

No 454

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Washington }

Dorothy A. Deeth, being duly sworn,

deposes and says:

That he is the S Clerk of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-
lished in said newspaper once a week for 2 consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with
Dec. 3, 1970, and ending
with the issue of Dec. 10, 1970

Dorothy A. Deeth
Fees, \$ 11.50

Subscribed and sworn to before me this 10
day of Dec., 1970

Rachel
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 5-1, 1973

RECEIVED

JAN 15 1971

Department of Water Administration

No. 454
**NOTICE OF EXISTING
WATER PERMIT**

Notice is hereby given that Mil-
ton Kerner, Route 2, Weiser, Ida-
ho, has received an approved Per-
mit No. 33376/67-2374 issued by the
Idaho Department of Water Ad-
ministration authorizing the di-
version of 4.94 cubic feet per sec-
ond of water from the Weiser Riv-
er, tributary to the Snake River.
The priority to be established un-
der this permit is January 4, 1967
and the permit was approved
January 10, 1967.

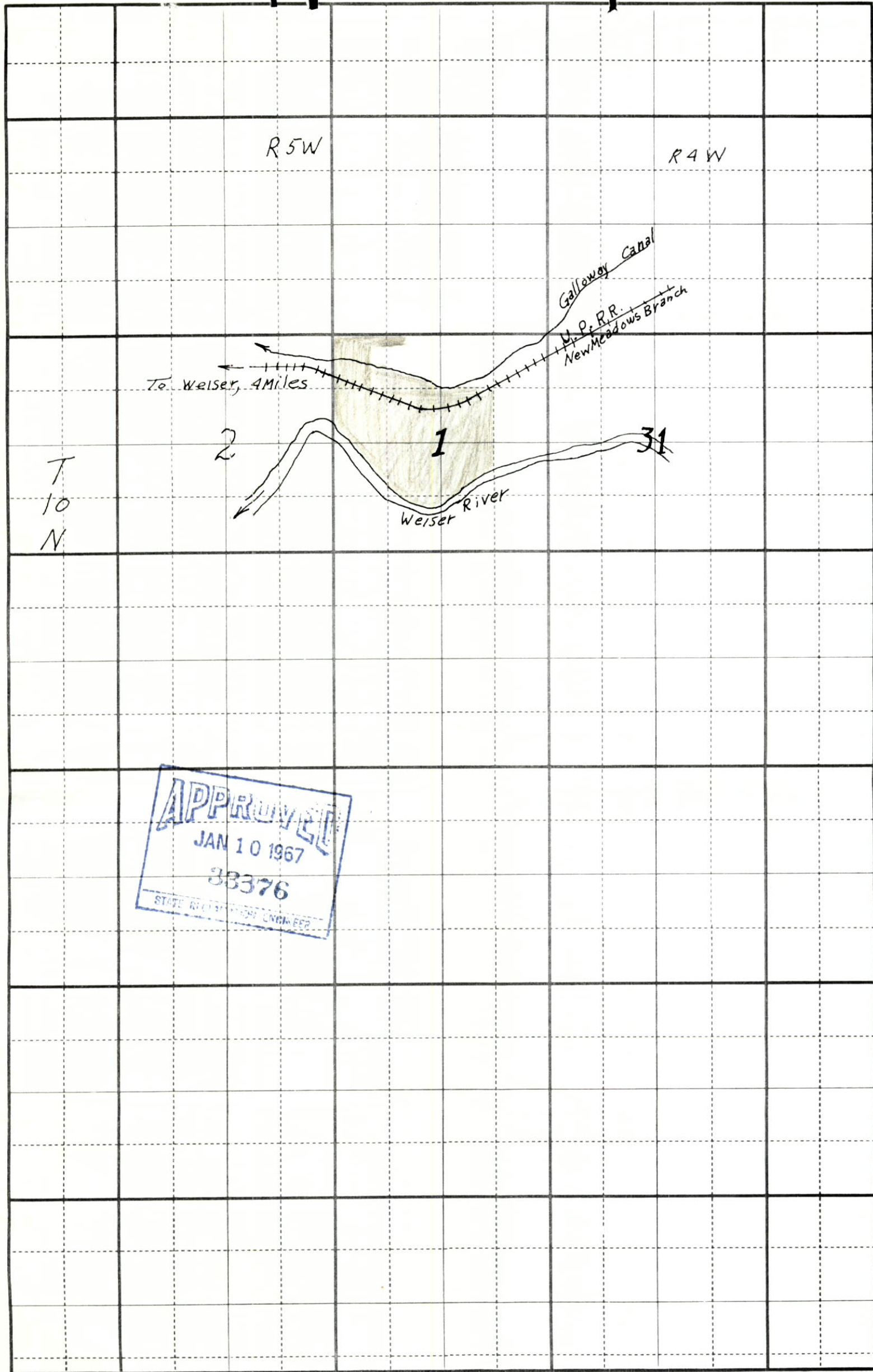
Water is to be diverted by ditch
and pump from a point within
the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 35, T. 11N, R.
4W, B.M., Washington County, to
be used for irrigation in the SW $\frac{1}{4}$ -
NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 1 T. 10 N, R. 5W,
B.M.

Proof of the application of the
water to beneficial use is to be
submitted to the Department on
or before January 10, 1972. Any
protests against the issuance of
the license for the above refer-
enced permit should be filed with
the Idaho Department of Water
Administration within ten (10)
days of the last date of publica-
tion of this notice or prior to the
licensing of the permit. Licens-
ing may commence prior to the
date beneficial use proof is due
without further notice.

