

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: A65-01996  
Date Received: 1/17/1990  
Receipt No: X999999  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: A. L. CATTLE INC.  
Address: P.O. BOX 608  
EMMETT, ID

83617

2. Date of Priority: SEP 18, 1937

3. Source: WASTE WATER

Trib. to: PAYETTE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 07N      | 02W   | 3       |        | NE     | NW     |     | GEM     |
|          |       |         |        | NW     | NW     |     | GEM     |
|          |       |         |        | NW     | SW     |     | GEM     |
|          |       | 4       |        | SW     | NE     |     | GEM     |
|          |       |         |        | SE     | NE     |     | GEM     |
|          |       |         |        | NE     | SW     |     | GEM     |
|          |       | 5       |        | SW     | SE     |     | GEM     |
|          |       |         |        | SE     | SE     |     | GEM     |
|          |       | 9       |        | NW     | NE     |     | GEM     |
|          | 03W   | 12      |        | NE     | NE     |     | GEM     |
|          |       |         |        | NW     | NE     |     | GEM     |
| 08N      | 02W   | 33      |        | SE     | NE     |     | PAYETTE |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| STOCKWATER | 01/01 | 12/31 | 0.330  |      | 20.10  |

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

20.10 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

A65-01996

Page

1

Date: 01/18/90

MICROFILMED

SEP 18 1992

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 | of 1/4 | Lot | Use   | Acres |
|----------|-------|---------|-----|--------|-----|-------|-------|
| 07N      | 02W   | 3       | NE  | NW     |     | STOCK |       |
|          |       |         | NW  | NW     |     | STOCK |       |
|          |       |         | NW  | SW     |     | STOCK |       |
|          |       | 4       | SW  | NE     |     | STOCK |       |
|          |       |         | SE  | NE     |     | STOCK |       |
|          |       |         | NE  | SW     |     | STOCK |       |
|          |       | 5       | SW  | SE     |     | STOCK |       |
|          |       |         | SE  | SE     |     | STOCK |       |
|          |       | 9       | NW  | NE     |     | STOCK |       |
|          | 03W   | 12      | NE  | NE     |     | STOCK |       |
|          |       |         | NW  | NE     |     | STOCK |       |
| 08N      | 02W   | 33      | SE  | NE     |     | STOCK |       |

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:

WATER DIVERTED FROM PONDS IN 8N 2W 33; 7N 2W 3,4,5&9, 7N 3W 12.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

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 \_\_\_\_\_

RECEIVED

JAN 24 2002

WATER RESOURCES  
WESTERN REGION

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

A. Subcase 65-01996

(Insert water right number)

Case No. 39576

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: United States of America acting through the Department of Interior, Bureau of  
Land Management, Idaho State Office

Address: 1387 South Vinnell Way  
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section  
550 West Fort Street, MSC 033; Boise, Idaho 83724

**C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT**

Name: A L Cattle Inc.

Address: P.O. Box 608; Emmett ID 83617

Name:

Address:;

Name:

Address:;

Name:

Address:;

**D.** I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: \_\_\_\_\_

2. ☐ **Source**

Should be: \_\_\_\_\_

3. ☐ **Quantity**

Should be: \_\_\_\_\_

4. ☒ **Priority Date**

Should be: See attached

5. ☒ **Point(s) of Diversion**

Should be: See attached

6. ☐ **Instream Flow Description**

Should be: \_\_\_\_\_

7. ☐ **Purpose(s) of Use**

Should be: \_\_\_\_\_

8. ☐ **Period of Year**

Should be: \_\_\_\_\_

9. ☒ **Place of Use**

Should be: See attached

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

**E. REASONS SUPPORTING OBJECTION(S):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant does not have a valid water right with the elements claimed.

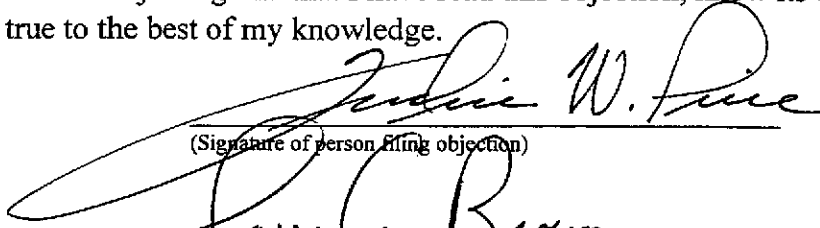
F.

