

11/06/2006

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

RIGHT NUMBER: 67-10795

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: 0.430 CFS
180.000 AFY

Right Nos. 67-10515 and 67-10795 are limited to a total combined annual diversion volume of 180 AF.

PRIORITY DATE: 02/04/1959

POINT OF DIVERSION:

T10N R05W S17 SWNE 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	0.430 CFS 180.00 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 in WASHINGTON County

T10N R05W S17 NENE 40.00

40 ACRES TOTAL

Right Nos. 67-10515 and 67-10795 are limited to the irrigation of a combined total of 40 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

Right No. 67-10515 is also diverted through point of diversion described above.



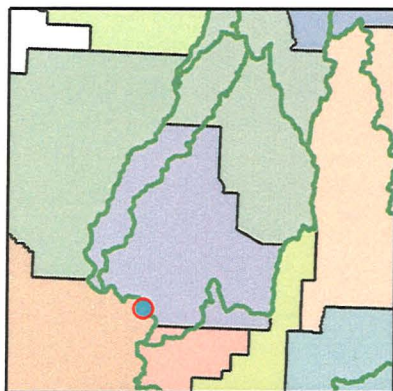
Idaho Department of Water Resources

SRBA Recommendation:

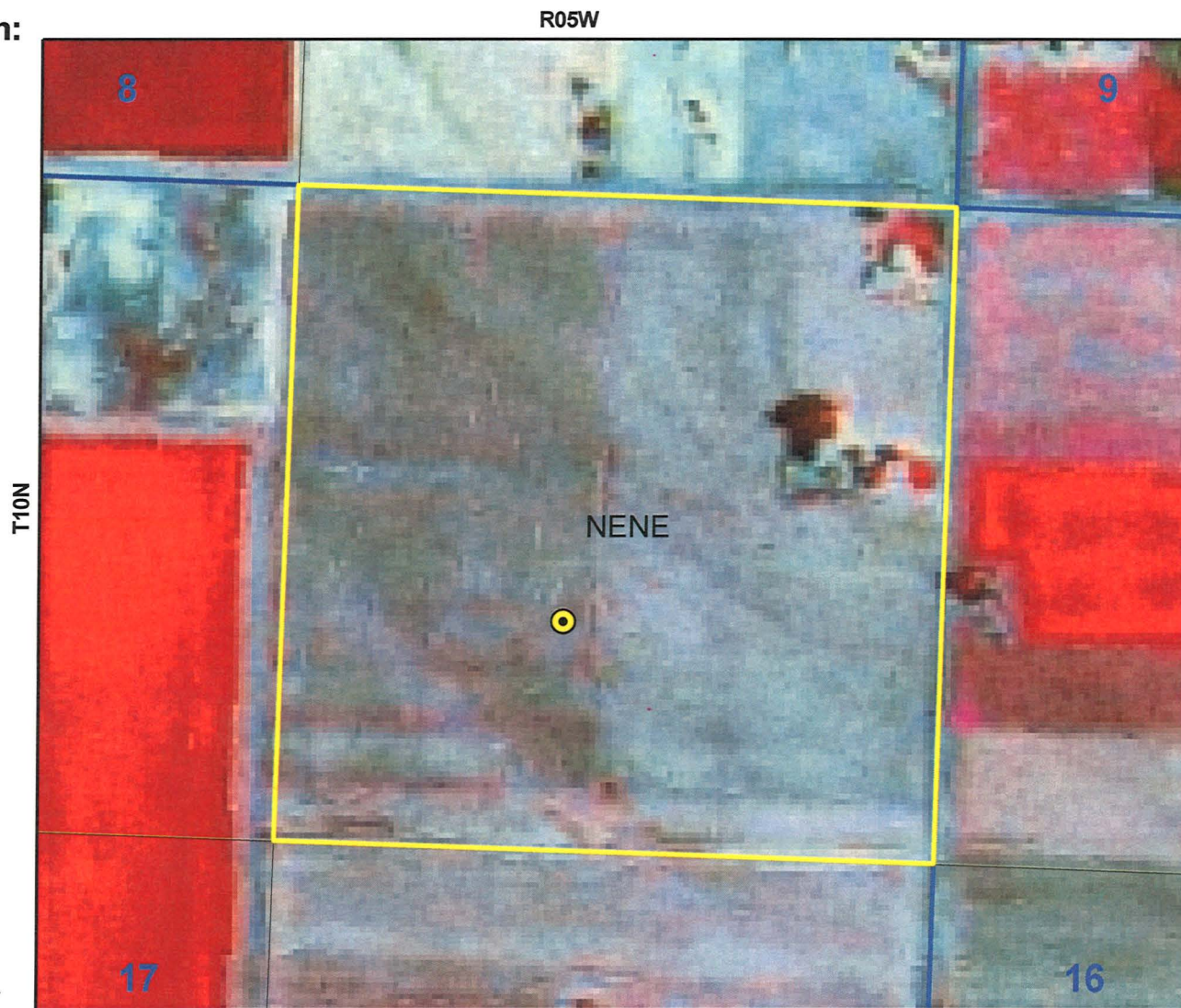
67-10795

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 67-10795 V1

WATER RIGHT NUMBER: 67-10795 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BILLY D MICHAEL 397 RIVERDOCK RD WEISER, ID 83672 (208)549-2817
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: 02/04/1959

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	0.430 CFS	180.00 AF
	<u>Total Diversion:</u>	0.430 CFS	180.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4NE1/4	Sec. 17, 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	17	40.0															40.0	

Total Acres: 40

Conditions of Approval:

1. 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.
2. E53 Right Nos. 67-10515 and 67-10795 are limited to a total combined annual diversion volume of 180 AF.
3. E55 Right Nos. 67-10515 and 67-10795 are limited to the irrigation of a combined total of 40 acres in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10795 V1

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.
5. F05 Right No. 67-10515 is also diverted through point of diversion described above.

Remarks:Comments:

1. jdean 11/6/2006 Recommended as licensed

Comment: This claim was originally filed as a beneficial use claim to try and establish an earlier priority date than the license. A note in the file (C.Saxton 3/8/06) says that this claim should be recommended based on the license 67-2270 based on a statement by the claimant. No additional evidence of priority was submitted so the recommendation was based on the license.

