

No Color

Documents

In File

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A65-00034A**
Date Received: 12/13/1989
Receipt No: X999999
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BILBREY DITCH CO LTD
Address: C/O GAIL SPRINGER
2551 TOMS CABIN RD
EMMETT ID

83617

2. Date of Priority: APR 1, 1951

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	02W	11		NW	SW	5	GEM

5. Description of diverting works:
HEADGATE & CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.520		

7. Total Quantity Appropriated is:
0.520 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	02W	4	SE	SW		IRR	6.0
			SW	SE		IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	7.0
		8	SW	NE	IRR	15.0
			SE	NE	IRR	3.0
			SE	NW	IRR	33.0
			NE	SE	IRR	32.0
			NW	SE	IRR	37.0
					Section Acres	120.0
		9	SW	NE	2 IRR	33.0
			NE	NW	3 IRR	39.0
			SW	NW	IRR	21.0
			SE	NW	IRR	28.0
			NE	SW	IRR	30.0
			NW	SW	IRR	25.0
			SW	SW	IRR	39.0
			SE	SW	IRR	25.0
			NE	SE	5 IRR	23.0
			NW	SE	IRR	25.0
			SW	SE	IRR	24.0
			SE	SE	IRR	35.0
					Section Acres	347.0
		10	SW	SW	IRR	32.0
			SE	SW	IRR	1.0
					Section Acres	33.0
		15	NW	NW	IRR	38.0
					Section Acres	38.0
		16	NE	NE	IRR	8.0
			NW	NE	IRR	14.0
			NE	NW	IRR	38.0
			NW	NW	IRR	38.0
					Section Acres	98.0
		17	NE	NE	IRR	38.0
			NW	NE	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	78.0
					Total Acres	721.0

11. Place of use in counties: GEM

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE WITHIN LANDS OF BILBREY DITCH COMPANY.
SEE 65-00034X.

USE OF THIS RIGHT WITH RIGHT NO. 65-00034X IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 19.73 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 2523.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 721 ACRES IN A SINGLE IRRIGATION SEASON.

2.96 CFS OF RIGHT NO. 65-00034X IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 65-00034X.

FOR RIGHT NOS. 65-00034A & 65-00034X A DIVERSION RATE OF .034 CFS PER ACRE FOR 40 ACRES, .029 CFS PER ACRE FOR 230 ACRES & .02 CFS PER ACRE FOR 437 ACRES AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.

RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 20.01 CFS.

OTHER RIGHT NOS.: 65-00034X, 65-11320 & 65-11344.

CLAIM AMENDED PER STIPULATION FROM PRBA. RDH 3-29-96.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

12/16/2000

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

RIGHT NUMBER: 65-34A

NAME AND ADDRESS: BILBREY DITCH CO LTD
C/O GAIL SPRINGER
2551 TOMS CABIN RD
EMMETT, ID 83617

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.52 CFS

USE OF THIS RIGHT WITH RIGHT NO. 65-00034X IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 19.73 CFS.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
COMBINED DIVERSION RATE OF 20.01 CFS. COMBINED RIGHT NOS.: 65-
00034X, 65-11320 & 65-11344.

RIGHT NOS. 65-00034A & 65-00034X A DIVERSION RATE OF .034
CFS PER ACRE FOR 40 ACRES, .029 CFS PER ACRE FOR 230 ACRES &
.02 CFS PER ACRE FOR 437 ACRES AT THE FIELD HEADGATE IS
INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE
DESCRIBED ABOVE.

2.96 CFS OF RIGHT NO. 65-00034X IS LIMITED TO USE FOR
CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 65-00034X.

PRIORITY DATE: 04/01/1951

POINT OF DIVERSION: T06N R02W S11 LOT 5 NWSW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	0.52 CFS

PLACE OF USE:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 721 ACRES WHEN
COMBINED WITH ALL OTHER RIGHTS OF THE BILBREY DITCH COMPANY
LTD AND USED WITHIN THE PLACE OF USE DITCH COMPANY'S
BOUNDARIES IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BILBREY DITCH CO LTD C/O GAIL SPRINGER 2551 TOMS CABIN RD EMMETT ID 83617	04/01/1951	IRRIGATION	03-15 11-15	0.520 CFS	
TOTAL DIVERSION:					0.520 CFS	

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T06N R02W S11 Lot05(NWSW)

GEM County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				SUM
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
06N	02W	4	:									06				7.0
06N	02W	8	:											32	37	120.0
06N	02W	9	:			02-33	03			03-39	21	28		30	25	347.0
06N	02W	10	:											32	01	33.0
06N	02W	15	:							38						38.0
06N	02W	16	:	08	14					38	38					98.0
06N	02W	17	:	38	40											78.0
TOTAL ACRES																721.0

POU County: GEM

Remarks: GEN

PLACE OF USE WITHIN LANDS OF BILBREY DITCH COMPANY.

SEE 65-00034X.

USE OF THIS RIGHT WITH RIGHT NO. 65-00034X IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 19.73 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 2323.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 721 ACRES IN A SINGLE IRRIGATION SEASON.

2.96 CFS OF RIGHT NO. 65-00034X IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 65-00034X.

FOR RIGHT NOS. 65-00034A & 65-00034X A DIVERSION RATE OF .034 CFS PER ACRE FOR 40 ACRES, .029 CFS PER ACRE FOR 230 ACRES & .02 CFS PER ACRE FOR 437 ACRES AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.

RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 20.01 CFS. OTHER RIGHT NOS.: 65-00034X, 65-11320 & 65-11344.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

C18

DELETE POU

COVERED BY POU-1 RMR

ADD POU-2 Remark: KOL

use of this right with the rights listed below is limited to the irrigation of a combined total of 721 ACRES within the boundaries of the in a single irrigation season. Combined Right NOS:

FOU QNT

E28

QNT

FOU QNT

P/D Downstream not needed

SCANNED
JUL 29 2003

AJ0749NP
No. R65-00034A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 03/29/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BILBREY DITCH CO LTD C/O GAIL SPRINGER 2551 TOMS CABIN RD EMMETT ID 83617	04/01/1951	IRRIGATION	03-15 11-15	0.52 CFS	
TOTAL DIVERSION:					0.52 CFS	

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T06N R02W S11 Lot05(NWSW)

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
06N	02W	4	:													06			01	:	7.0	
06N	02W	8	:			15		03									32	37		:	120.0	
06N	02W	9	:			02-33			03-39		21	28		30	25	39	25	05-23	25	24	35	347.0
06N	02W	10	:													32	01			:	33.0	
06N	02W	15	:							38										:	38.0	
06N	02W	16	:	08	14				38	38										:	98.0	
06N	02W	17	:	38	40															:	78.0	
TOTAL ACRES																				721.0		

POU County: GEM

Remarks: GEN

PLACE OF USE WITHIN LANDS OF BILBREY DITCH COMPANY.
SEE 65-00034X.

USE OF THIS RIGHT WITH RIGHT NO. 65-00034X IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 19.73 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 2523.5 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 721 ACRES IN A SINGLE IRRIGATION SEASON.

2.96 CFS OF RIGHT NO. 65-00034X IS LIMITED TO USE FOR
CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 65-00034X.

FOR RIGHT NOS. 65-00034A & 65-00034X A DIVERSION RATE OF .034
CFS PER ACRE FOR 40 ACRES, .029 CFS PER ACRE FOR 230 ACRES &
.02 CFS PER ACRE FOR 437 ACRES AT THE FIELD HEADGATE IS
INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED
ABOVE.

RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF
DIVERSION OF THESE RIGHTS IS LIMITED TO 20.01 CFS.
OTHER RIGHT NOS.: 65-00034X, 65-11320 & 65-11344.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

JUL 29 2003

SCANNED

MICROFILMED
OCT 18 1996

AJ0749NP
No. R65-00034A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 03/29/96
PAGE: 2

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Comments: Date: 08/21/1992 User-ID: SHAFF Subject: COPIED FROM REMARKS
PLACE OF USE WITHIN LANDS OF BILBREY DITCH COMPANY.
SEE 65-0034X.
AC. IRR. = 22 FOR THIS RT.

Date: 03/29/1996 User-ID: RHOWERTO Subject: STIPULATION
THIS RECORD REFLECTS THE PRBA STIPULATION, NO ADDITIONAL FIELD
EXAM OR CVR REQ'D.

Audit: 03/29/96 RHOWERTO

SCANNED
JUL 29 2003

MICROFILMED
OCT 18 1996

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: PAYETTE RIVER		TRIBUTARY: SNAKE RIVER				
65-00034A	BILBREY DITCH CO. LTD. C/O GAIL SPRINGER 2551 TOMS CABIN RD. EMMETT ID 83617	04/01/1951	IRRIGATION	03-15 11-15	.52 CFS	BENEFICIAL USE
TOTAL QUANTITY:					.52 CFS	
POINT OF DIVERSION: T06N R02W S11 LOT 5 (NWSW) REMARKS: PLACE OF USE WITHIN LANDS OF BILBREY DITCH COMPANY. SEE 65-00034X. USE OF THIS RIGHT WITH RIGHT NO. 65-00034X IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 19.73 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 2523.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 721 ACRES IN A SINGLE IRRIGATION SEASON. 2.96 CFS OF RIGHT NO. 65-00034X IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 65-00034X. FOR RIGHT NOS. 65-00034A & 65-00034X A DIVERSION RATE OF .034 CFS PER ACRE FOR 40 ACRES, .029 CFS PER ACRE FOR 230 ACRES & .02 CFS PER ACRE FOR 437 ACRES AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE. RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 20.01 CFS. OTHER RIGHT NOS.: 65-00034X, 65-11320 & 65-11344.						

SCANNED
JUL 29 2003

MICROFILMED
OCT 18 1996

MEMORANDUM

April 6, 1995

TO: Any PRBA Claim with a Stipulation
FROM: RON HOWERTON

RE: RECOMMENDATIONS/STIPULATION

I. CONVERSATION WITH DON SHAFF:

1. Met with Don 4/5/95 at S.O. on how to proceed with "R" file recommendations.
2. Don re-confirmed that the stipulation amends the "A" claim, thus for the split ownership of this right both the "A" and "R" files can be completed.
3. He said that because of the stipulation no field exam is needed, nor do I need to print a CVR. In place of the CVR I'm to print out a profile report with comments pertaining to the stipulation.
4. I asked him if the copy of the stipulation he gave me had enough signatures on it to make the recommendation? He said yes.

II. CONVERSATION WITH JEFF PEPPERSACK

1. Met with Jeff 4/5/95 at S.O. asked if he had any paperwork pertaining to how much water was recommended for this right. He said that he thought Dan Steckel had all of it.

III. CONVERSATION WITH DAN STECKEL

1. Called Dan at S.O. 4/6/95 asked if he had the paperwork that showed how much water was to be recommended for this right. He said Don had it in his Boyd Jackson's file.

IV. CONVERSATION WITH DON SHAFF

1. Called Don at S.O. 4/6/95 asked him if he had the paperwork for the amount of water recommended? He said yes he did. He said that eventually that file would come over to Western. I asked if I needed to put the paperwork showing how much water was to be recommended in that file? He said yes, but it may be several months before he would send that file to us. So I asked was it necessary for me to have it to make the "R" file recommendation? He said no, proceed with the recommendations.

