:

1. mcase 5/4/2004 POD
Comment: POD shape generated from PLS description.
2. mcase 5/13/2004 Period of Use
Comment: Licensed Period of Use is shorter than standard. Recommend Shoulder Remark.
3. jdean 11/6/2006 Recommended as licensed
Comment: This claim was recommended as licensed with the addition of a season of use shoulder remark.

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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.56	126	28
Combined Water Rights: 67-7574 , 67-4424		

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	5/4/2004 3:23:28 PM	mcase			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7574 V1

Source	5/4/2004 3:37:04 PM	mcase	Active
POU	5/4/2004 3:42:42 PM	mcase	Active
Use	5/4/2004 3:42:55 PM	mcase	Active
Season	5/4/2004 3:43:42 PM	mcase	Active
Quantity	5/4/2004 3:44:01 PM	mcase	Active
POD	5/4/2004 3:45:17 PM	mcase	Active
Season	5/13/2004 8:59:08 AM	mcase	Active
Contacts	11/6/2006 11:24:51 AM	jdean	Active
Summary			
	11/06/2006	jdean	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Season	5/13/2004 8:59:09 AM	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	11/6/2006 11:27:18 AM	jdean	Updated PLS for Active POU
POD	11/6/2006 11:26:20 AM	jdean	Updated PLS
Summary	11/6/2006 11:33:43 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? (Yes) 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?
Source	5/4/2004 3:37:05 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 67-7574 V1

POU	5/4/2004 3:42:43 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?
POD	5/4/2004 3:36:18 PM	mcase	Edited point location
Contacts	11/6/2006 11:24:52 AM	jdean	(No) 1. Do you want to schedule an appointment? Comment for 1: Desk Review
POD	11/6/2006 11:26:01 AM	jdean	Updated shape
POU	11/6/2006 11:27:08 AM	jdean	Updated shape for Active POU
POD	5/4/2004 3:45:18 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License?
Season	5/4/2004 3:43:43 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	5/4/2004 3:44:02 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? (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 - Diversion licensed for 126 AF.
Priority Date	5/4/2004 3:23:29 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 ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Use	5/4/2004 3:42:56 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7574 V1

POU

5/4/2004 3:38:42 PM

mcase

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 67-7574
Date Received: 10/3/1989
Receipt No: M004782
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RICHARD A MICHAEL Phone: (208)549-3059

1549 SCHELOSKE RD
WEISER ID USA 83672

SANDRA K MICHAEL Phone: (208)549-3059

1549 SCHELOSKE RD
WEISER ID USA 83672

2. Date of Priority: 06/24/1982

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
10N	05W	8	SE	SW	SE	WASHINGTON	

5. Description of diverting works:

WELL 50' DEEP, 5HP PUMP CONCRETE DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.4	

7. Total Quantity Appropriated is:
0.4 C.F.S. and/or 126 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
10N	05W	8	SE	SE	IRRIGATION	9
			SW	SE	IRRIGATION	19
					Section Acres	28
					Total Acres	28

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

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 irrigation of the lands above.

15. Basis of Claim: License

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

RECEIVED
OCT 3 1989

Ident. Number: A67-07574
Date Received: 10-3-89
Receipt No: M004782
Received By: AB

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLYDE R. KEITHLY 208-466-0508
Address: 1907 W. FLAMINGO #100
NAMPA, ID 83651

OR

Name: LILLIAN L. KEITHLY 208-466-0508
Address: 1907 W. FLAMINGO #100
NAMPA, ID 83651

2. Date of Priority: JUN 24, 1982

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	8	SE	SW	SE		WASHINGTON

5. Description of diverting works:
WELL 50' DEEP, 5HP PUMP CONCRETE DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or) 126.00 A.F.A.