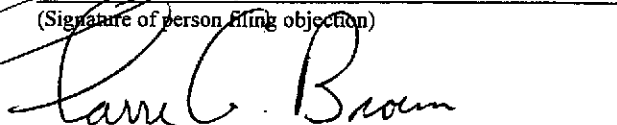
**VERIFICATION** (Must be Completed)

State of Idaho )  
                          ) ss.  
County of Ada)

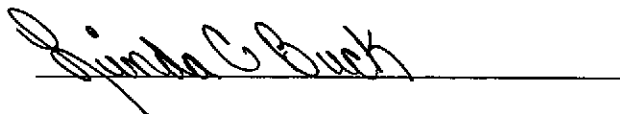
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

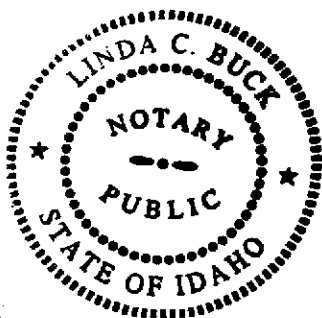
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

  
(Signature of person filing objection)

  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 01-16-2002

  
\_\_\_\_\_



Linda C. Buck  
Notary Public for Idaho  
Residing at: Mountain Home  
My Commission Expires: 12-21-2005

## INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### G. CERTIFICATE OF MAILING

I certify that on Jan. 18, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: A L Cattle Inc.

Address: P.O. Box 608; Emmett ID 83617

Name:

Address:;

Name:

Address:;

Name:

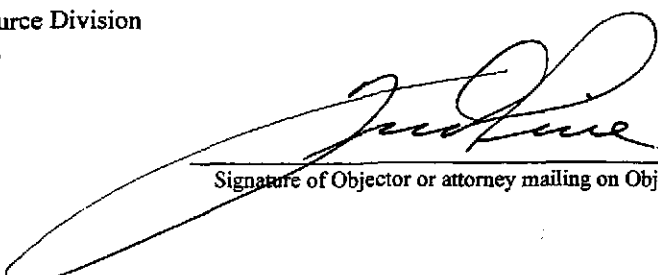
Address:;

3. Copies to:

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, ID 83711-4449

  
Signature of Objector or attorney mailing on Objector's behalf

08/31/2001

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-1996  
NAME AND ADDRESS: A L CATTLE INC  
PO BOX 608  
EMMETT ID 83617

SOURCE: WASTE WATER TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.330 CFS  
20.10 AFY

PRIORITY DATE: 09/18/1937

POINT OF  
DIVERSION:

T07N R02W S3 NENW Within GEM County  
T07N R02W S3 NWNW Lot 4 Within GEM County  
T07N R02W S3 NWSW Within GEM County  
T07N R02W S4 SWNE Within GEM County  
~~T07N R02W S4 SENE Within GEM County~~  
~~T07N R02W S4 NESW Within GEM County 8.7m~~  
~~T07N R02W S5 SWSE Within GEM County~~  
~~T07N R02W S5 SESE Within GEM County 8.7m~~  
T07N R02W S9 NWNE Within GEM County  
T07N R03W S12 NENE Within GEM County  
T07N R03W S12 NWNE Within GEM County  
T08N R02W S33 SENE Within PAYETTE County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY               |
|----------------|---------------|------------------------|
| STOCKWATER     | 1/01 12/31    | 0.330 CFS<br>20.10 AFY |

PLACE OF USE: STOCKWATER Within GEM County

|                            |                          |
|----------------------------|--------------------------|
| T07N R02W S03 Lot 3 (NENW) | T07N R02W S03 Lot 4 NWNW |
| T07N R02W S03 NWSW         | T07N R02W S04 SWNE       |
| T07N R02W S04 Lot 5 (SENE) | T07N R02W S04 NESW 8.7m  |
| T07N R02W S05 SWSE         | T07N R02W S05 SESE 8.7m  |
| T07N R02W S09 NWNE         | T07N R03W S12 NENE       |
| T07N R03W S12 NWNE         | T08N R02W S33 SENE       |

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  
STOCKWATER, 1500 RANGE CATTLE.

