

12/05/2006

NOTICE OF ERROR
REPLY

DEC 15 2006

DEPARTMENT OF
LAND 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 13, 2006

Water right number: 67-14639

SALES UNLIMITED INC

PO BOX 622

WEISER ID 83672

Telephone Number: (208)549-2501

*Mr. Gmelin
Bought Property 2005*

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:

*67-7030 appears
to be her
geothermal
well
Sent docs
12-13-06
MLB
12-15-06*

___ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

Dec 13, 2006

SIGNATURE:

Charlene P Holt MD

Please print your name:

Charlene P Holt

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

*I called today for guidance - Mrs. Monica Van Bussin
spoke phone NO answer as yet. Call
on geothermal she is sending
mail maps - thanks - CB*

*Received 12/12/06 -
I am trying to protect my geothermal
well and pump house near sand pit on my
120 Acres in Weiser. I told your people it was on
existence and they were not aware of it. Charlene P Holt MD*

SCANNED

DEC 15 2006

RECEIVED

NOV 21 2006

DEPARTMENT OF
WATER RESOURCES

11/14/2006

NOTICE OF ERROR
REPLY

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: 67-14639

SALES UNLIMITED INC

PO BOX 622

WEISER ID 83672

Telephone Number: (208)549-2501

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: 11-20-06

SIGNATURE: William Guthrie Sales Unlimited Inc

Please print your name: William Guthrie

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

SCANNED
NOV 24 2006

11/18/2006

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

RIGHT NUMBER: 67-14639

NAME AND ADDRESS: SALES UNLIMITED INC
PO BOX 622
WEISER ID 83672

SOURCE: MONROE CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.120 CFS
142.400 AFY

Right Nos. 67-14641 and 67-14639 are limited to a total combined annual diversion volume of 270 AF.

PRIORITY DATE: 09/28/1959

POINT OF DIVERSION:

T11N R05W S28 NWSW Within WASHINGTON County

T11N R05W S29 NESE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.120 CFS

142.40 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 March 15 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

T11N R05W S28 NESW 38.00 T11N R05W S28 NWSE 6.00

44 ACRES TOTAL

This right is limited to the irrigation of 44 acres within the place of use described above in a single irrigation season.

Right Nos. 67-14639 and 67-14641 are limited to the irrigation of a combined total of 60 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 - Decreed

The following rights are diverted through point of diversion described above: 67-2191A, 67-7003A, 67-7003B, 67-14524, 67-14526, 67-14528, 67-14638, 67-14639, 67-14640, 67-14641.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

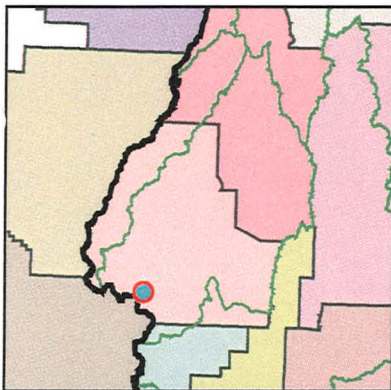
SRBA Recommendation:

67-14639

(Irrigation)

Legend

-  **Point of Diversion**
-  **Place of Use**
-  **Townships**
-  **PLS Sections**
-  **Quarter Quarters**



