

RECEIVED

DEC 04 2006

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

11/14/2006

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: 67-10975

CITY OF WEISER

55 W IDAHO ST

WEISER ID 83672

Telephone Number: (208) 414-1965

Delete

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:

This is a duplicate of 67-4291, delete this right.

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:

11/30/06

SIGNATURE:

Nathan Marvin

Please print your name:

Nathan Marvin

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

SCANNED
DEC - 4 2006

11/21/2006

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

RIGHT NUMBER: 67-10975
NAME AND ADDRESS: CITY OF WEISER
55 W IDAHO ST
WEISER ID 83672

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

Basin 67 Municipal Claims Lacking Evidence of Priority and/or Evidence of Flow Rate**Prepared by: D. Tuthill Nov. 20, 2006**

Claimant	Claim No.	Point of Diversion	Source	Date of Priority Claimed	Rate of Flow Claimed	Note
City of Council	67-10414	T16N R01W S 15 NWNE	Ground Water	9/28/1944	0.6 cfs	Needs evidence of priority and evidence of rate of flow
City of Council	67-10415	T16N R01W S 14 NENW	Ground Water	9/28/1920	0.89 cfs	Needs evidence of priority and evidence of rate of flow
City of Cambridge	67-10970	T14N R03W S3 SESE	Ground Water	11/1/1934	0.29 cfs	Newspaper article shows flow of 2000 gph=0.07 cfs
City of Cambridge	67-14152	T14N R03W S3 SESE	Ground Water	11/1/1934	0.29 cfs	Needs evidence of priority and evidence of rate of flow
City of Weiser	67-4412	T11N R05W S32 SESW	Weiser River	06/01/1890	0.44 cfs	Needs evidence of priority and evidence of rate of flow
City of Weiser	67-10971	T10N R05W S17 NWNE	Ground Water	06/01/1890	0.44 cfs	Needs evidence of priority and evidence of rate of flow
City of Weiser	67-10975	T11N R05W S29 SWNW	Ground Water	10/12/1887	1.23 cfs	Needs evidence of priority and evidence of rate of flow
		T11N R05W S29 SESW	(Second POD)			
City of Weiser	67-14129	T11N R05W S32 SWSW	Weiser River	6/1/1962	5.00 cfs	Needs evidence of priority and evidence of rate of flow