2. jdean 11/6/2006 Overlap with 67-10515

Comment: This claim overlaps with 67-10515. The intent of the other claim is to bring the total diversion rate up to 1"/acre. See 67-10515 for additional information.

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>
Contacts	11/6/2006 4:44:40 PM	jdean			Active
Priority Date	11/6/2006 4:49:22 PM	jdean			Active
POD	11/6/2006 4:52:17 PM	jdean			Active
Source	11/6/2006 4:55:21 PM	jdean			Active
POU	11/6/2006 5:03:15 PM	jdean			Active
Use	11/6/2006 5:03:39 PM	jdean			Active
Season	11/6/2006 5:04:26 PM	jdean			Active
Quantity	11/6/2006 5:05:49 PM	jdean			Active
Summary			11/06/2006	jdean	Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-10795 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/6/2006 4:44:40 PM	jdean	(Yes) 1. Do you want to schedule an appointment? (No) 2. Do you want to update the field exam contact information? Contact Person: SANDRA K MICHAEL - Contact Phone Number: Date of Field Exam: 4/13/05 2:15 PM Directions to Property:
POD	11/6/2006 4:49:45 PM	jdean	Updated shape
POU	11/6/2006 5:03:15 PM	jdean	(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?
General	11/6/2006 4:49:22 PM	jdean	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - This claim will be recommended as licensed.
POD	11/6/2006 4:52:17 PM	jdean	(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? (Yes) 10. Is a POD remark and/or condition required?
Source	11/6/2006 4:55:21 PM	jdean	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10795 V1

Use	11/6/2006 5:03:39 PM	jdean	(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?
Season	11/6/2006 5:04:26 PM	jdean	(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? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	11/6/2006 5:05:49 PM	jdean	(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? (Yes) 12. Is a Quantity remark or condition required? Description for Question 10 - 4.5 afy/acre * 40 acres = 180 afy
POD	11/6/2006 4:51:08 PM	jdean	Updated PLS
POU	11/6/2006 4:56:45 PM	jdean	Updated shape for Active POU
POU	11/6/2006 4:56:54 PM	jdean	Updated PLS for Active POU
Summary	11/6/2006 5:09:18 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? (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?