R. KEITH HIGGINSON,
Director Idaho Dept. of
Water Administration
STATEHOUSE, Boise Ida-
ho.

Published in the Weiser Signal,
Weiser, Idaho, on December 3,
and December 10, 1970. 74-25

67 2374



R. 4 W.

R. 5 W.

T.
11
N.

T.
10
N.

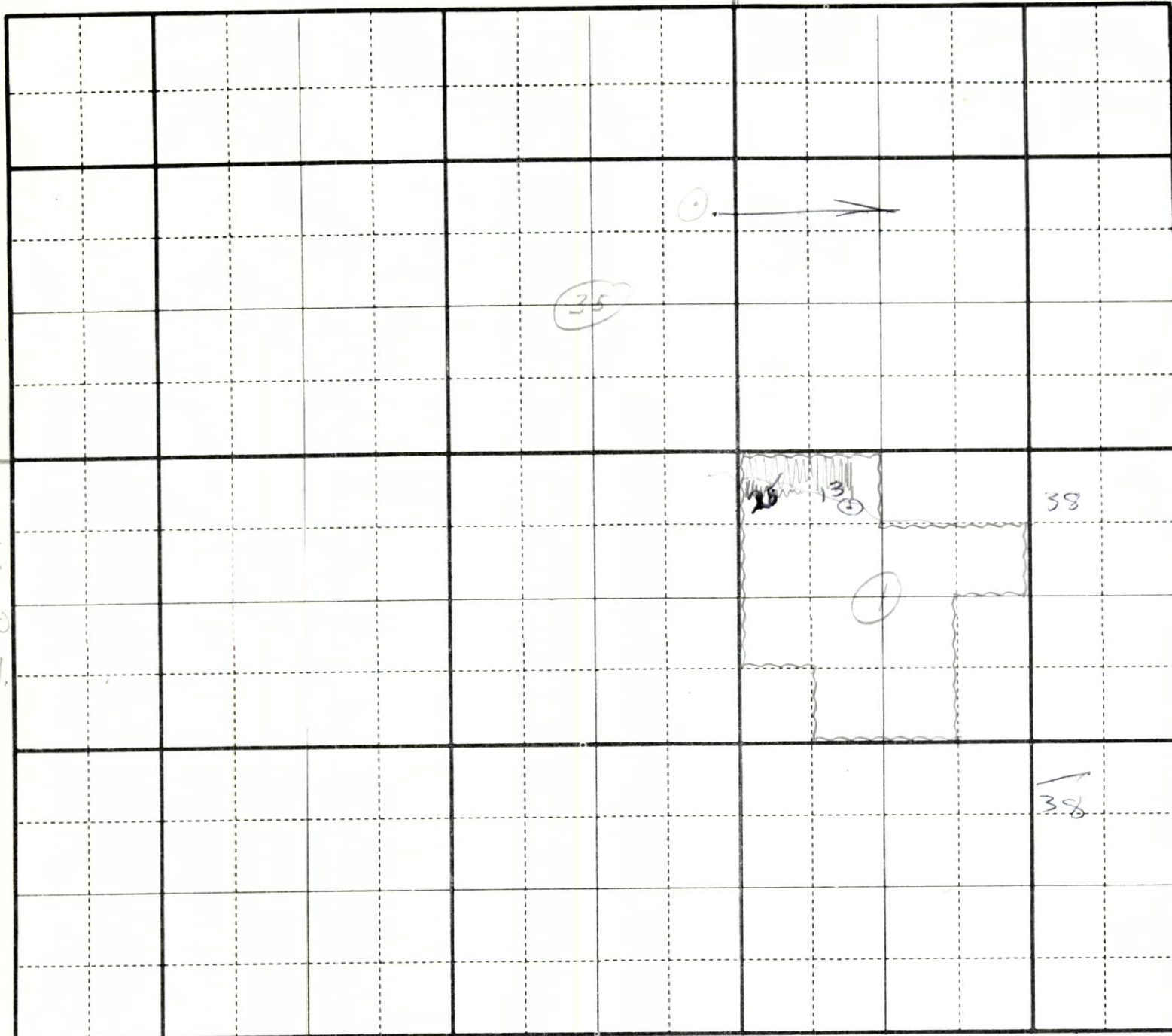


Diagram of System

DATE

EXAMINATION RECORDS

by:

by:

by:

by:

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 33376/67-2374 Priority Jan. 4, 1967 Amount 0.60 cfs

THIS IS TO CERTIFY, that MILTON KERNER
of Weiser, Idaho, has complied with the terms and conditions of Permit
No. 33376/67-2374 issued pursuant to Application for Permit dated January 4, 1967,
and has submitted proof to the Department of Water Administration on December 9, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.60 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from the Weiser River
tributary of the Snake River, is hereby confirmed in the following amounts:

Amount 0.60 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.60 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 35, Twp. 11 N, Rge. 4 W, B. M.
in the county of Washington; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 171 acre feet per year or _____
4.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10 N	5 W	1					13	25											38

Total number of acres irrigated 38

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 3 day of
October, 19 73.


