

Idaho Department of Water Resources

Claim Number: 65-01883

Legal: T07N, R01W, S15

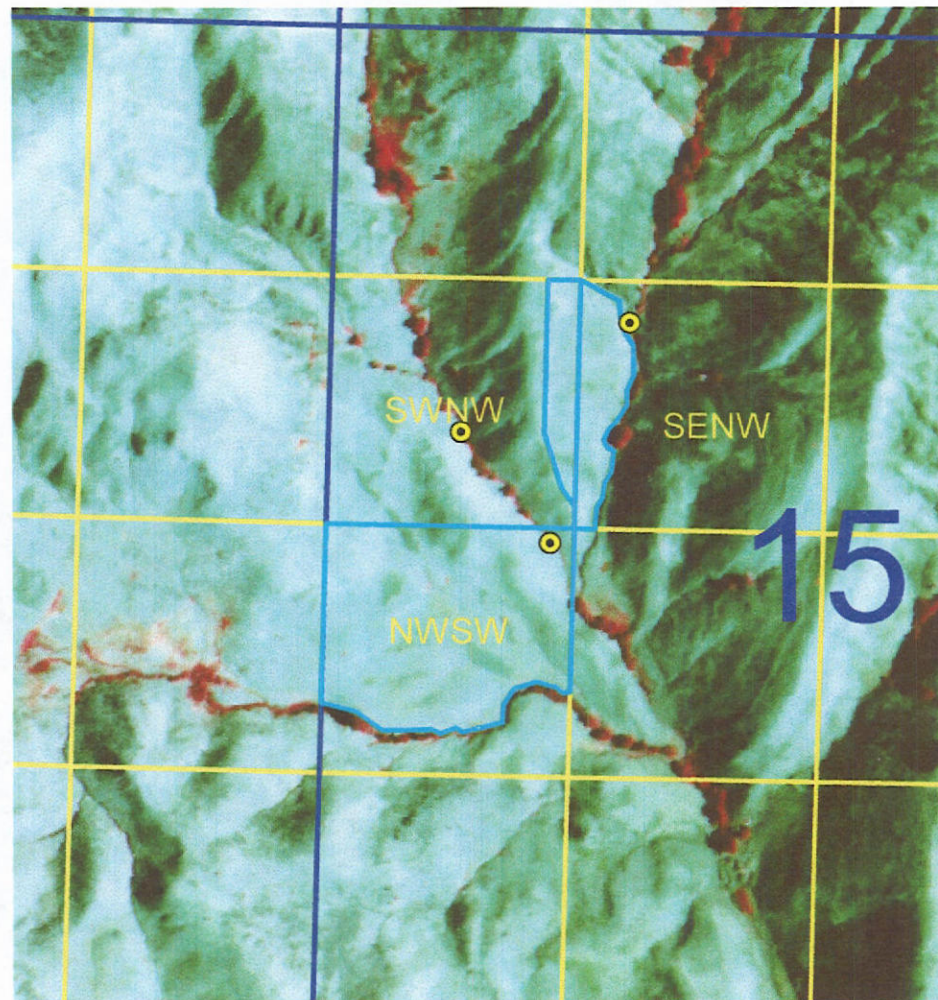
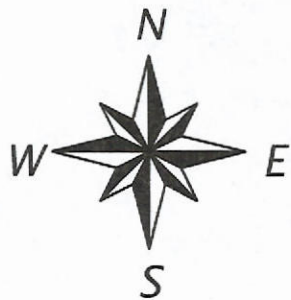
Reviewed By: SUE BOCK

