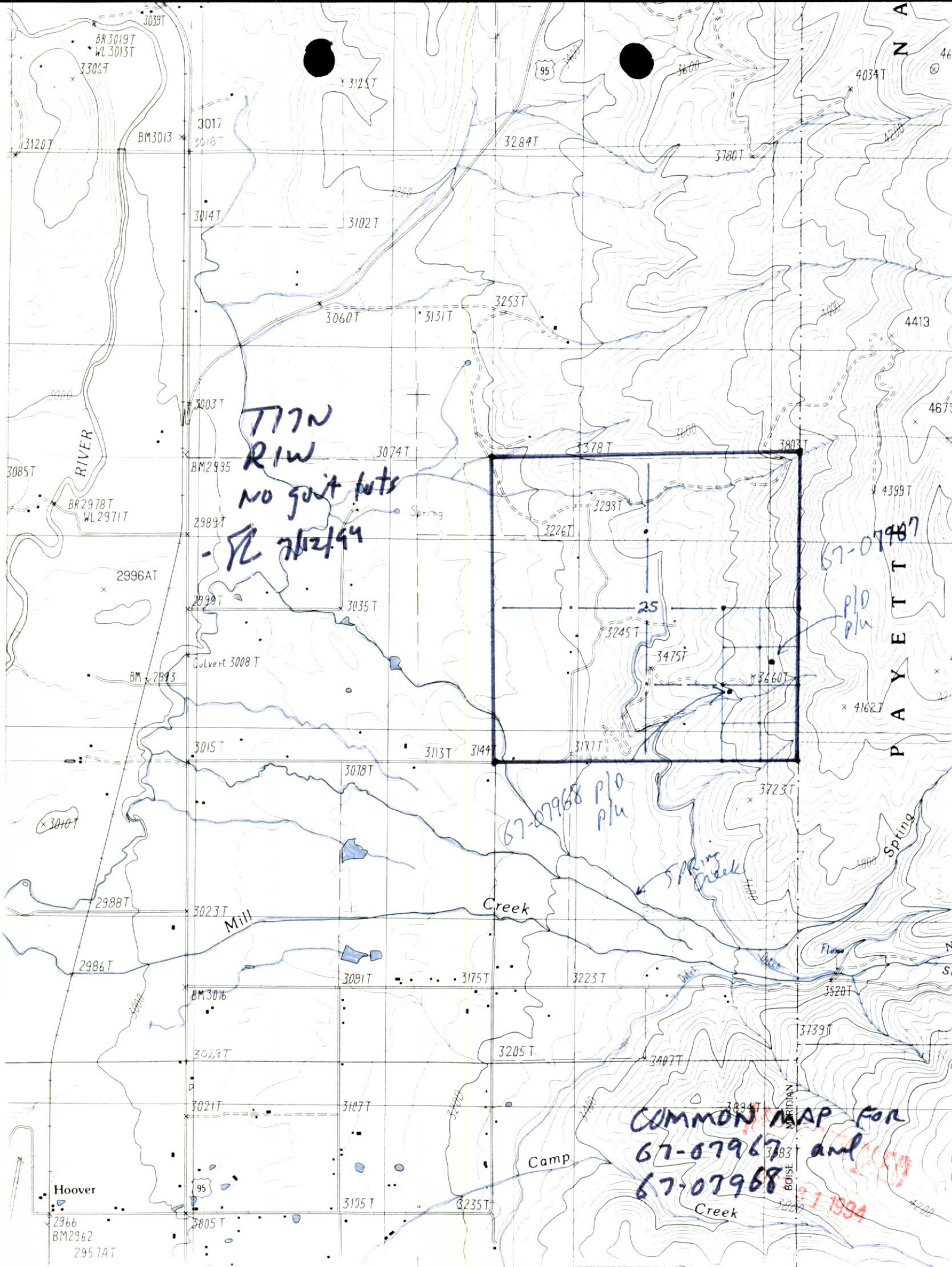




TIN
Riv
no govt lots
- PL 7/12/94

67-07967

P/O
P/u

P A Y E T T

67-07968 P/O
P/u

COMMON MAP FOR
67-07967 and
67-07968
JAN 1 1994

Hoover

Camp

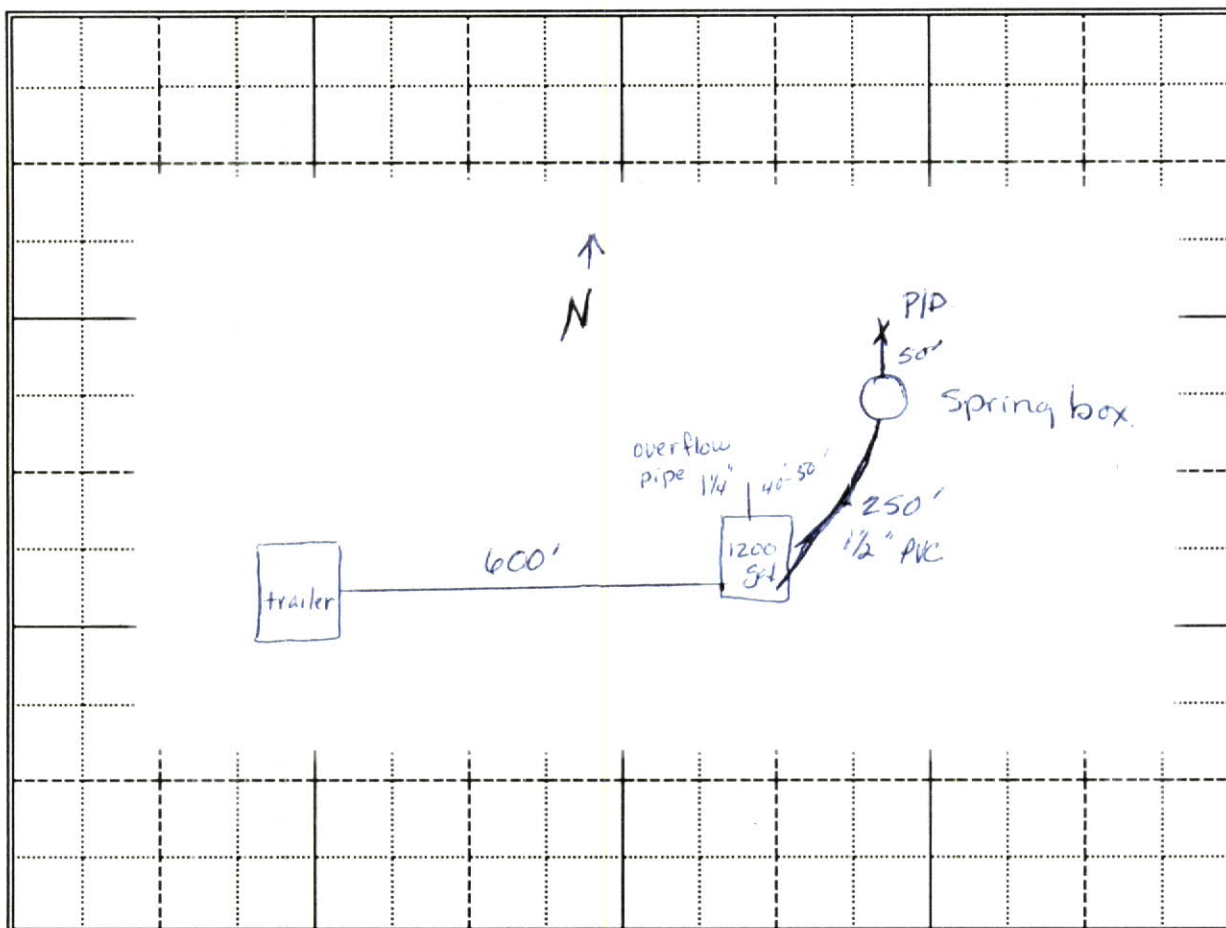
Creek

Spring

Mill

RIVER

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____ Scale: 30 was used.