AJ0749NP  
No. R65-01996

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

DATE: 01/31/00  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                  | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | A L CATTLE INC<br>PO BOX 608<br>EMMETT ID 83617 | 09/18/1937       | STOCKWATER | 01-01 12-31           | 0.330 CFS         | 20.10 AFA           |
| TOTAL DIVERSION: |                                                 |                  |            |                       | 0.330 CFS         | 20.10 AFA           |

Water Source: WASTE WATER

Tributary to: PAYETTE RIVER

Stage: DECREED

| Point(s) of Diversion: | T07N R02W S03 | NENW | NWNW | NWSW | GEM County     |
|------------------------|---------------|------|------|------|----------------|
|                        | S04           | SWNE | SENE | NESW | GEM County     |
|                        | S05           | SWSE | SESE |      | GEM County     |
|                        | S09           | NWNE |      |      | GEM County     |
|                        | R03W S12      | NENE | NWNE |      | GEM County     |
|                        | T08N R02W S33 | SENE |      |      | PAYETTE County |

Place of use Legal Description for: STOCKWATER

|            | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      |
|------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
|            | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE |
| T R S      | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   |
| 07N 02W 3  | :    |      |      |      | :    | S    | S    |      | :    | S    | S    |      | :    |      |      |      |
| 07N 02W 4  | :    |      |      | S    | :    |      |      |      | :    | S    |      |      | :    |      |      |      |
| 07N 02W 5  | :    |      |      |      | :    |      |      |      | :    |      |      |      | :    |      | S    | S    |
| 07N 02W 9  | :    |      |      |      | :    |      |      |      | :    |      |      |      | :    |      |      |      |
| 07N 03W 12 | :    | S    | S    |      | :    |      |      |      | :    |      |      |      | :    |      |      |      |
| 08N 02W 33 | :    |      |      | S    | :    |      |      |      | :    |      |      |      | :    |      |      |      |

POU County: GEM

Remarks: EXP STOCKWATER, 1500 RANGE CATTLE.

Dates: Exam Made Date: Verified Date: 01/31/2000 Objection Filed Date:

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

Comments: Date: 01/31/2000 User-ID: MSCHULTE Subject: COPIED FROM REMARKS  
WATER DIVERTED FROM PONDS IN 8N 2W 33; 7N 2W 3,4,5&9, 7N 3W 12.

Audit: 01/31/00 MSCHULTE

65-22279: Forfeiture Issue. Objection From an outside party.  
Issue is Objector wants Right Forfeited.

Recommended in Payette decree in 1985. Recommended  
based on Ad rules; standing Forfeiture could not  
be recommended

To be fought out By neighbors

65-18247: Stockwater: Al Moses - Claimant - Good Guy  
(Black Canyon) Recommended WR to private owner on public land  
(Grazing Association) Objector is Department of lands.

Shannon + Harrop.  
Chusck

Little land + David Little - Recommended on state lands  
Little

65-80097 : BLM objection - Disallowed - BLM filed objection  
developed. Not included in Payette decree

65-01996 : BLM objection

Huntaker: Check Govt lots

65-07574 : BLM objection - Says there is no "Lot 2"  
Lot 12 SEW - BLM owner.

Vogel : ob. to Priority & PDR  
65-22273

03/07/2001

RECEIVED

APR 11 2001

NOTICE OF ERROR  
REPLY

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

WATER RESOURCES  
WESTERN REGION

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: 65-1996

A L CATTLE INC  
PO BOX 608  
EMMETT ID 83617

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:

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

DATE: 4.11.01 SIGNATURE: AL Cattle Inc  
Please print your name: by Agnes W. Brailsford

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

AJ0749NP  
No. A65-01996

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

DATE: 01/31/00  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                  | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | A L CATTLE INC<br>PO BOX 608<br>EMMETT ID 83617 | 09/18/1937       | STOCKWATER | 01-01 12-31           | 0.330 CFS         | 20.10 AFA           |
| TOTAL DIVERSION: |                                                 |                  |            |                       | 0.330 CFS         | 20.10 AFA           |