Director

67 2374

Identification No. _____

Permit No. 67-2374

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEC 7 1971 ✓

Department of Water Administration

1. a) Name of Permit Holder Milton Kerner

b) Post Office Address Route 2 Weiser Idaho

2. Permit Number 67-2374

3. Date of Priority that you are prepared to establish Jan 4, 1967

4. a) Source from which water was appropriated Galloway Ditch + Weiser River

b) Location of the point of diversion Galloway Ditch NE 1/4 NE 1/4 Section 35

Township 11N, Range 4W Boise Meridian, Other points of diversion:

Weiser River P.D. is SWSE Sec 1 T10N-5W

5. a) The amount of water and use to which the water has been applied:

Galloway Ditch amount 0.6 cfs for Irrigation purposes from March 15 to Nov 15 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

Weiser River amount 2.9 cfs for Irrigation purposes from March 15 to Nov 15 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated 3.5 cfs cfs and/or acre feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: pump capacity

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: Galloway Ditch

b) Describe the agreement or understanding by which you take water from the works: Agreement with the ditch company stating I have the right to use water from the Galloway Ditch

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean

source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Electric pumps and sprinklers from the Galloway Ditch. A portable pump will be used to pump water from the Weiser River.

b) Describe the type and size of measuring device which you have installed at your point of diversion: None

c) Give well drillers name and address and date the well was completed None

Exam Typed
3/8/72
CR

WATER COMMISSION

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use None

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10N	5W	1			35		16	35	35	35	40	13		6		30	2		247

Total number of acres irrigated 247

10. Remarks: Gallow Ditch was is used to irrigate 30 acres in N 1/2 NW Sec 1 10N-5W. Weiser River water is used to irrigate to remainder of the land listed above

The above information is a true statement of the extent to which the above numbered permit has been developed.

12/6/71 (Date) Milton Kerner (Signature)

State of Idaho)
County of Washington ss.

On this 6th day of December, 19 71, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (~~she~~) (~~they~~) executed the same.

Charlotte Herita
Notary Public residing at Weiser, Idaho

My commission expires 6-20-75

No 454

AFFIDAVIT OF PUBLICATION

RECEIVED

JAN 15 1971

Department of State Administration

STATE OF IDAHO, }
County of Washington } ss.

Dorothy A. Leath, being duly sworn,
deposes and says:

That he is the Clerk of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-

lished in said newspaper once a week for 2 consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with

Dec. 3, 1970 and ending
with the issue of Dec. 10, 1970

Dorothy A. Leath
Fees, \$ 11.50

No. 454 NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Mil-
ton Kerner, Route 2, Weiser, Ida-
ho, has received an approved Per-
mit No. 33376/67-2374 issued by the
Idaho Department of Water Ad-
ministration authorizing the di-
version of 4.94 cubic feet per sec-
ond of water from the Weiser Riv-
er, tributary to the Snake River.
The priority to be established un-
der this permit is January 4, 1967
and the permit was approved
January 10, 1967.

Water is to be diverted by ditch
and pump from a point within
the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 35, T. 11N, R.
4W, B.M., Washington County, to
be used for irrigation in the SW $\frac{1}{4}$,
NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 1 T. 10 N, R. 5W,
B.M.

Proof of the application of the
water to beneficial use is to be
submitted to the Department on
or before January 10, 1972. Any
protests against the issuance of
the license for the above refer-
enced permit should be filed with
the Idaho Department of Water
Administration within ten (10)
days of the last date of publica-
tion of this notice or prior to the
licensing of the permit. Licens-
ing may commence prior to the
beneficial use proof is given
without further notice.

R. KEITH HIGGINSON,
Director Idaho Dept. of
Water Administration
STATEHOUSE, Boise Ida-
ho.

Published in the Weiser Signal,
Weiser, Idaho, on December 3,
and December 10, 1970. 74-25

Subscribed and sworn to before me this 10

day of Dec., 1970

Lawhee
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 5-1, 1973

67 2374

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 33376/67-2374)
in the name of MILTON (N.M.I.) KERNER)
_____)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

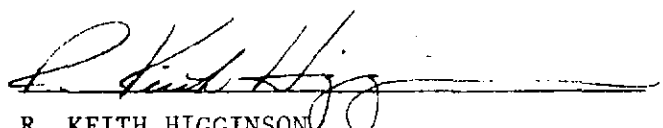
WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 33376 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.
 - b. The permittee will not be required to submit proof of completion of works as originally specified, but will be required to submit proof to the Department of Water Administration of the application of the water to beneficial use on or before January 10, 1972. The permit holder should be aware that failure to complete one-fifth (1/5) of the works within one-half (1/2) of the time originally set for completion of works may be grounds for cancellation at the instance of the Department.

Dated this 3 day of November, 1970.


R. KEITH HIGGINSON
Director

67 2374

✓ 333
K4
67-2314

Application For Permit To appropriate the Public Waters of the State of Idaho

APPLICATION No. 41636
PERMIT No. 33376
DISTRICT No.

1. Name of Applicant: Milton (N.M.I.) Kerner

Postoffice address: Route #2, Weiser

County: Washington

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(c) Bond to be issued:

(b) Treasury stock:

(d) Other resources:

2. Quantity of water claimed: 4.94 cubic feet per second.

3. Source of water supply: Weiser River which is a tributary of Snake River.

4. Location of point of diversion: ^{Galloway Diversion Dam} 1500 feet distant from the NE

corner of Section 35, T. 11 N, R. 4 W, B.M., and is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$

of section 35, T. 11 N, R. 4 W, B. M., County of Washington

5. Water is to be used for irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 10,000.00

8. Kind of works: Use existing Galloway ditch and portable pump from Weiser River.

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;
dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is -0- additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 125 Ac. Ft. storage right in Crane C Reservoir.