8. Total consumptive use is 105.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A67-07574

Page 1

Date: 10/03/89

MICROFILMED
OCT 02 1992

SCANNED
APR 14 2004

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	8	SW	SE		IRR	19.0
			SE	SE		IRR	9.0
						Section Acres	28.0
						Total Acres	28.0

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:
A67-04424

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: One

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): Clyde R. Keith Date: 10-3-89

Date: _____

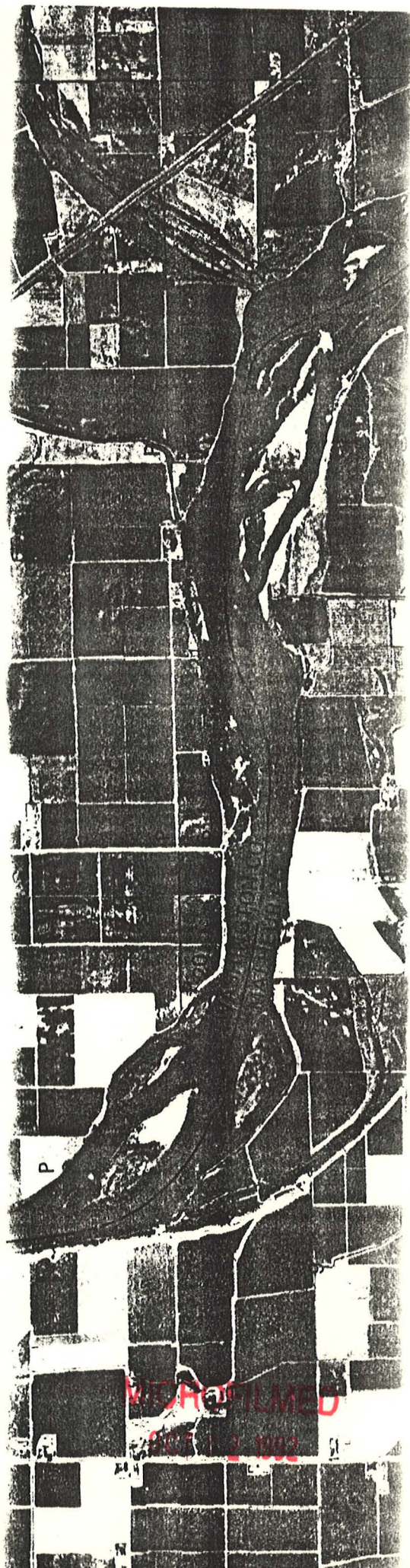
State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of October 1989
Anna Baunhoff
Notary Public

Seal

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

46510-196



VIDEO FILMED
DEC 12 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 67-7574

1. Owner: Clyde R. Korbly Phone No. 966-1563

Current Address: Rt 5 Nampa, ID 83651

2. Accompanied by: Rick Michael EXAM. DATE: 10-1-87

Address: Rt 3 Box 324 Waver ID 23672 Phone No. 549-3059

Relationship to Permit Holder: Reporter

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 67-4424 67-4518

☐ Copies Attached

2. Other water rights with same point of diversion: 67-4424 67-4518

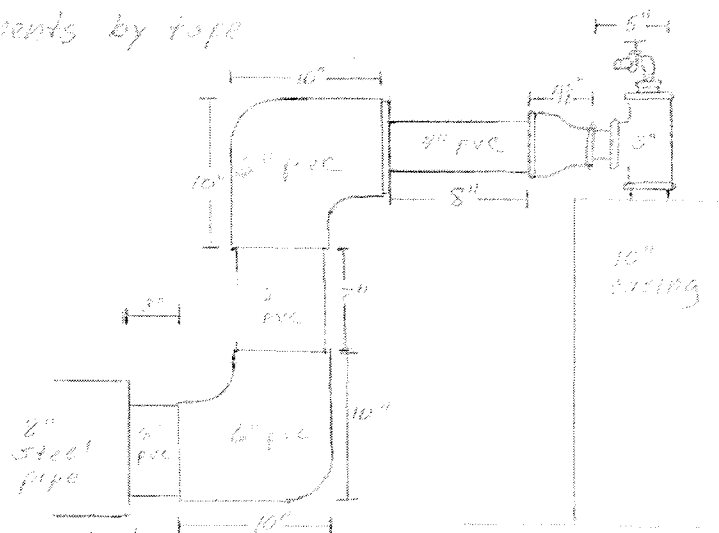
☒ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