LICENSE OF WATER RIGHT

THIS IS TO CERTIFY, that Billy D. Michael
of Weiser, Idaho, has complied with the terms and conditions of Permit
No. 67-2270 issued pursuant to Application for Permit dated August 11, 1958,
and has submitted proof to the Department of Water Administration on March 20, 1964
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.43 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of the Snake River is hereby confirmed in the following amounts:

Amount 0.43 cfs for irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 0.43 cfs of water be diverted at
any one time, said waters to be diverted within the NE 1/4, Sec. 17, T. 10N, R. 5W, B.M.
_____ and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 180 acre feet per year or _____
4.5 acre feet per acre.

[illegible]


Director

67 2270

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 67-10795
Date Received: 10/13/1989
Receipt No: M004942
Received By:

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

1. Name of Claimant(s)

SANDRA K MICHAEL Phone: (208)549-3059

1549 SCHELOSKE RD
WEISER ID USA 83672

RICHARD A MICHAEL Phone: (208)549-3059

1549 SCHELOSKE RD
WEISER ID USA 83672

2. Date of Priority: 02/04/1949

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	17	SE	NE	NE	WASHINGTON	

5. Description of diverting works:

WELL 20' DEEP, 15HP PUMP, SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.43	

7. Total Quantity Appropriated is:
0.43 C.F.S. and/or 180 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	17	NE	NE	IRRIGATION	40
					Section Acres	40
					Total Acres	40

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:

THIS CLAIM COMBINED WITH A67-10515 DOES NOT EXCEED DIVERSION RATE OF 1" PER ACRE.

THIS CLAIM REPRESENTS THE RIGHT BASED UPON FIRST BENEFICIAL USE. THE WELL WAS PUT IN IN 1949 AND USED FROM THAT TIME ON. LICENSE 67-02270 WAS FILED AFTER THE FACT BUT DOES ALSO DESCRIBE THIS RIGHT.

15. Basis of Claim: Beneficial Use

9000

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: A67-10795
Date Received: 10-13-89
Receipt No: M004942
Received By: B

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BILLY D. MICHAEL 208-549-2817
Address: 397 RIVERDOCK RD.
WEISER, ID 83672

OR
Name: RICHARD A. MICHAEL 208-549-2817
Address: 1549 SCHELOSKE RD.
WEISER, ID 83672

2. Date of Priority: FEB 04, 1949

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	05W	17	SE	NE	NE		WASHINGTON

5. Description of diverting works:
WELL 20' DEEP, 15HP PUMP, SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.430		

7. Total Quantity Appropriated is:
0.430 C.F.S. (and/or) 180.00 A.F.A.

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:

SCANNED
APR 09 2004

A67-10795

Page 1

Date: 10/13/89

MICROFILMED
OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	05W	17	NE	NE	IRR	40.0
Section Acres						40.0
Total Acres						40.0

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:

A67-10515 SUPPLEMENTAL CLAIM FOR SAME WELL.

14. Remarks:

THIS CLAIM COMBINED WITH A67-10515 DOES NOT EXCEED DIVERSION
RATE OF 1" PER ACRE.

THIS CLAIM REPRESENTS THE RIGHT BASED UPON FIRST BENEFICIAL USE.
THE WELL WAS PUT IN IN 1949 AND USED FROM THAT TIME ON. LICENSE
67-02270 WAS FILED AFTER THE FACT BUT DOES ALSO DESCRIBE THIS
RIGHT.

15. Basis of Claim: BENEFICIAL USE

Water Right Number: 27510

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: 1

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): Richard A. Mahal Date: 10-13-89