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

/s/ MILTON KERNER Applicant.

By Agent.

Date of first receipt at Department of Reclamation: January 4, 1967 8:15 A.M.

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 33376
Recorded in Book 116 Page 33376 Approved January 10, 1967
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ - to be filed on or before
Work to begin on or before March 10, 1967 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before July 10, 1969
The whole of said work to be completed on or before January 10, 1972
Beneficial use of water appropriated in accordance herewith, to be made on or before January 10, 1972

WITNESS My hand this 10th day of January, 1967 /s/ R. KEITH HIGGINSON
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, DON W. SAMUELSON, Governor of the State of Idaho, and EDSON H. DEAL, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 10th day of January, 1967
Countersigned: STATE OF IDAHO

(SEAL) By /s/ EDSON H. DEAL Secretary of State. By /s/ DON SAMUELSON Governor.

REMARKS: Main point of diversion is at the Galloway diversion dam, an existing structure. Additional points of diversion would be by portable pump and sprinkler lines to be set at various points along the Weiser River in the SW 1/4 and of Section 1, T 10 N., R 5 W., B.M.

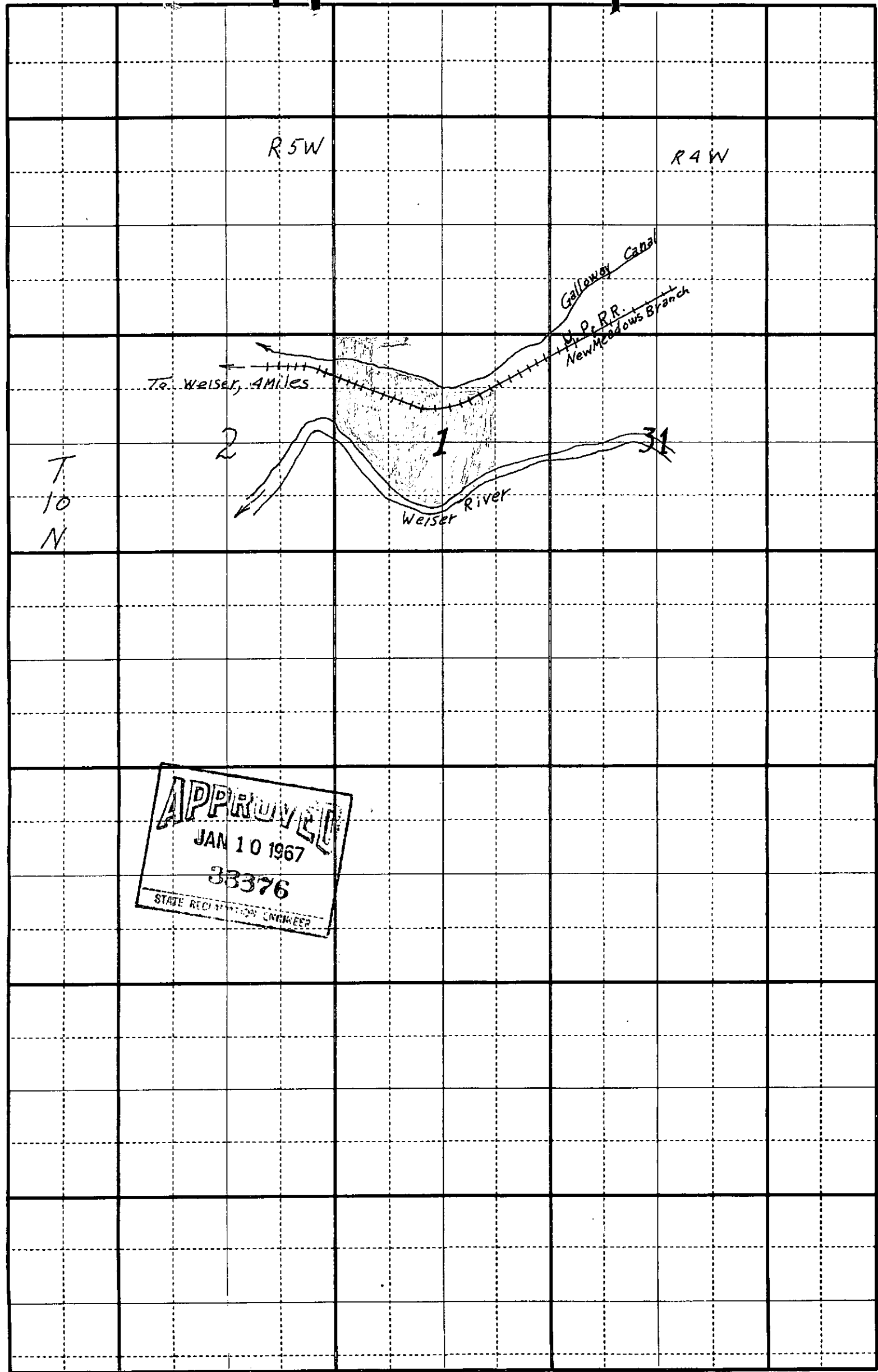
14. Withdrawals from Weiser River shall be subject to control by the Watermaster.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10 N	5 W	1	35				16	35	35	35	40	13	6		30	2			247

LICENSE ISSUED FOR D. G. D. REC. 10
LICENSE P 13

NAME OF APPLICANT Milton Kerr

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

33376

Address all communications to

Form No. 1
5M 1-65

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

RECEIVED
JAN 4 1967
8:15 AM
Department of Reclamation

Application No. 41636

Permit No. 33376

District No.