May 23, 1995

SPRING MEETING WITH DAVE SHAW & HIS ATTORNEYS:
Ref: OWNERSHIP CHANGES

1. Dan Steckel said that after an ownership change has been made, he needs a copy of the Ownership Change when completed. He doesn't need a copy of the claim.
2. During our conversation with Dave Shaw and Don Shaff, the Attorney's were in agreement that the stipulation's we have copies of now can be used to amend the "A" claim the same way as a Transfer would.
3. A recently licensed permit can also be used to amend the claim with an ownership change with an added requirement. A letter must accompany the ownership changed claim, stating that the claimed permit was licensed since this claim was filed, the claim has been revised to correspond to the licensing. If they have any difficulty with this clarification, they need to contact our office within 30 days of the letter. (The "A" claim is given a "T" status for the 30 day period.

SCANNED

JUL 29 2003

MICROFILMED

OCT 18 1996

LARRY ECHOHAWK
Attorney General

DANIEL L. STECKEL
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720-9000
(208) 327-7900

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	
DETERMINATION OF THE RIGHT	)	CIVIL NO. 3667
TO THE USE OF SURFACE AND	)	
GROUNDWATERS OF THE PAYETTE	)	STIPULATION RESOLVING
RIVER DRAINAGE BASIN	)	OBJECTIONS TO WATER
	)	RIGHT NOS. 65-00034X,
	)	65-00034A

The Director of the Idaho Department of Water Resources, R. Keith Higginson, by and through counsel, and Bilbrey Ditch Co. Ltd. stipulate as follows:

1. That water right claim Nos. 65-00034X, 65-00034A, be accepted and included in the Proposed Finding of Water Rights in the Payette River Drainage as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

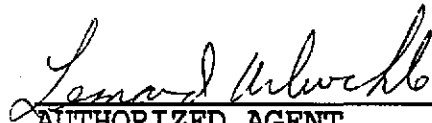
2. That Bilbrey Ditch Co. Ltd. withdraws all pending objections, including those based on the objection filed by Richard Frasier, William Conrad, Don Craig, Jay Sisler and Stan Brown in July 1982, in the above captioned matter.

DATED this _____ day of _____, 1993.

LARRY ECHOHAWK
Attorney General

DANIEL L STECKEL
Deputy Attorney General
Department of Water Resources

DATED THIS _____ day of _____, 1993.



AUTHORIZED AGENT
BILBREY DITCH CO. LTD.

The above stipulation having come before the court, it is
hereby approved this _____ day of _____, 1993.

JAMES R. DOOLITTLE
District Judge

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: PAYETTE RIVER		TRIBUTARY: SNAKE RIVER				
65-00034A	BILBREY DITCH CO. LTD. C/O GAIL SPRINGER 2551 TOMS CABIN RD. EMMETT ID 83617	04/01/1951	IRRIGATION	03-15 11-15	.52 CFS	BENEFICIAL USE
TOTAL QUANTITY:					.52 CFS	

POINT OF DIVERSION:

T06N R02W S11 LOT 5 (NWSW)

REMARKS: PLACE OF USE WITHIN LANDS OF BILBREY DITCH COMPANY.

SEE 65-00034X.

USE OF THIS RIGHT WITH RIGHT NO. 65-00034X IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 19.73 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 2523.5 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 721 ACRES IN A SINGLE IRRIGATION SEASON.

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FOR RIGHT NOS. 65-00034A & 65-00034X A DIVERSION RATE OF .034
CFS PER ACRE FOR 40 ACRES, .029 CFS PER ACRE FOR 230 ACRES &
.02 CFS PER ACRE FOR 437 ACRES AT THE FIELD HEADGATE IS
INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED
ABOVE.

RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF
DIVERSION OF THESE RIGHTS IS LIMITED TO 20.01 CFS.

OTHER RIGHT NOS.: 65-00034X, 65-11320 & 65-11344.

SCANNED
JUL 29 2003

RECEIVED

OCT 3 1979

Filed

Sept. 27, 1979

1st Melma R. Ketchum, Clerk
1st Deline Bacon, Deputy

DAVID H. LEROY
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 384-2400

Department of Water Resources

W. HUGH O'RIORDAN
Deputy Attorney General
Chief, Natural Resources Division

JOSEPHINE P. BEEMAN
Deputy Attorney General
Natural Resources Division
Telephone: (208) 384-2215

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR
THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL)	CIVIL NO. 3667
DETERMINATION OF THE RIGHT)	
TO THE USE OF SURFACE AND)	ORDER CORRECTING CLERICAL
GROUNDWATERS OF THE PAYETTE)	OVERSIGHTS IN PROPOSED
RIVER DRAINAGE BASIN.)	FINDING OF WATER RIGHTS

The motion of the Department of Water Resources for an order correcting certain clerical oversights in the proposed finding of water rights having come before the court for hearing, and the court being fully advised in the premises,

IT IS HEREBY ORDERED that the proposed finding of water rights be amended in conformance with Exhibit A which is attached hereto and incorporated herein by reference, provided that Orville Jackson and Floy L. Jackson do not file with the court by or before October 5, 1979, a notice of hearing of the objection filed by them to Water Resources' motion. The objection filed by the Jacksons shall be withdrawn if such notice is not filed by or before October 5, 1979. If the Jacksons file a notice of hearing by or before October 5, 1979, this present order amends the proposed finding of water rights in conformance with Exhibit A except for certain material appearing at page 11 of Exhibit A where clerical amendments are listed for rights

ORDER CORRECTING CLERICAL OVERSIGHTS - 1

SCANNED

JUL 24 2003

1 held by Orville Jackson and Floy L. Jackson.