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

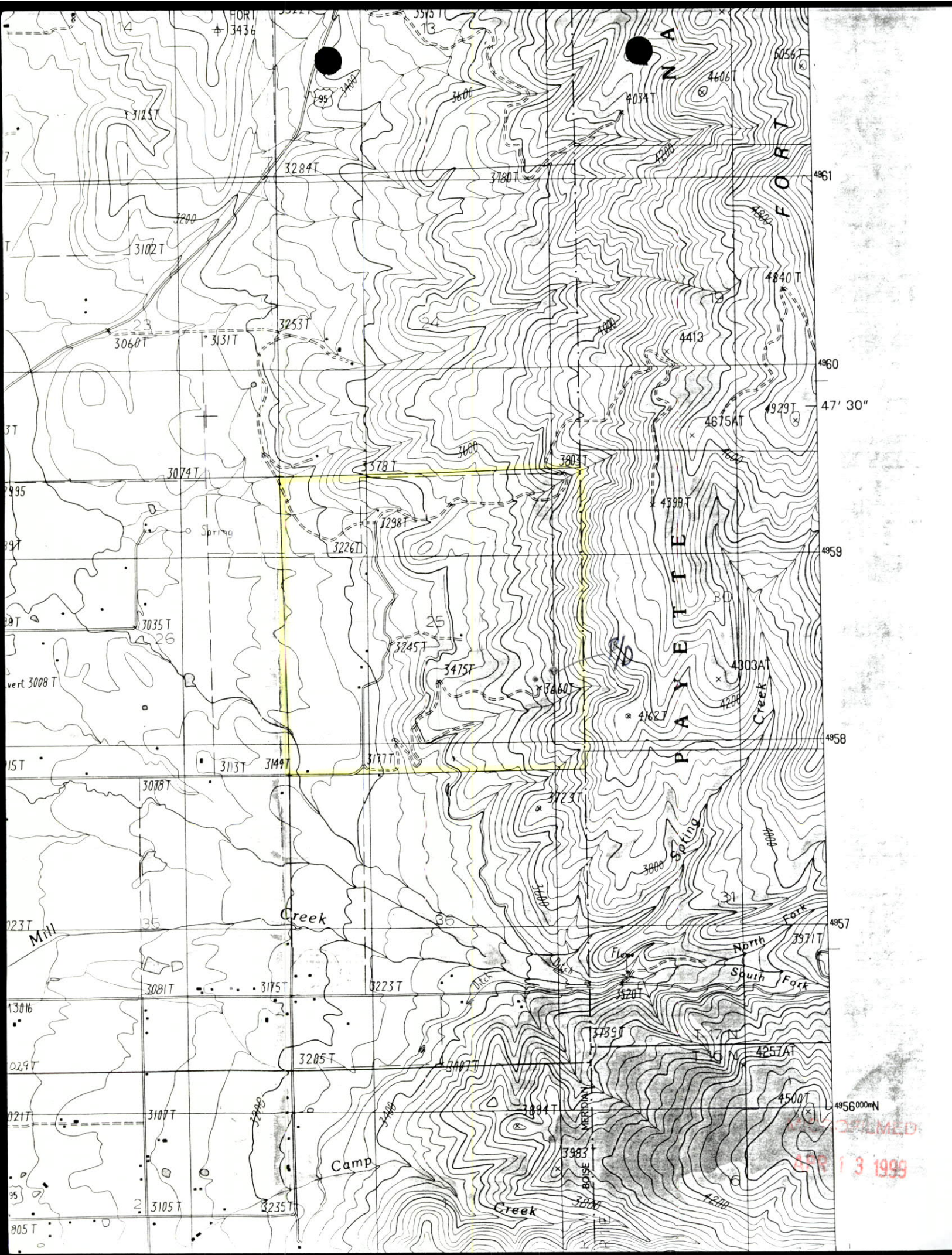
1.

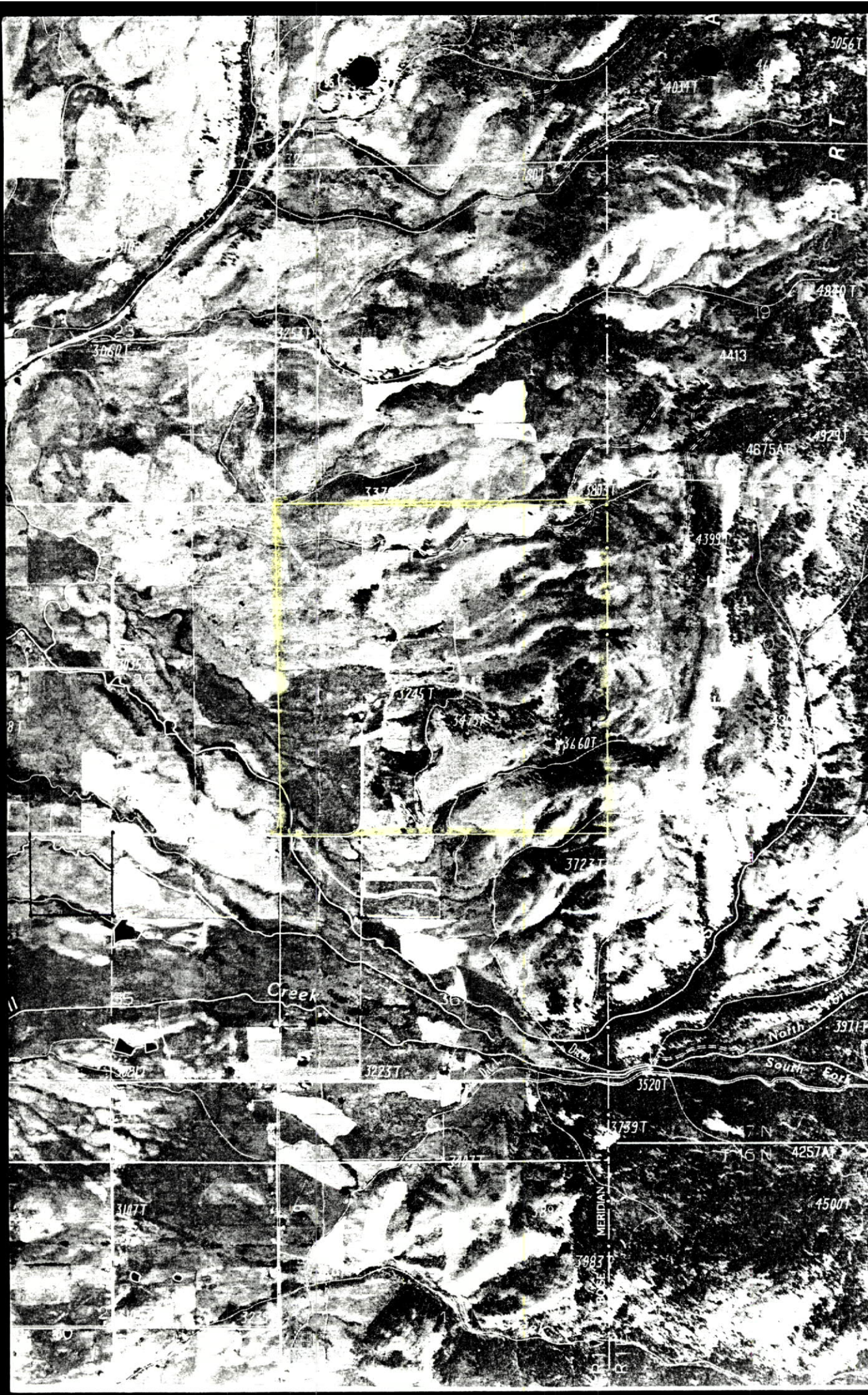
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Bucket & stopwatch						

2. Measurements: 5gal bucket - 227 sec. = 1.38 gpm

MICROFILMED

APR 13 1999





461

460

47' 30"

459

458

457

T 17

T 16

456 000m N

MICROFILMED
APR 13 1993

GPS survey points
base corrected
CBird 10/10/1998



17N01W25

67-07964 Carson p/u-backyard

67-07964 Carson/Glore p/u-backyard

67-07967 Weis on spring box

67-07967 Weis p/u-25' W

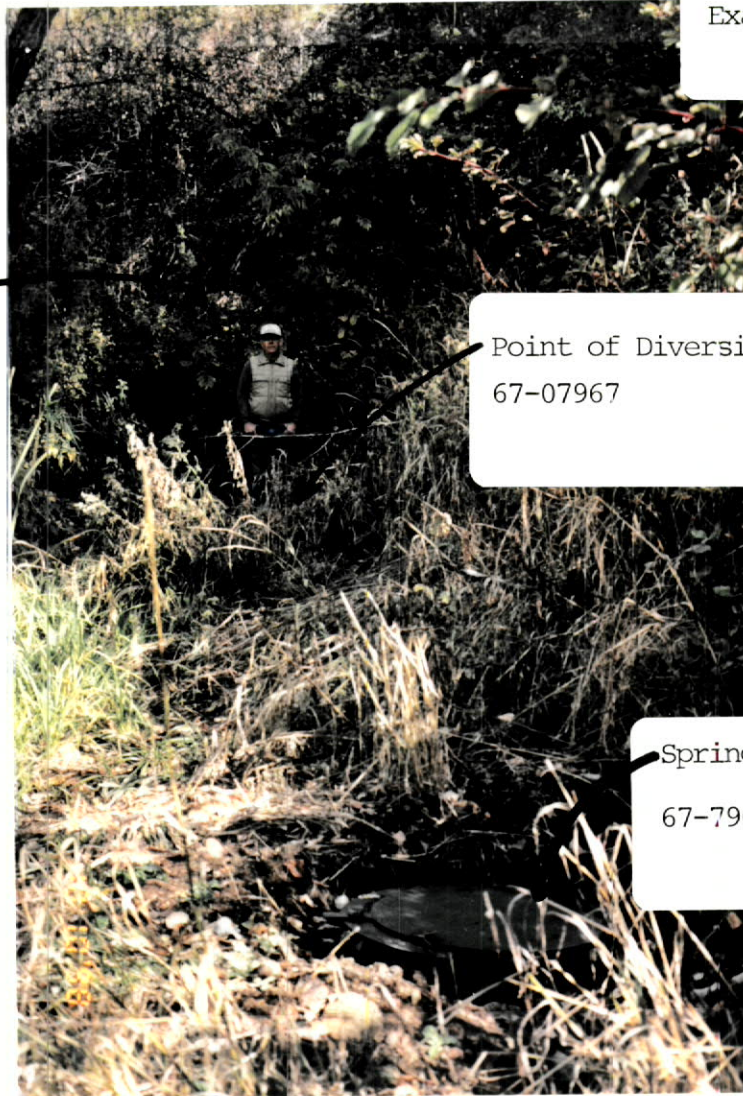
Weis, John & Faye
10 October, 1998
Examiner: Cindy Bird
67-07967