1. Name of Applicant: Milton (NMI) Kerner

Post Office address: Rt. # 2 Weiser County Washington State Idaho

If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of Capital stock: \$ (c) Amount paid in: \$

(d) Names and addresses of directors:

The financial resources of the applicant are: (a) Cash on hand: \$

(b) Treasury stock: (c) Bonds to be issued:

(d) Other resources:

2. Quantity of water claimed: 5.0 4.94 cubic feet per second

3. Source of water supply: Weiser River

which is tributary of Snake River

4. Location of point of diversion: Galloway Diversion Dam 1500 feet distant from the NE corner

of Section 35, Twp. 10 N., Rge. 1 W., B. M., and is in the NE NE

of Section 35, Twp. 10 N., Rge. 1 W., B. M., County of Washington

5. Water is to be used for: Irrigation

6. If for any non-irrigation purpose, give:

(a) Point of use of water: feet distant from corner of Section

Twp., Rge., B. M., in the of Section, Twp., Rge., B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section, Twp., Rge., B. M., in the

of Section, Twp., Rge., B. M.

7. Estimated cost of works: \$10,000

8. Kind of works: Use existing Galloway ditch and portable pump from Weiser River
(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam feet; length of dam at top feet; length of dam at bottom feet; material used in dam

(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)

10. Size of headgate: Width feet; Height feet

11. Ditch: Width at bottom feet; Width at water line feet; Depth of water feet;

Dimensions of flume; Diameter of pipe inches;

Length of conduit miles. Average grade per mile feet.

OK BLM
Name

97276

12. The time required for the completion of such work is Five years.
13. The time required for the complete application of the water to the proposed use is Five 0 additional years.
14. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

Total Number of Acres to be Irrigated.....247

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 125 Ac. Ft. Storage right in Crane Creek Reservoir

23.370

16. (a) Is reservoir to be used? (If so, fill in (b) and (c) below.)
(b) Name of reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

Remarks: Main point of diversion is at the Galloway diversion dam, an existing structure. Additional points of diversion would be by portable pump and sprinkler lines to be set at various points along the Weiser River in the SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 1, T. 10 N., R. 5 W.

Withdrawals from Weiser River shall be subject to control by the watermaster.

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.

Milton Kerner

Applicant.

By _____, Agent

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, _____ of _____, County of _____, State of _____, do hereby certify that I am the owner of the land on which the spring mentioned in the application of _____ is located, to-wit: _____

and that I do hereby grant unto the said _____ permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO

County of _____

} ss:

On this _____ day of _____, 19____, before me, a Notary Public for the State of Idaho, residing at _____, personally appeared _____

known to me to be the person whose name _____ subscribed to the foregoing certificate, and acknowledged to me that he executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

My commission expires _____

Notary Public.

33374

Approval of State Reclamation Engineer

The number of this permit is 33376

JAN 10 1967

Recorded in Book 116 Page 33376 approved

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$..... to be filed before

Work to begin on or before March 10, 1967, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before July 10, 1969

The whole of said work to be completed on or before January 10, 1972

Beneficial use of water appropriated in accordance herewith, to be made on or before January 10, 1972

Witness my hand this 10th day of January, 19 67

R. Keith Higgins
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, DON W. SAMUELSON Governor of the State of Idaho,

and EDSON H. DEAL Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 10th day of January, 19 67

Countersigned

By

Edson H. Deal
Secretary of State.

STATE OF IDAHO

By

Don Samuelson
Governor.

No. 33376

PERMIT

Date of first receipt at office of State
Reclamation Engineer

January 4, 1967 8:15 A.M.

Returned to applicant for correction

Corrected application received

Fees, \$ 6.00

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof 25

WATER RIGHT NUMBER 67-2374

OWNER LAST NAME - KERNER

FIRST NAME - MILTON

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - WEISER

STATE - ID ZIP CODE -

SOURCE - WEISER RIVER

TRIBUTARY OF - SNAKE RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 01-04-1967 COUNTY - WASHINGTON TOTAL DIV. RATE - .6000 -CFS

TOTAL DIV. VOLUME - 171.00 AFA TRFR/AMEND -

WATER DIST. - 67 DLE/CAREY ACT - RIGHT BASIS -

DIVERSION POINT - NENE 35 11N 04W LOT REDIV -

272.0 288.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 13.3

FROM - 03-15 TO - 11-15 USE - IRRIGATION

USE DIV. RATE - .6000 CFS USE DIV. VOLUME - 171.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 10N RNG 05W SEC 01 TRACT NENW LOT AC 13

DATE -

TOTAL ACRES 13

DECREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 33376

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

9/78

IDENT. NO.

IDENT. NO. 67-2374

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

Initials

Date

Item

Original form entered

Edit Report Correct

Date Protested

Date of Hearing

Date Approved/Denied
(Proof due date, stage and/or status,
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

Partial Proof

Proof Complete

Field Exam Received

Field Exam Accepted
and changes entered

License Signed

Transfer Approved

QA

12-19-78

42

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

October 15, 1973

Re: Permit No. 33376/67-2374

Milton Kerner
Route 2
Boise, Idaho 83672

Dear Mr. Kerner:

Enclosed herewith is a copy of the Water License issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jfr

Enclosure

67 2374

September 18, 1973

Mr. Milton Kerner
Route 2
Weiser, Idaho 83572

Dear Mr. Kerner:

A representative of this Department has made an examination of the works covered by your Permit No. 33376/67-2374 and has found the following:

Quantity of water diverted: 0.60 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 0.60 cfs

The maximum quantity diverted shall not exceed 171 acre feet per year.

