

11/14/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 07 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: 67-14621

WEISER IRRIGATION DIST

C/O JAY EDWARDS

PO BOX 591

WEISER ID 83672

Telephone Number: (208)414-1792

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: 12-5-06

SIGNATURE:



Please print your name:

Jonathan P Edwards sec

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

SCANNED
DEC 08 2006

Adjudication Recommendation Report 67-14621 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WEISER IRRIGATION DIST C/O JAY EDWARDS PO BOX 591 WEISER, ID 83672 (208)414-1792

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	21.190 CFS	
		28.18	
	<u>Total Diversion:</u>	21.190 CFS	
		28.18	

<u>Location of Point(s) of Diversion</u>		
WEISER RIVER	NE1/4NE1/4	Sec. 35, Twp 11N, Rge 04W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
10N	04W	2					X L 3	X L 4											
10N	04W	3		X L 2			X L 3	X L 4	X	X		X							
10N	04W	4	X L 1	X L 2	X	X	X L 3	X L 4	X	X					X	X			
10N	04W	5	X L 1	X L 2		X	X L 3	X L 4											
10N	04W	6	X L 1	X L 2	X		X L 3	X L 4	X L 5	X		X L 6							
10N	05W	1	X L 1	X L 2	X	X	X L 3	X L 4	X	X	X	X		X	X	X	X		
10N	05W	2	X L 1	X L 2	X	X	X L 3								X	X			
10N	05W	3	X L 1	X L 2	X	X	X L 3	X L 4	X	X					X	X			

IDAHO DEPARTMENT OF WATER RESOURCES

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10N 05W 4						X L 4													
10N 05W 5	X L 1																		
11N 04W 31								X		X L 4	X	X	X	X	X	X	X	X	
11N 04W 32								X	X	X	X	X	X	X	X	X	X	X	
11N 04W 33								X	X	X	X			X	X	X	X		
11N 04W 34			X					X		X	X	X	X	X	X	X	X	X	
11N 04W 35	X	X	X	X			X	X	X	X	X	X		X					
11N 05W 27										X	X								
11N 05W 28										X	X							X	
11N 05W 29							X	X	X	X	X	X	X	X	X	X	X	X	
11N 05W 30						X L 1	X L 2		X	X L 3	X L 4	X	X	X	X	X	X		
11N 05W 31	X	X	X L 2	X	X	X L 4		X L 3					X L 1						
11N 05W 32	X	X	X	X	X	X	X	X	X	X L 2		X L 1	X	X	X	X	X	X	
11N 05W 33	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X	
11N 05W 34		X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	
11N 05W 35										X	X	X				X			
11N 05W 36											X	X							
11N 06W 9																		X	
11N 06W 10											X							X	
11N 06W 11										X	X	X				X			

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11N 06W 13									X	X	X	X		X		
11N 06W 14		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
11N 06W 15	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
11N 06W 16	X	X	X	X			X	X	X	X	X	X	X	X	X	X
11N 06W 17			X	X	X		X	X	X	X	X	X	X	X	X	X
11N 06W 18															X	X
11N 06W 19	X L 1															
11N 06W 20	X	X	X	X	X	X	X L 3	X	X	X L 2		X L 1	X	X	X	X
11N 06W 21	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
11N 06W 22	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
11N 06W 23	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
11N 06W 24						X	X	X	X	X	X	X		X	X	
11N 06W 25	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
11N 06W 26	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
11N 06W 27	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
11N 06W 28	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
11N 06W 29	X	X	X	X	X L 5			X L 4	X L 3				X	X L 2		
11N 06W 32	X L 1															
11N 06W 33	X	X	X	X	X		X L 3	X L 2					X	X		
11N 06W 34		X	X L 2	X L 1	X	X	X	X	X L 3	X	X	X				

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11N 06W 35	X	X	X	X			
	L 1	L 2	L 3	L 4			
11N 06W 36	X	X	X	X			
	L 1	L 2	L 3	L 4			

Total Acres: 9484

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. E56 The rights listed below are limited to the irrigation of a combined total of 9061 acres in a single irrigation season. Combined Right Nos.: 67-8, 67-9, 67-10, 67-11, 67-12, 67-13B, 67-14, 67-15, 67-16, 67-17, 67-18, 67-19, 67-20, 67-21, 67-22, 67-2168B, 67-2169G, & 67-14621.
3. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Remarks:Comments:

1. dfavreau 11/8/2006 quantity

Comment: The quantity for this claim is the difference between the highest recorded flow for the Galloway Ditch (295 cfs) and all of the claims, private and WID.