Looking North

Measurements by tape



Steel pipe protects
gas pipe for driveway crossing

Scale: 1" =

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

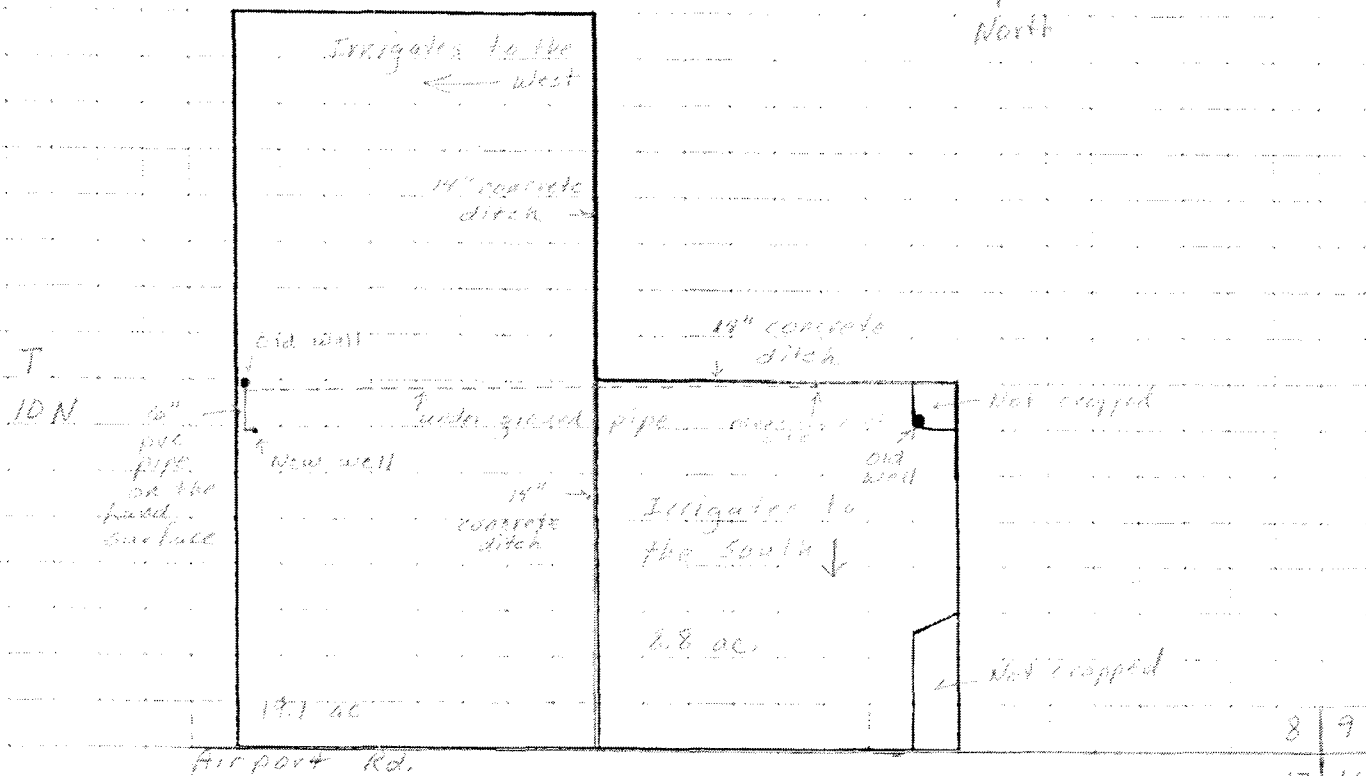
☒ Photo of Diversion and System Attached

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

(required for all but single household domestic groundwater, and stockwater.