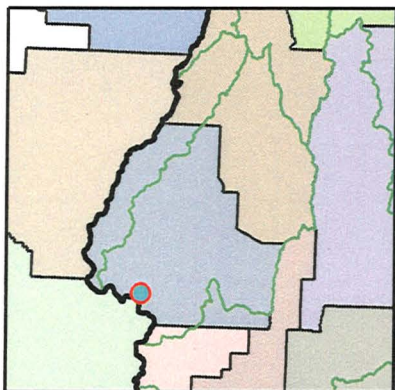
City Of Weiser

SRBA Recommendations: 67-2320, 67-4291, 67-4412, 67-10971, 67-10975, 67-14129

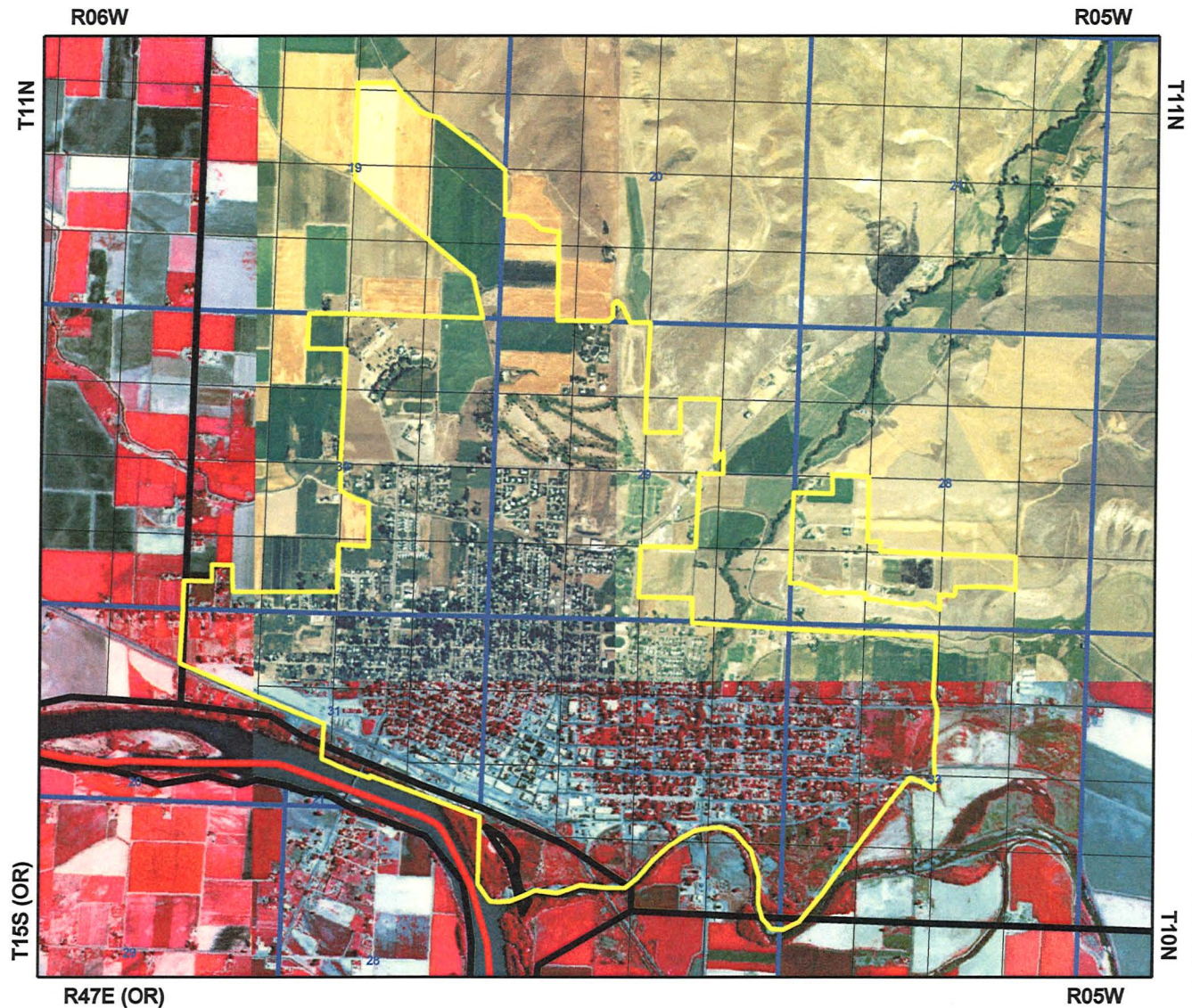
Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



0 1 2 Miles



Prepared by A. Warntjes
On Thursday, November 16, 2006
1987/88 Aerial Photography

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: A67-10975
Date Received: 10/18/1989
Receipt No: C012378
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF WEISER 208-549-1964
Address: 55 W. IDAHO ST.
WEISER, ID 83672

2. Date of Priority: OCT 12, 1887

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	05W	29	SE	SW	NW		WASHINGTON
			SE		SW		WASHINGTON

5. Description of diverting works:
DRILLED WELLS WITH PUMPS PUMPING INTO CITY WATER LINE GRID

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	1.230		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL/ CITY OF WEISER

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
----------	-------	---------	--------	--------	-----	-----	-------

11. Place of use in counties:

A67-10975

Page 1

Date: 06/28/90

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MAY 10 2004

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OCT 05 1992

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A03-07009, A67-02320, A67-07727, A67-04291, A03-10010

14. Remarks:

THIS MAKES A CLAIM FOR THE HISTORIC USE OF GROUNDWATER BY THE CITY OF WEISER SINCE THEY CONSTRUCTED A WATER SUPPLY SYSTEM, IN 1934 WITH THE ASSISTANCE OF A WPA PROJECT. THE PRESENT POINT OF DIVERSION IS THROUGH EXISTING WELLS

|

#10 PLACE OF USE IS WITHIN THE CITY LIMITS OF THE CITY OF WEISER

15. Basis of Claim: BENEFICIAL USE

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 Organizations:

I do solemnly swear or affirm that I am _____ of _____ Title

_____, that I have signed the foregoing Organization

document in the space below as _____ of Title

_____ and that the statements contained in the Organization

foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: *A67-10975*
Date Received: *10-18-89*
Receipt No: *0012378*
Received by: *RS*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of applicant: City of Weiser

Phone: 549-1964

Address: 55 W. Idaho St.