Water Source: WASTE WATER

Tributary to: PAYETTE RIVER

Stage: DECREED

| Point(s) of Diversion: | T07N R02W S03 | NENW | NWNW | NWSW | GEM County     |
|------------------------|---------------|------|------|------|----------------|
|                        | S04           | SWNE | SENE | NESW | GEM County     |
|                        | S05           | SWSE | SESE |      | GEM County     |
|                        | S09           | NWNE |      |      | GEM County     |
|                        | R03W S12      | NENE | NWNE |      | GEM County     |
|                        | T08N R02W S33 | SENE |      |      | PAYETTE County |

Place of use Legal Description for: STOCKWATER

|            | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      |
|------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
|            | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE |
| T R S      | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   |
| 07N 02W 3  |      |      |      |      | S    |      | S    |      |      |      |      |      |      |      |      |      |
| 07N 02W 4  |      |      |      | S    |      |      |      |      | S    |      |      |      |      |      |      |      |
| 07N 02W 5  |      |      |      |      |      |      |      |      |      |      |      |      |      |      | S    | S    |
| 07N 02W 9  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |
| 07N 03W 12 | S    |      | S    |      |      |      |      |      |      |      |      |      |      |      |      |      |
| 08N 02W 33 |      |      |      | S    |      |      |      |      |      |      |      |      |      |      |      |      |

POU County: GEM

Remarks: GEN WATER DIVERTED FROM PONDS IN 8N 2W 33; 7N 2W 3,4,5&9, 7N 3W 12.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:

Presumption Flag:

Exp - Streb = 1500

WR5809NP  
No. 65-01996

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 01/31/00  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                             | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | MYRN H. LITTLE<br>498 S. SUBSTATION RD.<br>EMMETT ID 83617 | 09/18/1937       | STOCKWATER | 01/01 12/31           | 0.330 CFS         | 20.10 AFA           |
| TOTAL DIVERSION: |                                                            |                  |            |                       | 0.330 CFS         | 20.10 AFA           |

Water Source: WASTE WATER

Tributary to: PAYETTE RIVER

Stage: DECREED

Place of use Legal Description for: STOCKWATER

|     |     |    |   | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      |
|-----|-----|----|---|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
|     |     |    |   | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE |
| T   | R   | S  | : | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   |
| 07N | 02W | 3  | : |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |
| 07N | 02W | 4  | : |      |      |      | Ⓢ    |      | Ⓢ    |      |      |      | Ⓢ    | Ⓢ    |      |      |      |      |      |
| 07N | 02W | 5  | : |      |      |      |      |      |      |      |      |      |      |      |      |      |      | Ⓢ    | Ⓢ    |
| 07N | 02W | 9  | : |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |
| 07N | 03W | 12 | : | Ⓢ    |      | Ⓢ    |      |      |      |      |      |      |      |      |      |      |      |      |      |
| 08N | 02W | 33 | : |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |

Pou County: GEM

Remarks: GEN WATER DIVERTED FROM PONDS IN 8N 2W 33; 7N 2W 3,4,5&9, 7N 3W 12.

Dates: App. Received: Priority Date: 09/18/1937  
Proof Due Date: Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Audit: 05/21/86 04/30/88 CONVERT