67-7574

↑
North



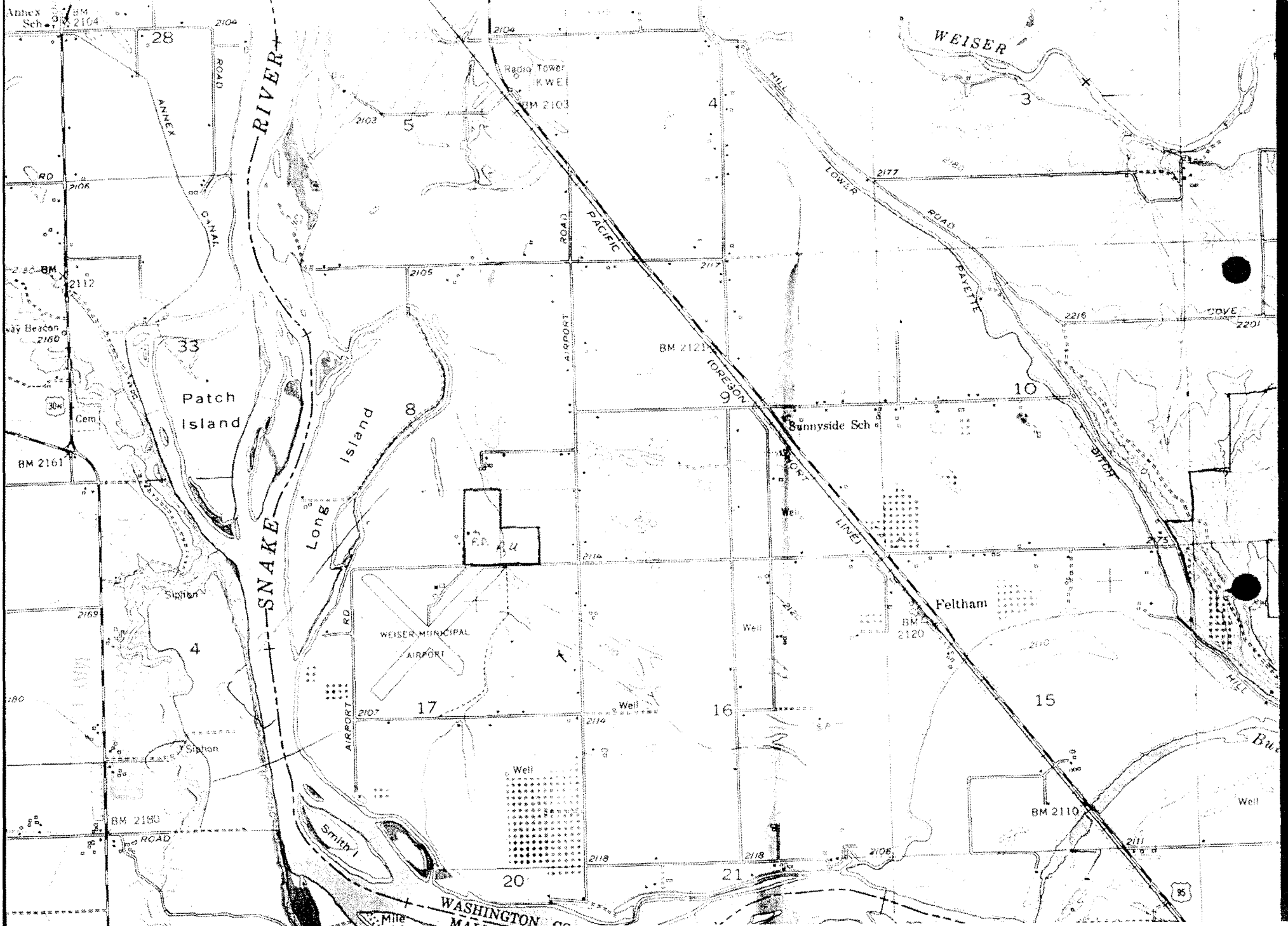
Scale 1" = 330'

R 5 W

UNITED STATES DEPARTMENT OF AGRICULTURE

WATER RESOURCES DIVISION

67-7574-2A



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 67-07574

Priority: June 24, 1982 Amount: 0.40 CFS 126.0 AFA

This is to certify, that CLYDE R. KEITHLY
RT. 5

NAMPA, ID 83651 has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated June 24, 1982, and has submitted proof to the Department of Water Resources on August 24, 1982, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .670 cfs of water from a GROUNDWATER source 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	04/01 to 11/01	0.40 CFS	126.0 AFA

LOCATION OF POINT(S) OF DIVERSION: SWSE, Sec. 8, Township 10N, Range 05W
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>
10N	05W	8	SWSE 19	SESE 9		28
Total number of acres irrigated:						28

CONDITIONS/REMARKS:

1. The right to the use of 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. 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.

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 26th
day of April, 1989.

MICROFILMED

Acting for the Director

MAY 15 1989