Washington County
IDWR Basin 67

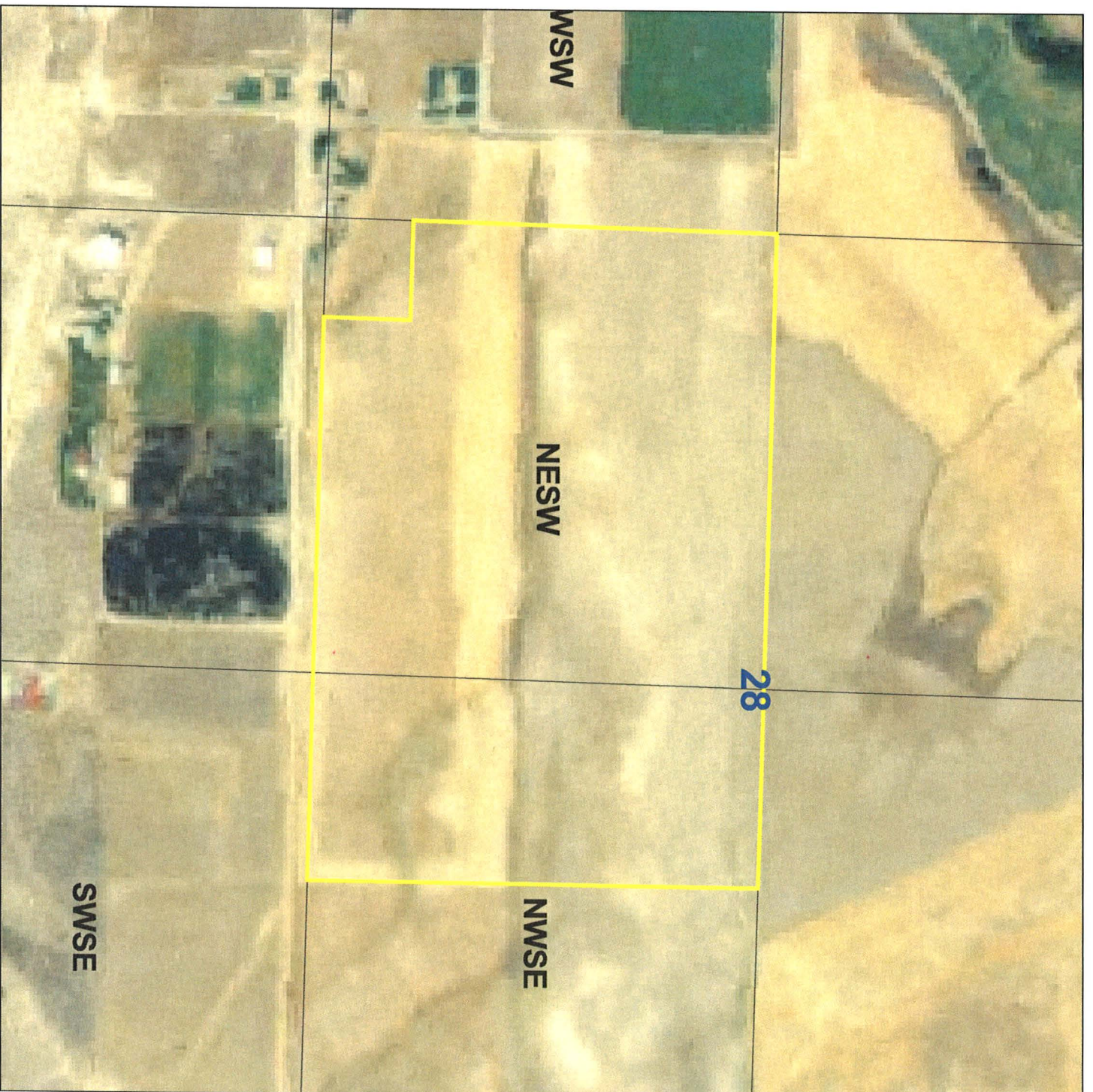


0 0.3 0.6 Miles



Prepared by IDWR State Office
On Saturday, November 18, 2006
1987/88 Aerial Photography

67-14639



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14639 V1

WATER RIGHT NUMBER: 67-14639 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JACK W HAND RT 2 BOX 257C WEISER, ID 83672
Original Owner	RICHARD L HOLT 677 CORTE DE CHARCO VENTURA, CA 93003 (805)644-2869
Previous Owner	CHARLENE P HOLT 10516 NARROWS DR ANDERSON ISLAND, WA 98303 (253)884-1740
Current Owner	SALES UNLIMITED INC PO BOX 622 WEISER, ID 83672 (208)549-2501

Priority Date: 09/28/1959

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MONROE CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.120 CFS	142.40 AF
	<u>Total Diversion:</u>	0.120 CFS	142.40 AF

Location of Point(s) of Diversion

MONROE CREEK	NE1/4SE1/4	Sec. 29, Twp 11N, Rge 05W, B.M.
WASHINGTON County		
MONROE CREEK	NW1/4SW1/4	Sec. 28, Twp 11N, Rge 05W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11N	05W	28									38.0						6.0		44.0

Total Acres: 44

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14639 V1

1. E53 Right Nos. 67-14641 and 67-14639 are limited to a total combined annual diversion volume of 270 AF.
2. K06 This right is limited to the irrigation of 44 acres within the place of use described above in a single irrigation season.
3. F06 The following rights are diverted through point of diversion described above: 67-2191A, 67-7003A, 67-7003B, 67-14524, 67-14526, 67-14528, 67-14638, 67-14639, 67-14640, 67-14641.
4. 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 March 15 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.
5. E55 Right Nos. 67-14639 and 67-14641 are limited to the irrigation of a combined total of 60 acres in a single irrigation season.
6. 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.
7. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Remarks:Comments:

1. csaxton 11/18/2006 Diversion Rate

Comment: More acres originally claimed then were decreed so the diversion rate was spread thinner than originally decreed when split. This right should be amended to add a greater diversion rate. I cannot recommend a greater diversion rate than claimed.