MAR 02, 1979

## PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 645

\*INDICATES TOTAL\*

SOURCE: WASTE WATER

TRIBUTARY TO: PAYETTE RIVER

| RIGHT<br>NUMBER | NAME AND<br>ADDRESS                                                                                                                                                                                                    | PRIORITY<br>DATE | USE                     | USE PERIOD<br>FROM TO | MAX AMOUNT<br>MAX RATE | DIVERSION<br>POINT     | PLACE OF USE<br>AND ACREAGE                                                                                                                                                     | BASIS FOR<br>RIGHT |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------------|-----------------------|------------------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 65-1996         | LITTLE, MYRN H.<br>ROUTE 3 BOX 151, EMMETT, IDAHO<br>83617<br>REMARKS: WATER DIVERTED FROM<br>PONDS IN 8N 2W 33; 7N 2W<br>3, 4, 569, 7N 3W 12.                                                                         | 9/18/1937        | STOCKWATER              | 1/ 1 12/31            | 20.10 AFA<br>.33 CFS   | *                      | SENE<br>S33 T 8N R 2W<br>NWNW NWSW NENW<br>S 3 T 7N R 2W<br>SWNE SENE NESH<br>S 4 T 7N R 2W<br>SWSE SESE<br>S 5 T 7N R 2W<br>NNE<br>S 9 T 7N R 2W<br>NENE NWNE<br>S12 T 7N R 3W | BENEFICIAL<br>USE  |
| 65-9476         | LITTLE, DAVID<br>EMMETT, IDAHO 83617                                                                                                                                                                                   | 4/ 1/1938        | STOCKWATER<br>FROM STCR | 1/ 1 12/31            | 2.00 AFA<br>--- CFS    | NWNW S25<br>1 7N R 2W  | NWNW<br>S25 T 7N R 2W                                                                                                                                                           | BENEFICIAL<br>USE  |
| 65-10540        | ADAMSON, DALE<br>ROUTE 2, BOX 59, EMMETT, IDAHO<br>83617<br>REMARKS: THIS RIGHT WHEN<br>COMBINED WITH RIGHTS OF EMMETT<br>IRRIGATION DISTRICT SHALL<br>PROVIDE NO MORE THAN .02<br>CFS/ACRE.                           | 4/ 1/1939        | IRRIGATION              | 3/15 11/15            | --- AFA<br>.38 CFS     | LOT 3 S 3<br>1 6N R 2W | LOT 3(19)<br>S 3 T 6N R 2W<br>*19*                                                                                                                                              | BENEFICIAL<br>USE  |
| 65-5811         | NELSON, W. J. &<br>NELSON, ETHEL L.<br>ROUTE 2, NEW PLYMOUTH, IDAHO<br>83655<br>REMARKS: THIS RIGHT WHEN<br>COMBINED WITH RIGHTS OF BLACK<br>CANYON IRRIGATION DISTRICT<br>SHALL PROVIDE NO MORE THAN .02<br>CFS/ACRE. | 4/ 1/1940        | IRRIGATION              | 3/15 11/15            | --- AFA<br>.30 CFS     | SENE S26<br>1 7N R 4W  | SENE(15)<br>S26 T 7N R 4W<br>*15*                                                                                                                                               | BENEFICIAL<br>USE  |
| 65-5812         | NELSON, W. J. &<br>NELSON, ETHEL L.<br>ROUTE 2, NEW PLYMOUTH, IDAHO<br>83655<br>REMARKS: THIS RIGHT WHEN<br>COMBINED WITH RIGHTS OF BLACK<br>CANYON IRRIGATION DISTRICT<br>SHALL PROVIDE NO MORE THAN .02<br>CFS/ACRE. | 4/ 1/1940        | IRRIGATION              | 3/15 11/15            | --- AFA<br>.40 CFS     | SWSW S14<br>1 7N R 4W  | SWSW(20)<br>S14 T 7N R 4W<br>*20*                                                                                                                                               | BENEFICIAL<br>USE  |
| 65-5171         | GRIDER, LEON &<br>GRIDER, HELEN A.<br>ROUTE 2 BOX 47, EMMETT, IDAHO<br>83617                                                                                                                                           | 9/ 1/1940        | IRRIGATION              | 3/15 11/15            | --- AFA<br>.36 CFS     | NESE S35<br>1 7N R 2W  | SESE(18)<br>S35 T 7N R 2W<br>*18*                                                                                                                                               | BENEFICIAL<br>USE  |

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 TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

NOTICE OF CLAIM

IDENT. NO.

MAP NO.

TO A

WATER RIGHT

65-1996

Notice is hereby given that

MYRN H. LITTLE  
(Name of Claimant)

Route 3, Box 151, Emmett, Idaho 83617 claims a right to the diversion and beneficial use of the surface or groundwater, of or tributary to the Payette River;

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 date that permit was issued) September 18, 1937

- (2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) stock ponds - Emmett WASTE WATER Tube to Payette River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: (Both Dates Inclusive)

Use stock water Period of Use From Jan. 1 To Dec. 31  
(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive)

Use Period of Use From To  
(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive)

Use Period of Use From To  
(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive)

- (4) Quantity of water claimed: Cubic Feet Per Second, or 1300 (1 ac. / Acre Feet Per Annum, and/or 9600 Gals. Per ~~XXXXX~~ day.