2 DATED This 20th day of September, 1979.

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1st Gilbert C. Norris
Gilbert C. Norris
District Judge

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Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone (208) 384-2400

ORDER CORRECTING CLERICAL OVERSIGHTS - 2

SCANNED

JUL 29 2003

LARRY ECHOHAWK
Attorney General

DANIEL L. STECKEL
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720-9000
(208) 327-7900

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	
DETERMINATION OF THE RIGHT	)	CIVIL NO. 3667
TO THE USE OF SURFACE AND	)	
GROUNDWATERS OF THE PAYETTE	)	STIPULATION RESOLVING
RIVER DRAINAGE BASIN	)	OBJECTIONS TO WATER
	)	RIGHT NOS. 65-00034X,
	)	65-00034A

The Director of the Idaho Department of Water Resources, R. Keith Higginson, by and through counsel, and Bilbrey Ditch Co. Ltd. stipulate as follows:

1. That water right claim Nos. 65-00034X, 65-00034A, be accepted and included in the Proposed Finding of Water Rights in the Payette River Drainage as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

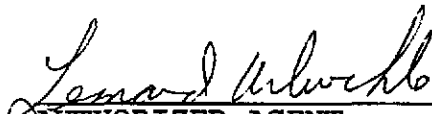
2. That Bilbrey Ditch Co. Ltd. withdraws all pending objections, including those based on the objection filed by Richard Frasier, William Conrad, Don Craig, Jay Sisler and Stan Brown in July 1982, in the above captioned matter.

DATED this _____ day of _____, 1993.

LARRY ECHOHAWK
Attorney General

DANIEL L STECKEL
Deputy Attorney General
Department of Water Resources

DATED THIS _____ day of _____, 1993.



AUTHORIZED AGENT
BILBREY DITCH CO. LTD.

The above stipulation having come before the court, it is
hereby approved this _____ day of _____, 1993.

JAMES R. DOOLITTLE
District Judge

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: PAYETTE RIVER		TRIBUTARY: SNAKE RIVER				
65-00034X	BILBREY DITCH CO. LTD. C/O GAIL SPRINGER 2551 TOMS CABIN RD. EMMETT ID 83617	02/05/1894	IRRIGATION	03-15 11-15	19.21	CFS BENEFICIAL USE
TOTAL QUANTITY:					19.21	CFS
POINT OF DIVERSION: T06N R02W S11 LOT 5 (NWSW)						
PLACE OF USE: IRRIGATION						
	T06N R02W S04	SESW 6.0	SWSE 1.0			
	S08	SWNE 15.0	SENE 3.0	SENW 33.0	NESE 32.0	
		NWSE 37.0				
	S09 Lot 2	(SWNE)33.0	Lot 3 (NENW)39.0	SWNW 21.0	SENW 28.0	
		NESW 30.0	NWSW 25.0	SWSW 39.0	SESW 25.0	
	Lot 5	(NESE)23.0	NWSE 25.0	SWSE 24.0	SESE 35.0	
	S10	SWSW 32.0	SESW 1.0			
	S15	NWNW 38.0				
	S16	NENE 8.0	NWNE 14.0	NENW 38.0	NWNW 38.0	
	S17	NENE 38.0	NWNE 40.0			
721.0 ACRES TOTAL						
REMARKS: USE OF THIS RIGHT WITH RIGHT NO. 65-00034A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 19.73 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 2523.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 721 ACRES IN A SINGLE IRRIGATION SEASON. 2.96 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT. FOR RIGHT NOS. 65-00034A & 65-00034X A DIVERSION RATE OF .034 CFS PER ACRE FOR 40 ACRES, .029 CFS PER ACRE FOR 230 ACRES & .02 CFS PER ACRE FOR 437 ACRES AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE. RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 20.01 CFS. OTHER RIGHT NOS.: 65-00034A, 65-11320 & 65-11344.						

SCANNED
JUL 29 2003

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: PAYETTE RIVER		TRIBUTARY: SNAKE RIVER				
65-00034A	BILBREY DITCH CO. LTD. C/O GAIL SPRINGER 2551 TOMS CABIN RD. EMMETT ID 83617	04/01/1951	IRRIGATION	03-15 11-15	.52 CFS	BENEFICIAL USE
TOTAL QUANTITY:					.52 CFS	
POINT OF DIVERSION: T06N R02W S11 LOT 5 (NWSW)						
REMARKS: PLACE OF USE WITHIN LANDS OF BILBREY DITCH COMPANY. SEE 65-00034X. USE OF THIS RIGHT WITH RIGHT NO. 65-00034X IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 19.73 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 2523.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 721 ACRES IN A SINGLE IRRIGATION SEASON. 2.96 CFS OF RIGHT NO. 65-00034X IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 65-00034X. FOR RIGHT NOS. 65-00034A & 65-00034X A DIVERSION RATE OF .034 CFS PER ACRE FOR 40 ACRES, .029 CFS PER ACRE FOR 230 ACRES & .02 CFS PER ACRE FOR 437 ACRES AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE. RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 20.01 CFS. OTHER RIGHT NOS.: 65-00034X, 65-11320 & 65-11344.						

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BILBREY DITCH CO. LTD. C/O GAIL SPRINGER 2551 TOMS CABIN RD. EMMETT ID 83617	04/01/1951	IRRIGATION	03-15 11-15	0.52 CFS	
TOTAL DIVERSION:					0.52 CFS	

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T06N R02W S11 Lot05(NWSW)

GEM County

POU County:

Remarks:

PLACE OF USE WITHIN LANDS OF BILBREY DITCH COMPANY.
SEE 65-00034X.