0.25 0.5 0.75 Miles



John & Faye Weis
10 October, 1998
Examiner: Cindy Bird
67-07967

Source

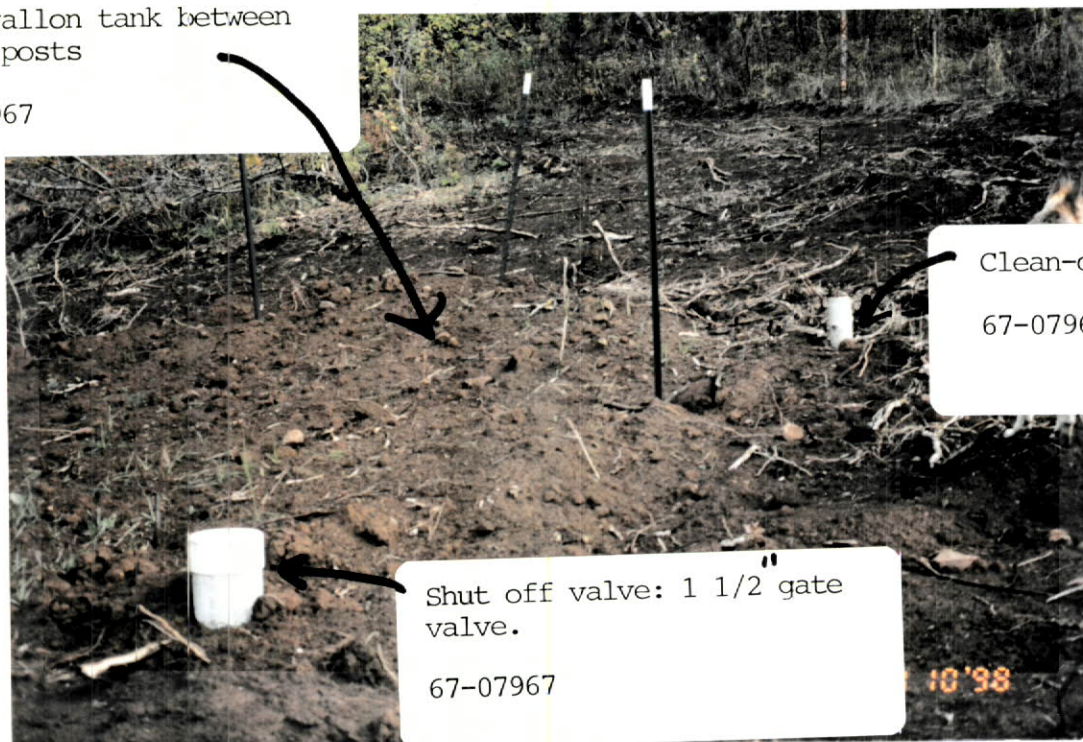


Point of Diversion: John Weis
67-07967

Spring Box -Looking Northerly
67-7967

1200 gallon tank between
the 4 posts

67-07967



Clean-out Pipe
67-07967

Shut off valve: 1 1/2" gate
valve.

67-07967

10'98

APR 11 1999
NICHOLSON

Source for both 67-7967 &
67-7964

Point of Diversion for
67-7967 is south from the
source

← N -



Point of Diversion for
67-07964

APR 13 1939



Place of Use

67-07967

John & Faye Weis
10 October, 1998
Examiner: Cindy Bird
67-07967

APR 13 1999

LEGAL NOTICE

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

67-07967

WEIS, JOHN
WEIS, FAYE
4902 S POWERLINE RD
NAMPA, ID 83638

Source: SPRING

Tributary: SPRING CREEK

Diversion Pt:
County.

SENESE Sec 25 T 17N R 01W in ADAMS

Use: STOCKWATER
DOMESTIC

(.020 CFS)

(.040 CFS)

Total Diversion:

(.060 CFS)

Date Filed: 7/12/1994

In: ADAMS County

T17N R01W S25 NESE

67-07968

WEIS, JOHN
WEIS, FAYE
4902 S POWERLINE RD
NAMPA, ID 83638

Source: SPRING

Tributary: SPRING CREEK

Diversion Pt:
County.

SENESE Sec 25 T 17N R 01W in ADAMS

Use: STOCKWATER
DOMESTIC

(.020 CFS)

(.040 CFS)

Total Diversion:

(.060 CFS)

Date Filed: 7/12/1994

In: ADAMS County

T17N R01W S25 SESE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before AUGUST 22, 1994. The protestant must also send a copy of the protest to the applicant.

S/R. KEITH HIGGINSON, Director

Published in The Record 8/4/ 1994 & 8/11/ 1994.

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
MAR 02 2001
WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED

MAR 05 2001

Department of Water Resources

1. Water Right Number(s) 67-07967
Adjudication Claim Number(s) _____
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) John Weis/Faye Weis
4902 S. Powerline Rd, Nampa, ID 83686
4. New Owner/Claimant(s) Cynthia L. Crockett or Richard E. Boone
Name connector (Check one): ☐ AND, ☒ OR, ☐ AND/OR
New Mailing Address 1283 E. Time Zone Drive
City, State and ZIP Code Meridian, ID 83642
New Telephone Number () - -
5. Date you acquired the property March 29, 2000
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) *[Signature]* Date 3-29-00
Cynthia L. Crockett Date 3-29-00
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

MICROFILMED

MAR 29 2001

Receipt # C052745
3.15.01 \$25.00
J. Burroughs

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

For Value Received, J. A. WEIS and G. FAYE WEIS, husband and wife,

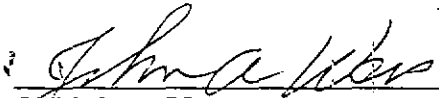
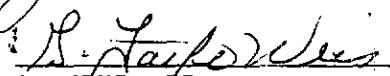
COPY

the grantors, do hereby grant, bargain, sell and convey unto
CYNTHIA L. CROCKETT, an unmarried woman, and RICHARD E. BOONE, an unmarried man
the grantees, whose current address is, 1283 E. Time Zone Drive, Meridian, ID 83642
the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED 'EXHIBIT A' MADE A PART HEREOF

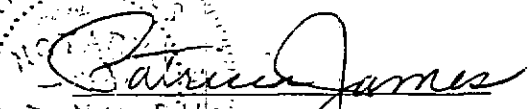
TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and with the
said Grantees, that they are the owners in fee simple of said premises; that they are free
from all encumbrances excepting for all easements of record, rights of way, matters
visible, and all matters of record and title and that they will warrant and defend the
same from all lawful claims whatsoever.

Date: March 20, 2000


JOHN A. WEIS

G. FAYE WEIS

STATE OF IDAHO)
COUNTY OF CANYON) ss

On this 20th day of March, in the year of 2000, before me
a Notary Public in and for said State, personally appeared
JOHN A. WEIS & G. FAYE WEIS
known or identified to me to be the persons whose names
are subscribed to the within instrument, and acknowledged
to me that they executed the same.


Notary Public
Residing at Caldwell, Id
Commission expires: 03/07/2003

STATE OF IDAHO, COUNTY OF ADAMS
I hereby certify that this instrument was filed for record
at the request of

at _____ minutes past _____ o'clock M.
this _____ day of _____, 2000, in my
office, and duly recorded in Book
of Deeds at page _____

By: _____ Ex-Officio Recorder
Deputy

Fees \$
Mail to:

#00-151

Instrument # 97693 No. of Pages: 2
COUNCIL ADAMS, IDAHO
2000-03-29 13:50:00
Recorded for: TIMBERLINE TITLE & ESCROW
MICHAEL FISK Fee: 6.00
Ex-Officio Recorder
MICROFILMED
MAR 29 2001

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 25: A parcel of land located in said section more particularly described as follows:

Commencing at the East $\frac{1}{4}$ corner of Section 25;

Thence South $00^{\circ} 02' 38''$ East 953.690 feet to the REAL POINT OF BEGINNING;

Thence South $00^{\circ} 02' 38''$ East 400.000 feet;

Thence South $89^{\circ} 59' 38''$ West 1279.853 feet;

Thence North $01^{\circ} 24' 34''$ West 400.395 feet;

Thence South $89^{\circ} 59' 38''$ East 1288.799 feet to the REAL POINT OF BEGINNING.

TOGETHER WITH the following easement for ingress and egress extending 20 feet on each side of the following described centerline:

Commencing at the Southwest corner of said tract described above in Section 25, Township 17 North, Range 1 West, Boise Meridian;

Thence South 23 degrees 49' 23" West 69.20 feet;

Thence North 58 degrees 51' 00" West 195.35 feet;

Thence South 75 degrees 44' 55" West 602.10 feet;

Thence North 63 degrees 13' 33" West 385.56 feet;

Thence South 70 degrees 47' 38" West 312.98 feet;

Thence North 54 degrees 57' 46" West 426.33 feet to the REAL POINT OF BEGINNING;

Thence South 29 degrees 04' 51" West 702.64 feet;

Thence South 41 degrees 12' 56" West 236.93 feet;

Thence South 03 degrees 36' 03" East 343.08 feet;

Thence South 09 degrees 51' 51" East 346.23 feet;

Thence North 40 degrees 00' 10" West 653.24 feet;

Thence South 10 degrees 40' 10" East 526.65 feet;

Thence South 83 degrees 15' 08" West 800.89 feet to the County Road;

AND

Starting at the East Section corner common to Sections 25 and 36, Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho;

Thence South 89 degrees 58' 09" East 1618.900 feet;

Thence North 00 degrees 09' 52" West 1262.539 feet to the REAL POINT OF BEGINNING;

Thence South 89 degrees 59' 38" West 1057.374 feet more or less to the above described easement;

Thence Southwesterly along said easement a distance of 30 feet;

Thence North 89 degrees 58' 09" East a distance of 1062 feet;

Thence North 00 degrees 03' 52" West 30 feet more or less back to the REAL POINT OF BEGINNING.

MICROFILMED

MAR 23 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 67-07967

Priority: July 12, 1994

Maximum Diversion Rate:

0.01 CFS

Maximum Diversion Volume:

0.1 AF

This is to certify, that JOHN WEIS
FAYE WEIS

4902 S POWERLINE RD

NAMPA ID 83686

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 12, 1994; and has submitted Proof of Beneficial Use on September 25, 1996. An examination indicates that the works have a diversion capacity of 0.010 cfs of water from:

SPRING

tributary to SINKS

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.01 CFS	0.1 AF

LOCATION OF POINT(S) OF DIVERSION: SENESE , Sec. 25, Township 17N, Range 01W
ADAMS County

PLACE OF USE: DOMESTIC

TWN RGE SEC

17N 01W 25

NESE

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. Diversion of water under this right is limited to 100 gallons per day.
3. Domestic use is for 1 home.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 20th day of

FEBRUARY, 1999.