- (5) A) Point of Diversion: Give location of point where water is diverted from its source see attached below.  
Sec. Twp. Rge. B.M.; additional points: 13 stock ponds

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. dirt pond

- (6) 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 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTAL |
|-----|-----|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|
|     |     |      | 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 |       |
| 8 N | 2 W | 33   |        |        |        | X      |        |        |        |        |        |        |        |        |        |        |        |        |       |
| 7 N | 2 W | 3    |        |        |        |        | X      | X      |        |        |        | X      |        |        |        |        |        |        |       |
|     |     | 4    |        |        | X      | X      |        |        |        |        | X      |        |        |        |        |        |        |        |       |
|     |     | 5    |        |        |        |        |        |        |        |        |        |        |        |        |        |        | X      | X      |       |
|     |     | 9    |        | X      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
| 7 N | 3 W | 12   | X      | X      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |

Total No. of acres

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: approximately 800 head of cattle utilize these stock ponds at different times. 1500 head total

- (7) Effluent, sewage waste, or return water from this use is discharged into

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

- (9) Remarks

- (10) 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, license, or claim filed with State Reclamation Engineer, Office 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

Myrn H. Little  
Myrn H. Little (Signature of Claimant)

widow

(Signature of Spouse)

Organization

(Signature of Authorized Agent)

State of Idaho

County of Ada

On this 17th day of December, in the year 1970, before me,

a notary public, personally appeared Myrn H. Little 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

Notary Public residing at Boise

My commission expires 8/12/74

56-77 RA

*See Corresp.*



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

January 4, 1990

Mr. Bill Ewton  
P.O. Box 757  
Shawnee, OK 74802-0757

RE: Water Right Research, Gem County  
Gem County - 65-01996

*3-21-91  
no SLBA claim  
in receipt  
Dennis Smith*

Dear Mr. Ewton:

Enclosed please find a printout of the only recorded water right within Township 7 North, Range 2 West, Section 5. As you will note, it is for stockwater only. I am unable to determine if this right specifically corresponds to your property.

It is possible, however, that water rights may have been established on the property although we do not have any record of them. You will need to determine that.

Please let me know if I can be of further assistance.

Sincerely,

*Helen Harrington-Thornton*  
Helen Harrington-Thornton  
Senior Water Rights Agent

HHT:sf:state

Enclosure:

Claims Proof Reading Report 65-01996

MICROFILMED

SEP 18 1992

**BILL EWTON - MARTHA A. EWTON**

**P.O. BOX 757**

**SHAWNEE, OKLA. 74802-0757**

DATE 12-18-89

TO State of Idaho Dept. of Water Resources  
1301 North Orchard Street  
Statehouse Mail  
Boise, Idaho 83720

SUBJECT

Dear Helen Harrington-Thornton

I am attaching a copy of letter which I received from you dated Nov. 29, 1989.

Per the letter attached please find the legal descriptions which you requested  
in order to verify the water rights.

I would appreciate you advising me as to your findings. Please mail your answer  
in the enclosed self-addressed envelope.

**RECEIVED**

DEC 21 1989

Department of Water Resources

Sincerely yours,

SIGNED

*Bill Ewton*

**MICROFILMED**

SEP 18 1990



# 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

November 29, 1989

Mr. and Mrs. Bill Ewton  
P.O. Box 757  
Shawnee, OK 74802-0757

**RECEIVED**  
DEC 21 1989

RE: Snake River Basin Adjudication  
Gem County

Department of Water Resources

Dear Mr. and Mrs. Ewton:

I am enclosing several items which I hope will answer any questions which I do not cover in this letter.

The notices which you received are Commencement Notices; the mailing list which we use to mail out the notices is compiled from various sources. One of the main sources of the mailing list is the County Tax Assessor; you were identified in the county records as a land owner. The notices do - not directly relate to a specific water right. The purpose of the notice is to let you know that if you own a water right, you may need to file a claim.

In the State of Idaho, water must be placed to beneficial use. If there is no water use on the property, a water right has probably not been established. Your note did not mention a legal description of the property; we can research our files and let you know if we have a record of any water rights for your property. The legal description must be by township, range, and section. You must determine whether or not a water right has been established; it is possible that a water right has been established although there is no record of it.

If a water right has not been established on the property, the adjudication process does not preclude establishing a right in the future; however, the Snake River Basin Adjudication will result in a decree determining water rights which have been in existence prior to November 19, 1987. Should you wish to establish a water right in the future, I recommend that you contact the Department at that time.