USE OF THIS RIGHT WITH RIGHT NO. 65-00034X IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 19.73 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 2523.5 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 721 ACRES IN A SINGLE IRRIGATION SEASON.

2.96 CFS OF RIGHT NO. 65-00034X IS LIMITED TO USE FOR
CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 65-00034X.

FOR RIGHT NOS. 65-00034A & 65-00034X A DIVERSION RATE OF .034
CFS PER ACRE FOR 40 ACRES, .029 CFS PER ACRE FOR 230 ACRES &
.02 CFS PER ACRE FOR 437 ACRES AT THE FIELD HEADGATE IS
INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED
ABOVE.

RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF
DIVERSION OF THESE RIGHTS IS LIMITED TO 20.01 CFS.
OTHER RIGHT NOS.: 65-00034X, 65-11320 & 65-11344.

Dates:

Exam Made Date:

Verified Date:

Misc:

Water District Number: 65

Field Inspection Flag:
Presumption Flag:

SCANNED
JUL 29 2003



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

April 29, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Gail Springer
Bilbrey Ditch Company Ltd.
2551 Toms Cabin Road
Emmett, Idaho 83617

Re: Civil Case No. 3667 - Frasier, et al Objection 65-00034A

Dear Payette River Water User,

In July 1982, Richard Frasier, William Conrad, Don Craig, Jay Sisler and Stan Brown on behalf of themselves and others in the same class filed an Objection to the Findings with the Third Judicial District Court in the Payette River Basin Adjudication. The parties maintained the diversion rate recommended for their water rights and others from the Payette River were not correct for the "bottom lands" irrigated by those water rights.

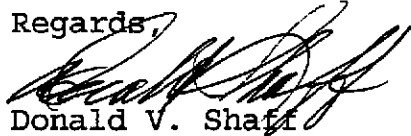
This group of water rights are among the last water rights remaining for decree in the Payette River Basin Adjudication. Most of the water rights were decreed on January 21, 1986 and in subsequent partial decrees.

Your water right referenced above was listed in the Proposed Finding with a diversion rate of 0.51 cubic feet per second (cfs). Having reviewed the data submitted by the parties and data and evidence obtained by the Department, the Department recommends a diversion rate of 0.52 cfs. If the amount of water is not proposed to change, data and/or evidence indicated a change was not justified.

The Department has made an effort to determine a fair and accurate diversion rate for each of the parties. If you disagree with the proposal above, please contact us by May 15, 1992. We hope to resolve any disputes that may exist before going to the court asking for a decree of your water right through a Motion for Summary Judgment.

A summary judgment allows the judge to make a decision without the time or expense of a trial when the facts are not disputed. Notice of this motion and the accompanying hearing will be provided to you 28 days before the hearing.

Regards,


Donald V. Shaff
Manager, Adjudication Section

SCANNED

JUL 29 2003

DIVERSION RATE CALCULATIONS

Water Right No. 65-00034A

Date 4/14/92

Initials JP

Soils	Acres		Rate (cfs/ac)		Rate (cfs)
Moulton	<u> </u>	x	0.034	=	<u> </u>
Letha	<u> </u>	x	0.029	=	<u> </u>
Other	<u> </u>	x	0.02	=	<u> </u>
Total	<u> </u>				<u> </u>

Conveyance Loss (see attached) =

TOTAL DIVERSION RATE = 0.52

Comments:

see file for 65-00034X

SCANNED

JUL 29 2003



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

May 15, 1991

Gail Springer
Bilbrey Ditch Company Ltd.
2551 Toms Cabin Road
Emmett, ID 83617

Re: Civil Case No. 3667
Frasier, et al Objection 65-00034A

Dear Payette River Water User,

In July 1982, Richard Frasier, William Conrad, Don Craig, Jay Sisler and Stan Brown on behalf of themselves and others in the same class filed an Objection to the Proposed Findings with the Third Judicial District Court in the Payette River Basin Adjudication. The parties maintained the diversion rate recommended for their water rights and others from the Payette River were not correct for the "bottom lands" irrigated by those water rights.

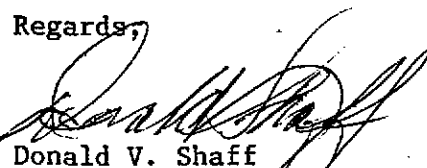
This group of water rights are among the last water rights remaining for decree in the Payette River Basin Adjudication, most of which were decreed on January 21, 1986. The water rights decreed in the Payette adjudication will be incorporated into the eventual decree in the larger Snake River Basin Adjudication (SRBA) now proceeding in the Fifth Judicial District, provided new claims have been filed in the SRBA. Otherwise the achievement of a decree in the Payette adjudication could be voided.

Your water right referenced above was listed in the Proposed Finding with a diversion rate of .51 cubic feet per second (cfs). You will find enclosed a two-page form that when completed by you will describe your water delivery system and irrigation methods. The information you supply is essential in order for the staff of the Department to evaluate your irrigation water requirements. Much of the information required is technical, and you may wish to contact the Soil Conservation Service or other professionals for assistance with the form.

To expedite the process to resolve the Frasier objection, please return the enclosed form within 45 days. Without the completed form, the Department will assume you agree with the water right described in the Proposed Finding with the diversion rate shown above.

Please contact me if you have questions about the matters set out above.
Thank you for your patience in this process.