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>
		60

Combined Water Rights: 67-14641 , 67-14639

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	6/6/2006 2:23:50 PM	dnarsavage			Active
POD	6/6/2006 2:25:54 PM	dnarsavage			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14639 V1

Source	6/6/2006 2:26:49 PM	dnarsavage	Active
POU	6/6/2006 2:27:08 PM	dnarsavage	Active
Use	6/6/2006 2:28:55 PM	dnarsavage	Active
Season	6/6/2006 2:29:17 PM	dnarsavage	Active
Quantity	6/6/2006 2:29:49 PM	dnarsavage	Active
Summary	06/06/2006	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	6/6/2006 2:26:12 PM	dnarsavage	Updated shape
POD	6/6/2006 2:25:54 PM	dnarsavage	(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?
POD	6/6/2006 2:26:34 PM	dnarsavage	Updated shape
Source	6/6/2006 2:26:50 PM	dnarsavage	(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	6/6/2006 2:27:08 PM	dnarsavage	(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? (No) 14. Is a POU remark and/or condition required?
Use	6/6/2006 2:28:55 PM	dnarsavage	(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 67-14639 V1

Season	6/6/2006 2:29:17 PM	dnarsavage	(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? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	6/6/2006 2:29:50 PM	dnarsavage	(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?
POU	6/6/2006 2:28:08 PM	dnarsavage	Updated shape for Active POU
General	6/6/2006 2:23:50 PM	dnarsavage	(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?
Summary	6/6/2006 2:43:50 PM	dnarsavage	(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? (Yes) 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?
POU	11/18/2006 11:36:21 AM	csaxton	Updated shape for Active POU

Split history for Decreed Right 29-2278

WR History

67-02278	Hand
0.42	cfs
55	ac
178	af

Adjudication Claim History

67-02278	Holt, Richard
0.42	
100	
0	

67-14526	Holt, Richard
0.27	
35	
0	

67-14527	Holt, Charlene
0.15	
65	
0	

67-14526	Holt, Richard
0.27	
35	
0	

67-14638	Holt, Charlene
0.03	
13.8	
0	

67-14639	Sales Unlimited
0.12	
51.2	
0	

Sum CFS =	0.42
Sum Acre=	100
Sum AF =	0

Extra CFS =	0
Extra ac =	-45
Extra AF =	178

67-14526	Holt, Richard
0.038	
5	
16.2	

67-14638	Holt, Charlene
0.03	
6	
19.4	

Should amend to 0.046

67-14639	Sales Unlimited
0.12	
44	
142.4	

Should amend to 0.336

Sum CFS =	0.188
Sum Acre=	55
Sum AF =	178

Extra CFS =	0.232
Extra ac =	0
Extra AF =	0

***Last updated 11-18-06 (csaxton)**

For digital copy of Excel spreadsheet file: See Craig L. Saxton

09/20/2006

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

RIGHT NUMBER: 67-14639

NAME AND ADDRESS: SALES UNLIMITED INC
PO BOX 622
WEISER ID 83672

SOURCE: MONROE CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.336 CFS
142.400 AFY

Right Nos. 67-14641 and 67-14639 are limited to a total combined annual diversion volume of 270 AF.

PRIORITY DATE: 09/28/1959

POINT OF DIVERSION:

T11N R05W S28 NWSW Within WASHINGTON County

T11N R05W S29 NESE 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	0.336 CFS 142.40 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 March 15 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 Within WASHINGTON County

T11N R05W S28	NESW	38.00	T11N R05W S28	NWSE	6.00
---------------	------	-------	---------------	------	------

44 ACRES TOTAL

This right is limited to the irrigation of 44 acres within the place of use described above in a single irrigation season.

Right Nos. 67-14639 and 67-14641 are limited to the irrigation of a combined total of 60 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 - Decreed

The following rights are diverted through point of diversion described above: 67-2191A, 67-7003A, 67-7003B, 67-14524, 67-14526, 67-14528, 67-14638, 67-14639, 67-14640, 67-14641.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



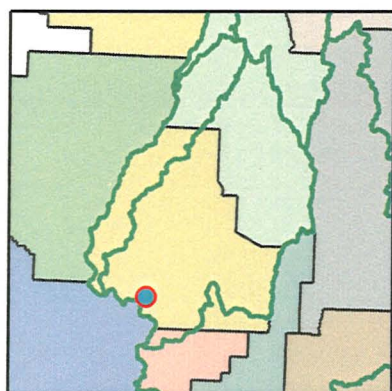
Idaho Department of Water Resources

SRBA Recommendation:

67-14639

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67

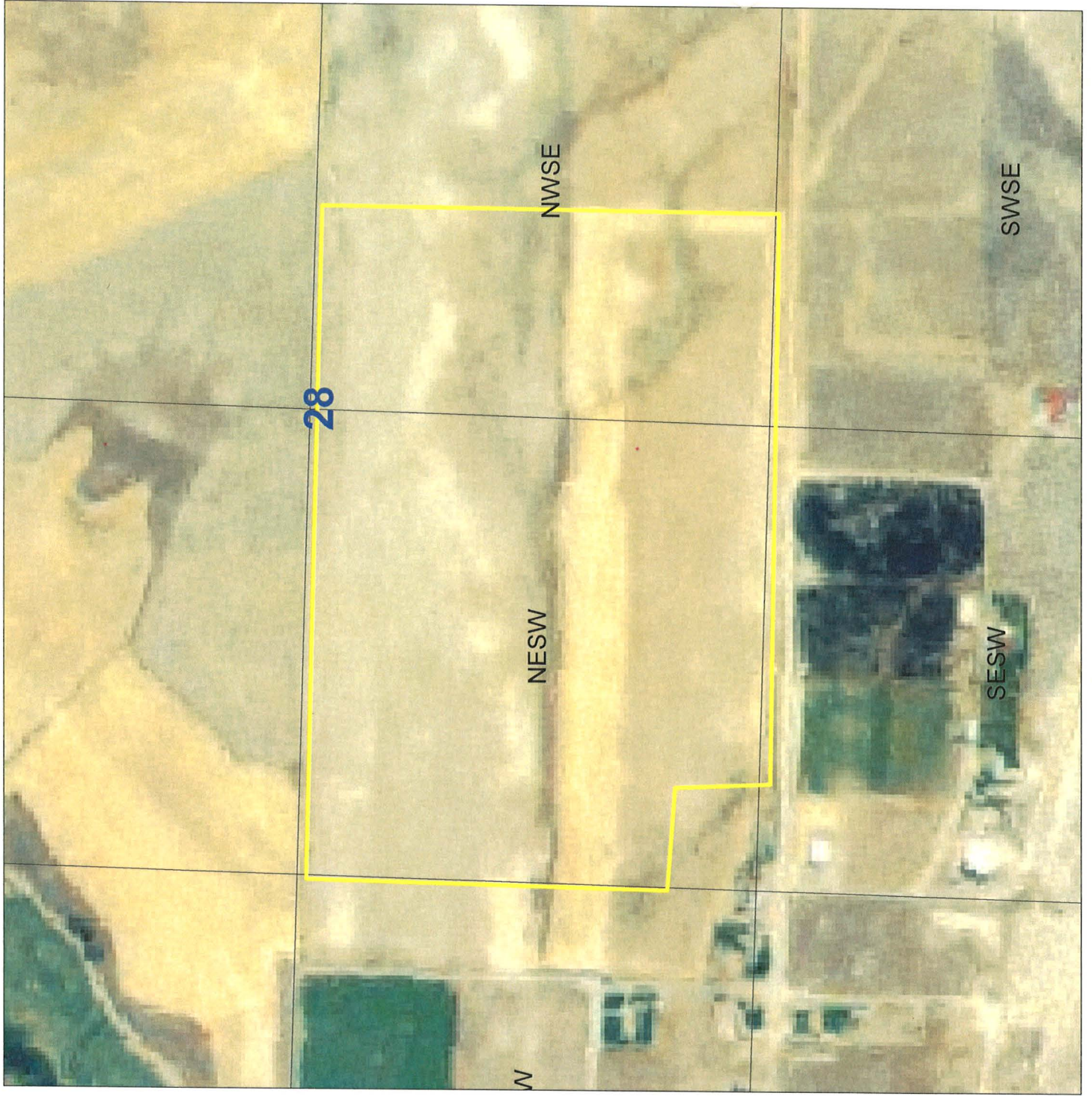


0 0.3 0.6 Miles



Prepared by J. Dean
On Wednesday, September 20, 2006
1987/88 Aerial Photography

67-14639



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 67-14639
Date Received: 11/3/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

SALES UNLIMITED INC Phone:

PO BOX 622
WEISER ID USA 83672

2. Date of Priority: 09/28/1959

3. Source: MONROE CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	05W	29	NE SE	WASHINGTON	
11N	05W	28	NW SW	WASHINGTON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.12	

7. Total Quantity Appropriated is:
0.12 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
11N	05W	28	NE SW	IRRIGATION	38
			NW SE	IRRIGATION	13.2
				Section Acres	51.2

Total Acres 51.2

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 right is a split from former right 67-2278.

This right is a split from former right 67-14527.

15. Basis of Claim: Decreed