● Point of Diversion

Place of Use

Section Lines

Quarter Quarter Lines



1987 Napp Photo

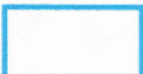
0 0.25 0.5 0.75 Miles

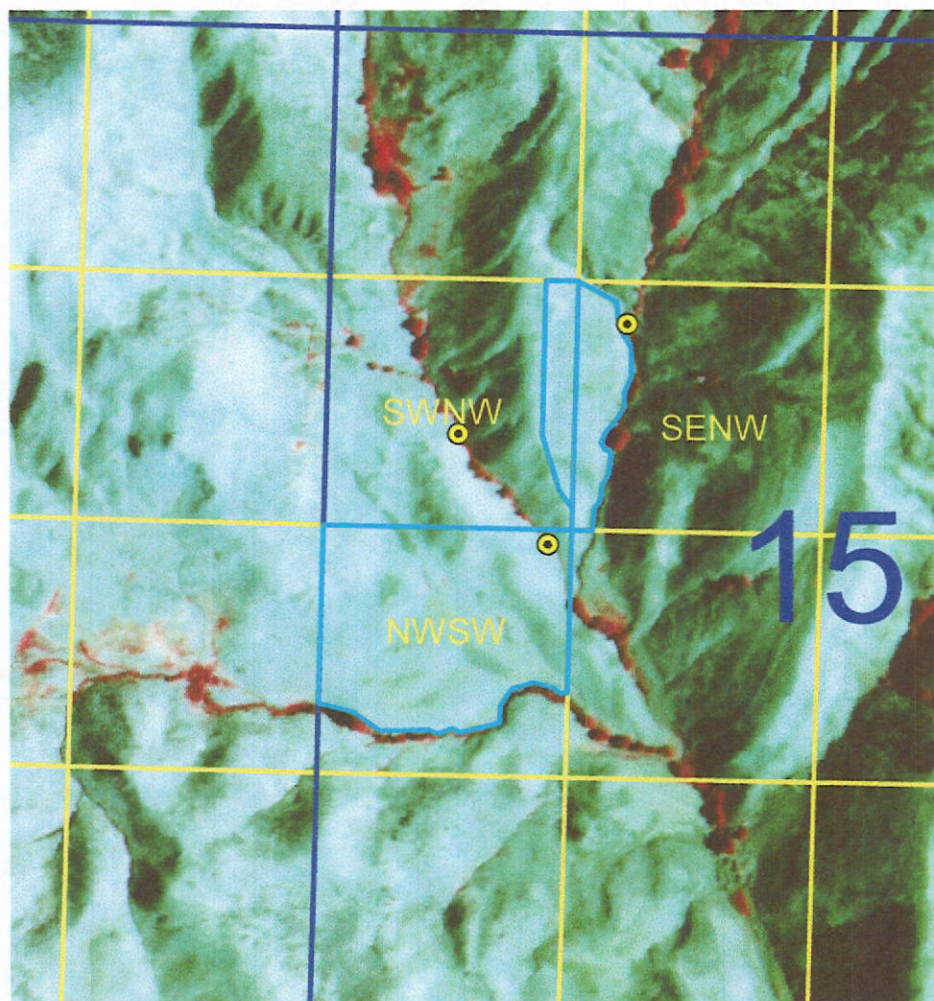
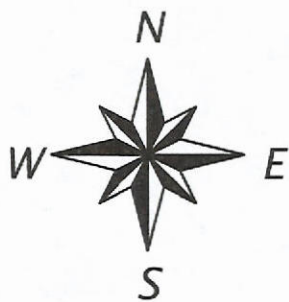
Idaho Department of Water Resources

Claim Number: 65-01883

Legal: T07N, R01W, S15

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



1987 Napp Photo

0 0.25 0.5 0.75 Miles



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: 65-01883
DATE RECEIVED: 2-13-90
RECEIPT NO: X999999
RECEIVED BY: -----

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: FRANKLIN S. NISULA
ADDRESS: P.O. BOX 444
EMMETT, ID

83617

RECEIVED
FEB 13 1990

NAME: ELMER J. NISULA
ADDRESS: P.O. BOX 444
EMMETT, ID

83617

Department of Water Resources

2. DATE OF PRIORITY: APR 01, 1910

3. SOURCE: CHERRY GULCH CREEK

TRIB. TO: PAYETTE RIVER

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
07N	01W	15	SW	NW			GEM
			SE	NW			GEM
			NW	SW			GEM

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	03/15	11/15	0.400		

7. TOTAL QUANTITY APPROPRIATED IS:
0.400 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	LDT	USE	ACRES
07N	01W	15	SW	NW		IRR	4.0
			SE	NW		IRR	3.0
			NW	SW		IRR	13.0
						SECTION ACRES	20.0
						TOTAL ACRES	20.0

11. PLACE OF USE IN COUNTIES: GEM, GEM

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

15. BASIS OF CLAIM: DECREED
CASE NUMBER:
COURT :
DECREE DATE: 1/21/1986

STATE OF IDAHO
DECREE PLAINTIFF

A E C CORP., ET AL.
VS DECREE DEFENDANT

MICROFILMED
SEP 18 1992

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): Lamb Nicula DATE: 2-12-90

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM Partner OF

TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF

TITLE
_____ AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)
COUNTY OF Gem) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 12th DAY
OF February 19 90

NOTARY PUBLIC

SEAL

RESIDING AT Emmett

MY COMMISSION EXPIRES 4-15-94
DATE: 10/28/89 4298

MICROFILMED
SEP 18 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 10, 2002

ETHEL NISULA
PO BOX 444
EMMETT ID 83617

RE: Snake River Basin Adjudication (SRBA)
Water Right No. 65-1883

Dear Property Owner:

Thank you for advising the Department you are the current owner of the property with the water right referenced above.