Regards,


Donald V. Shaff
Manager, Adjudication Section

SCANNED

JUL 29 2003

INDICATES TOTAL

SOURCE: PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-0034A VOL. II P. 272	BILBREY DITCH COMPANY, LTD. C/O MARILYN MAGNUSON, 5211 HIGHWAY 52, EMMETT, IDAHO 83617 REMARKS: PLACE OF USE WITHIN LANDS OF BILBREY DITCH COMPANY. SEE 65-0034X.	4/ 1/1951	IRRIGATION	3/15 11/15	--- AFA .51 CFS	LOT 5 S11 T 6N R 2W	*22*	<u>LICENSE</u> <u>BENEFICIAL</u> <u>USE</u>

INDICATES TOTAL

SOURCE: GROUNDWATER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-9560 VOL. III P. 710	BOYDSTUN, NEAL & BOYDSTUN, PEARL N. BOX 742, MC CALL, IDAHO 83638 REMARKS: LOT 3, BLOCK A, JASPER SUBDIVISION.	8/11/1976	DOMESTIC	1/-1-12/31	1-20-AFA -04-CFS	LOT-1-S-8 T18N-R-3E	LOT-1 S-8-T18N-R-3E	<u>BENEFICIAL</u> <u>USE</u>

CLAIMS SUBMITTED:

RECOMMENDED TO BE DISALLOWED

RIGHT NUMBER	NAME AND ADDRESS	REASON FOR DISALLOWAL
65-9560	BOYDSTUN, NEAL & BOYDSTUN, PEARL N. BOX 742, MC CALL, IDAHO 83638	<u>NO BENEFICIAL USE</u> <u>FOUND-USE FORFEITED</u> <u>OR ABANDONED.</u>

EXHIBIT A PAGE 3 OF 22

MOTION TO CORRECT CLERICAL ERRORS

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF

PAYETTE RIVER

DRAINAGE BASIN.

NOTICE OF CLAIM TO A WATER RIGHT

65-0034A	
I.D. No.	Map No.
\$	
Fee Paid	Receipt No.

Notice is hereby given that BILBREY DITCH COMPANY, LTD. c/o Marilyn Magnuson
(Name of Claimant)

~~5211 Highway 52, Emmett, Id 83617~~

WELL, LU
(Mailing Address)

(Zip Code)

Telephone No. _____

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 4/1/1951

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Bayette River tributary to _____

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Quantity .51 Use Irrigation Period of Use From 3/15 To 11/15
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

- Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

- Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

- Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

- (4) .51 TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

- (5) A) Point of Diversion: Give location of point where water is diverted from its source NW 1/4 SW 1/4
 Sec. 11 Twp. 6N Rge. 2W B.M., Gem County

Additional Points:

- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.**

~~Bilbrey~~ Bilbrey Canal

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
6N	2W	16	8	14															22
<i>Appears in 65-0034X hand list</i>																			

Total no. of acres 22

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization: _____

- (8) Remarks This right was originally included as a part of 65-0034. No signature
necessary DVS 3/14/79. Place of use are lands irrigated by Billbrey Ditch Co. See 65-0034X.

- (9) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case.

- ☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. _____

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

(Signature of Claimant)

(Signature of Spouse)

Organization

(Signature of Authorized Agent)

State of _____

Organization

County of _____

Seal

On this _____ day of _____, in the year _____ before me
a notary public, personally appeared _____

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or) executed the same.

My commission expires

Notary Public residing at

Notary Public residing at K.P. & 3/14/79

NITEL OF CLAIM TO A

WATER RIGHT

63-5034A	Map No.
U.S. I.D. No.	Receipt No.
\$	Fee Paid

5321 Highway 52, Emmett, Id. 83617

• ୦୫୮୩୭୧୨୬୯୪୩୩

4/7/1957

Bayette River tributary to

Quantity .51 Use (CFS, GPD, AFV)

Quantity	Use
1	✓

Quantity	Use
----------	-----

Quantity	Use
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
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12	12
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96	96
97	97
98	98
99	99
100	100

(CFS, GPD, AF)

Sec. 11 - Twp.

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities, be as specific as possible. Describe any changes in the system and give the date of the change.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

If you are claiming water as a member of an organization, list name of organization:

Remarks	Authority, including Organization
This right was originally included as a part of 65-0034. No signature necessary DWS 3/14/79. Place of use are lands irrigated by Hilbreit Ditch Co. See	

Basis of claim (Check one)

☒ A) Right based on diversion and beneficial use.

☐ B) Right decreed by court, cite title of case.

☐ **C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources' Give No:**

be it shown that the undersigned, after being duly sworn on oath, deposes(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Signature of Claimant

Signature of Spouse

Organization

SCIENTISTS AT THE FRONTIERS

in the year

01 WATER RIGHT NUMBER - 65-0034A 02 OLD (D) NUMBER -

LAST NAME
03001 - BILBREY DITCH COMPANY, LTD.FIRST NAME
04001 - 05001 - C

06 ADD LINE 1 - C/O MARILYN MAGNUSON

07 ADD LINE 2 - 5211 HIGHWAY 52

08 ADD LINE 3 -

09 CITY - EMMETT

10 STATE - ID

11 ZIP - 83617

12 STAGE - D DECREE

13 STATUS -

SOURCE
14001 - PAYETTE RIVERTRIBUTARY OF
15001 - SNAKE RIVER

16 DIVERSION MEANS - HEADGATE & CANAL.

17 COUNTY - 45 GEM

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .510

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT - 65

----- DIVERSION POINTS -----												
TRACT	SEC	TWN	RNG	LOT	RFLG	STREAM	INDEX	FIELD	S			
22001 -	23001 - 11	24001 - 06N	25001 - 02W	26001 - 05	27001 -							
			28001 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0.0

29 NON-IRRIGATION USE -

----- PLACE OF USE -----						
USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 -	31001 -	32001 -	33001 -	34001 -	35001 -	36001 -
						TOTAL ACRES: 0

----- WATER USE -----				
PERIOD FROM	PERIOD TO	USE CODE / USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0315	38001 - 1115	39001 - 01 IRRIGATION	40001 - 0.510	41001 - 0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS
44001 - PLACE OF USE WITHIN LANDS OF BILBREY DITCH COMPANY.
44002 - SEE 65-0034X.
44003 - AC. IRR. = 22 FOR THIS RT.