Acting for

KARL J. DREHER, Director

MICROFILMED

APR 13 1999

RECEIVED

SEP 25 1996

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 27 1996

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 67-07967 Telephone No. (208)467-3820
2. Name(s) of Permit Holder(s): JOHN & FAYE WEIS
3. Mailing Address: 4902 S. POWERLINE RD., NAMPA, ID 83686
4. Source of Water: SPRING If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____
 - a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____
 - b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): ONE Stockwater (No. and type of stock): 10 HORSES OR MULES
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .06 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes _____	or	No <u>X</u>
	Has the measuring device been installed?	Yes _____	or	No _____
Flow Measurement Port:	Is a flow measurement port required?	Yes _____	or	No <u>X</u>
	Has the measurement port been installed?	Yes _____	or	No _____
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: JOHN WEIS Telephone Number: (208)467-3820
Address: 4902 S. POWERLINE RD., NAMPA, ID. 83686
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: John Weis (owner) Date: Sept. 26 - 1996
(include your title, if on behalf of company or organization)

MICROFILMED

NOV 07 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 67-07967

Proposed Priority: July 12, 1994

Maximum Diversion Rate:

0.06 CFS

This is to certify, that **JOHN WEIS**
FAYE WEIS
4902 S POWERLINE RD
NAMPA ID 83686
has applied for a permit to appropriate water from:

SPRING

tributary of **SINKS**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

SENESE , Sec. 25, Township 17N, Range 01W
ADAMS County

PLACE OF USE: STOCKWATER

TWN RGE SEC

17N 01W 25

NESE

PLACE OF USE: DOMESTIC, same as STOCKWATER use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **October 1, 1996**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The issuance of this right in no way grants any right-of-way or easement across the land of another.
5. Stockwater use is for 10 horses and mules.
6. Domestic use is for 1 home.
7. Use of water under this right is subject to an agreement between the protestant and the right holder.
8. The diversion system for this right shall be common to both right nos. 67-07964 and 67-07967.
9. Diversion under this right is limited to 100 gallons per day.

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OCT 31 1994

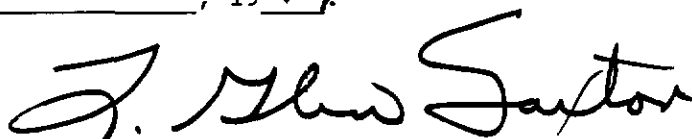
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 67-07967

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

5th day of October, 1994


for R. Keith Higginson, Director

OCT 31 1994

RECEIVED

SEP 08 1994

Ident. No. 67-07967

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: JOHN WEIS 208-467-3820
Address: 4902 S POWERLINE RD
NAMPA ID 83686
AND/OR
Name: RAYE WEIS 208-467-3820
Address: 4902 S POWERLINE RD
NAMPA ID 83686

2. Source: SPRING Trib. to: ~~SPRING CREEK~~ SINKS *
3. Location of Point of Diversion: SENESE Sec. 25, Township 17N, Range 01W
ADAMS County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		

5. Total quantity to be appropriated is:
0.060 CFS (and/or) AF

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc.
SPRINGBOX AND PIPELINE
b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
c. Proposed well diameter is inches; proposed depth of well is
feet.
d. Is groundwater with a temperature greater than 85F being sought? NO
e. If well is already drilled, when?
Drilling Firm
Well was drilled for

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).

RECEIVED
OCT 31 1994

* per USGS map 9/28/94 czg.

8. Place of Use: STOCKWATER

TWN RGE SEC
17N 01W 25 NESE

Place of Use: DOMESTIC, same as STOCKWATER use

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

Stockwater use is for 10 horses and mules.
Domestic use is for 1 home.

11. Map of proposed point of diversion and place of use attached? ☒

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

John W. W.
Applicant

Received by RL Date 7/12/94 Time 4:30 Preliminary check by Cyt
Fee \$ 50 Receipted by RL # W017742 Date 7/12/94
Publication prepared by At Date 7-27-94 Published in The Record
Publication approved At Date 8-23-94

See "Comments"

1994

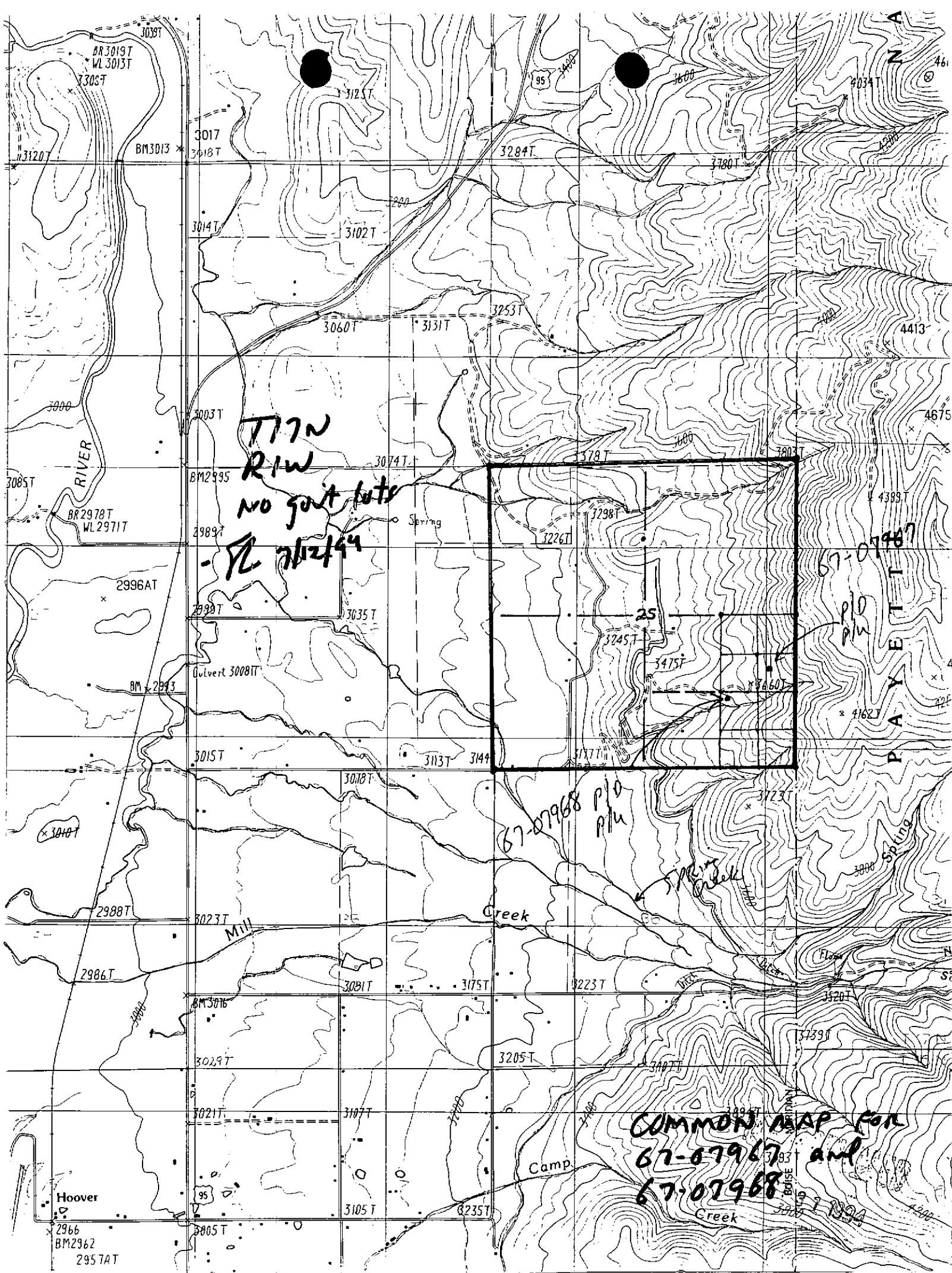
Comments: Date: 7/12/1994 User-ID: SLESTER

Subject:
MISC. INFORMATION

Property line is uncertain in area of spring but applicants think that source is located on their land. Also, applicants have reason to believe that a grandfather right might exist from this spring for their land and are researching this matter. They may file a SRBA claim to record historical use based on their research.

This spring is also the source or at least is nearby to spring in Appl. 67-07964 in the name of Merritt.

RECEIVED
OCT 31 1994





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 16, 2001

RICHARD E BOONE
CYNTHIA L CROCKETT
1283 E TIME ZONE DR
MERIDIAN ID 83642

RE: Change of Ownership for Water Right 67-7967

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

MAR 29 2001

Idaho Department of Water Resources Receipt

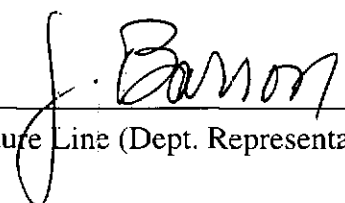
Receipt ID C052745

Payment Amount Date Received Region Status
Payment Type Check Number

Payer
Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	OWNERSHIP/CHANGES/SECURITY INTERESTS	0229	21	56140	1155



Signature Line (Dept. Representative)

MICROFILMED
MAR 29 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208)327-7900 FAX: (208)327-7866 www.idwr.state.id.us/idwr/idwrhome.htm

February 22, 1999

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOHN WEIS
FAYE WEIS
4902 S POWERLINE RD
NAMPA ID 83685

RE: WATER RIGHT NO. 67-07967

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

RECORDED

APR 13 1999

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

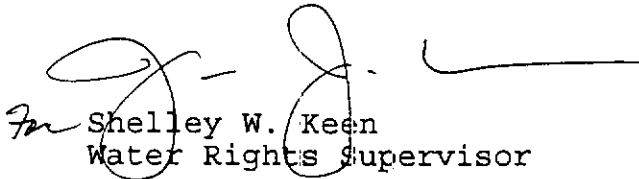
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APR 13 1999

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 87-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

If you have any questions, please call me at 208-327-7946.