Before we can modify our records to reflect your ownership of this water right, we need to have the enclosed Notice of Change of Water Right Ownership form completed. In addition, before we can change this right to reflect your ownership, we will also need sufficient proof of ownership such as a deed, death certificate for Franklin, or tax notice in your name. Please complete this form and return to this office with all of the required information.

If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Hatfield".

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures

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

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 65-01883

RECEIVED

JUL - 9 2002

Department of Water Resources

NAME AND ADDRESS:

Ethel (Wife of Frank)
~~FRANK~~ NISULA *Both Deceased*
FRANKLIN S NISULA
PO BOX 444
EMMETT, ID 83617

SOURCE: CHERRY GULCH CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.40 CFS

PRIORITY DATE: 04/01/1910

POINT OF DIVERSION: T07N R01W S15 SENW Within Gem County
NWSW
SNNW

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 0.40 CFS

PLACE OF USE: Irrigation Within Gem County
T07N R01W S15 SNNW 4.0 SENW 3.0
NWSW 13.0
20.0 Acres Total

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick
Rogey Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JUL 10 2002

WATER RESOURCES
WESTERN REGION

PAGE 1
Jun-26-2002

State of Idaho
District Court Snake River Adjudication
SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 65-01883

PO Box 2707 Twin Falls Idaho 83303 -
2707



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 4, 2001

Ethel Nisula
PO Box 444
Emmett, ID 83617

Re: Notice of Error on right 65-1883

Dear Ms. Nisula:

Thank you for sending in the notice of reply letter.

You requested that both Elmer and Franklin Nisula be removed from this water right, and that the right be changed to reflect your name. Before I can proceed with this change, I will need to receive documentation showing that you own this property. If you can submit a copy of your warranty deed or tax notice showing the legal description of the property, I can promptly make the name change.

Please call if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue Bock'.

Sue Bock
Sr. Water Resource Agent

RECEIVED

03/08/2001

MAR 19 2001

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

WATER RESOURCES
WESTERN REGION

RIGHT NUMBER: 65-1883

NAME AND ADDRESS: ELMER J NISULA
PO BOX 444
EMMETT ID 83617

Both dead

FRANKLIN S NISULA
PO BOX 444
EMMETT ID 83617

Edith Nisula (Frank's widow)

SOURCE: CHERRY GULCH CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 04/01/1910

POINT OF DIVERSION:

T07N R01W S15 SWNW Within GEM County
T07N R01W S15 SENW Within GEM County
T07N R01W S15 NWSW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.400 CFS

per dry by credit

PLACE OF USE:

IRRIGATION Within GEM County

T07N R01W S15	SWNW	4.0	T07N R01W S15	SENW	3.0
T07N R01W S15	NWSW	13.0			

20 ACRES TOTAL

20 acres under irrigation here, creek just runs through - when it does flow.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

03/08/2001

RECEIVED

NOTICE OF ERROR
REPLY

MAR 19 2001

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 13, 2001

Water right number: 65-1883

~~ELMER J NISULA
PO BOX 444
EMMETT ID 83617~~

~~FRANKLIN S NISULA
PO BOX 444
EMMETT ID 83617~~

Both dead

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

We never used this trickle system to irrigate anything. Good day last spring there is very little water - looking to irrigate here. Just a rock pile. No farm land

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

*A pasture to irrigate
I'd like to get water from creek to
the land -*

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, (208) 334-2190

Could do drip for a few weeks before it goes dry.

*I don't understand this form. Perhaps someone will come & explain it &
all the instructions -*

Frank Nisula

Bx 444

Emmett ID 83617

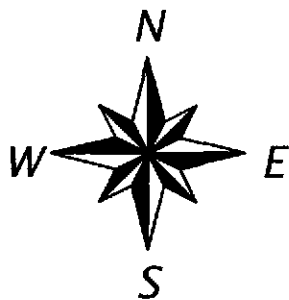
Idaho Department of Water Resources

Claim Number: 65-01883

Legal: T07N, R01W, S15

Reviewed By: SUE BOCK

- ⊙ *Point of Diversion*
-  *Place of Use*
-  *Section Lines*
-  *Quarter Quarter Lines*



1987 Napp Photo

0 0.25 0.5 0.75 Miles



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM #: 65-01883 Date: 4-19-00

Overlapping POU Claim #'s: _____

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	7N	1W	15							4	3		13							20
GIS										4	6		30							
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

POU_ID #(s): 420, 460

POD_ID #(s): 317, 318, 319

Total Claimed Acres: 20

Total GIS Acres: _____

COMMENTS:

can't tell where irrigation or POD's really are - here's a guess!