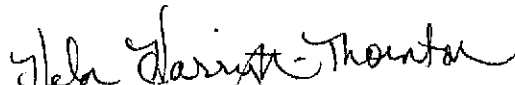
**MICROFILMED**

SEP 18 1992

Mr. & Mrs. Bill Ewton  
November 29, 1989  
Page 2

I am enclosing the necessary forms for filing a Notice of Claim in the Snake River Basin Adjudication. Please let me know if I can answer any questions or obtain additional information for you.

Sincerely,

  
Helen Harrington-Thornton  
Water Rights Agent

HHT:sf

Handbook  
What is a Water Right  
Short Form w/inst.  
Long Form w/inst.  
D&S Option Booklet

MICROFILMED  
SEP 18 1992

**BILL EWTON - MARTHA A. EWTON**

**P.O. BOX 757**

**SHAWNEE, OKLA. 74802-0757**

DATE 11-17-89

TO Idaho Dept. of Water Resources  
Adjudication Bureau  
Statehouse  
Boise, Id. 83720

SUBJECT Water Rights Information  
Brochures

I am attaching copies of two above captioned water rights which I received.

I am owner of mineral interest (Not surface) and I am presuming since I own mineral interest I could also own water rights. I am not a residence of Idaho therefore, I am not familiar of the state laws.

I am enclosing a self-addressed envelope and I would appreciate a reply. If I am correct I presume I will receive an ap to be completed prior to 2-14-90.

Please advise.

Thanks

**MICROFILMED RECEIVED**  
**SEP 18 1992**

**NOV 21 1989**

*Bill Ewton*

SIGNED

Department of Water Resources

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: A65-01996  
Date Received: 1/17/1990  
Receipt No: X999999  
Received By: AW

**RECEIVED**  
JAN 17 1990

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name: **Department of Water Resources** A. L. CATTLE INC.  
Address: P.O. BOX 608  
EMMETT, ID

83617

2. Date of Priority: SEP 18, 1937

3. Source: WASTE WATER

Trib. to: PAYETTE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 07N      | 02W   | 3       | NE     | NW     |        |     | GEM     |
|          |       |         | NW     | NW     |        |     | GEM     |
|          |       |         | NW     | SW     |        |     | GEM     |
|          |       | 4       | SW     | NE     |        |     | GEM     |
|          |       |         | SE     | NE     |        |     | GEM     |
|          |       |         | NE     | SW     |        |     | GEM     |
|          |       | 5       | SW     | SE     |        |     | GEM     |
|          |       |         | SE     | SE     |        |     | GEM     |
|          |       | 9       | NW     | NE     |        |     | GEM     |
|          | 03W   | 12      | NE     | NE     |        |     | GEM     |
|          |       |         | NW     | NE     |        |     | GEM     |
| 08N      | 02W   | 33      | SE     | NE     |        |     | PAYETTE |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| STOCKWATER | 01/01 | 12/31 | 0.330 |      | 20.10  |

7. Total Quantity Appropriated is:  
0.330 C.F.S. (and/or) 20.10 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

A65-01996

Page 1

Date: 01/17/90

**MICROFILMED**

CED 1 2 1997

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|-----|----|-----|-----|-------|-------|
| 07N      | 02W   | 3       | NE  |    | NW  |     | STOCK |       |
|          |       |         | NW  |    | NW  |     | STOCK |       |
|          |       |         | NW  |    | SW  |     | STOCK |       |
|          |       | 4       | SW  |    | NE  |     | STOCK |       |
|          |       |         | SE  |    | NE  |     | STOCK |       |
|          |       |         | NE  |    | SW  |     | STOCK |       |
|          |       | 5       | SW  |    | SE  |     | STOCK |       |
|          |       |         | SE  |    | SE  |     | STOCK |       |
|          |       | 9       | NW  |    | NE  |     | STOCK |       |
|          | 03W   | 12      | NE  |    | NE  |     | STOCK |       |
|          |       |         | NW  |    | NE  |     | STOCK |       |
| 08N      | 02W   | 33      | SE  |    | NE  |     | STOCK |       |

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:

WATER DIVERTED FROM PONDS IN 8N 2W 33; 7N 2W 3,4,5&9, 7N 3W 12.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

(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.