Beneficial use: Irrigation of 38 acres within the NE1/2NW1/4

~~Sec. 1, Twp. 10 N, Rge. 5 W, B.M.~~

~~Source: Weiser River~~

Point of diversion: NE1/4NE1/4 Sec. 35, Twp. 11 N, Rge. 4 W, B.M.

Priority date established: January 4, 1967

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

67 2374

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Milton (N.M.I.) Kerner
Post office address Route #2, Weiser, Idaho Phone _____
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ Weiser River
(name spring, stream, etc.)
Tributary to Snake River

3. Water will be used for the following purposes:

Amount 4.94 c.f.s. for Irrigation
_____ AF/Annum (nature of use)

Period of Use: from March 15 to Nov. 15
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 33376/67-2374
Examination for B/U

4. Total amount to be appropriated:

Max Rate of Diversion 4.94 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 11N N/S, Range 4W E/W, B.M., Section 35, Subdivision NE $\frac{1}{4}$ NE $\frac{1}{4}$, Washington County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Other Points of Diversions: _____

Description of diverting works: Electric pump and sprinklers from the Galloway Ditch. A portable pump will be used to pump water from the Weiser River.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10N	5W	1			35		16	35	35	35	40	13		6		30	2		247

67 2374

R. 5 w.

T.
10
N.

Diagram of System

DATE _____

EXAMINATION RECORDS

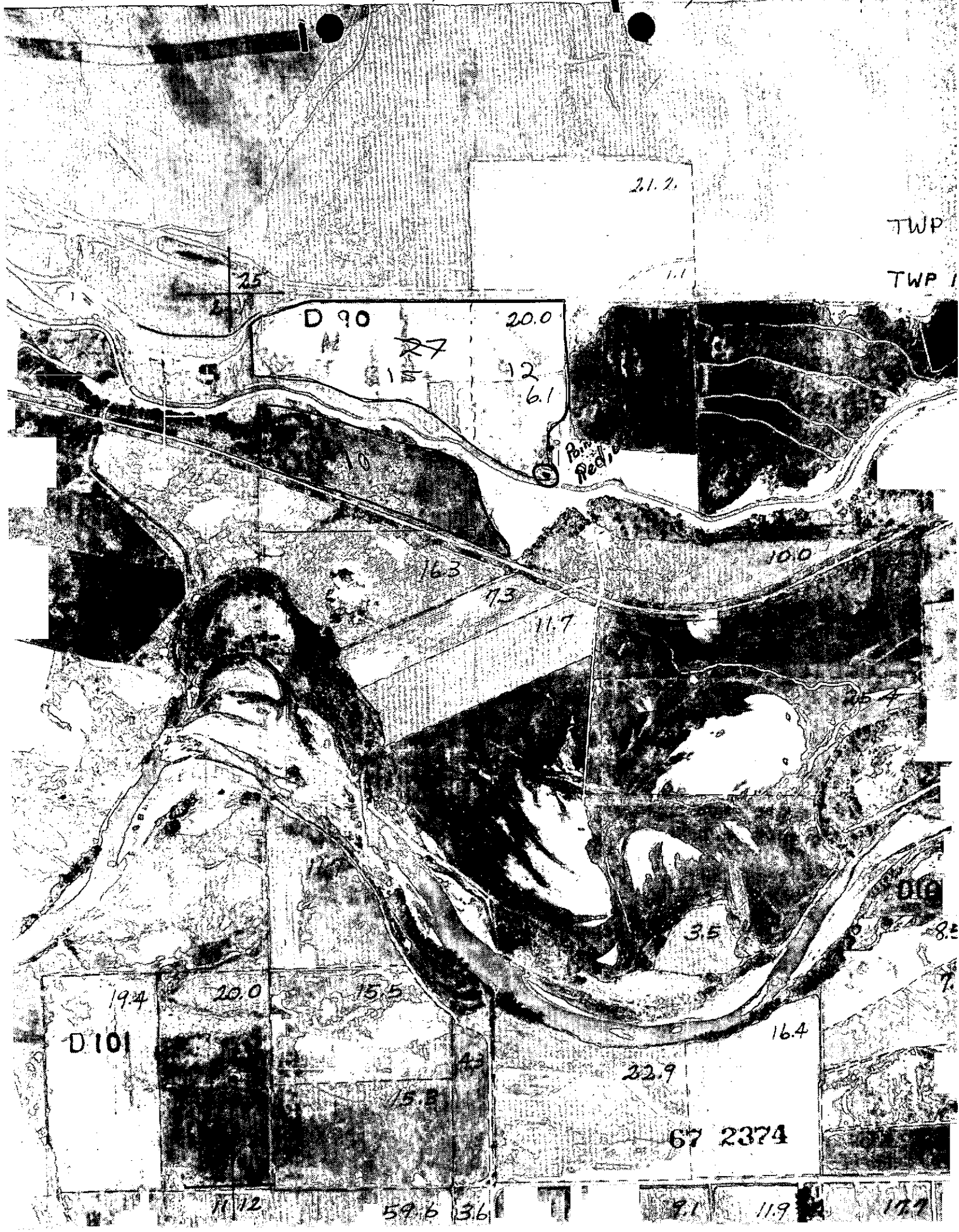
by:

by:

$$=b\dot{y}$$

by

Permit No. 67-2374



DATE OF EXAM 24 Aug 72

ACREAGE
Found 38
Recommended 38

Irrigation Requirement 2.5 Ac Ft/Ac

USE
Irrigation Q = .60 c.f.s. V = 171 AF/Ann. from Mar 15 to Nov 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: Webster River (Galloway Ditch)
twp. 11 N/S, Rge 4 E/W, B.M., Sec. 35, Sub. NE $\frac{1}{4}$ NE $\frac{1}{4}$ Wash
County