09/21/2000

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

RIGHT NUMBER: 65-1883

NAME AND ADDRESS: ELMER J NISULA
FRANKLIN S NISULA
PO BOX 444
EMMETT, ID 83617

SOURCE: CHERRY GULCH CREEK TRIBUTARY: Payette River

QUANTITY: 0.4 CFS

PRIORITY DATE: 04/01/1910

POINT OF DIVERSION: T07N R01W S15 SWNW Within GEM County
T07N R01W S15 SENW Within GEM County
T07N R01W S15 NWSW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3-15 11-15	0.40 CFS

PLACE OF USE:

<u>IRRIGATION Within GEM County</u>			
T07N R01W S15	SWNW	4	T07N R01W S15 SENW 3
T07N R01W S15	NWSW	13	
20 ACRES TOTAL			

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

DATE: 03/14/00
PAGE: 28

Audit: 03/14/90 WR-TO-AJ 03/30/95 POST-STD

218

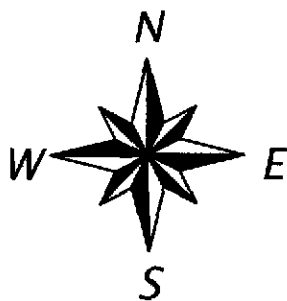
Idaho Department of Water Resources

Claim Number: 65-01883

Legal: T07N, R01W, S15

Reviewed By:

- ⊙ Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



1987 Napp Photo





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

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Insula

CLAIM IDENT. NO.

AG5-01883

DATE RECEIVED

2-13-90

CK #

AMOUNT \$

exempt

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ Required Info? *
2. Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a permit is required. ☐ YES ☐ NO ☐ Required Info? *
3. (a) Is a source entered? ☐ YES ☐ NO ☐ Required Info? *
- (b) Is a tributary to entered? (if required) ☐ YES ☐ NO ☐ Required Info? *
4. Is the legal description of the p.d. sufficient? ☐ YES ☐ NO ☐ Required Info? *
5. Is there a description of the diverting works? ☐ YES ☐ NO ☐ Required Info? *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☐ YES ☐ NO ☐ Required Info? *
- Is the period of use included? ☐ YES ☐ NO ☐ Required Info? *
- Is a quantity claimed for each use? ☐ YES ☐ NO ☐ Required Info? *
7. Is a total quantity claimed entered? ☐ YES ☐ NO ☐ Required Info? *
8. If required is a consumptive use entered? ☐ YES ☐ NO ☐ Required Info? *
- Is the consumptive use correct? ☐ YES ☐ NO ☐ Required Info? *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☐ NO ☐ Required Info? *
10. Is (are) the place(s) of use and purpose(s) indicated? ☐ YES ☐ NO ☐ Required Info? *
11. Is (are) the county(ies) entered? ☐ YES ☐ NO ☐ Required Info? *
12. Is the ownership of p.u. checked? ☐ YES ☐ NO ☐ Required Info? *
13. Are other water rights listed or "none" indicated? ☐ YES ☐ NO ☐ Required Info? *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☐ NO ☐ Required Info? *
15. Is the basis of the claim indicated? ☐ YES ☐ NO ☐ Required Info? *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☐ NO ☐ Required Info? *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ Required Info? *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ Required Info? *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ Required Info? *
20. Is the fee enclosed correct? ☐ YES ☐ NO ☐ Required Info? *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☐ NO ☐ Required Info? *
22. Should this claim be data entered? ☐ YES ☐ NO ☐ Required Info? *

Claim checked by:

RAA

Date:

Claim must be returned to claimant:

☐ (Yes) ☐ (No)

Claimant must be notified of modifications:

☐ (Yes) ☐ (No)

Receipt Prepared by:
Claim data entered by:
Sent to claimant by:

X99

Date:

Date:

Date:

3/14/903/22/90

Checked by:

RAADate: 2/13/90

Comments:

MICROFILMED

SEP 18 1992