Date: _____

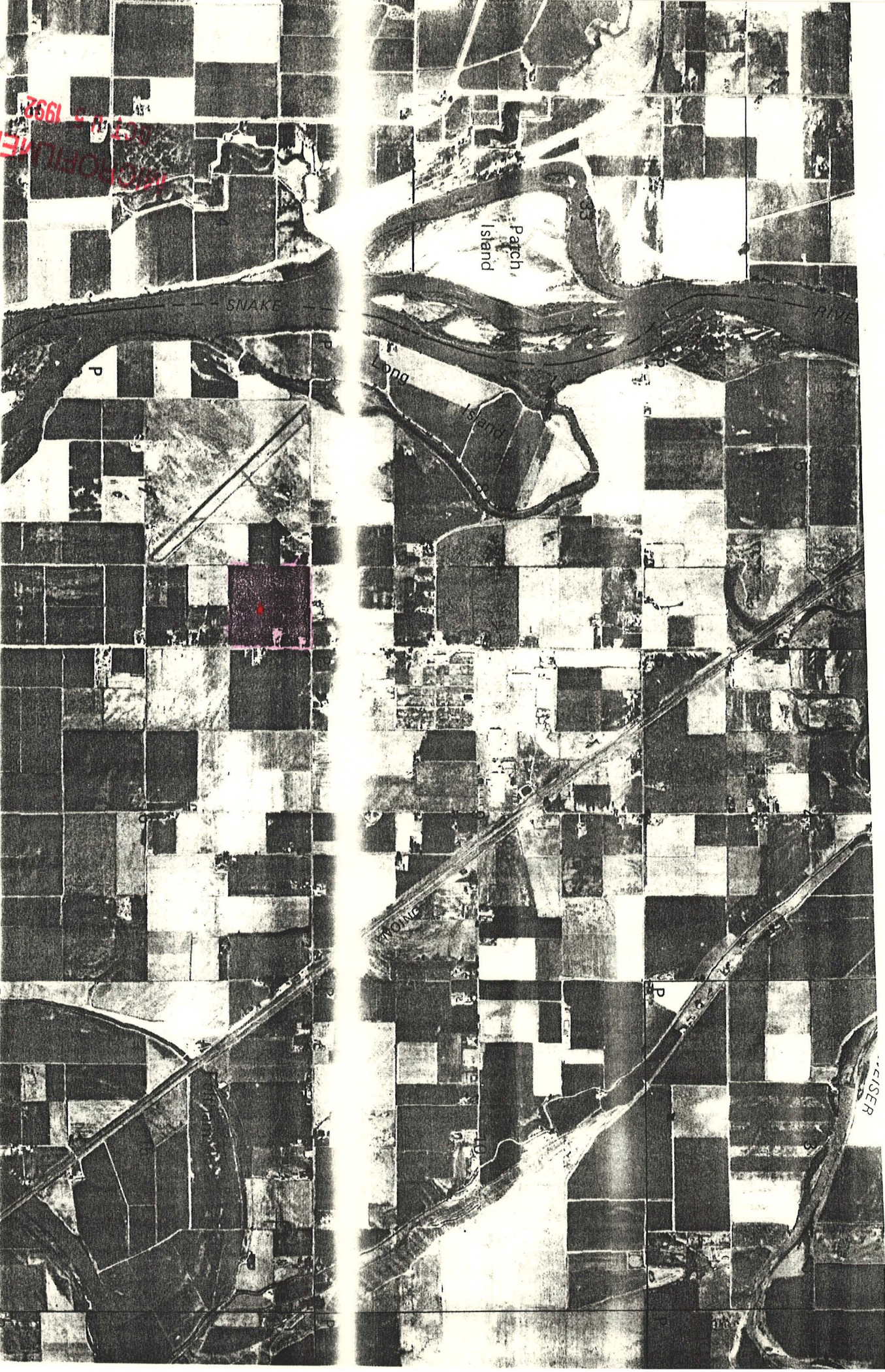
State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 13th 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

UNCLASSIFIED
EST. 11-3-1992



A67-10795

A67-02270

A0016715

A67-10795
A67-10515
SAME PROPERTY
02/28/2005

IDWR Field Exam Form

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	BILLY D MICHAEL	397 RIVERDOCK RD	WEISER	ID	83672	(208)549-2817
Current Owner	RICHARD A MICHAEL	1549 SCHELOSKE RD	WEISER	ID	83672	(208)549-2817

Date of Field Exam: 4-13-05 Time: 1:15 PM

Accompanied By: Richard Phone Number: 208-549-3059

Relationship to Claimant: Owner

Directions to Property (if different from above) and/or update owner information:

Billy Michael Has Deceased 1996
Will send Copy of Death Cert.
Will write an AFFIDAVIT.