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

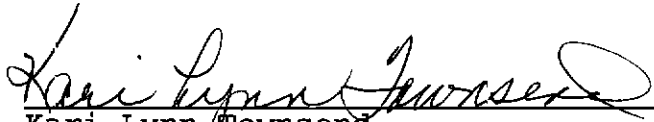
RECEIVED
3
JUN 13 1999

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of **February, 1999**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 67-07967

JOHN WEIS
FAYE WEIS
4902 S POWERLINE RD
NAMPA ID 83686


Kari Lynn Townsend
Secretary

MICROFILMED
APR 13 1999

WR0749NP
No. L67-07967

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/12/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN WEIS	07/12/1994	DOMESTIC	01/01 12/31	0.010 CFS	1.20 AFA
C	FAYE WEIS					
	4902 S POWERLINE RD					
	NAMPA ID 83686					
	(208) 467-3820					
TOTAL DIVERSION:					0.010 CFS	1.20 AFA

Water Source: SPRING

Tributary to: SINKS

Stage: LICENSE

Point(s) of Diversion Capacity: 0.010 CFS

Point(s) of Diversion: T17N R01W S25 SENESE ADAMS County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
T	R	S	Ac	T	R	S	Ac	T	R	S	Ac	T	R	S	Ac
17N	01W	25	:	:	:	:	:	:	:	:	:	:	:	:	:

Pou County: ADAMS

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
67-07964 67-07967 L67-07964

Other Water Rights Listing Overlapping Place(s) of use:
67-07964 L67-07964

Conditions of Approval:

- 020 - Use of water under this right may be affected by an agreement between the protestant and the right holder.

Remarks: GEN Diversion of water under this right is limited to 100 gallons per day.

~~The diversion system for this right is common to 67-07964~~ - 67-07964 to be voided
Domestic use is for 1 home.

Dates: App. Received: 07/12/1994 Priority Date: 07/12/1994
Proof Due Date: 10/01/1996 Proof Made Date: 09/25/1996
Exam Made Date: 10/10/1998 Exam Sent to S.O.: 12/23/1998
Licensed Date:

Misc: Water District Number: 67 Field Exam Fee: R (Received)

Comments: Date: 07/12/1994 User-ID: SLESTER Subject: MISC. INFORMATION
Property line is uncertain in area of spring but applicants think that source is located on their land.

WR0749NP
No. L67-07967

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/12/99
PAGE: 2

=====
Comments: Date: 07/12/1994 User-ID: SLESTER Subject: MISC. INFORMATION
This spring is also the source or at least is nearby to spring in
Appl. 67-07964 in the name of Merritt.

Date: 09/27/1996 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Audit: 02/12/99 SCURTIS

LICENSE REVIEW CHECKLIST

PERMIT NO.

~~67-07964~~
07967

DATE

2/12/99

REVIEWER: SHARLA

NAME
Address

Change/OK

OK
OK

SOURCE

OK

Does change clarify orig. intended source? If no, Void permit

POINT OF DIV

OK

Change (P39 /P47)

Add (P45/P42)

Feds - P40

W32 (multiple in 1/4)

W36 (overlap)

W59 (subd. desc)

Overlaps:

Right(s):

67-07964

File reviewed

Profile reports printed

PLACE OF USE

OK

Change (P41/P47)

Add (P41/P42)

Feds - P43

W60 (subd. desc)

W27 (ppu acre limit)

Overlaps:

Right(s):

File reviewed

Profile reports printed

PD & PU amend (P37)

Feds - P48

RATE OF DIV

Permitted Rate .06 cfs

Fee limit

.20 cfs \$5000

Measured

.01 cfs

Theoretical

gravity

Recommended Total Div Rate .01 cfs

WATER USES

OK

Change (P46)

Dom

.01 cfs

1.2 af

Irrig -

overlap (R58-R61, R62-R65, R66-R69)

supp. gw (WB7/065/079)

overlap spec. combined rts (W35)

<1 acre (W31)

(W01, WB5/070/071/075)

Domestic

Power

Fish (042)

(W42 or W43/025/027/R22 or R23)

Fire (077)

Wtr Quality (081/R07)

TOTALS

.01 cfs

1.2 af

Flow rate .01 cfs X 365 days X 1.98 = 7.2 af

REMARKS

100 gpd = 0.1 af

ADD'L CONDITIONS

Watermaster Control WD#

GW Measurement/Measuring Device

020

Others

Trust (052/R55 - remove 051)

Non-trust (048/049)

Advance Priority yes

no

SRBA Claim

NA

Adjust Memo

Amend letters

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 24 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 67-07967

1. Owner: John & Faye Weis Phone No. 467-3820

Current Address: 4902 S. Powerline Rd Nampa, ID 83686

2. Accompanied by: John & Faye Weis EXAM DATE: Oct. 10, 1998

Address: Same Phone No. Same

Relationship to Permit Holder: Same

3. Source: Spring tributary to Sink

B. OVERLAP REVIEW

1. Other water rights with the same place of use: —

2. Other water rights with the same point of diversion: 67-07967

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NE	SE	25	17N	1W	Adam	Exam, TOPO, GPS

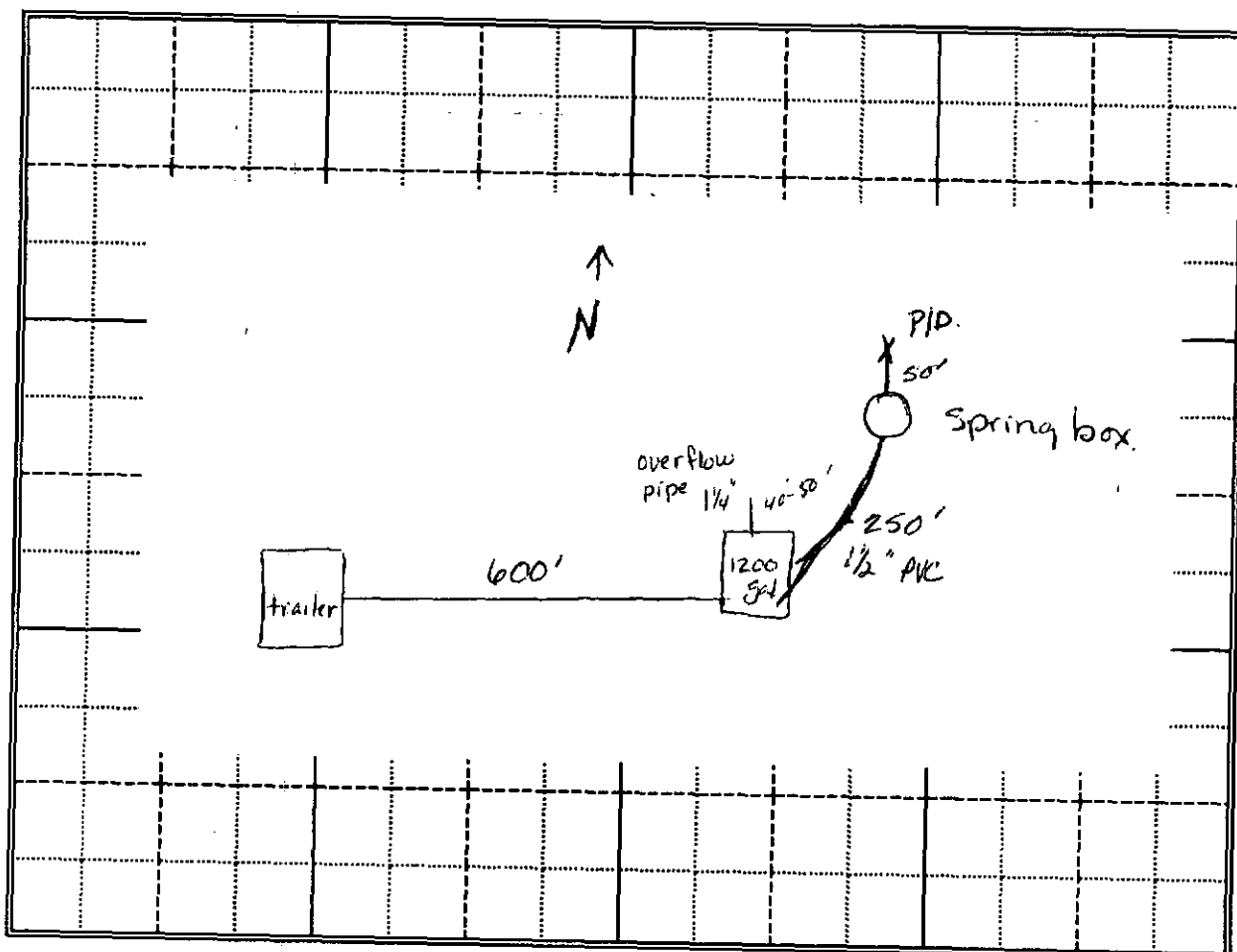
2. Place(s) of Use:

Indicate Method of Determination Exam, TOPO, GPS

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	81W	25																D	

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SEP 13 1999

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.c. as applicable.



Scale: 1" = _____ Scale: 30 was used.

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Bucket & stopwatch						

2. Measurements: 5 gal bucket - 227 sec. = 1.35 gpm

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APR 13 1993

E. NARRATIVE/REMARKS/COMMENTS

Permit 67-07967
John & Faye Weis

No government lot

The source of permit 67-07967 is a spring, tributary to sinks. Overlap review revealed another right with the same point of diversion. Permit number 67-07964.