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:
 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>
Priority Date	11/8/2006 12:19:39 PM	dfavreau			Active

IDAHO DEPARTMENT OF WATER RESOURCES

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POD	11/8/2006 12:19:58 PM	dfavreau	Active
Source	11/8/2006 12:21:47 PM	dfavreau	Active
POU	11/8/2006 12:22:17 PM	dfavreau	Active
Use	11/8/2006 12:22:52 PM	dfavreau	Active
Season	11/8/2006 12:23:37 PM	dfavreau	Active
Quantity	11/8/2006 12:24:55 PM	dfavreau	Active
Summary	11/08/2006	dfavreau	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	11/8/2006 12:19:59 PM	dfavreau	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	11/8/2006 12:20:33 PM	dfavreau	Updated shape
POD	11/8/2006 12:20:45 PM	dfavreau	Updated PLS
POU	11/8/2006 12:22:18 PM	dfavreau	(No) 1. Is the basis of this claim a Decree or License? (No) 2b. Is the POU required? (No) 14. Is a POU remark and/or condition required?
General	11/8/2006 12:19:40 PM	dfavreau	(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? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - The prority date corresponds with the building of the Mann Creek siphon.

IDAHO DEPARTMENT OF WATER RESOURCES

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Source	11/8/2006 12:21:48 PM	dfavreau	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Same as other canal water
Use	11/8/2006 12:22:52 PM	dfavreau	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - consistant with other rights claimed by the District.
Season	11/8/2006 12:23:38 PM	dfavreau	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (No) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	11/8/2006 12:24:56 PM	dfavreau	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Have measurement data provided by company.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14621 V1

Summary	11/8/2006 12:27:49 PM	dfavreau	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (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?
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Water Supply Bank:

Weiser Irrigation District
P.O. Box 591
Weiser, Idaho 83672

RECEIVED
NOV 08 2005
Department of Water Resources

November 7, 2005

Danielle Favreau
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720-0098
Boise, Idaho 83720-0098

RE: Weiser Irrigation District claim 67-14621

Dear Danielle:

Enclosed is our notice of claim for the addition 60 cfs from the Weiser River. I was able to track to the expansion of the right when the new siphon was build under Manns Creek. I am including a affidavit supporting the April 15, 1957 date. When we finally get the acreage figure for the District, we will send the additional fees.

Sincerely yours,

Jay Edwards
Sec.

SCANNED
NOV 08 2005

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 67-14621
Date Received: 10/6/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

WEISER IRRIGATION DIST Phone: (208)414-1792

C/O JAY EDWARDS
PO BOX 591
WEISER ID USA 83672

2. Date of Priority: 04/15/57

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	35	NE NE	WALLOWA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	60	

7. Total Quantity Appropriated is:
60 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
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11. Place of use in counties:

SCANNED

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

13. Other Water Rights Used:

14. Remarks:

Place of use is within the boundary of <Weiser Irrigation District> pursuant to Section 43-323, Idaho Code.

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 Secretary of
Weiser Irrigation District, that I have signed the foregoing
document in the space below as Sec of
Weiser Irrigation District and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Sec. WID

Title and Organization

10-6-05

Date

State of Idaho)

County of Ada)

SS.