2. Date of priority: OCT.12, 1887

3. Source of water supply: Ground water

Tributary to:

4. Point of diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	5W	29	SE	SW	NW		WASHINGTON
11N	5W	29		SE	SW		WASHINGTON

5. Description of existing diversion works: Drilled wells with pumps pumping into city water line grid.

6. Water is claimed for the following purposes:

Purposes	(both dates are inclusive)		C.F.S.	(OR)	A.F.A.
	From	To			
MUN.	1/1	12/31	1.23		

7. Total quality claimed (a) 1.23 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is: MUNICIPAL

9. Non-irrigation uses; MUNICIPAL

10. Lands irrigated of Place of Use: WITHIN THE CITY LIMITS OF WEISER

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
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Total number of acres irrigated

Last Name: Weiser

Ident. Number:

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Page 2 of 3

11. Place of Use in counties: Washington

12. Do you own the property listed above as place of use? yes

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Other Water Rights Used: 03-7009, 31633/67-2320, 67-7727, 67-4291

14. Remarks: This makes a claim for historic use of ground water by the City of Weiser since they constructed a water supply system in 1934 with the assistance of a WPA Project. The present point of diversion is through existing wells.

15. Basis of Claim: claim

Case Number:

Court:

Decree Date:

Plaintiff vs _____
Defendant

16. Signatures(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 ORGANIZATIONS: I do solemnly swear of affirm that I am R. Dale Thomason, Mayor

of City of Weiser, that I have signed

the foregoing document in the space below as Mayor

of City of Weiser and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent R. Dale Thomason

Title and Organization Mayor Date 10-16-89

State of Idaho)
County of Washington) SS.

Last Name: Weiser

Ident. Number: 67-4291

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OCT 11 1989

Page 3 of 3

Subscribe and sworn (or affirmed) before me this 16th day of Oct. 19 89

Seal

Notary Public M. A. Moore

Residing at Weiser, Idaho

My Commission Expires Jan 30, 1992

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name: Weiser

Ident. Number:

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4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

City of Weiser

CLAIM IDENT. NO.

A67-10975

DATE RECEIVED

10/18/89

CK #

0012378

AMOUNT \$

173

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ✓ weiser ID 89672 *
2. Is a priority date entered? ✓ *
- Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ✓ *
3. (a) Is a source entered? ✓ *
- (b) Is a tributary to entered? (if required) N/A ✓ *
4. Is the legal description of the p.d. sufficient? ✓ *
5. Is there a description of the diverting works? ✓ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ✓ *
- Is the period of use included? ✓ *
- Is a quantity claimed for each use? ✓ *
7. Is a total quantity claimed entered? ✓ *
8. If required is a consumptive use entered? N/A ✓ *
- Is the consumptive use correct? N/A ✓ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ✓ *
10. Is (are) the place(s) of use and purpose(s) indicated? ✓ *
11. Is (are) the county(ies) entered? ✓ *
12. Is the ownership of p.u. checked? ✓ mod
13. Are other water rights listed or "none" indicated? ✓ mod
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ✓ B.u. mod
15. Is the basis of the claim indicated? ✓ B.u. mod
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A ✓
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ✓ *
18. Has the claim been signed, sealed, and dated by a notary? ✓ *
19. Was this claim filed on time, or was an extension granted? ✓ *
20. Is the fee enclosed correct? Exempt ✓ *
21. If this claim is based on an existing water right, has the identification number been entered? N/A ✓
22. Should this claim be data entered? ✓

Claim checked by: BDate: 5/18/90

Claim must be returned to claimant:

(Yes) ✓ (No)

Claimant must be notified of modifications:

(Yes) ✓ (No)

Receipt Prepared by:

Claim data entered by: BSent to claimant by: B

Date:

Date: 6/28/90

Date:

Checked by:

Date:

Comments:

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OCT 05 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Date: June 28, 1990

City of Weiser
55 W. Idaho St.
Weiser, ID 83672

RE: Notices of Claim to a Water Right in the Snake River Basin
Adjudication, See List Below
County of Washington

Dear Claimant:

We are forwarding to you data entered copies of the claims you
filed in the Snake River Basin Adjudication.

We have interpreted the data from these claims in the process
of data entry in a manner which we feel more accurately reflects
the true status of these water rights. The items that were
modified are highlighted. Please review the enclosed claims to
assure that these modifications are in agreement with these water
rights.

If you believe our data is incorrect, and you wish to make any
changes to any of these Notices of Claim, initial the changes, sign
the form, have your signature notarized, and return it to this
office within 30 days. If you believe the modifications are
correct, please retain these copies of your claims for your
records.

Please feel free to contact this office if you have any
questions.

Sincerely,

John D. Carlson
Adjudication Supervisor

JDC:AB;CF;HHT;FEL;RM

Enclosure:

Claim Nos. A67-02320
A67-04291
A03-07009
A67-10975
A03-10010

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MAY 10 2004

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