October 10, 1998, I met with John & Faye Weis to conduct the beneficial use field examination for two permits, 67-07967 & 67-07968. Permit 67-07968 was never developed so John Weis willingly signed the relinquishment form in my presence on this day.

System: Gravity feed. Permit 67-07967 is for domestic use. At the point of diversion the 1 1/2" PVC pipe is buried 18" under washed gravel and drains to the collection box. From the collection box it flows to the 1200 gallon storage tank that is approximately 250 feet from the collection box. The trailer is located approximately 600 feet from the storage tank.

Have conditions of permit approval been met? ☒ yes ☐ no

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APR 13 1999

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

$$5 \text{ gal} \times \frac{60 \text{ sec}}{1 \text{ min.}} \times \frac{1}{227 \text{ sec}} = 1.3 \text{ gpm.}$$

$$1.3 \text{ gpm} \times 0.00223 = 0.003 \text{ cfs.}$$

recommend Min. 0.01 cfs**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.003)(365)(1.9835) = 2.17 \text{ AFA.}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

External & Internal Domestic Use 1.2 AF.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1/1	12/31	0.01	1.2 AFA
Totals:			0.01	1.2

2. Recommended Amendments

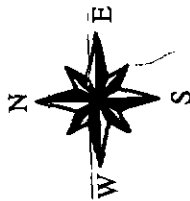
____ Change P.D. as reflected above ____ Add P.D. as reflected above ____ None
____ Change P.U. as reflected above ____ Add P.U. as reflected above ☒ Other

I. AUTHENTICATIONField Examiner's Name Cindy E Bird Date 12/18/98

Reviewer _____ Date _____

SEAL
MICROFILMED
APR 13 1999

GPS survey points
base corrected
CBird 10/10/1998



17N01W25

67-07964 Carson p/u-backyard
67-07964 Carson/Glore p/u-backyard
67-07967 Weis on spring box
67-07967 Weis p/u-25' W

Weis, John & Faye
10 October, 1998
Examiner: Cindy Bird
67-07967

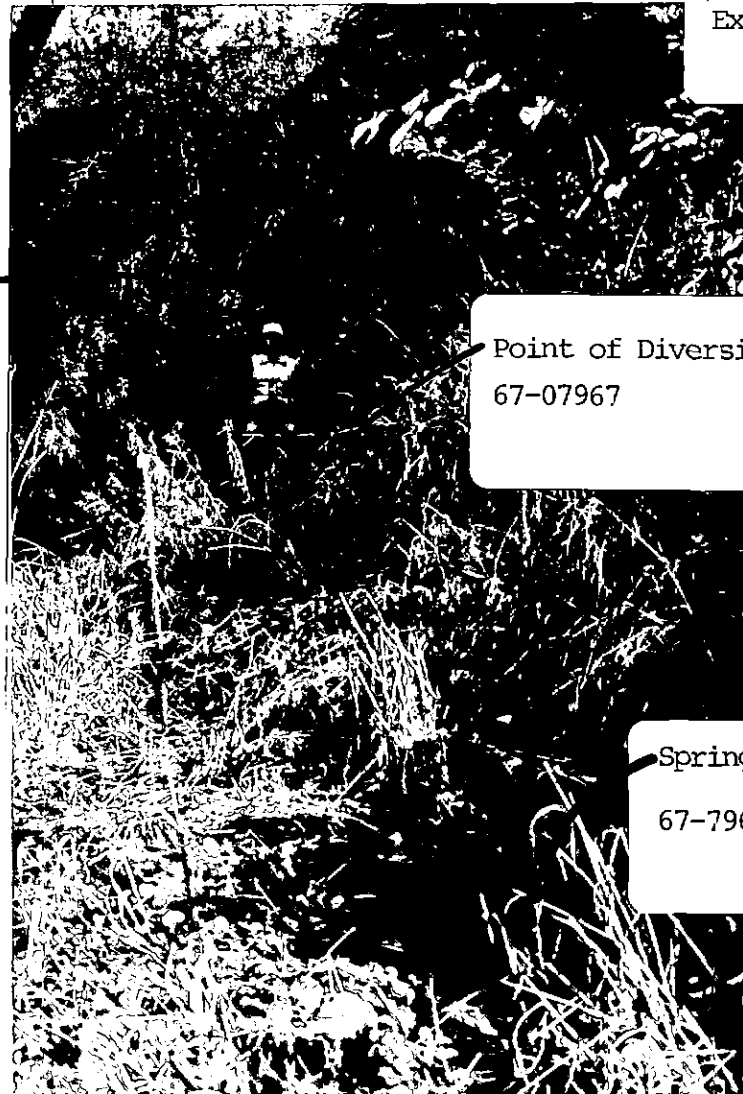
0.75 Miles



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1998 10 10

John & Faye Weis
10 October, 1998
Examiner: Cindy Bird
67-07967

Source

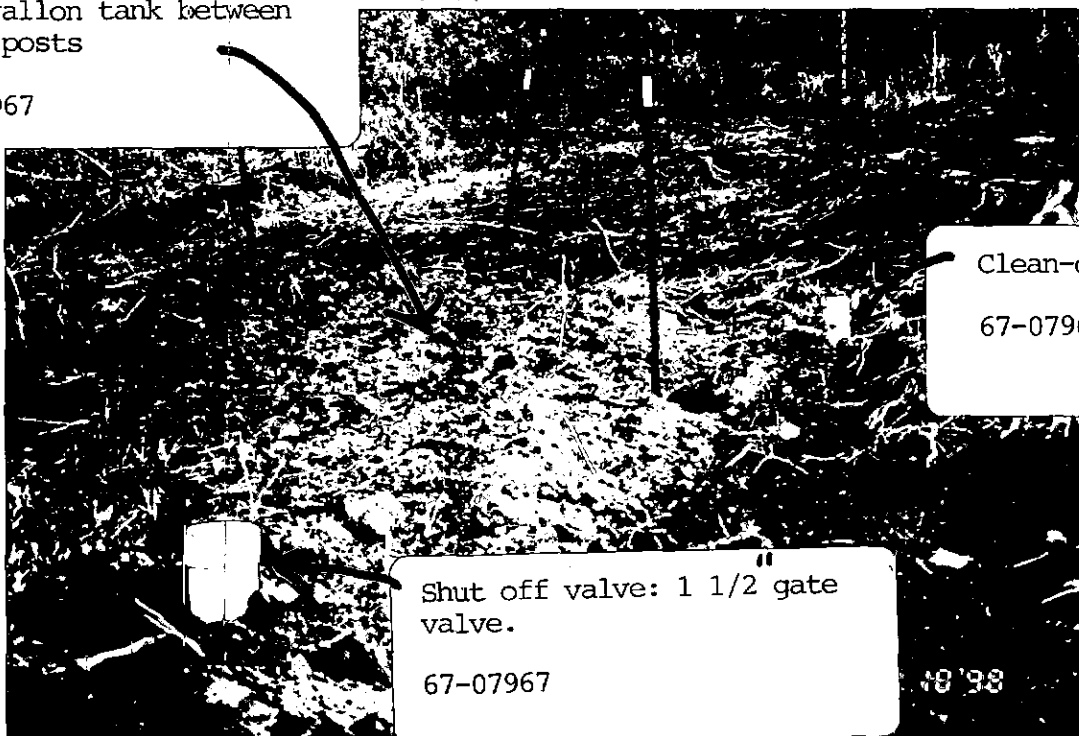


Point of Diversion: John Weis
67-07967

Spring Box -Looking Northerly
67-7967

1200 gallon tank between
the 4 posts

67-07967



Clean-out Pipe
67-07967

Shut off valve: 1 1/2" gate
valve.

67-07967

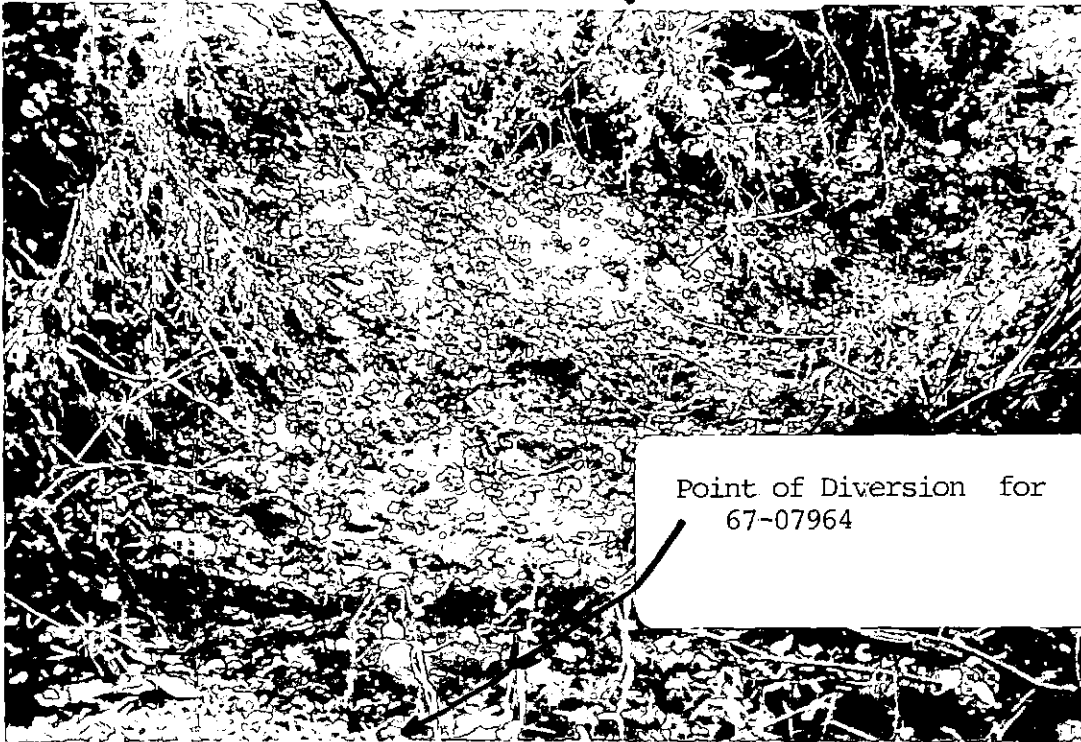
10 '98

APR 13 1999

MICROFILM

Source for both 67-7967 &
67-7964
Point of Diversion for
67-7967 is south from the
source

← N -



67-07967

Point of Diversion for
67-07964

ENCLOSURE

APR 13 1969



Place of Use

67-07967

John & Faye Weis
10 October, 1998
Examiner: Cindy Bird
67-07967

ENCLOSURE

APR 13 1999

RECEIVED

SEP 30 1998

Department of Water Resources

DAVID GLOOR

P.O. BOX 451

Council ID

83812

SEPT 25, 1998

TO WHOM IT MAY CONCERN:

I HOPE THIS FORM IS FILLED OUT
CORRECTLY, AS I'VE ANSWERED EVERYTHING
TO THE BEST OF MY KNOWLEDGE.