Exchange? yes _____ no X

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____
County

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____
County

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____
County

Total Q measured .60 cfs Method of measurement Pitot gauge

Total Q recommended .60 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 171 Ac Ft/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None

MEASUREMENT CALCULATION:

Q = 50 Rainbird 30 with $\frac{5}{32}$ " No2 @ 60 psi Avoir.
 $(50)(5.44)/450 = .60$ cfs

V = $(4.5)(38) = 171$ Ac Ft/Ann

A = 38

SYSTEM DESCRIPTION:

General Electric 25 HP 230/460 Volt 3330 RPM
Sec No L D 5117398 Rain Flow Pump, Centrifugal type
Serial 13675 4" Intake 3" Discharge to Sprinkler
System

REMARKS:

Point of diversion is correct as listed. Notes shown on
the map above. The point of diversion from the canal
is NE NW Sec 1 T10N R5W

Examiner's Signature James Baker Date 31 Aug 72

Checked by _____ Date _____

Approved by _____ Date _____

check other Permit for Milton Kerner
Weiser Irrigation District

67 2374

December 14, 1971

Re: Permit No. 33376/67-2374

Mr. Milton Kerner
Route # 2
Weiser, Idaho 83672

Dear Mr. Kerner:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system. If someone other than you should be contacted by the examiner, please advise.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

67 2374

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

☐ Show to whom, date and address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

23133

INSURED NO.

DATE DELIVERED

10-30-71

1

2

3

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Melton Kerner

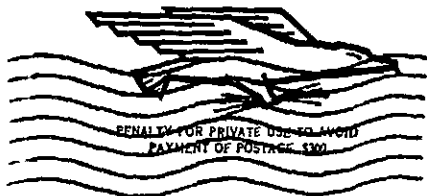
SHOW WHERE DELIVERED (*only if requested*)

-
-
-

-
-
-

67 2374

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**



POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.

**RETURN
TO**

67 2374

**DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707**

October 29, 1971

CERTIFIED MAIL

#23133

Re: Permit No. 33376/67-2374

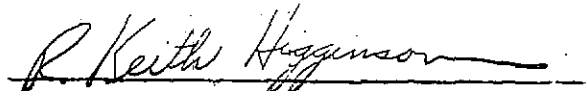
Milton Kerner
Route # 2
Weiser, Idaho 83672

Dear Mr. Kerner:

One of the conditions of approval of your water Permit No. 33376/67-2374 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before January 10, 1972. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.


R. KEITH HIGGINSON
Director

67 2374

Enc: Proof affidavit
dr

67 2374

January 21, 1971

Re: Permit No. 33376/67-2374

Mr. Milton Kerner
Route #2
Weiser, Idaho 83672

Dear Mr. Kerner:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Since proof of beneficial use of the water is not required until January 10, 1972, the Department will notify you sixty days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit you may submit proof any time prior to the above date.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

67 2374

January 11, 1971

Re: Permit No. 33376/67-2374

Mr. Milton Kerner
Route # 2
Weiser, Idaho 83672

Dear Mr. Kerner:

As of this date we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit. Proof of beneficial use is not required until January 10, 1972; however, many newspapers do not keep copies of these advertisements in their files. We, therefore, recommend that you obtain this affidavit from the Weiser Signal, Weiser, Idaho and submit it to the Department as soon as possible. This insures that when you are ready to submit proof of beneficial use there will be no unnecessary delay or added expense.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:CM

67 2374

November 18, 1970

Re: Permit No. 33376/67-2374

Mr. Milton Kerner
Route# 2
Weiser, Idaho 83672

Dear Mr. Kerner:

The legal notice for the above-referenced permit is being published in the

~~Weiser Signal, Weiser, Idaho~~ on ~~December 3,~~
and ~~December 10, 1970~~.

You will be required to submit an affidavit of publication to this department.
The affidavit may be obtained from the above-mentioned newspaper upon payment of
the bill of publication.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McElDowney
Appropriation Supervisor

DWM:CM

67 2374

November 18, 1970

Re: Permit No. 33376/67-2374

The Weiser Signal
Post Office Box # 709
Weiser, Idaho 83672

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact the Department of Water Administration immediately.

The expense of the publication is to be paid by Milton Kerner, Route # 2,
Weiser, Idaho, to whom you should furnish
an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:CM

Enc: Legal Notice

67 2374

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Milton Kerner, Route 2, Weiser, Idaho,

has received an approved Permit No.

33376/67-2374

Issued by the Idaho Department of Water Administration authorizing the diversion ~~storage~~ of 4.94 cubic feet per second ~~AKK/EEK~~ ~~AKK/AAKK~~ of water from the Weiser River, tributary to the Snake River.

The priority to be established under this permit is January 4, 1967

and the permit was approved January 10, 1967.

