

WR Report before split

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04/09/2010

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4400

WATER RIGHT NUMBER: 63-4400

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LAURETA HUIT RT 1 STAR, ID 83669
Current Owner	JESSIE L NEWBERRY 24082 BLESSINGER STAR, ID 83669 (208)286-7286
Original Owner	DELBERT HUIT RT 1 STAR, ID 83669
Previous Owner	DONNA R SCHMIDT 24090 BLESSINGER RD STAR, ID 83669 (208)286-9321

Priority Date: 04/01/1946

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	MILL SLOUGH

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.190 CFS	
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.190 CFS	

Location of Point(s) of Diversion

WASTE WATER	SE1/4SW 1/4	Sec. 36, Twp 05N, Rge 02W, B.M.
CANYON County		

Place of Use

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	02W	36																	9.5

Total Acres: 9.5

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	02W	36																	X

Conditions of Approval:

1. G16 This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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2. E62 This right when combined with all other rights shall provide no more than .02 cfs per acre.
3. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. 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.
5. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Comments:

1. dnelson 9/19/2006 Claim review

Comment:

The above claim was filed based on a statutory claim. The original statutory claim stated the system was comprised of a pump and sprinkler. On 8/9/2005 Ken Henley went to the property and he found a pond and some irrigation. This exam was incomplete and created more questions than it answered.

I then asked Burke Scholer to do a second field exam of the property. Mr. Scholer found that the claimant did not own the pond, and she did not have any access or control over the pond. The claimant did use the wastewater or overflow from the pond. Mr. Scholer found a 10-inch pipe that was flowing at a rate of 0.04 cfs at the time of the exam. Unfortunately during the Scholer measurement, the water was barely trickling out of the pipeline. Being a wastewater claim, it is the nature of wastewater to go from having more water than you know what to do with to no water at all. Taking this into account, I performed a theoretical manning calculation on the pipe to find the absolute minimum amount of water that the pipe would carry if it were flowing at a full pipe. This calculation shows that if the pipe were full it would carry a minimum of 1.28 cfs. This amount is more than enough to allow the full inch per acre, so I am going to recommend the full inch per acre for the 9.5 acres that are being irrigated for a total of 0.19 cfs.

The stockwater amount will be recommended as claimed with the limitation of 13,000 gallons per day, since an additional fee was not paid for the stockwater portion of this claim.

A letter from the owner who helped her dad irrigate this ground from this water source in 1946 confirmed the priority date. The priority date will be recommended as claimed.

2. dnelson 9/19/2006 Text

Comment: SOURCE-FARMERS UNION WASTE WATER TRIB. MIDDLETON MILL DITCH.
| ADDRESS CHANGE BY CLAIMANT LETTER. SS 12/15/98.

3. dnelson 10/27/2006 Notice of Error Review

Comment:

I received a signed notice of error form from Jessie Newberry stating that the co owner of the right Donna Schmidt was no longer an owner of this claim. I reviewed the file and found a warranty deed showing Ms. Newberry as the sole owner of the property. The original claim listed Donna Schmidt or Jessie Newberry as the owner. With the warranty deed showing total ownership by Ms. Newberry and the "OR" name connector and the signed notice of error Stating that the water right should be in the name of Jessie Newberry, I determined that there was enough information and documentation to remove Donna Schmidt from the water right without a change of ownership form.

Dates and Other Information:

Licensed Date:

Decreed Date: 2/6/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False