PLEASE SEND ME THE FORMS NECESSARY
TO FILE A FORMAL COMPLAINT AGAINST OUR
NEIGHBOR, JOHN WEIS. HE HAS WATER RIGHTS
TO DIVERT 100 GALS A DAY FROM OUR
SPRING. & HE TOLD THE MAN WHO DID THE
BACKHOLE WORK THAT HE IS GET BETWEEN
900 TO 1000 GALS A DAY FROM OUR SPRING.
WE HAVE RIGHTS TO 5000 GALS A DAY, I
BELIEVE AND WE ARE GETTING LESS THAN
WHAT ~~our~~ JOHN WEIS IS GETTING BECAUSE
HE IS DIVERTING IT BEFORE WE GET IT.
PLEASE LET ME KNOW THE CORRECT STEP TO
TAKE TO SEE THAT WE ARE GETTING WHAT
WE ARE ALLOWED. ~~DD~~.

THANK-YOU



DAVID GLOOR

MICROFILMED

APR 13 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

September 25, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

67-07967

JOHN WEIS
4902 S POWERLINE RD
NAMPA ID 83586

RE: COMPLAINT REGARDING RIGHT NO. 67-07964

Dear Mr. Weis:

This office received your fax letter dated September 15, 1998 regarding the above referenced water right permit now in the names of David Gloor and Wendy Carson. They bought the property described by this right from the original right holder (Merritt). The new owners received an extension of time (see enclosed) on October 8, 1996 in order to complete development of their right by October 1, 1998. It therefore appears that the new owners have a right to complete their development by October 1 but not to continue any development work after October 1 of this year. It is most unlikely that an additional extension of time for right no. 67-07964 would be granted.

Also enclosed are copies of your two rights for two springs(nos. 67-07967 and 67-07968). Note that right nos. 67-07964 and 67-07967 describe the same spring. The former right is senior to the latter right (check "priority date"). A senior right is entitled to the use of water before a junior right if insufficient water exists to supply both rights from a common diversion. Also note that your junior right is limited to 100 gallons per day. Both rights from the same spring are subject to an agreement between you and the former owners. The new owners are subject to any agreement conditioned in the water rights. Enforcement of the private agreement is most likely a civil matter not within this department's purview. Similarly, trespass or other related issues remain as civil matters not within this department's jurisdiction.

This office is not able to fulfill your request except to summarize the current water right scenario. However, a field examiner from this office will soon contact both parties to arrange an on-site inspection of the two rights for the disputed spring plus your right for a separate spring. All development for your two rights was completed according to the proofs of beneficial use that you filed in 1996. Again, development by Gloor and Carson for right no. 67-07964 must be completed by October 1, 1998. Please note that the

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APR 13 1999

15 Sept 98

To: Western Idaho Region Water Board
2735 Airport Way
Boise, ID
Fax 834-2348 **Attn: Lester**

F A X L E T T E R – please confirm receipt of this FAX by phone to 208.253-0056

From: John Weis
4902 S. Powerline Rd
Nampa, ID 83686
Nampa Phone 467-3820 Council Phone 253-0258 Council FAX: 253-0056

Dear Sir:

This letter is to notify you that I protest any new water rights agreement with David Glore/Wendy Carson made without any consideration to us. I hereby request that you prevent any further development on the site of the spring until all the facts are available to your department and this matter can be resolved. Time is of the essence, as the gravel, tank and excavator are ready to commence the Glore/Carson work.

It was my understanding that the only use of the original Glore/Carson water rights was for irrigation purposes: Mine is for domestic use.

I believe I have made reasonable efforts to resolve our differences, including an offer to pay the entire \$3500.00 estimate from David Craig of Midvale, for a complete system to supply both households. After Glore/Carson declined my offer, I proceeded to develop the spring on my side of the property line. David Glore was present when David Craig commenced work; and at that time I repeated the previous offer. His response was to instruct me not to trespass on his land.

I have conformed with all requests of your department, paid all fees, and spent over \$3000.00 to obtain domestic water on my property. I paid the \$200.00 fee for final inspection prior to expiration of my permits, although to date, I have received no copy of the final inspection reports. Glore/Carson were notified by both my wife, myself, and the Merrits, the prior owners of the current Glore/Carson property, that they only had until September '96 to file for proving.

To recap, I am requesting that:

1. my spring be inspected & reported prior to the commencement of the Glore/Carson project;
2. spring flow capacity verified and documented in order to protect my water reserves;
3. clarification of each parties rights to the water from the development of the one spring which serves both properties.

Thank you for your prompt assistance in this pressing situation. Please fax me copies of Glore/Carson' new application and a copy of the final inspection of our work in 1994, when we paid our final inspection fees, as well as a fax copy of any current decision and/or action by your office.

Sincerely, John Weis

MICROFILMED

APR 13 1999

Camp Point

F A X

2431 Lapin Lane
P.O. Box 179
Council, ID 83612

To: 12083342348

Company:

Fax number: 12083342348

Business phone:

From: Mark and Joyce Guttenberger

Fax number: +1 (208) 253-0056

Business phone:

Home phone: (208)253-0056

Date & Time: 9/15/98 14:09:27

Pages: 2

Re:

MICROFILMED

APR 13 1999

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 67-07967 Reviewed by [Signature] Date 10-29-98

GENERAL CONSIDERATIONS

yes Name same as permit?

yes Address same as permit?

yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

dom, stock

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit _____ Correct?

☐ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

50- Amount Submitted

yes Correct?

MEASURING DEVICE

no Required?

☐ Installed?

☐ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	_____
Date proof due	_____	_____
No. of days late	_____	_____
Priority Date	_____	_____
New Priority Date	_____	_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____

Proof Made 9-25-96

November 1, 1996

JOHN WEIS
FAYE WEIS
4902 S POWERLINE RD
NAMPA ID 836816

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 67-07967

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

MICROFILMED
NOV 07 1996

July 31, 1996

JOHN WEIS
FAYE WEIS
4902 S POWERLINE RD
NAMPA ID 83686

PROOF DUE NOTICE

RE: PERMIT NO. 67-07967

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1996.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

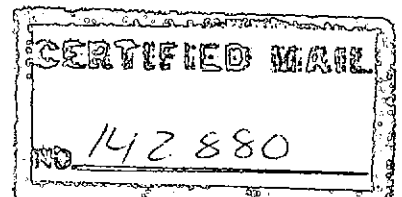
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
NOV 07 1996





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 5, 1994

JOHN WEIS
FAYE WEIS
4902 S POWERLINE RD
NAMPA ID 83686

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 67-07967

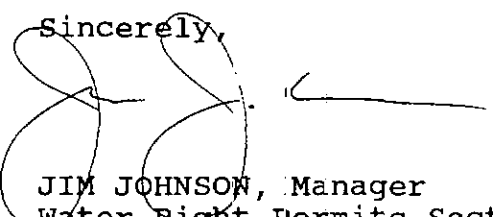
Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

OCT 31 1994

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 67-7967 Name: Weis Date: 9/28/94 Correct Fee? ✓

AREA OF CONCERN? - No/Yes _____ Mor _____ GWMA Trust/Non-trust

SYSTEM COMPLETED:

No - 26A-P17
Complete in 1 year - P16

Yes

Proof not submitted - P16
Proof submitted - NA

GROUNDWATER:

+ 0.2 cfs <FLO-CH> - T17 (new), 01K (existing), No MD
- 0.2 cfs - No MD <FLOW CHART>

Drilling Permit:

Included w/permit - Permit No. _____, P99
Existing well - NA (pre 7/1/87)
No WD permit? - 046-46A(Irr)-46B-P23 (post 7/1/87)

SURFACE WATER: not in WD - T17 (+.2 w/pump), No MD <FLOW CHART>

LOCATION: spring sinks

Water District(~~dem~~) - WD No. 67
*Surface water - 005 (req) 01J-P08 <FLOW CHART>
(doesn't sink) or 01H-P01 <FLOW CHART>; No MD
Groundwater - P05 (new irrigation well)
In stream channel - 030 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Drainage Districts - 024
Flood Control Dist. - 063
Boise Front (63) - 058 (-85° GW temp only)
Swan Falls Flag - B <SEE CONDITION CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non Trust <1> - 048-049 (Consumptive Uses), NA

RIVER BASINS (*Surface water):

Boise R(63) - 05A (if WD), 11E (non-domestic use), NA
Payette R(65) - 064(consump. use), 047-P04(Payette Lake), NA
Snake R(01/02/03) - 11A-P04 (01), 061-P07 (02/03 No WD Cond.), NA

USE:

Fish Propagation - 07A-042 (req) & 010/06A/09E(WQ)-P10
044 (N 1000 Spr)
Irrigation - 03A/057, 803(if GW use SW 1st)(+5A PU comp), NA
Power - 08A-17K-025-027(req); 01F(MD)-P19; 09E(WQ)-P10;
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09
Mining - 054 (req) & 06A/010/09E-P10
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA
Domestic ((surface) - 021(Boise R ↑ L Peak), 064(Payette R), NA

OWNERSHIP:

Non land owner

PROTESTED:

OTHER CONDITIONS:

REMARKS:

004 (PD/PU) on a near property line between Weis' and
020(Prehearing agreement)/W19(See Order) Merritt's.
① Subject to agreement ② common div system 67-7964/67-79
③ limit to 100 g/d. ④ W01(1) ⑤ W02(10 HEM)

BENEFICIAL USE DUE:

COMMENTS:

10-1-1996

Protested by Merrit 8/8/94

Hearing 8/30/94

Agreement signed at hearing

DATE: 09/28/94
PAGE: 1

Stage: PERMIT

ADAMS County

								NE				NW				SW				SE			
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
T	R	S	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
17N	01W	25°	:					:					:					:					:

Other Water Rights Listing Overlapping Place(s) of use:
67-07964 P67-07964

26A. - Project construction shall commence within one year from the
- date of permit issuance and shall proceed diligently to
- completion unless it can be shown to the satisfaction of the
- Director of the Department of Water Resources that delays were
- due to circumstances over which permit holder had no control.
004. - The issuance of this right in no way grants any right-of-way
- or easement across the land of another.

- < Domestic use is for 1 home.
- < Use of water under this right is subject to an agreement between the protestant and the right holder.
- < The diversion system for this right shall be common to both right nos. 67-07964 and 67-07967.
- < Diversion under this right is limited to 100 gallons per day.

Misc: Water District Number: 67 Field Exam Fee:

WR0749NP
No. P67-07967

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/28/94
PAGE: 2

=====

Comments: Date: 07/12/1994 User-ID: SLESTER Subject: MISC. INFORMATION
Property line is uncertain in area of spring but applicants think
that source is located on their land.
This spring is also the source or at least is nearby to spring in
Appl. 67-07964 in the name of Merritt.

Audit: 09/28/94 CZIMMERM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: CJH DATE: 7/25/94 APPLICATION: 67-7967

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map:
Signature: (If applicant is corp., partnership or municipality, title of signatory is required)
Fee:
Yes ☐ No ☐ In form to receipt:

Gov't. Lots:

P/D

P/U

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SEP 08 1994

ADDITIONAL INFORMATION

Department of Water Resources

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on the back.)
☒ ☐ Overlapping point of diversion:
☐ ☐ Field check required: Field check by: _____
☐ ☐ Field report attached:
☒ ☐ Critical groundwater area:
☒ ☐ Groundwater management area:
☐ ☐ 1992 moratorium
☐ ☐ Copy to SCA staff (perennial stream, non-pump diversion):
☐ ☐ Send dam safety information:
☐ ☐ Send power requirement letter:
☐ ☐ Send fish farm requirement letter:
☐ ☐ Power residency affidavit:
☐ ☐ Power efficiency form:
☐ ☐ Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☐ ☐ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
☐ ☐ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: _____

Additional information on reverse side:

PROCESSING

APPLICATION NO. 67-7967

YES NO

☒ ☐
☐ ☒
☒ ☐

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. # _____

Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☒ ☐

Publication dates and paper recorded on application:

Protests received. Final date for protest 8-22-94

Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve, DR

Measuring device required:

Measuring port required:

Water delivered by water master? District # _____

Special conditions of approval or cover letter: _____

3 Conditions below, plus 26A (Allow 2 yrs), and 04x See below for additional informationRecommended Date or Priority 7/12/1994Recommended by: DRDate 9/6/1994STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATIONFor 67-07967in for same source

1. Use of water under this permit is subject to the terms and conditions of an Agreement between the Merritts and the Weis's source, on or near the Merritt ap

2. The diversion system for this water right shall be common to both 67-07964 and 67-07967.

3. Diversion under this water right is limited to 100 gallons per day.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 1, 1994

VERNON &/OR JEANNE MERRITT
PO BOX 296
COUNCIL ID 83612

JOHN &/OR FAYE WEIS
4902 S POWERLINE RD
NAMPA ID 83686

Re: Applications for Permit Nos. 67-7964 in the Name of Vernon
&/or Jeanne Merritt and 67-7967 in the Name of John &/or
Faye Weis

Dear Protestants:

This letter is to acknowledge your withdrawal of protests
against the above-referenced applications for water right.

The Department now will continue to process the applications,
subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. R. Tuthill, Jr.'.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

RECEIVED
SEP 31 1994

Page 2

Withdrawal of Protests

For 67-07967

1. Use of water under this permit is subject to the terms and conditions of an Agreement between the Merritt's and the Weis's.
2. The diversion system for this water right shall be common to both 67-07964 and 67-07967.
3. Diversion under this water right is limited to 100 gallons per day.

Signed this ³⁰~~30th~~ day of Aug., 1994.

John Weis
John Weis

Vernon Merritt
Vernon Merritt

Faye Weis
Faye Weis

Jeanne Merritt
Jeanne Merritt

OCT 31 1994

Notes for 67-7967

Notes by D. Tutthill

Council Id Aug 30, 1994 11:00 am

Parties: Merritt's - Applicant
Weis's - Protestants

Concerns:

1. Dispute over location of fence line

Withdrawal Signed
JW

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OCT 31 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

August 24, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

VERN &/OR JEANNE MERRITT
PO BOX 296
COUNCIL ID 83612

Re: Application for Permit No. 67-7967 in the Name of John
&/or Faye Weis

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT/st

OCT 31 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

August 24, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

JOHN &/OR FAYE WEIS
4902 S POWERLINE RD
NAMPA ID 83686

Re: Application for Permit No. 67-7967

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Enclosure: Copy of protest(s)

RECEIVED

OCT 31 1994

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED

AUG 09 1994

SULLY RIVER DIVISION
SOUTHERN REGION

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all necessary information.

1. Matter being protested 67-07967
2. Name of protestant Vern + Jeanne Merritt
3. Protestant's representative for service (If different than protestant)
We represent ourselves
4. Service mailing address P.O. Box 296, Council SD 83612
5. Service telephone no. 208 253-6022
6. Basis of protest (including statement of facts and law upon which the protest is based) _____
This is our property that the Spring is on
and the Survey stakes have been located and are
on fence line. There is not enough water in Spring
for Two places. protestant filed on Spring Before
applicants.
(additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? None - Legal Survey takes
care of property line and springs which is on
our property.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 8th day of August, 19 94.

Vern Merritt Jeanne Merritt
PROTESTANT

PROTESTANT'S REPRESENTATIVE

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OCT 31 1994

NOTE:

- a) Not more than two (2) representatives for service of documents may be designated on a protest. If this protest is signed by more than one person without identifying the representative(s) for service of documents, the hearing officer may select the person(s) upon whom documents will be served.
- b) A protestant is required to timely file a protest with the department together with a \$25.00 protest fee in order for the protest to be considered by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by VR Date 8-9-94 Time 11:45 am
\$25.00 fee Receipted by VR # W017892 Date 8-9-94

RECEIVED

OCT 31 1994

RECEIVED

AUG 22 1994

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
) ss.
COUNTY OF ADAMS)

Nancy Luker, being duly sworn,
deposes and says: That she is the Principle Clerk of The Council Record,
a weekly newspaper printed and published at Council, Adams County,
State of Idaho, and having a general circulation therein and which said
newspaper has been continuously and uninterruptedly published in said
County during a period of twelve consecutive months prior to the first
publication of the advertisement, a copy of which is attached hereto; that
advertisement was published in the regular edition of The Council Record

for two insertion(s), beginning with the
issue of August 4, 1994, and ending with the
issue of August 11, 1994

Nancy Luker
Subscribed and sworn to before me this 19 day of
August, 1994

Rebecca Helm
Notary Public for Idaho, Residing at New Meadows

RECEIVED
OCT 31 1994

LEGAL NOTICE

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

67-07967

WEIS, JOHN
WEIS, FAYE
4902 S POWERLINE RD
NAMPA, ID 83638

Source: SPRING

Tributary: SPRING CREEK

Diversion Pt:
County.

SENESE Sec 25 T 17N R 01W in ADAMS

Use: STOCKWATER
DOMESTIC

(.020 CFS)
(.040 CFS)
(.060 CFS)

Total Diversion:

Date Filed: 7/12/1994

In: ADAMS County
T17N R01W S25 NESE

67-07968

WEIS, JOHN
WEIS, FAYE
4902 S POWERLINE RD
NAMPA, ID 83638

Source: SPRING

Tributary: SPRING CREEK

Diversion Pt:
County.

SENESE Sec 25 T 17N R 01W in ADAMS

Use: STOCKWATER
DOMESTIC

(.020 CFS)
(.040 CFS)
(.060 CFS)

Total Diversion:

Date Filed: 7/12/1994

In: ADAMS County
T17N R01W S25 SESE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before AUGUST 22, 1994. The protestant must also send a copy of the protest to the applicant.

S/R. KEITH HIGGINSON, Director

Published in The Record 8/4/ 1994 & 8/11/ 1994.

67-07967

WEIS, JOHN
WEIS, FAYE
4902 S POWERLINE RD
NAMPA, ID 83686

Source: SPRING

Tributary: SPRING CREEK

Diversion Pt: SENESE Sec 25 T 17N R 01W in ADAMS County.

Use: STOCKWATER (.020 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.060 CFS)

Date Filed: 7/12/1994

In: ADAMS County
T17N R01W S25 NESE

RECORDED
OCT 31 1994