Water is to be diverted by ditch and pump

from a point within the NE¹/₄NE¹/₄ Sec. 35, T. 11N, R. 4W, B.M., Washington County,

to be used for irrigation

in the SW¹/₄NE¹/₄, NW¹/₄, NE¹/₄SW¹/₄, SE¹/₄SW¹/₄, W¹/₂SE¹/₄, Sec. 1, T. 10N, R. 5W, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before January 10, 1972. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration
STATEHOUSE, Boise, Idaho

Published in the Weiser Signal, Weiser, Idaho,

on December 3, and December 10, 1970

Permit No. 33376/67-2374

Director:

You are hereby authorized to have the above notice published at my expense in the Weiser Signal of Weiser, Idaho; published in the county in which the works are situated.

Milton Kerner
(Signature)

Route 2 #
(Address)

November 16, 1970
(Date)

Weiser Idaho

November 10, 1970

Re: Permit No. 33376 (New No. 67-2374)

Mr. Milton Kerner
Route 2
Weiser, Idaho 83672

Dear Mr. Kerner:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply them upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Order
Advertising package

67 2374

RECEIVED

MAY 9 1967

33376

REPORT OF WELL DRILLER State of Idaho

Department of Reclamation

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:

Name MILT KERNER
Address WEISER IDAHO

Owner's Permit No. 33376
NATURE OF WORK (check): Replacement well ☐
New well ☒ Deepened ☐ Abandoned ☐

Water is to be used for: Feed Lot

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒
Dug ☐ Other ☐

(explain)
CASING SCHEDULE: Threaded ☐ Welded ☒
12"Diam. from 41 ft. to 110 ft.
"Diam. from ft. to ft.
"Diam. from ft. to ft.
"Diam. from ft. to ft.
Thickness of casing: 1/4 Material:
Steel ☒ concrete ☐ wood ☐ other ☐

(explain)
PERFORATED? Yes ☒ No ☐ Type of
perforator used: STAR DRIVE DOWN

Size of perforations: 3/4" by 1"
1408 perforations from 43 ft. to 105 ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

WAS SCREEN INSTALLED? Yes ☐ No ☒

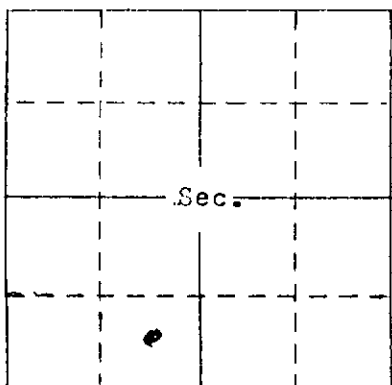
Manufacturer's name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

CONSTRUCTION: Well gravel packed? Yes ☐
No. ☒ size of gravel Gravel
placed from ft. to ft. Surface seal
provided? Yes ☒ No ☐ To what depth?
10 ft. Material used in seal: CLAY

Did any strata contain unusable water? Yes ☐
No. ☒ Type of water:
Depth of strata ft. Method of sealing
strata off:

Surface casing used? Yes ☐ No. ☐
Cemented in place? Yes ☐ No ☐

Locate well in section



LOCATION OF WELL: County
SE 1/4 SW 1/4 Sec. 36 T. 11 N. R. 5 W

Use other side for additional remarks

Size of drilled hole: 12 Total
depth of well: 190 Standing water
level below ground: 70 Temp.
Fahr. 60 ° Test delivery: 120 gpm
or cfs Pump? ☐ Bail ☐

Size of pump and motor used to make test:
8" 150 HP motor
Length of time of test: 7 Hrs. Min.
Drawdown: 80 ft. Artesian pressure: ft.
above land surface Give flow cfs
or gpm. Shutoff pressure:
Controlled by: Valve ☐ Cap ☐ Plug ☐
No control ☐ Does well leak around casing?
Yes ☐ No ☐

DEPTH		MATERIAL	WATER YES OR NO
FROM	TO		
FEET	FEET		
<u>0</u>	<u>7</u>	<u>SOIL SANDY</u>	
<u>7</u>	<u>70</u>	<u>SANDY CLAY</u>	
<u>70</u>	<u>120</u>	<u>SAND & GRAVEL</u>	<u>YES</u>
<u>120</u>	<u>105</u>	<u>GRAVEL MEDIUM</u>	<u>YES</u>
<u>105</u>	<u>155</u>	<u>CLAY BLUE</u>	<u>NO</u>
<u>155</u>	<u>165</u>	<u>SCARP STONE CAVING</u>	<u>NO</u>
<u>165</u>	<u>185</u>	<u>CLAY BLUE HARD</u>	<u>NO</u>
<u>185</u>	<u>190</u>	<u>SCARP STONE CAVING</u>	<u>NO</u>

Work started: 7-27-67
Work finished: 5-4-67
Well Driller's Statement: This well was
drilled under my supervision and this report
is true to the best of my knowledge.
Name: HOLLOWAY DRILLING CO
Address: ONTARIO OREGON
Signed by: Max Holloway
License No. 132 Date: 5-8-67

33376

January 10, 1967

Re: Permit No. 33376

Milton Kerner
Route #2
Weiser, Idaho

Dear Mr. Kerner:

We enclose Permit No. 33376 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 33576 which was issued covering payment in the amount of \$ 6.00 for the filing fee of the above mentioned permit.

Very truly yours,

Enc. permit, receipt
MRB:ejw

M. RUSSELL BOSCH
Office Manager.

33376