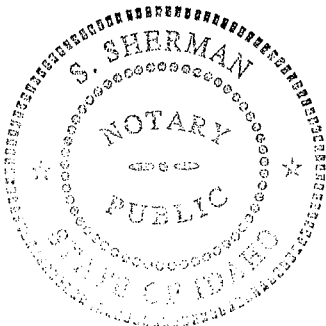
Subscribed and sworn (or affirmed) before me this 6th day of October 2005

S. Sherman

Notary Public

Residing at Boise

My commission Expires 11-14-2010



In the Matter of Notice of Water right claim 67-14621
Weiser Irrigation District 60 cfs priority date 04/15/57

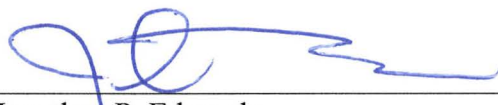
STATE OF IDAHO)
 : ss.
COUNTY OF WASHINGTON)

JONATHAN P. EDWARDS aka Jay Edwards, being first duly sworn, deposes and says that I am the Secretary of the Weiser Irrigation District . The limiting factor of delivery additional water down the District's Galloway canal is the siphon under Manns Creek east of Weiser. I am enclosing true and accurate certified copies of the Weiser Irrigation District Board meetings held in 1956 and 1957.

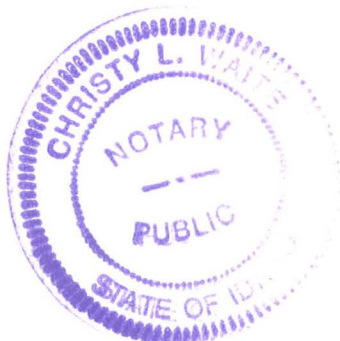
In August 1956 the Board hired an Earl Reynold to plan a new siphon and oversee the strengthening the upstream canal banks. The cement contract was let in October 1956 to George Petty. In December the final approval was given and demolition was started. Construction draws were taken each month with the final billing in April 1957.

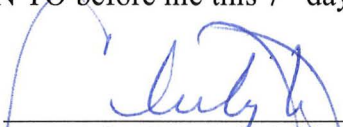
The new siphon and raised canal banks were finished prior to the beginning of the 1957 irrigation season.

Date: November 7, 1957


Jonathan P. Edwards

SUBSCRIBED AND SWORN TO before me this 7th day of November, 2005.




Notary for State of Idaho
Residing at Weiser, ID
Commission expires: 11/4/09

SCANNED
NOV 08 2005

WE HEREBY CERTIFY THIS IS A
TRUE COPY OF THE ORIGINAL
BY [Signature]

MINUTES OF REGULAR MONTHLY MEETING OF THE BOARD OF
DIRECTORS OF WEISER IRRIGATION DISTRICT HELD ON THE
SEVENTH DAY OF AUGUST, 1956.

BE IT REMEMBERED, That the Board of Directors of the Weiser Irriga-
tion District met this day in regular session, there being present:
Arlo Alder, President, Amos Rodabaugh and S. E. Martin, Directors and
Vincent F. Derig, Secretary.

The minutes of the last meeting as recorded on page 69 of this book
were read and approved as read.

The following claims were examined and allowed and warrants order-
ed issued for the same:

372	Washington County Title Co.	Adjust Bank Account	\$486.20
373	Glenn Anderson	Ditch Tender	255.58
374	Harry Lee Hilt	Ditch Tender	271.20
375	Vincent F. Derig	Secretary Salary	118.18
376	Amos Rodabaugh	Time and Mileage	31.88
377	Arlo Alder	Time and Mileage	58.13
378	S/ E. Martin	Time and Mileage	63.25
379	Shelby Hilt	Labor on Diversion Dam	3.00
380	Warren Vickrey	Auditing District Records	200.00
381	Boise Payette Lumber Co.	Lumber, paper and Lath	20.35
382	Western Equipment Co.	Parts for Caterpillar	16.07
383	Standard Oil Co. of Calif.	Oil for Caterpillar	8.90
384	Postmaster Weiser Idaho	17 Registered Letters	7.99

strengthening

replacement

at

CA1648

MINUTES OF SPECIAL MEETING OF THE BOARD OF DIRECTORS
OF WEISER IRRIGATION DISTRICT HELD ON THE FIFTEENTH
DAY OF OCTOBER, 1956

WE HEREBY CERTIFY THIS IS A
TRUE COPY OF THE ORIGINAL
BY *[Signature]*
AmerTitle

BE IT REMEMBERED, That the Board of Directors of the Weiser Irrigation District met this day in special session and for special purpose, there being present: Arlo Alder, President, Amos Modabaugh and S. E. Martin, Directors and Vincent F. Derig, Secretary

The purpose of this special Meeting is that of going over the plans and blue prints of Mann Creek Siphon (Proposed) with Mr. Geo. Petty, Cement Contractor, and,

Mr. Petty stated that he would pour the cement necessary for said siphon and the job to be done according to Engineers Specification, for \$15.00 per yard, six (6) bag mix or \$16.20 per yard, seven (7) bag mix. Gravel to be washed and weighed.