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

----- D A T E S -----			----- D A T E S -----			----- F L A G S -----		
47 PRIORITY	-	1-APR-1951	55 LICENSE	-		63 TRANSFER/AMENDED	-	
48 PROOF DUE	-		56 APPL RECEIVED	-		64 DLE/CAREY ACT	-	
49 PROOF MADE	-		57 FIELD EXAM MADE	-		65 FLAG_1	-	
50 APPROVE/DENIED	-		58 DECREE	-		66 FLAG_2	-	
51 PROTESTED	-		59 START WORK	-		67 FLAG_3	-	
52 HEARING	-		60 ORDER SHOW CAUSE	-				

WRR100
65-0034A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

JUL 29 2003

SCANNED

PAGE 2
12-MAR-1986 21:02:05

----- D A T E S ----- D A T E S ----- F L A G S -----

53 VERIFIED -
54 LAST UPDATE - 12-MAR-1986

61 DATE_1 -
62 DATE_2 -

*Verified
3/14/86*

LARRY ECHOHAWK
Attorney General

DANIEL L. STECKEL
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720-9000
(208) 327-7900

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	
DETERMINATION OF THE RIGHT	)	CIVIL NO. 3667
TO THE USE OF SURFACE AND	)	
GROUNDWATERS OF THE PAYETTE	)	STIPULATION RESOLVING
RIVER DRAINAGE BASIN	)	OBJECTIONS TO WATER
	)	RIGHT NOS. 65-00034X,
	)	65-00034A

The Director of the Idaho Department of Water Resources, R. Keith Higginson, by and through counsel, and Bilbrey Ditch Co. Ltd. stipulate as follows:

1. That water right claim Nos. 65-00034X, 65-00034A, be accepted and included in the Proposed Finding of Water Rights in the Payette River Drainage as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

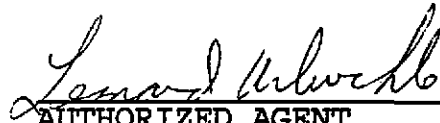
2. That Bilbrey Ditch Co. Ltd. withdraws all pending objections, including those based on the objection filed by Richard Frasier, William Conrad, Don Craig, Jay Sisler and Stan Brown in July 1982, in the above captioned matter.

DATED this _____ day of _____, 1993.

LARRY ECHOHAWK
Attorney General

DANIEL L. STECKEL
Deputy Attorney General
Department of Water Resources

DATED THIS _____ day of _____, 1993.



AUTHORIZED AGENT
BILBREY DITCH CO. LTD.

The above stipulation having come before the court, it is
hereby approved this _____ day of _____, 1993.

JAMES R. DOOLITTLE
District Judge

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A65-00034A
Date Received: 12/13/1989
Receipt No: X999999
Received By: _____

*CORRECTED signed
Copy 1-15-90 JFW*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BILBREY DITCH CO. LTD.
Address: C/O GAIL SPRINGER
2551 TOMS CABIN RD.
EMMETT, ID

83617

2. Date of Priority: APR 01, 1951

3. Source: PAYETTE RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06N	02W	11		5	GEM

5. Description of diverting works:
HEADGATE & CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.510		

7. Total Quantity Appropriated is:
0.510 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	02W	4	SE	SW	IRR	6.0
			SW	SE	IRR	1.0
Section Acres						7.0

A65-00034A

Page

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Date: 01/15/90

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JUL 29 2003

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres		
06N	02W	8	SW	NE		IRR	15.0		
			SE	NE		IRR	3.0		
			SE	NW		IRR	33.0		
			NE	SE		IRR	32.0		
			NW	SE		IRR	37.0		
			Section Acres						120.0
9			SW	NE	2	IRR	33.0		
			NE	NW	3	IRR	39.0		
			SW	NW		IRR	21.0		
			SE	NW		IRR	28.0		
			NE	SW		IRR	30.0		
			NW	SW		IRR	25.0		
			SW	SW		IRR	39.0		
			SE	SW		IRR	25.0		
			NE	SE	5	IRR	23.0		
			NW	SE		IRR	25.0		
			SW	SE		IRR	24.0		
			SE	SE		IRR	35.0		
			Section Acres						347.0
			10			SW	SW		IRR
SE	SW					IRR	1.0		
Section Acres						33.0			
15			NW	NW		IRR	38.0		
Section Acres						38.0			
16			NE	NE		IRR	8.0		
			NW	NE		IRR	14.0		
			NE	NW		IRR	38.0		
			NW	NW		IRR	38.0		
Section Acres						98.0			
17			NE	NE		IRR	38.0		
			NW	NE		IRR	40.0		
Section Acres						78.0			
Total Acres						721.0			

11. Place of use in counties: GEM

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE WITHIN LANDS OF BILBREY DITCH COMPANY.
SEE 65-0034X.
AC. IRR. = 22 FOR THIS RT.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Bilbrey Ditch Co. Ltd. Date: 1-15-90
Steve C. Sprangi Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A65-00034A
Date Received: 12/13/1989
Receipt No: X999999
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BILBREY DITCH CO. LTD.
Address: C/O GAIL SPRINGER
2551 TOMS CABIN RD.
EMMETT, ID

83617

2. Date of Priority: APR 01, 1951

3. Source: PAYETTE RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06N	02W	11		5	GEM

5. Description of diverting works:
HEADGATE & CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.510		

7. Total Quantity Appropriated is:
0.510 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	02W	4	SE	SW	IRR	6.0
			SW	SE	IRR	1.0