**MICROFILMED**  
**SEP 18 1992**

MICROFILMED  
SEP 13 1992

YOUR CANCELLED CHECK IS YOUR RECEIPT  
TOTAL ACRES: 30.00  
FULL LEVY SHEET IS AVAILABLE AT THE TREASURER'S OFFICE

DEBENTURE CERT  
MORGAN, ANDY J & MATTIE A.  
% EATON, BILL A.  
P.O. BOX 757  
SHAWNEE, OK 74802-0757  
TOTAL TAXES 1.94\*

2677 08 05 4 88 88 234  
1/8 INTEREST  
W1/2 SE1/4, E1/2 SW1/4,  
SE NW, NW SW, SEC 5 7N 2W

SUBTOTAL 1.94

150 8 8013.00

GEM COUNTY 1989  
MINERAL RIGHTS  
COUNTY 1989  
SCH. BOND 1 & 2 .004026  
SCHOOL DIST. 221 .003700  
COUNTY .005206  
TOTAL TAXES 1.94

YOUR CANCELLED CHECK IS YOUR RECEIPT  
TOTAL ACRES: 10.00  
FULL LEVY SHEET IS AVAILABLE AT THE TREASURER'S OFFICE

DEBENTURE CERT  
EATON, BILL A. & MARTHA ANN  
P.O. BOX 757  
SHAWNEE, OK 74802-0757  
TOTAL TAXES .66\*

2677 08 05 4 88 88 234  
1/8 INTEREST  
W1/2 SE1/4, E1/2 SW1/4,  
SE NW, NW SW, SEC 5 7N 2W

SUBTOTAL .66

50 8 8014.00

GEM COUNTY 1989  
MINERAL RIGHTS  
COUNTY 1989  
SCH. BOND 1 & 2 .004026  
SCHOOL DIST. 221 .003700  
COUNTY .005206  
TOTAL TAXES .66



## 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](http://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.

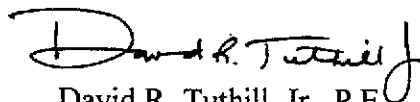
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without 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](http://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

## ROUTING SLIP

| Distribution                       |  | Provided for your: |   |
|------------------------------------|--|--------------------|---|
| Date: 4/24                         |  | Information        | X |
| To: Roxanne B.                     |  | Comments           |   |
| From: Denise                       |  | Approval           |   |
|                                    |  | Signature          |   |
| Special Notes: I show per bar-code |  |                    |   |
| that you have this file            |  |                    |   |
| as of 4-15-02.                     |  |                    |   |
|                                    |  |                    |   |
|                                    |  |                    |   |

D2  
○

Norman M. Semanko, ISB # 4761  
Travis L. Thompson, ISB # 6168  
BARKER ROSHOLT & SIMPSON LLP  
1221 W. Idaho St., Suite 600  
P.O. Box 2139  
Boise, ID 83701-2139  
Telephone: (208) 336-0700  
Facsimile: (208) 344-6034

Attorneys for Claimant A. L. Cattle Inc.

RECEIVED

MAR 22 2002

Department of Water Resources

RECEIVED

APR 20 2002

Department of Water Resources

**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 )

Subcase No. 65-01996

*d.e. 10-3-25-02*

NOTICE OF APPEARANCE

NOTICE IS HEREBY given that NORMAN M. SEMANKO, of counsel, and TRAVIS L. THOMPSON, of the firm of Barker, Rosholt & Simpson, P. O. Box 2139, Boise, ID 83709, are appearing as counsel of record for the claimant in the subcase above referenced. Any future documents in this subcase that are served on the parties should be sent only to Travis L. Thompson at the above address.

DATED this 19<sup>th</sup> day of March, 2002.

BARKER ROSHOLT & SIMPSON LLP

  
Travis L. Thompson

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 19<sup>th</sup> day of March, 2002, I served a correct and true copy of the foregoing *NOTICE OF APPEARANCE*, to the following by the method indicated:

Original by U.S. Mail to:

Clerk  
SRBA District Court  
P.O. Box 2707  
Twin Falls, ID 83303-2707

Copies by U.S. Mail postage prepaid to:

IDWR Depository  
P. O. Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, ID 83711-4449

U.S. Department of Justice  
Environment & Natural Resources Division  
550 W. Fort Street, MSC 033  
Boise, ID 83724

  
Travis L. Thompson