There being no further business to come before the board at this time, the meeting was adjourned.

Vincent F. Derig
Secretary

Attest:

Arlo Alder

SEP 8 2005

CAAG48

WE HEREBY CERTIFY THIS IS A
TRUE COPY OF THE ORIGINAL
BY *[Signature]*

MINUTES OF REGULAR MONTHLY MEETING OF THE BOARD OF DIRECTORS
OF WEISER IRRIGATION DISTRICT HELD ON THE FOURTH DAY OF
DECEMBER, 1956.

BE IT REMEMBERED, That the Board of Directors of the Weiser Irrigation District met this day in regular session, there being present: Arlo Alder, President, Amos Rodabaugh and S. E. Martin, Directors and Vincent F. Derig, Secretary.

The Minutes of the last meeting as recorded on page 81 of this book were read and approved as read.

The matter of Mann Creek Siphon was discussed by the Board, and after considering all the conditions connected therewith, it was decided that work should start immediately on demolition and reconstruction of a new siphon.

The following claims were examined, allowed and warrants ordered issued for the same:

422	J. O. McCants	Machine Operator	\$ 74.97
423	Vincent F. Derig	Secretary Salary	118.18
424	Glenn Anderson	Time and Mileage	83.04
425	Amos Rodabaugh	Time and Mileage	28.75
426	S. E. Martin	Time and Mileage	63.25
427	Allen Steel Supply	Reinforcing Steel	1,268.00
428	Cornell, Howland, Hayes & Merryfield	Engineering Service	721.14
			364.99
			48.85
			28.80
			8.25
			3.10
			.65
			12.46
			2.19

CAA648

8 2005

WE HEREBY CERTIFY THIS IS A
TRUE COPY OF THE ORIGINAL
BY _____
Amended

MINUTES OF REGULAR MONTHLY MEETING OF THE BOARD OF DIRECTORS
OF WEISER IRRIGATION DISTRICT HELD ON THE SECOND DAY OF APRIL

1957

BE IT REMEMBERED, That the Board of Directors of the Weiser Irrigation District met this day in regular session, there being present: Arlo Alder, President, Amos Rodabaugh and S. E. Martin, Directors, and Vincent F. Derig, Secretary.

The Minutes of the last regular meeting, as recorded on page 97 of this book were read and approved as read.

The following claims were examined, allowed and warrants ordered issued for the same:

514	Arlo Alder	Time, Mileage and Director Salary	\$266.07
515	Amos Rodabaugh	Time, Mileage, Director Salary	196.53
516	S. E. Martin	Time, Mileage and Director Salary	263.75
517	Glenn Anderson	Labor and Mileage	244.04
518	Harry Lee Hilt	Labor and Mileage	244.47
519	Vincent F. Derig	Secretary Salary	121.76
520	Lloyd G. Edwards	Carpenter on Siphon	170.11
521	Ralph Anderson	Labor on Canal and Siphon	164.29
522	Burma Tillotson	Labor on Canal and Siphon	192.45
523	Lloyd Breichbiel	Labor on Canal	98.75
524	Don Sinden	Labor on Canal	58.12
525	A. N. Harris	Labor on Canal	55.00
526	Jim Ellwood	Labor on Canal	20.00
527	Jack Wagner	Rock At Siphon	495.00
528	George Petty	Cement at Siphon	375.00
529	Armco Drainage, Inc.	Headgates, pipe and bands	274.08
		ollar	192.67
			142.22
			75.68
			63.97
		Fund	60.78
			56.40
			23.24
			18.10
			4.00
			79.47
			80
			9