Section Acres 7.0

A65-00034A

Page

1

Date: 01/05/90

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JUL 29 2003

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	02W	8	SW		NE		IRR	15.0
			SE		NE		IRR	3.0
			SE		NW		IRR	33.0
			NE		SE		IRR	32.0
			NW		SE		IRR	37.0

Section Acres 120.0

9	SW	NE	2	IRR	33.0
	NE	NW	3	IRR	39.0
	SW	NW		IRR	21.0
	SE	NW		IRR	28.0
	NE	SW		IRR	30.0
	NW	SW		IRR	25.0
	SW	SW		IRR	39.0
	SE	SW		IRR	25.0
	NE	SE	5	IRR	23.0
	NW	SE		IRR	25.0
	SW	SE		IRR	24.0
	SE	SE		IRR	35.0

Section Acres 347.0

10	SW	SW		IRR	32.0
	SE	SW		IRR	1.0

Section Acres 33.0

15	NW	NW		IRR	38.0
----	----	----	--	-----	------

Section Acres 38.0

16	NE	NE		IRR	8.0
	NW	NE		IRR	14.0
	NE	NW		IRR	38.0
	NW	NW		IRR	38.0

Section Acres 98.0

17	NE	NE		IRR	38.0
	NW	NE		IRR	40.0

Section Acres 78.0

Total Acres 721.0

11. Place of use in counties: GEM

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE WITHIN LANDS OF BILBREY DITCH COMPANY.
SEE 65-0034X.
AC. IRR. = 22 FOR THIS RT.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of _____ Title

Bilbrey Ditch Co. , that I have signed the foregoing Organization

document in the space below as President of _____ Title

Bilbrey Ditch Co. and that the statements contained in the Organization

foregoing document are true and correct.

Leonard Arhove
Signature of Authorized Agent

President of Bilbrey Ditch Co.
Title and Organization

3-21-1990
Date

State of Idaho)
County of Payette) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of March 19 90

Linda L. Barker
Notary Public

Seal

Residing at 1 Fruitland, Idaho
My Commission Expires 3-1-94

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A65-00034A
Date Received: 12/13/1989
Receipt No: X999999
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BILBREY DITCH CO. LTD.
Address: C/O GAIL SPRINGER
2551 TOMS CABIN RD.
EMMETT, ID 83617

2. Date of Priority: APR 01, 1951

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06N	02W	11		5	GEM

5. Description of diverting works:
HEADGATE & CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.510		

7. Total Quantity Appropriated is:
0.510 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	02W	4	SE	SW	IRR	6.0
			SW	SE	IRR	1.0
Section Acres						7.0

A65-00034A

Page 1

Date: 12/13/89

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JUL 29 2003

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SEP 15 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	02W	8	SW	NE		IRR	15.0
			SE	NE		IRR	3.0
			SE	NW		IRR	33.0
			NE	SE		IRR	32.0
			NW	SE		IRR	37.0
						Section Acres	120.0
		9	SW	NE	2	IRR	33.0
			NE	NW	3	IRR	39.0
			SW	NW		IRR	21.0
			SE	NW		IRR	28.0
			NE	SW		IRR	30.0
			NW	SW		IRR	25.0
			SW	SW		IRR	39.0
			SE	SW		IRR	25.0
						Section Acres	240.0
10			SW	SW		IRR	32.0
			SE	SW		IRR	1.0
			NE	SE	5	IRR	23.0
			NW	SE		IRR	25.0
			SW	SE		IRR	24.0
			SE	SE		IRR	35.0
						Section Acres	140.0
15			NW	NW		IRR	38.0
			Section Acres 38.0				
16			NE	NE		IRR	8.0
			NW	NE		IRR	14.0
			NE	NW		IRR	38.0
			NW	NW		IRR	38.0
						Section Acres	98.0
17			NE	NE		IRR	38.0
			NW	NE		IRR	40.0
						Section Acres	78.0
						Total Acres	721.0

11. Place of use in counties: GEM

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE WITHIN LANDS OF BILBREY DITCH COMPANY.
SEE 65-0034X.
AC. IRR. = 22 FOR THIS RT.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Secretary / Treas. of _____
Title

Bilbrey Ditch Co. Ltd., that I have signed the foregoing
Organization

document in the space below as Secretary / Treas of _____
Title

Bilbrey Ditch Co. Ltd. and that the statements contained in the
Organization

foregoing document are true and correct.

Gail P. Spemari
Signature of Authorized Agent

Sec/Treas Bilbrey Ditch Co. Ltd.
Title and Organization

12-13-89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of December 19 89

Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 9, 1990

Ms. Gail Springer
Billbrey Ditch Co., Ltd.
2551 Toms Cabin Road
Emmett, ID 83617

RE: Amended Notices of Claim to a Water Right in the Snake River
Basin Adjudication No. A65-00034A & A65-00034X - Gem County

Dear Ms. Springer:

Enclosed are amended computer-generated copies of the
above-referenced claims. The acreage has been corrected to include
the lands that were decreed as part of these water rights, but had
been omitted on the computer-generated copies of the claims
submitted December 13, 1989.

Please review the claims for accuracy. If the claims are now
correct, please sign the claims, have your signature notarized, and
return the claims to this office within 30 days.

If you have any questions, please contact this office.

Sincerely

Carter Fritschle
Senior Water Resource Agent
Adjudication Bureau

CF:sf:state

Enclosure:

Amended Claims A65-00034A & A65-00034X

SCANNED

JUL 29 2003

MICROFILMED

SEP 15 1992



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

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

SCANNED

JUL 29 2003