Recommend as
license 67-2270
per Claimant statement
3-8-06

Reviewer: Roger Meyers

Date: 4-13-05

Claim Number 67-10795

Claimed Basis: Beneficial Use

Water Right Basis:

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

[illegible]

Reviewer:

Robert Meyer

Date: 4-13-05

Point of Diversion and Source Data Entry Form

Claim Number 67-10795

Claimed Point of Diversion and Source

T10N R05W S17 SENENE Within WASHINGTON County Source: GROUND WATER

☒ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

Wcht
Depth 20'

#	Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
# 017					See MAP.		
# A00	16	7	15	1	Pump 15 HP	LIFT 19'	POD 2263880
					64 SPRINKLERS	9/64 @ 40 PSI	1449396

Other rights from this POD? NONE

Document how the POD and Source were verified:

Reviewer:

Date: 4-13-05

Place Of Use Data Entry Form

Claim Number 67-10795

Claimed Place Of Use

T10N R05W S17 NENE 40.0

Total Acres 40

☒ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

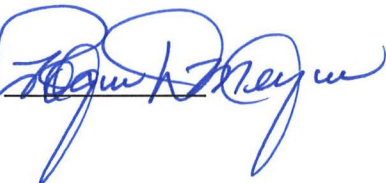
_____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
		See MAP.						

Total Acres _____

Document how the POU was verified:

Reviewer: _____



Date: _____

4-13-05

Purpose of Use Data Entry Form

Claim Number 67-10795

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Number of Other

Document how the Purpose of Use was verified:

Reviewer: 

Date: 4-13-05

Period of Use and Quantity Data Entry Form**Claim Number 67-10795**

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.43	
Overall Diversion Rate	0.43	Overall Diversion Volume	180	

☒ **Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Overall Diversion Rate		Overall Diversion Volume		

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: Date: 4-13-05

4 CATHS

NO ANSWER.

67-10515

67-10795 Billy D. Michael
Richard

208-549-2817

549-3059

Well 20'

017 # A0016715

Pump 15 HP

Lift 19'

How many sprinklers OR.
DIS PRESSURE 40

64 9/64

017 FOD

GPS 2263880

1449396

POW See map

Priority Date. OK
will write AN AFFIDAVIT

ACRES

40 MAYBE.

WR # 67-10795

67-10515

67-02210

-27510

Not the
SAME
Propose

CONVERSATIONAL MEMORANDUM

Date: September 13, 2005

To: File 67-4135A, 67-10515, 67-10795

From: Craig L. Saxton

Subject: Evidence of priority

Received a call from Craig Jensen calling on behalf of his daughter Staci Morris. Staci received the evidence of priority letter to:

Billy D Michael
397 Riverdock Rd
Weiser Id 83672

Craig said that the property at this address is not irrigated and is the wrong address. He was calling to let us know that we might want to track down the real mailing address of Billy D Michael.

So I checked the proof reports and Richard Michael is also an owner listed on them with a different address of:

RICHARD A MICHAEL
1549 SCHELOSKE RD
WEISER, ID 83672

Comparing this with the tax lot data, this is what makes sense. So I think we sent one set of letters to the right address and one to the wrong one.

We will have to find out what is going on with Billy D Michael and if he has interest in these water rights any more. And if he does, then what is his new mailing address.

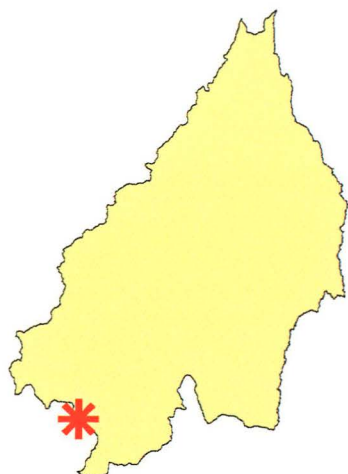


#A0016715 15HP POD.jpg

Idaho Department of Water Resources

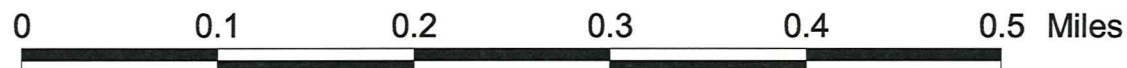
Water Right Claim No:

67-10795



Legend

- Place of Use
- Section Lines
- Quarter Quarters



Prepared by: Dan Narsavage
On: February 28, 2005
1987 False-Color Infrared Photography